

C. City-wide Provisions

9. Public Health and Safety

9.1. Introduction

The importance of the health and safety of people and communities is acknowledged within the purpose of the Resource Management Act 1991 and is a worldwide concern acknowledged through institutions such as the World Health Organisation. Throughout Dunedin, land use and development activities have the potential to affect the health and safety of people, including effects resulting from excessive noise, light spill, the storage and use of hazardous substances, and threats to the City's water, wastewater, and stormwater systems.

Almost all land use activities generate some degree of noise, and where this noise is excessive, or extended over long durations, there is the risk that the health of people will be adversely affected. Some environments and activities are particularly vulnerable to excessive noise, and these 'noise sensitive activities' require protection to ensure that adverse effects on the health of people are suitably managed, and reverse sensitivity issues are avoided.

Similarly, while artificial light is essential for security and safety, activities that generate artificial light have the potential to impact upon other activities, particularly when in proximity to residential areas and other places where people sleep. Light spill has the potential to disrupt sleeping patterns and adversely affect the health of people, and also the safety of people if light spills to the roading network. Therefore, activities that generate light need to be managed to ensure that these activities do not compromise the health and safety of people.

Hazardous substances and their storage and use are potential threats to the health and safety of Dunedin's people and natural environment. Activities which involve hazardous substances also pose a risk to the economic well-being of the city's people and businesses. Hazardous substances encompass those identified in the Hazardous Substances and New Organisms Act 1996 (HSNO) and may include substances such as industrial, agricultural, horticultural and household chemicals, medical wastes, petroleum products including LPG and lubricating oils, and radioactive substances. Given the risks that the storage and use of hazardous substances pose to the health and safety of people, these must be managed to ensure that these substances are able to be used in a safe and secure manner.

The efficiency and affordability of water supply, wastewater and stormwater networks are also essential in enabling people to provide for their health and well-being and are among the most essential infrastructure networks in the city. While these networks are also captured by provisions in the Network Utilities and Energy Generation section of the District Plan, these systems are also managed through provisions in this section to ensure that existing activities, and new development, do not adversely affect this infrastructure. By taking this approach to management, these essential networks are protected, thus maintaining the ability of people throughout the city to provide for their well-being.

Inappropriately sited forestry and tree planting activities pose potential risks to the safety of people when planted in close proximity to boundaries; creating the potential for trees to fall onto other activities or increase fire risk to other activities.

Fences which cannot be seen through or which are too high restrict passive surveillance between the street/ public places and private property and create environments which are potentially unsafe and encourage increased criminal and anti-social behaviour.

Earthworks activities often remove considerable amounts of soil, which if not undertaken appropriately, can often be contaminated and may enter sources of groundwater and cause risks to the water supplies.

In response to the issues, the Second Generation Plan (2GP) proposes to control the way that activities must operate. These controls include restricting the amount of noise and light spill that activities can generate; requiring appropriate acoustic insulation in identified areas; setting appropriate limits on the amount of hazardous substances

allowed; setting requirements in relation to connecting or providing water supply for firefighting or potable water, stormwater, and wastewater public infrastructure; controlling the emission of electrical interference; requiring forestry and tree planting to be set back from boundaries; setting controls on fencing to ensure that that passive surveillance is provided for; and requiring earthworks to take into account the potential effects on groundwater.

By implementing these controls, the potential adverse effects of land use and development can be managed in a way that ensures people's health and safety and ensures that the efficiency and affordability of water supply, wastewater and stormwater infrastructure is maintained or enhanced.

9.2 Objectives and Policies

Objective 9.2.1	
Land use, development and subdivision activities maintain or enhance the efficiency and affordability of water supply, wastewater and stormwater public infrastructure.	
Policy 9.2.1.1	Only allow land use or subdivision activities that may result in land use or development activities where: <ul style="list-style-type: none"> a. in an area with water supply and/or wastewater public infrastructure, it will not exceed the current or planned capacity of that public infrastructure or compromise its ability to service any activities permitted within the zone; and b. in an area without water supply and/or wastewater public infrastructure, it will not lead to future pressure for unplanned expansion of that public infrastructure.
Policy 9.2.1.2	Require development in the residential zones and the Mercy Hospital, Wakari Hospital, Moana Pool and Schools zones to provide adequate permeable areas to enable a reasonable level of rain water ground absorption.
Policy 9.2.1.3	Require subdivisions to provide any available water supply and wastewater public infrastructure services to all resultant sites that can be developed, unless on-site or multi-site services are proposed that will have positive effects on the overall water supply and/or wastewater public infrastructure services, or any adverse effects on them are insignificant.
Policy 9.2.1.4	Only allow supported living facilities where public infrastructure has capacity and where this would not compromise the capacity required for any future permitted activities within the zone.
Policy 9.2.1.5	Require earthworks to be designed to ensure adverse effects from sediment run-off from the <u>site</u> on any drains, channels, soakage and treatment systems or stormwater reticulation will be avoided or, if avoidance is not possible, would be insignificant.
Policy 9.2.1.6	Require development and subdivision in an infrastructure constraint mapped area to be at a density which does not compromise the current or planned capacity of the wastewater public infrastructure, or compromise the ability of the wastewater public infrastructure to service any activities permitted within the zone.

Objective 9.2.2

Land use, development and subdivision activities maintain or enhance people's health and safety.

Policy 9.2.2.1	Require activities to be designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not possible, ensure any adverse effects would be insignificant.
Policy 9.2.2.2	<p>Require buildings used for noise sensitive activities in the following areas to provide adequate acoustic insulation to avoid significant effects from the higher noise environment anticipated in these areas:</p> <ul style="list-style-type: none"> a. Central Business District (CBD) Zone; b. Warehouse Precinct (WP) Zone; c. Princes, Parry and Harrow Street (PPH) Zone; d. Harbourside Edge (HE) Zone; e. port noise control mapped area; f. airport noise inner control mapped area; g. airport noise outer control mapped area; h. within 20m of an industrial zone; i. within 40m of a state highway; j. within 40m of the Taieri Aerodrome Zone; k. within 70m of a railway line; l. in-patient areas in the Dunedin Hospital Zone; or m. the Stadium Zone.
Policy 9.2.2.3	Avoid residential and visitor accommodation activity within the Dunedin International Airport airport noise inner control mapped area.
Policy 9.2.2.4	Require activities to be designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not possible, ensure any adverse effects would be insignificant.
Policy 9.2.2.5	Require forestry and tree planting to be set back from boundaries an adequate distance to avoid risks to safety from fire or tree fall or, if avoidance is not possible, ensure any adverse effects would be insignificant.
Policy 9.2.2.6	Only allow mining where there would be no significant effects from air blast and vibration on people's health and safety or on surrounding properties.
Policy 9.2.2.7	Only allow land use, development, or subdivision activities that may lead to land use and development activities, in areas without public infrastructure where the land use, development or the size and shape of resultant sites from a subdivision, ensure wastewater and stormwater can be disposed of in such a way that avoids adverse effects on the health of people on the <u>site</u> or on surrounding sites or, if avoidance is not possible, ensure any adverse effects would be insignificant.
Policy 9.2.2.8	Require fences to be designed to allow a visual connection between buildings and public places, to enable opportunities for informal surveillance.
Policy 9.2.2.9	Require all new residential buildings, or subdivisions that may result in new residential buildings, to have access to suitable water supply for fire fighting purposes.

Objective 9.2.2

Land use, development and subdivision activities maintain or enhance people's health and safety.

Policy 9.2.2.10	Require earthworks in a groundwater protection mapped area to not disturb or contaminate groundwater.
Policy 9.2.2.11	Require hazardous substances to be stored and used in a way that avoids risk of adverse effects on the health and safety of people on the <u>site</u> or surrounding sites or, if avoidance is not possible, ensures any adverse effects would be insignificant.
Policy 9.2.2.12	Require activities to be designed and operated to avoid adverse effects from electrical interference on the health of people or, if avoidance is not possible, ensure any adverse effects would be insignificant.
Policy 9.2.2.13	Require public amenities, network utility activities, and signs located on or above footpaths to avoid adverse effects on the safety of people or, if avoidance is not possible, ensure any adverse effects would be insignificant.
Policy 9.2.2.14	Require buildings and structures within the Taieri Aerodrome Flight Fan mapped area to be of a height that enables the safe operation of the aerodrome.

Rules

Rule 9.3 Performance Standards

9.3.1 Acoustic Insulation

1. Any kitchen, dining area, living room, study or bedroom in a building to be used for noise sensitive activities in any of the following locations must have acoustic insulation that achieves a minimum design standard of $DnT, w + Ctr > 30$:
 - a. Central Business District (CBD) Zone;
 - b. Warehouse Precinct (WP) Zone;
 - c. Princes, Parry and Harrow Street (PPH) Zone;
 - d. Harbourside Edge (HE) Zone;
 - e. **airport noise inner control mapped area;**
 - f. **airport noise outer control mapped area;**
 - g. within 20m of an industrial zone;
 - h. within 40m of a state highway;
 - i. within 40m of the Taieri Aerodrome Zone;
 - j. within 70m of a railway line;
 - k. in-patient areas in the Dunedin Hospital Zone; or
 - l. the Stadium Zone.
2. Any kitchen, dining area, living room, study or bedroom in a building to be used for noise sensitive activities within the **port noise control mapped area** must have acoustic insulation that achieves a minimum indoor design standard of 40 dBA Ldn.
3. Habitable rooms must be supplied with a positive supplementary source of fresh air ducted from outside that achieves a minimum of 7.5 litres per second per person, to enable adequate ventilation when windows are closed.

4. The schedule in Appendix 9A describes the minimum requirements necessary to achieve an external sound insulation level of $DnT, w + Ctr > 30$.
5. Any development that contravenes the performance standard for acoustic insulation is a discretionary activity.

9.3.2 Electrical Interference

Activities must be designed and located to ensure that there are no effects from electrical interference on surrounding sites.

9.3.3 Fire Fighting

1. Subdivision activities must ensure resultant sites have access to sufficient water supplies for fire fighting consistent with the SNZ/PAS:4509:2008 New Zealand Fire Service firefighting water supplies code of practice except sites created and used solely for the following purposes are exempt from firefighting requirements:
 - a. reserve;
 - b. Scheduled ASCV or QEII covenant;
 - c. access;
 - d. network utilities; or
 - e. road.
2. New residential buildings must either:
 - a. connect to the water supply public infrastructure; or
 - b. provide a hardstand area of minimum dimensions of 4.5m x 11m with suitable fire engine access, water storage of 45,000 litres (45m³) or equivalent fire fighting capacity, and have the water supply located within 90m of the fire risk.

9.3.4 Hazardous Substances Quantity Limits and Storage Requirements

1. The storage and use of hazardous substances must comply with the quantity limits and storage requirements specified in Appendix A6, as follows:

Zones and activities		Appendix
a.	Residential activities in all zones, and all activities in the residential zones, Smith Street and York Place (SSYP), and Schools zones	A6.1
b.	Commercial mixed use zones (except Smith Street and York Place (SSYP)), industrial, Stadium, Moana Pool, Edgar Centre and Taieri Aerodrome zones	A6.2
c.	Invermay and Hercus, Dunedin Public Hospital, Campus, and Otago Museum zones	A6.3
d.	Recreation, rural, rural residential, and Dunedin Botanic Garden zones	A6.4
e.	Port Zone	A6.5
f.	Dunedin International Airport Zone	A6.6
g.	Ashburn Clinic, Mercy Hospital, and Wakari Hospital zones	A6.7

2. The storage and use of hazardous substances must be set back 12m from national grid transmission lines, support structures and substations, except:
 - a. the storage and use of hazardous substances which comply with the residential zones hazardous substances quantity limits in Appendix A6.1;
 - b. the storage and use of transformer cooling oils in electricity transformers;
 - c. fuel in motor vehicles, boats and small engines;

- d. gas and oil pipelines;
 - e. trade waste sewers; and
 - f. waste treatment and disposal facilities.
3. The storage and use of hazardous substances that contravenes this standard is a restricted discretionary activity, except:
- a. contravention of Rule 9.3.4.2 is a non-complying activity.

Note 9.3A - Other requirements outside of the District Plan

1. The Hazardous Substances and New Organisms Act 1996 (HSNO) also specifies other requirements for activities involving hazardous substances.
2. Sections 15 and 17 of the Resource Management Act 1991 (RMA) are also relevant and specify the requirements for discharges and the duty to avoid, remedy or mitigate adverse effects.
3. Activities involving hazardous substances may also require resource consent from the Otago Regional Council.
4. Schedule 12 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004 (as amended) provides maximum quantities for the indoor storage and use of LPG as follows: ¹

Location		a. Maximum quantity of LPG	b. Maximum cylinder size
1.	A detached house or single storey attached dwellings; and multi-storey attached dwellings up to three storeys	20kg per dwelling	10kg cylinder
2.	Multi-storey attached dwellings over three storeys	10kg per dwelling	10kg cylinder
3.	Hotels, bars, restaurants, public buildings, places of worship, shops, offices and laboratories not attached to a dwelling	10kg per 10m ² of the indoor floor area, up to a maximum total quantity of 100kg	10kg cylinder
4.	Hotels, bars, restaurants, public buildings, places of worship, shops, offices and laboratories attached to a dwelling	20kg per premises	10kg cylinder
5.	Factories and warehouses	45kg per 50m ² of the indoor floor area, up to a maximum total quantity of 180kg per occupancy	45kg cylinder

¹ The maximum quantity of LPG and cylinder size are subject to change through any updates to Schedule 12 of the Hazardous Substances (Dangerous Goods and Scheduled Toxic Substances) Transfer Notice 2004.

9.3.5 Light Spill

1. Light spill measured at the boundary of a residential zone or any site used for residential purposes must not exceed the following limits:

Time		Limit
a.	7am - 10pm	10 Lux
b.	10pm - 7am	3 Lux

- c. This standard does not apply to light spill from the headlights of motor vehicles.
2. Activities that contravene any light spill limit in Rule 9.3.5.1 by 25% or less are discretionary activities.

3. Activities that contravene any light spill limit in Rule 9.3.5.1 by greater than 25% are non-complying activities.

9.3.6 Noise

Land use activities, public amenity activities, network utilities activities, and temporary activities must not exceed the following noise emission limits:

Zoning of receiving property		Noise level measured at the boundary of the receiving property or the notional boundary of noise sensitive activities in a rural, rural residential or Ashburn Clinic zone		
		a. 7am to 7pm	b. 7pm to 10pm	c. 10pm to 7am
1.	Residential, Recreation, Smith Street and York Place, schools, Dunedin Botanic Garden, Wakari Hospital, Mercy Hospital and Moana Pool zones	50 dB LAeq (15 min)	45 dB LAeq (15 min)	i. 40 dB LAeq (15 min); and ii. 70 dB LAFmax
2.	Rural, rural residential, centres and Ashburn Clinic zones (at notional boundary of noise sensitive activities)	55 dB LAeq (15 min)	50 dB LAeq (15 min)	i. 40 dB LAeq (15 min); and ii. 70 dB LAFmax
3.	Rural, rural residential and Ashburn Clinic zones (at property boundaries, where there are no noise sensitive activities within 20 metres of boundary)	60 dB LAeq (15 min)	60 dB LAeq (15 min)	i. 60 dB LAeq (15 min); and ii. 85 dB LAFmax
4.	Commercial and mixed use (except centres, and Smith Street and York Place), Dunedin Hospital, Otago Museum, Campus, and Invermay and Hercus zones	60 dB LAeq (15 min)	60 dB LAeq (15 min)	i. 60 dB LAeq (15 min); and ii. 85 dB LAFmax
5.	Industrial, Industrial Port, Dunedin International Airport, Taieri Aerodrome, Edgar Centre, Port and Stadium zones	65 dB LAeq (15 min)	60 dB LAeq (15 min)	i. 60 dB LAeq (15 min); and ii. 85 dB LAFmax

6. Except, the following activities are exempt from this standard:
- noise generated by port activities in the Port Zone (see Rule 30.5.4);
 - noise generated by aircraft within the Dunedin International Airport Zone;
 - noise generated by events in the Stadium Zone (see Rule 32.5.6);
 - noise generated by aircraft within the Taieri Aerodrome Zone between the hours of 7am - 10pm;
 - noise generated as part of normal residential activities, other than from building utilities;
 - noise associated with early childhood education and schools between the hours of 8am - 6pm;
 - sport and recreation not involving the use of motor vehicles, amplified sound, or firearms;
 - vehicles operating on public roads or trains on rail lines (including at railway yards, railway sidings or stations and level crossing warning devices);
 - emergency services, including any warning device used by emergency services for emergency purposes;
 - noise generated by wind generators, provided they do not exceed the background sound level by more than 5 dB or 40 dB LA90 (10 min), whichever is greater;

- k. construction, temporary events in CBD, and military exercises (see Rule 4.5.5);
 - l. noise generated as part of normal farming activities within the rural zones and rural residential zones;
 - m. noise generated as part of normal forestry activities within the rural zones; and
 - n. noise generated by pyrotechnics and firing of a ceremonial cannon (see Rule 4.5.4.2.b).
7. For the purpose of this standard, noise levels will be measured at the boundary of the receiving property, or the notional boundary of a noise sensitive activity in a rural, rural residential or Ashburn Clinic zone. If it is not possible to measure noise levels at the boundary, noise levels will be measured at the closest practical point within the boundary.
8. Activities that contravene this performance standard by less than 5dB LAeq (15 min) are discretionary activities.
9. Activities that contravene this performance standard by 5dB LAeq (15 min) or more are non-complying activities.

9.3.7 Service Connections

1. Subdivision activities must provide to all sites: telecommunication (including Ultra Fast Broadband) and power supply, where available; and public infrastructure, where available but not in the **no DCC reticulated wastewater mapped area** or in rural or rural residential zones. These services must be laid at least 600mm into all resultant sites, except those created and used solely for the following purposes:
- a. Scheduled ASCV or QEII covenant;
 - b. reserves;
 - c. access;
 - d. network utilities; or
 - e. roads.

Rule 9.4 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 9.4.1 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 9.4.2 and 9.4.3:
 - 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.

9.4.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> a. The degree of non-compliance with the performance standard is minor. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> b. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

9.4.3 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Buildings and structures located on or above the footpath	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 9.2.1 ii. Public amenities, network utility activities, and signs located on or above footpaths avoid adverse effects on the safety of people or, if avoidance is not possible, ensure any adverse effects would be insignificant (Policy 9.2.2.13).
2. Density (papakāika) in residential zones	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 9.2.2 ii. In areas without public infrastructure land use and development ensure wastewater and stormwater can be disposed of in such a way that avoids adverse effects on the health of people on the <u>site</u> or on surrounding sites or, if avoidance is not possible, ensure any adverse effects would be insignificant (Policy 9.2.2.7).

9.4.3 Assessment of performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
3.	Density - standard residential in General Residential 2 Zone infrastructure constraint mapped area	a. Effects on efficiency and/or affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 9.2.1 ii. Development in an infrastructure constraint mapped area, is at a density which does not compromise the current or planned capacity of the wastewater public infrastructure, or compromise the ability of the wastewater public infrastructure to service any activities permitted within the zone. (Policy 9.2.1.6).
4.	Density - residential activity on an existing <u>site</u> not in a no DCC reticulated wastewater mapped area	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 9.2.2 ii. In areas without public infrastructure land use and development ensure wastewater and stormwater can be disposed of in such a way that avoids adverse effects on the health of people on the <u>site</u> or on surrounding sites or, if avoidance is not possible, ensure any adverse effects would be insignificant (Policy 9.2.2.7).
5.	Earthworks standards: • sediment control	a. Effects on efficiency and/or affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 9.2.1 ii. Adverse effects from sediment run-off from the <u>site</u> on any drains, channels, soakage and treatment systems or stormwater reticulation are avoided or, if avoidance is not possible, are insignificant (Policy 9.2.1.5).
6.	Electrical interference	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 9.2.2 ii. Activities to be designed and operated to avoid adverse effects from electrical interference on the health of people or, if avoidance is not possible, ensure any adverse effects would be insignificant (Policy 9.2.2.12).
7.	Fence height and design	a. Effects on health and safety	<i>Relevant objectives and policies:</i> i. Objective 9.2.2 ii. Fences are designed to allow a visual connection between buildings and public places, to enable opportunities for informal surveillance (Policy 9.2.2.8). <i>Potential circumstances that may support a consent application include:</i> iii. The increased height or reduced visual permeability is necessary to provide security for a business or protect public well-being. iv. Due to topography, the fence still enables a visual connection between buildings and public places.

9.4.3 Assessment of performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8.	Fire fighting	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 9.2.2 ii. New residential buildings, or subdivisions that may result in new residential buildings, have access to suitable water supply for fire fighting purposes.(Policy 9.2.2.9). iii. Subdivision that may result in new residential buildings ensures there is access to suitable water supply for fire fighting purposes (Policy 9.2.2.9).
9.	Forestry and tree planting setbacks	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 9.2.2 ii. Forestry and tree planting are set back from boundaries an adequate distance to avoid risks to safety from fire or tree fall or, if avoidance is not possible, ensure any adverse effects would be insignificant (Policy 9.2.2.5). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Mitigation measures will be used to avoid risk to buildings in the event of fire originating from the forestry or tree planting activity. iv. The topography or characteristics of the <u>site</u> mean that there would be no risk or insignificant risk to buildings or people from tree fall and fire.

9.4.3 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
10. Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 9.2.2 ii. Hazardous substances are stored and used in a way that avoids risk of adverse effects on the health and safety of people on the <u>site</u> or surrounding sites or, if avoidance is not possible, ensures any adverse effects would be insignificant (Policy 9.2.2.11). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Hazardous substances are stored in a way that meets HSNO requirements. iv. There is little or no risk of any discharge of hazardous substances into the stormwater public infrastructure. v. The proposed hazardous <u>site</u> or hazardous sub-facility is located an appropriate distance from sensitive activities including population, services, schools, emergency services, hospitals or arterial routes. vi. A site management plan and emergency response plan appropriately addresses any potential adverse effects on health and safety (see Special Information Requirements - Rule 9.8). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> vii. In assessing the potential effects from hazardous substances, Council will consider: <ul style="list-style-type: none"> 1. any additional risk from natural hazards; 2. implications on the future use of the <u>site</u> through any associated HAIL classification; 3. cumulative effects from other hazardous substances stored on-site, or the storage of hazardous substances on adjacent sites, and whether they are incompatible when considered holistically; 4. the nature and size of the proposed development or activity; 5. the sensitivity of other activities on the same or surrounding sites. <p><i>Note: Rule 11.4 discusses assessment of non-compliance with the hazardous substances quantity limits and storage requirements performance standard in relation to risk from natural hazards</i></p>

9.4.3 Assessment of performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
11.	Maximum building site coverage and impermeable surfaces	a. Effects on efficiency and/or affordability of infrastructure	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 9.2.1 ii. Development in the residential zones, Mercy Hospital, Wakari Hospital, Moana Pool and Schools zones provides adequate permeable areas to enable a reasonable level of rain water ground absorption (Policy 9.2.1.2). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. There is a genuine need to have additional impermeable surfaces and: <ul style="list-style-type: none"> 1. mitigation measures such as stormwater storage are proposed; and 2. there is no net increase in the amount or rate of stormwater leaving the site.
12.	Service connections	a. Effects on efficiency and affordability of infrastructure	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 9.2.1 ii. Subdivision activities provide any available water supply and wastewater public infrastructure services to all resultant sites that can be developed, unless on-site or multi-site services are proposed that will have positive effects on the overall wastewater and/or water supply public infrastructure services, or any adverse effects on them are insignificant (Policy 9.2.1.3). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. When assessing the suitability of any proposed on-site or multi-site services, Council will consider any adverse effects on the natural environment and risk from hazards. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iv. Require on-site systems to be included in the subdivision.
13.	Maximum height within the Taieri Aerodrome Flight Fan mapped area	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 9.2.2 ii. Buildings and structures within the Taieri Aerodrome Flight Fan mapped area are a height that enables the safe operation of the aerodrome (Policy 9.2.2.14).

Rule 9.5 Assessment of Restricted Discretionary Activities

Rule 9.5.1 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. Rule 9.5.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides 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.

9.5.2 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance for the assessment of resource consents
1.	Factory farming	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 9.2.2 ii. Wastewater and stormwater is able to be disposed of in such a way that adverse effects on the health of people on the <u>site</u> or surrounding properties are avoided or, if avoidance is not possible, are insignificant (Policy 9.2.2.7).
2.	Supported living facilities	a. Effects on efficiency and/or affordability of infrastructure	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 9.2.1 ii. Public infrastructure has capacity for supported living facilities and the facilities do not compromise the capacity required for any future permitted activities within the zone (Policy 9.2.1.4).
3.	Earthworks - large scale (that exceed scale thresholds for a GPA)	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 9.2.2 ii. Earthworks in a groundwater protection mapped area do not disturb or contaminate groundwater (Policy 9.2.2.10). <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> iii. Council will consider the degree to which earthworks could breach or reduce the protective mantle of the groundwater protection mapped area and increase the risk of groundwater contamination.

9.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance for the assessment of resource consents
4. All subdivision activities	a. Effects on efficiency and/or affordability of infrastructure	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 9.2.1 ii. Subdivisions are designed to ensure any future land use or development: <ul style="list-style-type: none"> 1. where in an area with water supply and/or wastewater public infrastructure, will not exceed the current or planned capacity of that public infrastructure or compromise its ability to service any activities permitted within the zone; and 2. where in an area without water supply and/or wastewater public infrastructure, will not lead to future pressure for unplanned expansion of that public infrastructure (Policy 9.2.1.1). <p><i>Design considerations that may support a consent application:</i></p> <ul style="list-style-type: none"> iii. The subdivision will not require any ratepayer-funded public infrastructure upgrades other than as already programmed. iv. Resultant sites accommodate on-site retention of stormwater where needed. <p><i>Design considerations for large subdivisions that involve new stormwater management systems that may support a consent application:</i></p> <ul style="list-style-type: none"> v. Stormwater management areas are integrated into the layout of the subdivision and neighbourhood including in reserves. vi. The subdivision integrates design elements to minimise adverse effects on the stormwater infrastructure, for example through: <ul style="list-style-type: none"> 1. minimum impermeable surfaces 2. grassed/landscaped swales and other vegetation areas 3. infiltration trenches/bio-retention systems 4. wetlands/sediment ponds 5. rainwater tanks- harvesting and reuse 6. rain gardens, rooftop greening and planting, and 7. porous surface treatments. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> vii. If required, Council will consider the contents of an integrated stormwater catchment management plan or approved stormwater discharge consent. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> viii. A requirement for wastewater connections. ix. A requirement that a local purpose reserve be vested in Council as a <u>site</u> for public utility for wastewater treatment/ disposal purposes.

9.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance for the assessment of resource consents
5. Subdivision activities (in areas without public infrastructure)	a. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 9.2.2 ii. The size and shape of resultant sites from a subdivision, ensure wastewater and stormwater can be disposed of in such a way that adverse effects on the health of people on the <u>site</u> or on surrounding sites can be avoided or, if avoidance is not possible, would be insignificant (Policy 9.2.2.7). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. A design for a wastewater and stormwater disposal system is prepared by a suitably qualified engineer. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iv. Requirement wastewater and stormwater disposal design to be included in the subdivision.

Rule 9.6 Assessment of Discretionary Activities

Rule 9.6.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 9.6.2 - 9.6.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent applications;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

9.6.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	<p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> a. 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.

9.6.3 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
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<p>1. Mining</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 9.2.2 b. There are no significant effects from air blast and vibration on people's health and safety or on surrounding properties (Policy 9.2.2.6). c. Wastewater and stormwater can be disposed of in such a way that adverse effects on the health of people on the <u>site</u> or on surrounding properties are avoided or, if avoidance is not possible, are insignificant (Policy 9.2.2.7). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> d. Blasting will be carried out in accordance with appropriate industry standards. e. Blast noise (air blast) measured at the notional boundary on adjoining properties will not exceed a peak overall sound pressure level of 128 dBZ. f. Vibration - the limit of peak particle velocity of vibration from blasting measured on the foundation or any suitable location on or adjacent to residential buildings on adjoining properties will not exceed 10mm/second. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> g. The assessment for a resource consent application for mining will consider the information provided by any site management plan and emergency response plan (see Special Information Requirements - Rule 9.8.1).
<p>2. • Rural industry • Landfills</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 9.2.2 b. Wastewater and stormwater can be disposed of in such a way that adverse effects on the health of people on the site or on surrounding properties are avoided or, if avoidance is not possible, are insignificant (Policy 9.2.2.7). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. The assessment for a resource consent for rural industry or landfill activities will consider the information provided by any site management plan and emergency response plan (see Special Information Requirements - Rule 9.8.1).

9.6.4 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
1. Acoustic insulation	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 9.2.2 b. Buildings used for noise sensitive activities in identified areas provide adequate noise insulation to avoid significant effects from the higher noise environments anticipated in those areas (Policy 9.2.2.2). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> c. The location of noise sensitive activities is such that the insulation and/or supplementary ventilation are not necessary to achieve an acceptable internal noise environment. d. The orientation of a room subject to the acoustic insulation performance standard is such that the insulation and/or supplementary ventilation are not necessary to achieve an acceptable internal noise environment. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> e. Council may consider the extent to which it is practical to acoustically insulate or provide supplementary ventilation without compromising a protected part of a scheduled heritage building. f. Council will consider whether development will lead to an unacceptable internal noise environment or insufficient ventilation of sleeping areas compromising the health and safety of occupants.
2. Minimum site size (Rule 17.7.5.2)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Subdivisions are designed to ensure any future land use or development: <ul style="list-style-type: none"> i. where in an area with water supply and/or wastewater public infrastructure, will not exceed the current or planned capacity of that public infrastructure or compromise its ability to service any activities permitted within the zone; and ii. where in an area without water supply and/or wastewater public infrastructure, will not lead to future pressure for unplanned expansion of that public infrastructure (Policy 9.2.1.1). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> b. Subdivision activities where the parent site contains significant topographical features such as waterways or human-made features such as roads or rail corridors which make meeting the minimum site size impractical

9.6.4 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
<p>3. Density (papakāika) in rural zones</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 9.2.2 b. Wastewater and stormwater can be disposed of in such a way that adverse effects on the health of people on the site or on surrounding properties can be avoided or, if avoidance is not possible, would be insignificant (Policy 9.2.2.7). <p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 9.2.1 b. Development will not lead to future pressure for unplanned expansion of the wastewater and/or water supply public infrastructure (Policy 9.2.1.1.b).
<p>4. Noise - where the limit is exceeded by less than 5dB LAeq (15 min)</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 9.2.2 b. Activities are designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not possible, ensure any adverse effects would be insignificant (Policy 9.2.2.1). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> c. The exceedence will be infrequent and/or short term. d. Sufficient ambient levels of noise exist that the exceedence will be insignificant in the circumstances. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> e. Council will consider the sensitivity of activities on surrounding sites, and the distance of noise-sensitive activities from the boundary of the noise source. f. Council may use the following 'FIDOL' factors to guide the assessment of a resource consent application: <ul style="list-style-type: none"> i. Frequency, which refers to how often the exceedence will occur; ii. Intensity, which refers to the level of the noise experienced; iii. Duration, which refers to the length of time the exceedence will occur and the time of day; iv. Offensiveness, which refers to the character of the noise; and v. Location, which refers to where the noise will occur.

9.6.4 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
<p>5. Light spill - where Rules 16.5.4.1 or 16.5.4.2 are contravened, or where the light spill limit in Rule 16.5.4.3 is exceeded by 25% or less</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 9.2.2 b. Activities are designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not possible, ensure any adverse effects would be insignificant (Policy 9.2.2.4). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> c. The exceedence will be infrequent and/or short term. d. Sufficient ambient levels of light exist that the exceedence will be insignificant in the circumstances.

Rule 9.7 Assessment of Non-complying Activities

Rule 9.7.1 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. Rule 9.7.2 provides 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);
 - 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.

9.7.2 Assessment of non-complying performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
1. All non-complying activities	<p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> a. 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.
2. Density	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objective 9.2.1, Policy 9.2.1.1
3. Hazardous substances quantity limits and storage requirements - Rule 9.3.4.2	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objective 2.7.1, Policies 2.7.1.1, 2.7.1.3 b. See Rule 5.10
4. Light spill - where the limit is exceeded by greater than 25%	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objective 9.2.2, Policy 9.2.2.4 b. Objective 2.2.6, Policy 2.2.6.2 <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> c. The exceedence will be infrequent and/or short term. d. Sufficient ambient levels of light exist such that the exceedence will be insignificant in the circumstances.
5. Minimum site size	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objective 9.2.1, Policy 9.2.1.1 b. Objective 2.7.1, Policies 2.7.1.1 and 2.7.1.3

9.7.2 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
6. Noise - where the limit is exceeded by 5dB LAeq (15 min) or more Noise limits where the limit in Rule 32.5.6.2.a is exceeded	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 9.2.2, Policy 9.2.2.1 b. Objective 2.2.6, Policy 2.2.6.2 <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> c. The exceedence will be infrequent and/or short term. d. Sufficient ambient levels of noise exist that the exceedence will be insignificant in the circumstances. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> e. Council will consider the following 'FIDOL' factors as part of the assessment of a resource consent application: <ul style="list-style-type: none"> i. Frequency, which refers to how often the exceedence will occur; ii. Intensity, which refers to the level of noise experienced; iii. Duration, which refers to the length of time and the time of day; iv. Offensiveness, which refers to the character of the noise; and v. Location, which refers to where the noise will occur. f. Council will consider the sensitivity of activities on surrounding sites, and the distance of noise sensitive activities from the boundary of the noise source.

Rule 9.8 Special Information Requirements

9.8.1 Site management and emergency response plans

Council may require a site management plan and an emergency response plan to be provided with an application for resource consent for the following activities:

1. rural industry;
2. landfills;
3. mining;
4. any activity that contravenes the Hazardous Substances Quantity Limits and Storage Requirements performance standard 9.3.4

Appendices

Appendix 9A. Acoustic Insulation Requirements

1. Compliance with the acoustic insulation performance standard can be achieved by ensuring that habitable rooms are designed and constructed in accordance with either:
 - a. a construction specification approved as an acceptable solution in the New Zealand Building Code for the provision of Airborne Sound Insulation that is specifically designed to protect against noise from the external environment and that will achieve compliance with the acoustic insulation performance standard; or
 - b. an acoustic design certificate signed by a suitably qualified acoustic engineer stating that the design as proposed will achieve compliance with the acoustic insulation performance standard; or
 - c. in all areas other than the **port noise control mapped area**, the schedule of typical building construction in Table 9A.1A.
2. Table 9A.1A refers to common specifications for timber size. Nominal specifications may, in some cases, be slightly less than the common specifications stated in the schedule for timber size.
3. In determining the insulating performance of roof/ceiling arrangements, roof spaces are assumed to have no more than the casual ventilation typical of the jointing capping and guttering detail used in normal construction.

Table 9A.1A Schedule of typical building construction to achieve acoustic insulation

Building element		Minimum construction requirement	
a.	External walls of habitable room	i. Stud Walls: Exterior cladding	20mm timber or 9mm compressed fibre cement sheet over timber frame (100mm x 50mm).
		ii. Cavity Infill	Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m ³) required in cavity for all exterior walls. Minimum 90mm wall cavity.
		iii. Interior lining	One layer of 12mm gypsum plasterboard. Where exterior walls have continuous cladding with a mass of greater than 25kg/m ² (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plasterboard.
		iv. Combined superficial density	Minimum not less than 25kg/m ² being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 10kg/m ² on each side of structural elements.
		v. Mass Walls	190 mm concrete block, strapped and lined internally with 10mm gypsum plasterboard, or 150mm concrete wall.

Building element		Minimum construction requirement	
b.	Glazed areas of habitable rooms	i. Glazed areas up to 10% of floor area	6mm glazing single float.
		ii. Glazed areas between 10% and 35% of floor area	6mm laminated glazing.
		iii. Glazed areas greater than 35% of floor area	Require a specialist acoustic report to show conformance with the insulation rule.
		iv. Frames to be aluminium window frames with compression seals.	
c.	Skillion roof	i. Cladding	0.5mm profiled steel or 6mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.
		ii. Sarking	17mm plywood (no gaps).
		iii. Frame	Minimum 100mm gap with fibrous acoustic blanket (batts or similar of a mass of 9kg/m ³).
d.	Ceiling	Two layers of 10mm gypsum plasterboard (no through ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m ³).	
e.	Combined superficial density	Combined mass of cladding and lining of not less than 25kg/m ² with no less than 10kg/m ² on each side of structural elements.	
f.	Pitched Roof (all roofs other than skillion roofs)	i. Cladding	0.5mm profiled steel or tiles, or membrane over 15mm thick ply.
		ii. Frame	Timber truss with 100mm fibrous acoustic blanket. (batts or similar of a minimum mass of 9kg/m ³) required for all ceilings.
		iii. Ceiling	12mm gypsum plasterboard.
		iv. Combined superficial density	Combined mass with cladding and lining of not less than 25kg/m ² .
g.	Floor areas open to outside	i. Cladding	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12mm ply.
		ii. Combined superficial density	Floors to attain a combined mass not less than 25kg/m ² for the floor layer and any external cladding (excluding floor joists or bearers).
h.	External door to habitable rooms	Solid core door (minimum 25kg/m ²) with compression seals (where the door is exposed to exterior noise).	

10. Natural Environment

10.1 Introduction

Dunedin covers a large geographic area and contains a diverse range of landscapes and ecosystems, from off shore islands, Otago Peninsula and other coastal areas through to forests, river plains, and uplands to the Rock and Pillar, Lammermoor and Maungatua ranges. There is a vast diversity of indigenous flora and fauna within these areas, some of which are endemic to Dunedin and are rare and subject to threats.

The preservation of the natural character of the coastal environment and riparian margins, the protection of outstanding natural features and landscapes, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers are matters of national importance under section 6(a),(b),(c) and (d) of the RMA. There is a duty under section 31 to control land use and development for the purpose of maintaining indigenous biological diversity. The natural environment in Dunedin is also important for the social, cultural and economic well-being of people and communities in Dunedin, and the life supporting capacity of air, water, soil and ecosystems.

The natural environment of Dunedin makes an important contribution to the health and well-being of the residents of the city and to the quality of the city's landscape. Vegetation, including trees, performs a range of environmental functions such as releasing oxygen; absorbing carbon dioxide and retaining water; moderating microclimates; giving shade and shelter from winds; providing land stability, particularly on gully and river banks; and providing habitat for wildlife, both native and exotic species. In the urban environment, areas of bush contribute significantly to amenity values, as well as providing habitat and ecological corridors for indigenous fauna.

Threats to Dunedin's natural environment include the reduction or loss of habitats due to contamination, disturbance, destruction, invasive pest species, and surrounding land uses. Maintaining the city's biodiversity is challenging because:

- areas and habitats of indigenous species often occur on both private and public land;
- there can be tensions between the aspirations of landowners for land use and development and the need to protect those areas and habitats;
- ecosystems are not always confined to definable sites;
- maintaining indigenous biodiversity requires more than the protection of sites of especially high biodiversity value. It also involves the growth, creation, and restoration of new or existing sites; and
- the costs of protecting areas and habitats are local and often specific to an individual, yet the benefits may be local, regional, and national.

Threats to the natural environment also include the adverse effects that inappropriate land use and development can have on natural landscapes, natural features, and the natural character of the coast and riparian margins. Sometimes these adverse effects only become apparent over a period of time, due to the cumulative effects that land use and development can have on landscape or natural character values.

In identifying the elements of the natural environment that need to be protected, the following key resource management issues have been identified:

- land use, development, and subdivision activities can lead to modification or loss of biodiversity values, areas of indigenous vegetation, and habitats of indigenous fauna;
- land use, development, and subdivision activities can adversely affect values of natural features and landscapes;
- land use, development, and subdivision activities can adversely affect the natural character of the coast and riparian margins;

- land use, development, and subdivision activities can restrict public access to and along the coastal marine area, lakes and rivers; and
- conservation, including pest control and restorative planting, is an important activity and needs to be provided for and encouraged.

In response to these issues, the Natural Environment section proposes to focus on maintaining and enhancing:

- areas of indigenous vegetation and the habitats of indigenous fauna;
- the landscape values of outstanding natural features, outstanding natural landscapes, and significant natural features;
- the biodiversity values and natural character values of the coast and riparian margins;
- the conservation values of identified areas of urban biodiversity (urban conservation mapped areas); and
- public access to coastlines, identified water bodies and other parts of the natural environment.

The Natural Environment section provisions apply across all zones, although the landscape overlay zones and their rules only apply across rural and rural residential zones; and the natural coastal character overlay zones apply across rural, rural residential and recreation zones. Rules and assessment matters in the management and major facilities zones that relate to the natural environment are linked to the relevant rules and assessment matters in this section.

10.2. Objectives and Policies

Objective 10.2.1	
Areas of indigenous vegetation and the habitats of indigenous fauna are maintained and enhanced.	
Policy 10.2.1.1	Encourage conservation activity in all zones.
Policy 10.2.1.2	Only allow land use and development activities in a Scheduled Area of Significant Conservation Value (ASCV) where these activities will have net positive effects on the protection and enhancement of the biodiversity values of the Scheduled ASCV.
Policy 10.2.1.3	Limit indigenous vegetation clearance in the rural and rural residential zones to a size that avoids any adverse effects on the biodiversity values of the area of indigenous vegetation or, if avoidance is not possible, ensures that adverse effects are no more than minor.
Policy 10.2.1.4	Only allow indigenous vegetation clearance in a Scheduled Area of Significant Conservation Value (ASCV), or a wetland, or where there are threatened plant species or mature trees on the important native tree species list present, where the biodiversity values of the area of indigenous vegetation are maintained or enhanced
Policy 10.2.1.5	Only allow vegetation clearance over the maximum area, and earthworks - large scale in an Urban Conservation Mapped Area (UCMA) where the conservation values of the UCMA are maintained or enhanced.
Policy 10.2.1.6	Require forestry and tree planting to avoid the use of wilding tree species, unless the risk of wilding tree spread into areas of indigenous vegetation can be avoided or, if avoidance is not possible, is insignificant.
Policy 10.2.1.7	Require mineral exploration and mineral prospecting to restore indigenous vegetation where it existed before the activity commenced and has been cleared as part of the exploration or prospecting activity.
Policy 10.2.1.8	Only allow mining and landfills where there is certainty that indigenous vegetation will be restored on land where it existed before the activity commenced and has been cleared as part of the mining or landfill activity.
Policy 10.2.1.9	Only allow subdivision activities where the subdivision is designed to ensure any future land use or development activities will: <ol style="list-style-type: none"> maintain or enhance the biodiversity and conservation values associated with any Scheduled Area of Significant Conservation Value (ASCV) or an Urban Conservation Mapped Area (UCMA); and avoid or, if avoidance is not possible, adequately mitigate adverse effects on other important areas of indigenous vegetation or the habitat of indigenous fauna.
Policy 10.2.1.10	Only allow network utilities poles and masts - small scale, on-site energy generation devices, network utility structures - large scale, community scale solar panels and wind generators, and energy resource investigation devices where adverse effects on identified biodiversity values can be avoided or, where avoidance is not possible, would be insignificant.
Policy 10.2.1.11	Avoid wind generators - community scale, biomass generators - stand-alone and regional scale energy generation in a Scheduled Area of Significant Conservation Value (ASCV) unless there are no adverse effects on the identified biodiversity values of the Scheduled ASCV.

Objective 10.2.2

The biodiversity values and natural character of the coast and riparian margins are maintained and enhanced.

Policy 10.2.2.1	Encourage conservation activity in coastal and riparian margins.
Policy 10.2.2.2	Require buildings, structures, storage and use of hazardous substances, network utilities activities, and earthworks - large scale to be set back from the coast and water bodies an adequate distance to enable the biodiversity and natural character values of coastal and riparian margins to be maintained or enhanced.
Policy 10.2.2.3	Require vegetation clearance to be set back an adequate distance from the coast and water bodies to minimise the risk of erosion and protect, or enable the enhancement of, biodiversity and natural character values.
Policy 10.2.2.4	Require earthworks to minimise the risk of sediment entering the sea or water bodies by: <ol style="list-style-type: none"> being set back an adequate distance from the coast and water bodies; and by using appropriate sediment control techniques to ensure sediment does not enter water bodies or the sea.
Policy 10.2.2.5	Only allow subdivision activities adjacent to water bodies and the coast where the following biodiversity values and natural character values are maintained or enhanced, including through provision of esplanade reserves or esplanade strips in identified locations: <ol style="list-style-type: none"> biodiversity values of riparian margins and the coast; the water quality and aquatic habitats of the water body or coast; and the natural functioning of the adjacent sea or water body.
Policy 10.2.2.6	Only allow hazard mitigation earthworks and hazard mitigation structures where there are no significant adverse effects on the biodiversity and natural character values of coastal and riparian margins.

Objective 10.2.3

Areas of outstanding natural coastal character (ONCC), high natural coastal character (HNCC), and natural coastal character (NCC) are protected from inappropriate use and development and their values, as identified in Appendix A5, are maintained or enhanced.

Policy 10.2.3.1	Limit rural and community activities in the Outstanding Natural Coastal Character (ONCC) and High Natural Coastal Character (HNCC) overlay zones to those which do not require buildings or involve a change to the landform.
Policy 10.2.3.2	Avoid buildings and structures, residential, commercial, industrial and major facility activities, network utility structures - large scale, on-site energy generation, community scale energy generation, regional scale energy generation, energy resource investigation devices, and biomass generators - stand-alone in the Outstanding Natural Coastal Character (ONCC) and High Natural Coastal Character (HNCC) overlay zones unless there are no material effects on the natural character values, as identified in Appendix A5.
Policy 10.2.3.3	Only allow indigenous vegetation clearance, tree planting, new network utilities or additions to network utilities, and earthworks - large scale in the Outstanding Natural Coastal Character (ONCC) and High Natural Coastal Character (HNCC) overlay zones where adverse effects on the natural character values identified in Appendix A5 are insignificant.

Objective 10.2.3

Areas of outstanding natural coastal character (ONCC), high natural coastal character (HNCC), and natural coastal character (NCC) are protected from inappropriate use and development and their values, as identified in Appendix A5, are maintained or enhanced.

Policy 10.2.3.4	Only allow mining, landfills, large buildings and structures, forestry, earthworks - large scale, and indigenous vegetation clearance in the Natural Coastal Character Overlay Zone (NCC) where adverse effects on the natural character values identified in Appendix A5 can be avoided or, if avoidance is not possible, be no more than minor.
Policy 10.2.3.5	Only allow natural hazard mitigation activities, transportation activities, and public amenities in Outstanding Natural Coastal Character (ONCC), High Natural Coastal Character (HNCC) and Natural Coastal Character (NCC) overlay zones where any adverse effects on the values identified in Appendix A5 are minimised as far as practicable; and if effects are more than insignificant if in an ONCC or HNCC, or more than minor if in a NCC, there are no practicable alternative locations.
Policy 10.2.3.6	Require buildings, structures, additions and alterations, and wind generators - on-site energy generation in a Natural Coastal Character Overlay Zone (NCC) to have exterior colours and materials that avoid or, if avoidance is not possible, minimise adverse visual effects caused by reflectivity.
Policy 10.2.3.7	Only allow subdivision activities in Outstanding Natural Coastal Character (ONCC), High Natural Coastal Character (HNCC) and Natural Coastal Character (NCC) overlay zones where the subdivision is designed to ensure that any future land use or development activities will maintain or enhance, on an on-going basis, the natural character values identified in Appendix A5 and will be in accordance with Policies 10.2.3.1-10.2.3.5.
Policy 10.2.3.8	Provide for small buildings (no larger than 60m ²) in the Natural Coastal Character Overlay Zone (NCC) but limit the number of these clustered together with each other or existing large buildings to a level that avoids or, if avoidance is not possible, ensures cumulative visual effects are no more than minor.
Policy 10.2.3.9	Require ancillary signs in natural coastal character overlay zones to be located and designed so that any adverse effects on natural character values, as identified in Appendix A5, are insignificant.
Policy 10.2.3.10	Only allow network utilities poles and masts-small scale, on-site energy generation devices, network utility structures - large scale, community scale solar panels and wind generators, and energy resource investigation devices in the Natural Coastal Character Overlay Zone (NCC) where adverse effects on the natural character values identified in Appendix A5 can be avoided or, if avoidance is not possible, be no more than minor.
Policy 10.2.3.11	Avoid wind generators - community scale, biomass generators - stand alone and regional scale energy generation in the Natural Coastal Character Overlay Zone (NCC) unless there are no material effects on the natural character values, as identified in Appendix A5.

Objective 10.2.4

Subdivision and development activities maintain and enhance access to coastlines, identified water bodies and other parts of the natural environment, including for the purposes of gathering of food and mahika kai.

Policy 10.2.4.1	Require buildings, structures, and earthworks - large scale to be set back from the coast and water bodies an adequate distance to maintain or enhance public access along riparian and coastal margins.
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Objective 10.2.4

Subdivision and development activities maintain and enhance access to coastlines, identified water bodies and other parts of the natural environment, including for the purposes of gathering of food and mahika kai.

Policy 10.2.4.2	Require, within the Harbourside Edge Zone, buildings to be set back an adequate distance from the coast or edge of the wharf to achieve uninterrupted pedestrian access.
Policy 10.2.4.3	Require subdivision of land to enhance public access to the natural environment through: <ol style="list-style-type: none"> requiring esplanade reserves or esplanade strips of an appropriate width and location adjacent to identified water bodies and the coast; and where practicable, providing opportunities for access in other areas where this will enhance recreational opportunities, particularly through connecting to and expanding the existing tracks network or utilising adjacent unformed legal roads.
Policy 10.2.4.3	Only allow hazard mitigation earthworks or structures where public access to the coast and riparian margins is maintained or enhanced.

Objective 10.2.5

Outstanding Natural Features (ONFs), Outstanding Natural Landscapes (ONLs) and Significant Natural Landscapes (SNLs) are protected from inappropriate development and their values, as identified in Appendix A3, are maintained or enhanced.

Policy 10.2.5.1	Limit rural and community activities in the Outstanding Natural Feature Overlay Zone (ONF) to those which do not require buildings or involve a change to the landform.
Policy 10.2.5.2	Avoid residential, commercial, industrial and major facility activities in the Outstanding Natural Feature Overlay Zone (ONF).
Policy 10.2.5.3	Only allow tree planting and earthworks - large scale in the Outstanding Natural Feature Overlay Zone (ONF) where the effects on the landscape values of the ONF, as identified in Appendix A3, would be insignificant.
Policy 10.2.5.4	Avoid buildings and structures, network utilities - large scale, on-site energy generation, biomass generators - stand-alone, energy resource investigation devices, and community and regional scale energy generation in the Outstanding Natural Feature Overlay Zone (ONF), unless there are no material effects on the landscape values of the ONF as identified in Appendix A3.
Policy 10.2.5.5	Only allow natural hazard mitigation activities, transportation activities, and public amenities in landscape overlay zones where any adverse effects on the landscape values identified in Appendix A3 are minimised as far as practicable; and if effects are more than insignificant in an Outstanding Natural Landscape (ONL) or Outstanding Natural Feature (ONF) overlay zone, or more than minor in a Significant Natural Landscape Overlay Zone (SNL), there are no practicable alternative locations.
Policy 10.2.5.6	Only allow mining, forestry, landfills, large buildings and structures, earthworks - large scale, network utilities poles and masts - small scale, network utilities structures - small scale, on-site energy generation devices, energy resource investigation devices, and community scale hydro generators and solar panels in the Outstanding Natural Landscape Overlay Zone (ONL) where any adverse effects on the landscape values of the ONL, as identified in Appendix A3, would be insignificant.

Objective 10.2.5

Outstanding Natural Features (ONFs), Outstanding Natural Landscapes (ONLs) and Significant Natural Landscapes (SNLs) are protected from inappropriate development and their values, as identified in Appendix A3, are maintained or enhanced.

Policy 10.2.5.7	Only allow forestry, mining, landfills, large buildings and structures, and earthworks - large scale, network utilities poles and masts - small scale, network utilities structures - small scale, on-site energy generation devices, energy resource investigation devices, and community scale hydro generators and solar panels, in the Significant Natural Landscape Overlay Zone (SNL) where any adverse effects on the landscape values of the SNL, as identified in Appendix A3, will be avoided or, if avoidance is not possible, be no more than minor.
Policy 10.2.5.8	Require new buildings and structures, additions and alterations, and wind generators - on-site energy generation in Outstanding Natural Landscape (ONL) and Significant Natural Landscape (SNL) overlay zones to have exterior colours and materials that avoid or, if avoidance is not possible, minimise adverse visual effects caused by reflectivity.
Policy 10.2.5.10	Only allow mining where adverse effects on identified ridgelines can be avoided or, if avoidance is not possible, would be insignificant.
Policy 10.2.5.11	Only allow subdivision activities in Outstanding Natural Feature (ONF), Outstanding Natural Landscape (ONL), and Significant Natural Landscape (SNL) overlay zones where the subdivision is designed to ensure that any future land use or development will maintain the landscape values identified in Appendix A3 and will be in accordance with policies 10.2.5.1 - 10.2.5.9.
Policy 10.2.5.12	Provide for small buildings (no larger than 60m ²) in landscape overlay zones but limit the number of these clustered together with each other or existing large buildings to a level that avoids or, if avoidance is not possible, ensures cumulative visual effects are no more than minor.
Policy 10.2.5.13	Require ancillary signs in landscape overlay zones to be located and designed so that any adverse effects on landscape values, as identified in Appendix A3, are insignificant.
Policy 10.2.5.14	Avoid network utilities structures - small scale in an Outstanding Natural Feature Overlay Zone (ONF) unless they are co-located with an existing building or network utilities structure.
Policy 10.2.5.15	Avoid wind generators - community scale, biomass generators - stand-alone and regional scale energy generation in Significant Natural Landscape (SNL) and Outstanding Natural Landscape (ONL) overlay zones unless there are no material effects on the landscape values, as identified in Appendix A3.
Policy 10.2.5.16	Only allow amateur radio configurations, network utilities structures - small scale, network utilities poles and masts - small scale in an Outstanding Natural Feature Overlay Zone (ONF) where any adverse effects on the landscape values of the ONF, as identified in Appendix A3, would be insignificant.

Rules

Rule 10.3 Performance Standards

10.3.1 Esplanade Reserves and Strips

1. Subdivision activities must provide esplanade reserves with a minimum width of 20m as follows:
 - a. along the mark of mean high water springs of the sea; and
 - b. along the bank or the margin of the following rivers and lakes:
 - i. Frasers Creek;
 - ii. Kaikorai Stream;
 - iii. Lindsays Creek;
 - iv. Orokonui Creek;
 - v. Owhiro Stream;
 - vi. Silverstream;
 - vii. Lower Taieri River, being the Taieri River downstream from the Outram bridge;
 - viii. Waikouaiti River downstream from the bridge on State Highway 1; and
 - ix. Water of Leith, except within the Stadium Zone where no esplanade reserve will be required.
2. Subdivision activities along the bank or the margin of the following rivers and lakes must provide esplanade strips with a minimum width of 5m:
 - a. Abernathys Creek;
 - b. Andersons Bay Stream;
 - c. Bull Creek;
 - d. Carey's Creek;
 - e. Christies Creek;
 - f. Craigs Creek;
 - g. Deborah Bay Stream;
 - h. Deep Creek;
 - i. Deep Stream;
 - j. Dons Creek;
 - k. Fern Stream;
 - l. Flagstaff Creek;
 - m. Flat Stream;
 - n. Foote Stream;
 - o. Lagoon Creek;
 - p. Latham Bay Stream;
 - q. Lee Creek;
 - r. Lee Stream;
 - s. Lug Creek;
 - t. Macandrew Bay Stream;

- u. Mihiwaka Stream;
- v. Nenthorn Stream;
- w. Opoho Creek;
- x. Orbells Creek;
- y. Otakou Stream;
- z. Otokia Creek;
- aa. Portobello Stream;
- ab. Post Office Creek (Waikouaiti);
- ac. Post Office Creek (Waipori);
- ad. Pūrākaunui Creek;
- ae. Sawyers Bay Stream;
- af. Smiths Creek;
- ag. Smugglers Creek;
- ah. Stony Creek;
- ai. Styles Creek;
- aj. Sutton Stream;
- ak. Upper Taieri River, being the Taieri River upstream from the Outram bridge;
- al. Three O'clock Stream;
- am. Toll Bar Creek;
- an. Traquair Burn;
- ao. Verter Burn;
- ap. Waikouaiti River upstream from the bridge on State Highway 1;
- aq. Waipori River;
- ar. Waitati River; and
- as. Whare Creek.

3. For the purpose of this standard, esplanade reserves and strips will be measured in a landward direction at 90 degrees to MHWS of the sea, tidal rivers or estuaries, or the bank of any stream or river.

10.3.2 Vegetation Clearance

10.3.2.1 Maximum area of vegetation clearance (UCMA)

Vegetation clearance in an **urban conservation mapped area** must not exceed 20m², as measured from stems at ground level, on any site over any three year period, except for the following instances of vegetation clearance which are exempt from this standard:

- a. clearance that is part of conservation activity involving vegetation clearance and replacement with indigenous species;
- b. clearance of a pest plant listed in Appendix 10B;
- c. vegetation clearance for the erection, maintenance or alteration of fences (including gates);
- d. vegetation clearance for the maintenance (but not extension) of existing network utilities activities, tracks, drains, or roads;

- e. vegetation clearance for the construction or maintenance of tracks up to 2m in width; or
- f. vegetation clearance that is provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987.

10.3.2.2 Maximum area of indigenous vegetation clearance

- a. Indigenous vegetation clearance must not exceed the following maximum areas on any site over any three calendar year period, measured from stems at ground level:

Zone		Maximum area
i.	Coastal Rural Zone	500m ²
ii.	High Country Rural Zone	500m ² non-tussock species 10,000m ² (1ha) tussock species
iii.	Hill Country Rural Zone	500m ²
iv.	Hill Slopes Rural Zone	500m ²
v.	Middlemarch Basin Rural Zone	100m ²
vi.	Peninsula Coast Rural Zone	250m ²
vii.	Taieri Plains Rural Zone	100m ²
viii.	Rural Residential 1 and Rural Residential 2 Zones	250m ²

- b. The following instances of indigenous vegetation clearance are exempt from this standard:
 - i. vegetation clearance as part of existing forestry activity where the clearance involves an understorey of indigenous vegetation, or is for the maintenance of forestry access or firebreaks;
 - ii. vegetation clearance of an area of Manuka that is adversely affected by Manuka Blight caused by *Eriococcus orariensis*; or
 - iii. vegetation clearance provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987.
- c. For the purposes of this standard, if an area of indigenous vegetation straddles two zones, the lesser maximum area will apply.

10.3.2.3 Protected areas

- a. Vegetation clearance must not occur within:
 - i. 20m of any wetland identified in Appendix A1.2 (Areas of Significant Conservation Value);
 - ii. 5m of mean high water springs; and
 - iii. 5m of any water body.
- b. Indigenous vegetation clearance must not occur within:
 - i. 20m of any wetland identified in Appendix A1.2 (Areas of Significant Conservation Value);
 - ii. 20m of mean high water springs in the rural, rural residential and recreation zones;
 - iii. 20m of any water body with a clearly defined bed of at least 3m in width in the rural, rural residential and recreation zones;
 - iv. any **coastal environment mapped area**; or

- v. any wetland in the rural, rural residential or recreation zones.
- c. Except that Rules 10.3.2.3.a and 10.3.2.3.b do not apply to vegetation clearance that is:
 - i. part of conservation activity involving vegetation clearance and replacement with indigenous species;
 - ii. clearance of a pest plant listed in Appendix 10B;
 - iii. for the erection, maintenance or alteration of fences (including gates);
 - iv. for the maintenance (but not extension) of existing network utilities activities (including irrigation infrastructure), tracks, drains, roads, or fire breaks;
 - v. for the construction or maintenance of tracks up to 2m in width;
 - vi. necessary to maintain the flow of water free from obstruction or for natural hazard mitigation activities;
 - vii. provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987; or
 - viii. in the case of Rule 10.3.2.3.a and 10.3.2.3.b.i-iii, the vegetation to be cleared is separated from mean high water springs or the water body by a formed legal road;
 - ix. part of an existing forestry activity and involves or is incidental to the harvesting or maintenance of trees, provided that all vegetation that is felled within 5m of a water body must be felled away from the water body, and that all forestry activity must be conducted in accordance with recognised industry environmental codes of practice.
- d. The distance from a wetland or other water body within which vegetation clearance and indigenous vegetation clearance must not occur (rules 10.3.2.3.a and 10.3.2.3.b) must be calculated using Rule 10.3.3.7.

10.3.2.4 Protected species (indigenous vegetation clearance)

- a. In the rural, rural residential and recreation zones, indigenous vegetation clearance must not occur where the following are present:
 - i. one or more of the threatened plant species listed in Appendix 10A; or
 - ii. one or more mature examples (greater than 15 years old) of the important native tree species listed in Appendix 10A;
- b. This standard does not apply to indigenous vegetation clearance that is:
 - i. for the erection, maintenance or alteration of fences (including gates);
 - ii. for the maintenance (but not extension) of existing network utilities activities (including irrigation infrastructure), tracks, drains, roads, or fire breaks;
 - iii. for the construction or maintenance of tracks up to 2m in width; or
 - iv. provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987.

Note 10.3A - Other relevant District Plan provisions

- See the following rules for the activity status of indigenous vegetation clearance in natural coastal character overlay zones and ASCVs:

Zone	Outstanding Natural Coastal Character Overlay Zone (ONCC) / High Natural Coastal Character Overlay Zone (HNCC)	Natural Coastal Character Overlay Zone (NCC)	Scheduled Areas of Significant Conservation Value (Scheduled ASCV)
Rural zones	Rule 16.3.4.20.c	Rule 16.3.4.20.b	Rule 16.3.4.20.d
Rural residential zones	Rule 17.3.4.18.b	Rule 17.3.4.18.c	—
Recreation Zone	—	Rule 20.3.4.19.b	Rule 20.3.4.19.c

10.3.3 Setback from Coast and Water Bodies

New buildings and structures, additions and alterations, earthworks - large scale, storage and use of hazardous substances, and network utilities activities must be set back:

- 20m from mean high water springs (MHWS); and
- 20m from any wetland identified in Schedule A1.2, Scheduled Areas of Significant Conservation Value (Scheduled ASCV); and
- 20m from any water body with a clearly defined bed of at least 3m in width in the rural zones; and
- 5m from any water body with a clearly defined bed less than 3m in width in the rural zones; and
- 5m from any water body in all other zones;
- Except, the following are exempt from this standard:
 - natural hazard mitigation activities;
 - hydro generators - on-site energy generation in the rural and industrial zones;
 - hydro generators - community scale in the rural zones;
 - network utilities poles and masts for the purposes of supporting lines across a water body;
 - river flow recording facilities;
 - navigational aids;
 - maimai and whitebait stands on the surface of water;
 - post and wire fences;
 - bridges, culverts and fords;
 - jetties, boat ramps, and wharves;
 - signs;
 - earthworks required for any of the structures in (a) - (k) above; and
 - new buildings and structures, and additions and alterations, associated with the University of Otago Portobello Marine Laboratory and New Zealand Marine Studies Centre, when situated on the land comprising Part section 23 (SO 7232), section 24 (SO 11431) and section 28 (SO 11431), Block VI Portobello Survey District and that Part of section 29 Block VI Survey District marked "A" on SO

22930.

7. For the purposes of this standard, setbacks will be measured from the landward side bank or margin of the water body at the point of its annual fullest flow or annual highest level without overtopping its bank or margin (see Figure 10.3A and Figure 10.3B).

Note 10.3B - Other requirements outside of the District Plan

1. Activities below mean high water springs (MHWS) or on the beds of water bodies may require resource consent from the Otago Regional Council, including:
 - a. hazard protection works; and
 - b. jetties, boat ramps and wharves.

Figure 10.3A Setback from a water body

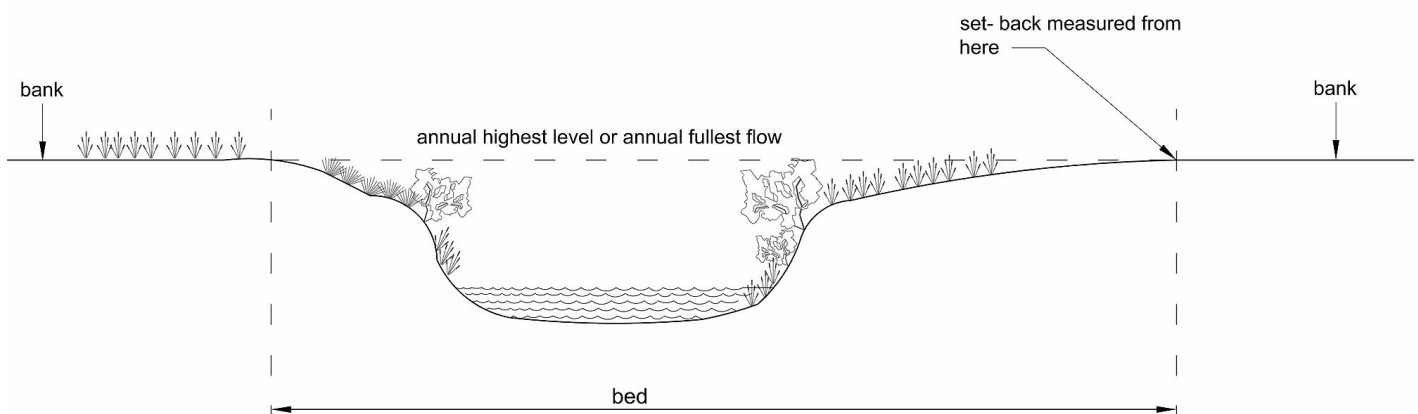
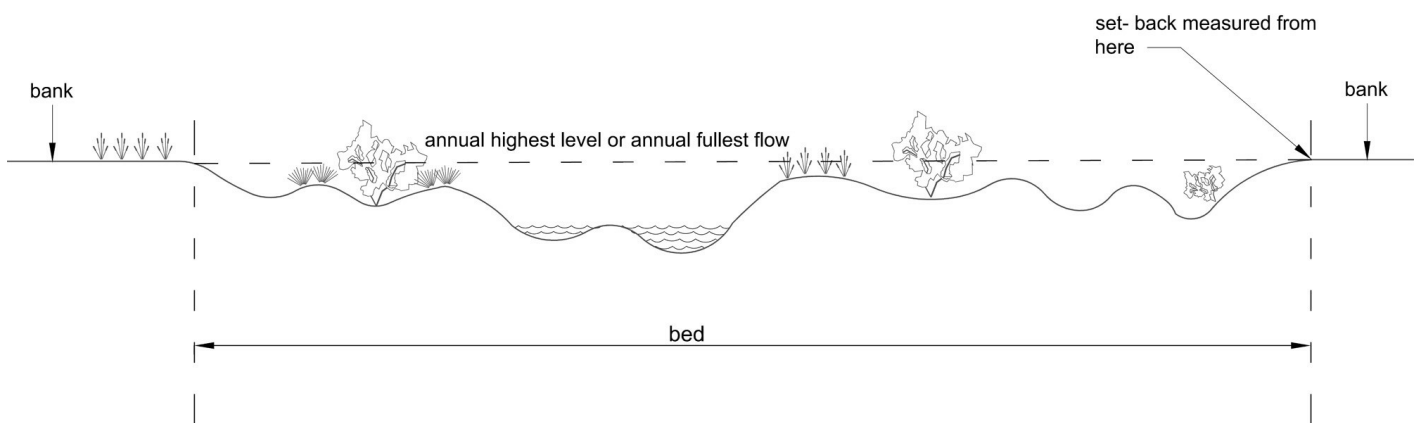


Figure 10.3B Setback from a water body



10.3.4 Tree Species

Forestry and tree planting must not include any of the following species:

1. *Lodgepole/contorta pine (Pinus contorta)*
2. *Scots pine (Pinus sylvestris)*
3. *Douglas fir (Pseudotsuga menziesii)*
4. *Corsican pine (Pinus nigra)*
5. *Mountain pine (Pinus mugo)*
6. *Dwarf Mountain pine (Pinus uncinata); or*
7. *Larch (Larix decidua).*

10.3.5 Minimum Building Separation

1. In any landscape overlay zone or in a Natural Coastal Character Overlay Zone (NCC), a maximum of two permitted buildings (e.g. buildings less than or equal to 60m²) may be erected within 30m of one or more buildings greater than 60m² on the same site over any five year period; all other permitted buildings must be located at least 200m from any other building on the same site.
2. For the purposes of this rule, distance will be measured as the distance between the closest walls of the two buildings.

10.3.6 Reflectivity

In any landscape or natural coastal character overlay zone, new buildings and structures (except fences), additions and alterations, and wind generators - on-site energy generation must use exterior paint or other surface finish with a light reflectance value of 30% or less.

Rule 10.3A Assessment of Controlled Activities

Rule 10.3A.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 10.3A.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.

10.3A.2 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. In the NCC Overlay Zone : <ul style="list-style-type: none"> New buildings greater than 60m² on a landscape building platform 	a. Size, design and appearance of buildings	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 10.2.3 ii. Adverse effects on the natural character values, as identified in Appendix A5, are avoided or, if avoidance is not possible, are no more than minor (Policy 10.2.3.4). <p><i>Conditions that may be imposed include:</i></p> <ol style="list-style-type: none"> iii. Restrictions on the size and design of buildings, including height, floor area, colour and materials. iv. Requirements for landscaping and other forms of screening of buildings.
2. In the ONL or SNL overlay zones : <ul style="list-style-type: none"> New buildings greater than 60m² on a landscape building platform 	a. Size, design and appearance of buildings	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 10.2.5 ii. Adverse effects on the landscape values of the ONL, as identified in Appendix A3, are insignificant (Policy 10.2.5.6). iii. Adverse effects on the landscape values of the SNL, as identified in Appendix A3, are avoided or, if avoidance is not possible, are no more than minor (Policy 10.2.5.7). <p><i>Conditions that may be imposed include:</i></p> <ol style="list-style-type: none"> iv. Restrictions on the size and design of buildings, including height, floor area, colour and materials. v. Requirements for landscaping and other forms of screening of buildings.

Rule 10.4 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 10.4.1 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 10.4.2 - 10.4.3:
 - 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.
3. Rule 10.4.3 applies to performance standards located in the natural environment section; Rule 10.4.4 applies to performance standards located in the management and major facility zones.

10.4.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<p><i>General assessment guidance:</i></p> <p>a. Where more than one standard is contravened, the combined effects of the contraventions will be considered.</p> <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <p>b. The degree of non-compliance with the performance standard is minor.</p> <p>c. The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values.</p>

10.4.3 Assessment of performance standard contraventions located in Natural Environment

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Esplanade reserves and strips	a. Effects on biodiversity and natural character values of riparian margins and the coast	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.2 ii. Subdivision activities adjacent to water bodies and the coast maintain or enhance the following biodiversity values and natural character values, including through provision of esplanade reserves or esplanade strips in identified locations: <ul style="list-style-type: none"> 1. biodiversity values of riparian margins and the coast; 2. the water quality and aquatic habitats of the water body or coast; and 3. the natural functioning of the adjacent sea or water body (Policy 10.2.2.5). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. In assessing a change or reduction to the required esplanade reserve or strip, Council will consider the effects on the values of the water body as identified in Appendix 10C and any other measures proposed to enhance the biodiversity of the riparian or coastal margin and associated water body. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iv. Where there is an esplanade reserve requirement, the Council may instead require an esplanade strip where it is considered that the management of the land in the coastal or riparian margin will achieve positive results for biodiversity and natural character values.
	b. Effects on public access	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.4 ii. Public access to the natural environment is enhanced (Policy 10.2.4.3). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. In assessing a change or reduction to the required esplanade reserve or strip, Council will consider the effects on public recreation and access values as identified in Appendix 10C. <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. Other opportunities to enhance public access are created by the subdivision. v. The design of the subdivision takes advantage of adjacent unformed legal roads to provide public access. vi. Restricting access is necessary to protect public health and safety.

10.4.3 Assessment of performance standard contraventions located in Natural Environment

Activity		Matters of discretion	Guidance on the assessment of resource consents
2.	Vegetation clearance (Maximum area of vegetation clearance) in a UCMA	a. Effects on biodiversity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.1. ii. Vegetation clearance maintains or enhances the conservation values of an UCMA (Policy 10.2.1.5). <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The clearance is of a non-local indigenous species that has extended beyond its range.
3.	Vegetation clearance (Maximum area of indigenous vegetation clearance)	a. Effects on biodiversity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.1. ii. Indigenous vegetation clearance avoids adverse effects on the biodiversity values of areas of indigenous vegetation, or ensures adverse effects are no more than minor (Policy 10.2.1.3). <p><i>Potential circumstances or mitigation measures that may support a consent application:</i></p> <ul style="list-style-type: none"> iii. The clearance is of a non-local indigenous species that has extended beyond its range. iv. The clearance is part of conservation activity involving the clearance of indigenous species and replacement by other indigenous species. v. The clearance is of indigenous vegetation that is diseased and unlikely to regain health and viability.
4.	Vegetation clearance (Protected areas)	a. Effects on biodiversity and the natural character values of riparian margins and the coast	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.1, Objective 10.2.2. ii. Indigenous vegetation clearance maintains or enhances the biodiversity values of the area of indigenous vegetation (Policy 10.2.1.4). iii. Vegetation clearance is set back an adequate distance from the coast and water bodies to minimise risk of erosion and protect, or enable the enhancement of, biodiversity and natural character values (Policy 10.2.2.3). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iv. In any coastal environment mapped area, the assessment will consider the natural science values outlined in Appendix A3.

10.4.3 Assessment of performance standard contraventions located in Natural Environment

Activity		Matters of discretion	Guidance on the assessment of resource consents
5.	Vegetation clearance (protected species) (indigenous vegetation clearance)	a. Effects on biodiversity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.1. ii. Indigenous vegetation clearance maintains or enhances the biodiversity values of the area of indigenous vegetation (Policy 10.2.1.4). <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The clearance is part of conservation activity and is being undertaken to enhance the health of the protected species and improve its chances of reproduction. iv. The clearance is of a non-local indigenous species that has extended beyond its natural range, and is being undertaken to enhance the health of the protected species and improve its chances of reproduction.
6.	Minimum building separation in the NCC Overlay Zone	a. Effects on natural character of the coast	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.3 ii. Small buildings are provided for where the number of these clustered together with each other or existing large buildings is limited to a level that avoids or, if avoidance is not possible, ensures cumulative visual effects are no more than minor (Policy 10.2.3.8).
7.	Minimum building separation in the ONL or SNL overlay zones	a. Effects on landscape values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.5 ii. Small buildings are provided for in landscape overlay zones where the number of these clustered together with each other or existing large buildings is limited to a level that avoids or, if avoidance is not possible, ensures cumulative visual effects are no more than minor (Policy 10.2.5.12).
8.	Reflectivity in the NCC Overlay Zone	a. Effects on natural character of the coast	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.3 ii. Exterior colours and materials avoid or, if avoidance is not possible, minimise adverse visual effects caused by reflectivity (Policy 10.2.3.6). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The development incorporates key design elements as set out in Appendix A5.

10.4.3 Assessment of performance standard contraventions located in Natural Environment

Activity		Matters of discretion	Guidance on the assessment of resource consents
9.	Reflectivity in the ONL or SNL overlay zones	a. Effects on landscape values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none">i. Objective 10.2.5ii. Exterior colours and materials avoid or, if avoidance is not possible, minimise adverse visual effects caused by reflectivity (Policy 10.2.5.8). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none">iii. The development incorporates key design elements as set out in Appendix A3.
10.	Setback from coast and water bodies	a. Effects on biodiversity and natural character of riparian margins and the coast	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none">i. Objective 10.2.2ii. Buildings, structures, storage and use of hazardous substances, network utilities activities, and earthworks - large scale are set back from the coast and water bodies an adequate distance to maintain or enhance biodiversity values and natural character values of coastal and riparian margins (Policy 10.2.2.2).iii. Earthworks are set back an adequate distance, and use appropriate sediment control techniques, to minimise the risk of sediment entering the sea or water bodies (Policy 10.2.2.4). <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none">iv. In the case of earthworks - large scale contravening the standard, proposed sediment and erosion control techniques will ensure that sediment remains on-site and away from surface water bodies, coastal water and stormwater networks.
		b. Effects on public access	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none">i. Objective 10.2.4ii. Buildings, structures and earthworks - large scale are set back from the coast and water bodies an adequate distance to maintain or enhance public access along riparian and coastal margins (Policy 10.2.4.1). <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none">iii. Reasonable public access to the coast or water body will still be available through alternative access arrangements.iv. Topography, <u>site</u> size or other <u>site</u> constraints make providing access impractical.
		<p><i>Note: Rule 11.4 discusses assessment of non-compliance with the setback from coast and water bodies performance standard in relation to risk from natural hazards</i></p>	

10.4.3 Assessment of performance standard contraventions located in Natural Environment

Activity	Matters of discretion	Guidance on the assessment of resource consents
11. Tree Species	a. Effects on biodiversity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.1 ii. The risk of wilding tree spread into areas of indigenous vegetation is avoided or, if avoidance is not possible, is insignificant (Policy 10.2.1.6). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. The Council will consider the risk of the tree species spreading beyond the original location of planting due to: <ul style="list-style-type: none"> 1. the downwind land use, including the intensity of the stocking rate and the palatability of the tree species to the animals grazing; and 2. the location of the tree planting in relation to prevailing wind directions, slope, altitude and exposure; and/or 3. the use of a wilding management plan that will ensure wilding tree spread will be monitored and eradicated. iv. There are no ecologically sensitive or important areas downwind that could be vulnerable to wilding tree spread, including identified Scheduled Areas of Significant Conservation Value (Scheduled ASCV). v. There are no landscape or natural coastal character overlay zones downwind that could be vulnerable to wilding tree spread.

10.4.4 Assessment of performance standard contraventions located in the management and major facility zones

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Maximum height in the NCC Overlay Zone	a. Effects on natural character of the coast	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.3. ii. Large buildings and large structures are only allowed where adverse effects on the natural character values identified in Appendix A5 are avoided or, if avoidance is not possible, are no more than minor (Policy 10.2.3.4). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The development incorporates key design elements as set out in Appendix A5.

10.4.4 Assessment of performance standard contraventions located in the management and major facility zones

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. Maximum height in the ONL or SNL overlay zones	a. Effects on landscape values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.5 ii. Adverse effects on the landscape values of the ONL, as identified in Appendix A3, are insignificant (Policy 10.2.5.6). iii. Adverse effects on the landscape values of the SNL as identified in Appendix A3 are avoided or, if avoidance is not possible, no more than minor (Policy 10.2.5.7). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The development incorporates key design elements as set out in Appendix A3.
3. Number, location and design of ancillary signs in the ONCC , HNCC or NCC overlay zones	a. Effects on natural character of the coast	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.3 ii. Ancillary signs are located and designed so that any adverse effects on natural character values, as identified in Appendix A5, are insignificant (Policy 10.2.3.9).
4. Number, location and design of ancillary signs in the ONL , SNL or ONF overlay zones	a. Effects on landscape values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.5 ii. Adverse effects on landscape values, as identified in Appendix A3, are insignificant. (Policy 10.2.5.13).
5. Sediment control (Earthworks standards)	a. Effects on biodiversity and natural character of riparian margins and the coast	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.2 ii. Earthworks minimise the risk of sediment entering the sea or water bodies by: <ul style="list-style-type: none"> 1. being set back an adequate distance from the coast and waterbodies; and 2. by using appropriate sediment control techniques to ensure sediment does not enter water bodies or the sea (Policy 10.2.2.4).
6. Site restoration	a. Effects on biodiversity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.1 ii. Mineral exploration and prospecting replant indigenous vegetation where it existed prior to the activity commencing and where it has been cleared as part of the exploration or prospecting activity (Policy 10.2.1.7).

Rule 10.5 Assessment of Restricted Discretionary Activities

Rule 10.5.1 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. Rule 10.5.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides 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.

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> Earthworks- large scale that exceed scale thresholds within 20m of a water body or MHWS (rural zones and Invermay and Hercus Zone) Earthworks- large scale that exceed scale thresholds within 5m of a water body or MHWS (all other zones) 	a. Effects on biodiversity and natural character of riparian margins and the coast	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 10.2.2 ii. Earthworks - large scale are set back an adequate distance from the coast and water bodies to maintain or enhance the biodiversity and natural character values of riparian and coastal margins (Policy 10.2.2.2). <p><i>Potential circumstances that may support a consent application:</i></p> <ol style="list-style-type: none"> iii. The earthworks are associated with conservation activity
	b. Effects on public access	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 10.2.4 ii. Earthworks - large scale are set back an adequate distance from the coast and water bodies to maintain or enhance the biodiversity and natural character values of riparian and coastal margins (Policy 10.2.4.1). <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> iii. The earthworks are associated with conservation activity.

10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
2.	All subdivision activities	a. Effects on areas of indigenous vegetation and the habitat of indigenous fauna	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.1. ii. The design of the subdivision and any future land use or development activities will avoid or, if avoidance is not possible, adequately mitigate adverse effects on other important areas of indigenous vegetation or the habitat of indigenous fauna (Policy 10.2.1.9.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The subdivision is designed to maximise the opportunities for protection or enhancement of important natural environment values on the site, including but not limited to, indigenous vegetation or other habitat, for example through: <ul style="list-style-type: none"> 1. retaining indigenous vegetation on a single site, under single ownership; and 2. fencing of indigenous vegetation. iv. A legal mechanism (such as a covenant) is offered by the applicant to protect indigenous vegetation. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> v. Threatened indigenous vegetation includes those species listed in Appendix 10A. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> vi. A building platform may be required to be registered against the title by way of consent notice.

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on biodiversity and natural character of riparian margins and the coast	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.2. ii. General subdivision adjacent to water bodies and the coast maintains or enhances the following conservation values, including through provision of esplanade reserves or esplanade strips in identified locations: <ul style="list-style-type: none"> 1. biodiversity values of riparian margins and the coast; 2. the water quality and aquatic habitats of the water body or coast; and 3. the natural functioning of the adjacent sea or water body (Policy 10.2.2.5). <p><i>Potential circumstance that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The subdivision is designed to minimise any adverse effects from drainage on water bodies, including by minimising impermeable surfaces near open water bodies. iv. In the rural zones, subdivisions are designed to maintain natural overland flow paths and natural hydrology.
	c. Effects on public access	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.4. ii. Public access to the natural environment is enhanced (Policy 10.2.4.3). <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Unformed legal roads will be fenced to maintain or enhance public access, or other mechanisms are proposed to enhance public access. iv. A management plan is provided for on-going pest and weed control on areas set aside for public access. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> v. Council will consider the positive effects for public access provided by the subdivision, including those that are additional to any esplanade requirements that apply.

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>3. In the ONCC or HNCC overlay zones:</p> <ul style="list-style-type: none"> • RD buildings and structures activities • Tree planting • Earthworks - large scale (that exceed scale thresholds for an ONCC, HNCC) • Indigenous vegetation clearance • Amateur radio configurations • Network utilities structures - small scale • Network utilities poles and masts - small scale • Public artworks - large scale • General subdivision 	<p>a. Effects on natural character of the coast</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.3 ii. Adverse effects on the natural character values identified in Appendix A5 are insignificant (Policy 10.2.3.3). iii. Subdivisions are designed to ensure any future land use or development activities will maintain or enhance, on an on-going basis, the natural character values identified in Appendix A5 (Policy 10.2.3.7). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iv. The assessment will consider the natural character values outlined in Appendix A5. v. All development in an ONCC or HNCC overlay zone will consider the effects on biodiversity. vi. The assessment of resource consent applications for subdivisions will consider any landscape assessment provided with the application (see Special Information Requirements - Rule 10.8.1). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> vii. Development activities are associated with conservation. viii. For utilities activities: <ul style="list-style-type: none"> 1. The network utility is co-located with existing buildings or network utilities structures. 2. It is essential for the activity to locate on the feature to ensure the ongoing operation of a network utility service. 3. Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> ix. For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place.

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>4. In the NCC Overlay Zone:</p> <ul style="list-style-type: none"> • Forestry • Indigenous vegetation clearance • New buildings or structures greater than 60m², or additions and alterations that result in a building or structure that is greater than 60m² GFA and/or has any wall longer than 20m • All other building and structures activities • Earthworks - large scale (that exceed the scale thresholds for an NCC) • Public artworks - large scale 	<p>a. Effects on natural character of the coast</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.3 ii. Adverse effects on the natural character values identified in Appendix A5 are avoided or, if avoidance is not possible, are no more than minor (Policy 10.2.3.4). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. The assessment will consider the natural character values outlined in Appendix A5. <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The activity incorporates key design elements as set out in Appendix A5. v. Development activities are associated with conservation. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> vi. For forestry, conditions on the siting, scale, species and/or layout of forestry blocks. vii. For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place.
<p>5. In the NCC Overlay Zone:</p> <ul style="list-style-type: none"> • Network utilities poles and masts - small scale • Wind generators - on-site energy generation • Hydro generators - on-site energy generation • Solar panels - on-site energy generation • Energy resource investigation devices • Biomass generators - on-site energy generation 	<p>a. Effects on natural character of the coast</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.3 ii. Adverse effects on the natural character values identified in Appendix A5 are avoided or, if avoidance is not possible, are no more than minor (Policy 10.2.3.10) <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. The assessment will consider the natural character values outlined in Appendix A5. <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. For utilities activities: <ul style="list-style-type: none"> 1. The network utility is co-located with existing buildings or network utilities structures. 2. It is essential for the activity to locate on the feature to ensure the ongoing operation of a network utility service. 3. Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints.

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>6. In the NCC Overlay Zone:</p> <ul style="list-style-type: none"> General subdivision 	<p>a. Effects on natural character of the coast</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.3 ii. Subdivisions are designed to ensure any future land use or development activities will maintain or enhance, on an on-going basis, the natural character values identified in Appendix A5 (Policy 10.2.3.7). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. The assessment will consider the natural character values outlined in Appendix A5. <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. For subdivision activities, a landscape building platform or platforms are identified (see Rule 10.8.1 Special Information Requirements). v. Development activities are associated with conservation. vi. For utilities activities: <ul style="list-style-type: none"> 1. The network utility is co-located with existing buildings or network utilities structures. 2. It is essential for the activity to locate on the feature to ensure the ongoing operation of a network utility service. 3. Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> vii. For forestry, conditions on the siting, scale, species and/or layout of forestry blocks. viii. For subdivision activities, a (landscape) building platform may be required to be registered against the title by way of consent notice (see Rule 10.8.1 Special Information Requirements). ix. For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place.

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>7. In a Scheduled ASCV:</p> <ul style="list-style-type: none"> • Indigenous vegetation clearance • New buildings or structures, or additions and alterations, that result in a building or structure that is greater than 60m² GFA and/or has any wall longer than 20m • All other structures • Earthworks - large scale (that exceed the scale thresholds for a Scheduled ASCV) 	<p>a. Effects on biodiversity</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.1 ii. Land use and development activities have net positive effects on the protection and enhancement of the biodiversity values of the area of significant conservation value (Policy 10.2.1.2). iii. Indigenous vegetation clearance maintains or enhances the biodiversity values of areas of significant conservation value (Policy 10.2.1.4). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. Development activities are associated with conservation. v. Measures are proposed to protect or enhance the biodiversity values of the area of significant conservation.
<p>8. In a Scheduled ASCV:</p> <ul style="list-style-type: none"> • Network utilities poles and masts - small scale • Wind generators - on-site energy generation • Hydro generators - on-site energy generation • Solar panels - on-site energy generation • Energy resource investigation devices • Biomass generators - onsite energy generation 	<p>a. Effects on biodiversity</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.1 ii. Adverse effects on identified biodiversity values can be avoided or, where avoidance is not possible, would be insignificant (Policy 10.2.1.10). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Measures are proposed to protect or enhance the biodiversity values of the Area of Significant Conservation Value.

10.5.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
9.	In a Scheduled ASCV: <ul style="list-style-type: none"> All subdivision activities 	a. Effects on biodiversity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.1 ii. The design of the subdivision and any future land use or development activities will maintain or enhance the biodiversity and conservation values associated with the Area of Significant Conservation Value and Urban Conservation Mapped Area (Policy 10.2.1.9.a). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Development activities are associated with conservation. iv. Measures are proposed to protect or enhance the biodiversity values of the area of significant conservation.
10.	In a UCMA: <ul style="list-style-type: none"> Earthworks - large scale (that exceed scale thresholds for an UCMA) All subdivision activities 	a. Effects on biodiversity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.1 ii. Earthworks - large scale in an urban conservation mapped area (UCMA) maintain or enhance the conservation values of the UCMA (Policy 10.2.1.5). iii. The design of the subdivision and any future land use or development activities will maintain or enhance the biodiversity and conservation values associated with areas of significant conservation value and urban conservation mapped areas (Policy 10.2.1.9.a). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The earthworks are associated with conservation.

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>11. In the ONF Overlay Zone:</p> <ul style="list-style-type: none"> • All RD buildings and structures activities • Earthworks - large scale (that exceed scale thresholds for an ONF) • Tree planting 	<p>a. Effects on landscape values</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.5. ii. The effects on landscape values are insignificant (Policy 10.2.5.3). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. The assessment will consider the landscape values outlined in Appendix A3. iv. The assessment of resource consent applications for subdivision activities will consider any landscape assessment provided with the application (see Special Information Requirements - Rule 16.13). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> v. For utilities activities: <ul style="list-style-type: none"> 1. The network utility is co-located with existing buildings or network utilities structures. 2. It is essential for the activity to locate on the feature to ensure the on-going operation of a network utility service. 3. Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> vi. For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place..

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>12. In the ONF Overlay Zone:</p> <ul style="list-style-type: none"> • Amateur radio configurations • Network utilities structures - small scale • Network utilities poles and masts - small scale 	<p>a. Effects on landscape values</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.5. ii. Any adverse effects on the landscape values, as identified in Appendix A3, would be insignificant (Policy 10.2.5.16). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. The assessment will consider the landscape values outlined in Appendix A3. <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The network utility is co-located with existing buildings or network utilities structures. v. It is essential for the activity to locate on the feature to ensure the on-going operation of a network utility service. vi. Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints.
<p>13. In the ONF, ONL or SNL overlay zones:</p> <ul style="list-style-type: none"> • General subdivision 	<p>a. Effects on landscape values</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.5. ii. Subdivision is designed to ensure that any future land use or development will maintain the landscape values identified in Appendix A3 and will be in accordance with policies 10.2.5.1-10.2.5.9 (Policy 10.2.5.11). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. The assessment of resource consent applications for subdivision activities will consider any landscape assessment provided with the application (see Rule 10.8.1 Special Information Requirements). <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iv. For subdivision activities, a (landscape) building platform may be required to be registered against the title by way of consent notice (see Rule 10.8.1 Special Information Requirements).

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>14. In the ONF, ONL or SNL overlay zones:</p> <ul style="list-style-type: none"> Public artworks - large scale 	<p>a. Effects on landscape values</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.5. ii. Adverse effects on the landscape values identified in Appendix A3 are minimised as far as practicable; and if effects are more than insignificant if in an ONL or ONF, or more than minor if in a SNL, there are no practicable alternative locations (Policy 10.2.5.5). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. The assessment will consider the landscape values outlined in Appendix A3.

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>15. In the ONL Overlay Zone:</p> <ul style="list-style-type: none"> • Forestry • New building or structure greater than 60m² or, • additions and alterations that result in a building or structure that is greater than 60m² • All other buildings and structures activities • Earthworks - large scale (that exceed the scale thresholds for an ONL) • Network utilities poles and masts - small scale • Wind generators - on-site energy generation • Hydro generators - on-site energy generation • Solar panels - on-site energy generation • Energy resource investigation devices • Biomass generators - on-site energy generation 	<p>a. Effects on landscape values</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.5. ii. Adverse effects on identified landscape values, as identified in Appendix A3, are insignificant (Policy 10.2.5.6). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. The assessment will consider the landscape values outlined in Appendix A3. <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The activity incorporates key design elements as set out in Appendix A3. v. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints. vi. For utilities activities: <ul style="list-style-type: none"> 1. It is essential for the activity to locate in the landscape overlay to ensure the effective functioning of a network utility. 2. The network utility is co-located with existing buildings or network utilities structures. 3. The activity is associated with the operation of the national 4. Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints. <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> vii. For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place.

10.5.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>16. In the SNL Overlay Zone:</p> <ul style="list-style-type: none"> • Forestry • New building or structure greater than 60m² or, additions and alterations that result in a building or structure that is greater than 60m² • All other buildings and structures activities • Earthworks - large scale (that exceed the scale thresholds for an SNL) • Network utilities poles and masts - small scale • Wind generators - on-site energy generation • Hydro generators - on-site energy generation • Solar panels - on-site energy generation • Energy resource investigation devices • Biomass generators - on-site energy generation 	<p>a. Effects on landscape values</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 10.2.5. ii. Any adverse effects on the landscape values, as identified in Appendix A3, are avoided or, if avoidance is not possible, are no more than minor (Policy 10.2.5.7). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. The assessment will consider the landscape values outlined in Appendix A3. <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The activity incorporates key design elements as set out in Appendix A3. v. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints. vi. For utilities activities: <ul style="list-style-type: none"> 1. It is essential for the activity to locate in the landscape overlay to ensure the effective functioning of a network utility. 2. The network utility is co-located with existing buildings or network utilities structures. 3. The activity is associated with the operation of the national 4. Landscaping or other forms of screening will be used to reduce the visibility of the network utility from surrounding properties and public viewpoints <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> vii. For earthworks - large scale, requirements for batter gradients to be re-vegetated or screened by vegetation if visible from a public place.

Rule 10.6 Assessment of Discretionary Activities

Rule 10.6.1 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 10.6.2 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.

10.6.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objectives 10.2.1 - 10.2.5 b. Objective 2.2.3 <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> c. For discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards, or otherwise achieve the relevant policies for development (See Rules 10.4 for performance standard contraventions). All relevant land use performance standards are met, including noise and light spill standards. d. The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values. e. A management plan is provided for weed and pest control in areas of indigenous vegetation or the habitat of indigenous fauna. <p><i>General assessment guidance</i></p> <ol style="list-style-type: none"> f. 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.
2. <ul style="list-style-type: none"> • Hazard mitigation earthworks • Hazard mitigation structures 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objectives 10.2.2, 10.2.4 b. Hazard mitigation earthworks or structures maintain or enhance public access to the coast and riparian margins (Policy 10.2.4.3). c. Hazard mitigation earthworks and hazard mitigation structures do not have significant adverse effects on the biodiversity and natural character values of coastal and riparian margins (Policy 10.2.2.6).

10.6.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
3. <ul style="list-style-type: none"> • Mining • Landfills 	<i>Relevant objectives and policies (priority considerations):</i> <ol style="list-style-type: none"> Objective 10.2.1 There is certainty that indigenous vegetation will be restored on land where it existed before the mining or landfill activity commenced and was cleared as part of the activity (Policy 10.2.1.8).
4. In the ONF, ONL, or SNL overlay zones: <ul style="list-style-type: none"> • Hazard mitigation structures • Hazard mitigation earthworks • Discretionary transportation activities • Discretionary public amenities 	<i>Relevant objectives and policies (priority considerations):</i> <ol style="list-style-type: none"> Objective 10.2.5 Any adverse effects on the landscape values identified in Appendix A3 are minimised as far as practicable; and if effects are more than insignificant if in an ONL or ONF, or more than minor if in a SNL, there are no practicable alternative locations (Policy 10.2.5.5).
5. In the SNL or ONL overlay zones: <ul style="list-style-type: none"> • Network utilities structures - large scale • Solar panels - community scale • Hydro generators - community scale • Mining • Landfills 	<i>Relevant objectives and policies (priority considerations):</i> <ol style="list-style-type: none"> Objective 10.2.5 Adverse effects on the landscape values of the SNL, as identified in Appendix A3, are avoided or, where avoidance is not possible, are no more than minor (Policy 10.2.5.7). Adverse effects on the landscape values of the ONL, as identified in Appendix A3, are insignificant (Policy 10.2.5.6).
6. In a Scheduled ASCV: <ul style="list-style-type: none"> • Network utilities structures - large scale • Solar panels - community scale • Hydro generators - community scale 	<i>Relevant objectives and policies (priority considerations):</i> <ol style="list-style-type: none"> Objective 10.2.1 Any adverse effects on identified biodiversity values are avoided or, where avoidance is not possible, are insignificant (Policy 10.2.1.10).
7. In a Scheduled ASCV: <ul style="list-style-type: none"> • Rural tourism - large scale (rural zones) • Rural research - large scale outside the Invermay Farm mapped area (rural zones) • Community and leisure - large scale (rural zones) • Sport and recreation (including commercial activities ancillary to sport and recreation) (rural and recreation zones) 	<i>Relevant objectives and policies (priority considerations):</i> <ol style="list-style-type: none"> Objective 10.2.1 The proposed activity will have net positive effects on the protection and enhancement of the biodiversity values of the ASCV (Policy 10.2.1.2). <i>Potential circumstances that may support a consent application include:</i> <ol style="list-style-type: none"> Where in a scheduled ASCV, the sport and recreation that involves motor vehicles takes place on existing formed roads.

10.6.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
<p>8. In the NCC Overlay Zone:</p> <ul style="list-style-type: none"> • Network utilities structures - large scale • Solar panels - community scale • Hydro generators - community scale • Mining • Landfills 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> Objective 10.2.3 Any adverse effects on the natural character values, as identified in Appendix A5, are avoided or, where avoidance is not possible, are no more than minor (Policy 10.2.3.4).
<p>9. In the ONC, HNCC, NCC overlay zones:</p> <ul style="list-style-type: none"> • hazard mitigation structures • hazard mitigation earthworks • Discretionary transportation activities • Discretionary public amenities 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> Objective 10.2.3 Any adverse effects on the values identified in Appendix A5 are minimised as far as practicable; and if effects are more than insignificant if in an ONCC or HNCC, or more than minor if in a NCC, there are no practicable alternative locations (Policy 10.2.3.5).

Rule 10.7 Assessment of Non-complying Activities

Rule 10.7.1 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. Rule 10.7.2 provides 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.

10.7.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
<p>1. All non-complying activities</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to: <ul style="list-style-type: none"> i. Dunedin's indigenous biodiversity is retained, enhanced and restored, with improved connections and resilience (Objective 2.2.3); and ii. The natural character of the coastal environment is maintained or enhanced (Objective 2.4.5). b. The relationship between manawhenua and the natural environment is maintained, including the cultural values and traditions associated with: <ul style="list-style-type: none"> i. wāhi tūpuna; and ii. the customary use of mahika kai (Objective 14.2.1). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. In assessing the significance of the effects, consideration will be given to: <ul style="list-style-type: none"> i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent.
<p>2. In a Scheduled ASCV:</p> <ul style="list-style-type: none"> • NC activities as indicated in the relevant management or major facility zone. 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 10.2.1 b. The proposed activity will have net positive effects on the protection and enhancement of the biodiversity values of the Scheduled ASCV (Policy 10.2.1.2).
<p>3. In a Scheduled ASCV:</p> <ul style="list-style-type: none"> • Regional scale - Wind generators, Hydro-generators, Solar panels • Wind generators - community scale • Biomass generators - stand-alone 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 10.2.1 b. In a Scheduled ASCV, there are not adverse effects on the identified biodiversity values of the Scheduled ASCV (Policy 10.2.1.11).
<p>4. In the ONCC, HNCC or NCC overlay zones:</p> <ul style="list-style-type: none"> • NC activities as indicated in the relevant management or major facility zone or city wide activities section 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 10.2.3 b. There are no material effects on the natural character values, as identified in Appendix A5 (Policy 10.2.3.2).

10.7.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
5. In the ONF, ONL or SNL overlay zones: <ul style="list-style-type: none"> NC activities as indicated in the relevant management or major facility zone or city wide activities section Performance standard contravention Rule 5.5.6.5 (co-location on an ONF) 	<i>Relevant objectives and policies (priority considerations):</i> <ol style="list-style-type: none"> Objective 10.2.5 There are no material effects on the landscape values as identified in Appendix A3 (Policy 10.2.5.4).

Rule 10.8 Special Information Requirements

10.8.1 Landscape Building Platforms

- For subdivision activities within a landscape or natural coastal character overlay zone in the rural or rural residential zones, landscape building platforms may be identified.
- Landscape building platforms are to be registered against the certificate of title by way of consent notice.
- The identification of landscape building platforms must be supported by a landscape assessment of the effects of development on the natural character values identified in Appendix A5.
- The landscape assessment must be conducted by a landscape architect or similarly qualified person.
- The landscape assessment must consider, but not be limited to, the following:
 - the visual prominence of the location of the building platforms;
 - the visual and amenity effects of buildings constructed to the maximum building envelope provided for by the performance standards on each identified building platform;
 - the appropriateness of the location within the context of the wider coastal setting;
 - the visual effect of driveways or vehicle tracks that will be required to access the building platforms; and
 - whether the clustering of building platforms with other building platforms or existing buildings will minimise adverse effects on natural character values.
- If landscape building platforms are approved through the subdivision consent process, the construction of new buildings greater than 60m² within the landscape building platform will be subject to Rule 16.3.4.3.b (rural zones) or Rule 17.3.3.3.c (rural residential zones).

Appendices

Appendix 10A. Protected Indigenous Species

Legend

Threat Classification	Table Code
Locally Uncommon	LU
At Risk - Naturally uncommon	AR-N
At Risk - Declining	AR-D
Threatened - Nationally vulnerable	T - NV
Threatened - Nationally critical	T - NC

Threat Classification	Table Code
Threatened - Nationally endangered	T - NE

10A.1 Threatened plant species list

Species	Common name	Threat classification	Type of plant	Habitat
<i>Abrontanella patearoa</i>		AR-N	Dicot herb	Alpine herbfield
<i>Acaena dumicola</i>		LU	Dicot herb	Montane shrubland
<i>Acaena microphylla</i> var. <i>pauciglochidiata</i>		AR-N	Dicot herb	Coastal herbfield
<i>Acaena tesca</i>		LU	Dicot herb	Upland turf
<i>Aciphylla glaucescens</i>		LU	Dicot herb	Montane grassland
<i>Aciphylla sub flabellata</i>		AR-D	Dicot herb	Coastal grassland
<i>Amphibromus fluitans</i>	Water brome	T - NV	Grass	Ephemeral wetland
<i>Anemanthele lessoniana</i>	Wind grass; rainbow grass	T - NV	Grass	Dryland forest
<i>Anemone tenuicaulis</i>		AR-N	Dicot herb	Upland grassland
<i>Anthosachne falcis</i>		AR-N	Grass	Dryland grassland
<i>Atriplex buchananii</i>	Buchanan's orache	T - NV	Dicot herb	Coastal turfs/gravelfield
<i>Brachyglottis sciadophila</i>		AR-D	Liane	Coastal forest
<i>Carex cirrhosa</i>	Curly sedge	T - NV	Sedge	Wetland margin
<i>Carex echinata</i>		LU	Sedge	Upland bogs
<i>Carex inopinata</i>		T - NV	Sedge	Upland rock overhangs
<i>Carex litorosa</i>		AR-D	Sedge	Saltmarsh
<i>Carmichaelia crassicaulis</i>	Coral broom	AR-D	Shrub	Tussock grassland
<i>Carmichaelia kirkii</i>	Climbing broom	T - NV	Climbing shrub	Shrubland
<i>Celmisia hookeri</i>		LU	Dicot herb	Upland rock outcrops
<i>Chaerophyllum</i>	Minute flower	AR - N	Dicot herb	Coastal herbfield
<i>Chenopodium allanii</i>		AR - N	Dicot herb	Coastal cliff/dry shrubland
<i>Chionochloa rubra</i> subsp. <i>cuprea</i>	Copper tussock	LU	Grass	Poorly-drained grassland
<i>Coprosma acerosa</i>	Sand coprosma	AR-D	Shrub	Coastal dune
<i>Coprosma virescens</i>		LU	Shrub	Coastal/dry forest

Species	Common name	Threat classification	Type of plant	Habitat
<i>Crassula mataikona</i>		AR - N	Dicot herb	Coastal herbfield
<i>Crassula multicaulis</i>		T - NE	Dicot herb	Ephemeral wetland
<i>Crassula peduncularis</i>		T - NC	Dicot herb	Ephemeral wetland
<i>Crassula ruamahanga</i>		AR-D	Dicot herb	Ephemeral wetland
<i>Deschampsia cespitosa</i>	Tufted hair-grass	AR-D	Grass	Wetland
<i>Deyeuxia youngii</i>		AR - ND	Grass	Grassland
<i>Donatia novae-zelandiae</i>		LU	Dicot herb	Bog wetlands
<i>Dracophyllum uniflorum</i> <i>var. frondosum</i>		AR-N	Shrub	Tussock grassland
<i>Drymoanthus flavus</i>	Little spotted moa	AR-N	Orchid	Forest
<i>Epilobium chionanthum</i>		LU	Dicot herb	Lowland swamps
<i>Epilobium pubens</i>		LU	Dicot herb	Dry habitats
<i>Euchiton ensifer</i>	Creeping cud weed	T - NE	Dicot herb	Dune slack
<i>Ficinia spiralis</i>	Pikao	AR-D	Rush	Sand dunes
<i>Fuchsia perscandens</i>		LU	Shrub	Montane gullies
<i>Geranium sessiliflorum</i> <i>var. arenarium</i>	Short-flowered cranesbill	AR-D	Dicot herb	Coastal herbfield
<i>Geranium retrorsum</i>	Turnip-rooted geranium	T - NE	Dicot herb	Coastal herbfield
<i>Gingidia grisea</i>		AR-N	Dicot herb	Rock outcrops
<i>Helichrysum selago</i> <i>var. tumidum</i>		AR - NV	Shrub	Coastal cliff
<i>Hymenochilus tristis</i>		AR-D	Orchid	Coastal grassland
<i>Ileostylis micranthus</i>		LU	Shrub	Coastal shrubland
<i>Isolepis basilaris</i>	Pygmy clubrush	T - NV	Sedge	Ephemeral wetland
<i>Korthalsella salicornioides</i>	Dwarf mistletoe	AR-N	Shrub	Shrubland/forest
<i>Lachnagrostis tenuis</i>	Wind grass	T - NV	Grass	Estuaries
<i>Lepidium crassum</i>	Thick-leaved scurvy grass	T - NE	Dicot herb	Coastal herbfield
<i>Lepidium juvencum</i>	Scurvy grass	T - NC	Dicot herb	Coastal herbfield
<i>Lepidium oleraceum</i>		T - NV	Dicot herb	Coastal ledges
<i>Lepidium tenuicaule</i>		AR-D	Dicot herb	Coastal herbfield
<i>Lepilaena bilocularis</i>		T - NV	Monocot herb	Brackish lake

Species	Common name	Threat classification	Type of plant	Habitat
<i>Melicytus flexuosus</i>		AR-D	Shrub	Upland shrubland
<i>Mimulus repens</i>		AR-N	Dicot herb	Saltmarsh
<i>Montia angustifolia</i>		AR-N	Dicot herb	Ephemeral wetland
<i>Myosotis pygmaea</i>		AR-D	Dicot herb	Coastal herbfield
<i>Myosotis rakiura</i>	Steward Island forget-me-not	AR-N	Dicot herb	Coastal cliff
<i>Myosotis tenericaulis</i>		AR-N	Dicot herb	Alpine wetland
<i>Myosurus minimus subsp. novae-zelandiae</i>	NZ mouse tail	T - NE	Dicot herb	Ephemeral wetlands
<i>Olearia bullata</i>		LU	Shrub	Montane gullies
<i>Olearia fimbriata</i>		T - NV	Tree	Shrubland
<i>Olearia fragrantissima</i>		AR-D	Tree	Coastal forest/shrubland
<i>Olearia hectorii</i>		T - NE	Tree	Coastal forest
<i>Olearia lineata</i>		AR-D	Tree	Lowland-montane gullies
<i>Ophioglossum coriaceum</i>		LU	Fern ally	Ephemeral wetlands
<i>Parahebe canescens</i>	Tarn speedwell	AR-D	Dicot herb	Ephemeral wetlands
<i>Peraxilla colensoi</i>	Red mistletoe	AR-D	Shrub	Silver beech forest
<i>Peraxilla tetrapetala</i>	Scarlet mistletoe	AR-D	Shrub	Silver beech forest
<i>Potentilla anserinoides</i>		LU	Dicot herb	Coastal herbfield
<i>Pseudopanax ferox</i>	Fierce lancewood	AR-D	Tree	Dry forest
<i>Puccinellia walkeri</i>	Walkers saltgrass	AR-N	Grass	Estuaries
<i>Raoulia hectorii var. mollis</i>		AR-N	Dicot herb	Alpine herbfield
<i>Ranunculus maculatus</i>		AR-N	Dicot herb	Alpine wetland
<i>Ranunculus recens var. recens</i>		T - NV	Dicot herb	Coastal herbfield
<i>Raoulia monroi</i>	Fan-leaved mat daisy	AR-N	Dicot herb	Alpine herbfield
<i>Raoulia parkii</i>		LU	Dicot herb	Alpine herbfield
<i>Ruppia megacarpa</i>	Horses mane weed	AR-D	Monocot herb	Saline lagoon
<i>Rytidosperma merum</i>	Slender bristle grass	T - NV	Grass	Short tussock grassland
<i>Scandia geniculata</i>		LU	Liane	Coastal forest/scrub

Species	Common name	Threat classification	Type of plant	Habitat
<i>Senecio carnosulus</i>		AR-N	Dicot herb	Coastal herbfield
<i>Senecio glaucophyllus</i> <i>ssp. basinudus</i>		AR-N	Dicot herb	Coastal herbfield
<i>Sonchus Kirkii</i>	Shore puha	AR-D	Dicot herb	Coastal herbfield
<i>Stenostachys laevis</i>	Grassland wheatgrass	AR-N	Grass	Coastal herbfield
<i>Tetrachondra hamiltonii</i>		Data Deficient	Dicot herb	Ephemeral wetlands
<i>Teucrium parvifolium</i>		AR-D	Shrub	Riparian forest
<i>Tupeia antarctica</i>		AR-D	Shrub	Lowland forest
<i>Uncinia purpurata</i>		AR-N	Sedge	Forest and grassland
<i>Uncinia sinclairii</i>		Data Deficient	Sedge	Wetlands
<i>Uncinia strictissima</i>		T - NE	Sedge	Montane gullies
<i>Urtica ferox</i>	Tree nettle	LU	Shrub	Coastal forest
<i>Zannichellia palustris</i>	Horned pondweed	AR-N	Monocot herb	Coastal lake
<i>Zostera muelleri subsp.</i> <i>novozelandiae</i>	Sea grass	AR-D	Monocot herb	Estuaries

10A.2 Important native tree list

Botanical Name	Common Name
<i>Dacrycarpus dacrydioides</i>	Kahikatea
<i>Dacrydium cupressinum</i>	Rimu
<i>Elaeocarpus hookerianus</i>	Pokaka
<i>Halocarpus bidwillii</i>	Bog pine
<i>Halocarpus biformis</i>	Pink pine
<i>Hoheria angustifolia</i>	Narrow-leaved lacebark
<i>Libocedrus bidwillii</i>	Cedar
<i>Lophomyrtus obcordata</i>	Rohutu
<i>Melicope simplex</i>	Poataniwha
<i>Myoporum laetum</i>	Ngaio
<i>Nothofagus menziesii</i>	Silver beech
<i>Phyllocladus alpinus</i>	Celery pine
<i>Plagianthus regius</i>	Lowland ribbonwood

Botanical Name	Common Name
<i>Podocarpus hallii</i>	Hall's totara
<i>Podocarpus totara</i>	Totara
<i>Prumnopitys ferruginea</i>	Miro
<i>Prumnopitys taxifolia</i>	Matai
<i>Sophora microphylla</i>	Kowhai
<i>Streblus heterophyllus</i>	Milk tree
<i>Weinmannia racemosa</i>	Kamahi

Appendix 10B. Pest Plant Species

The table below sets out the pest plant species identified in the District Plan:

Species	Common name
<i>Acacia dealbata</i>	Silver wattle
<i>Acanthus mollis</i>	Bear's breeches
<i>Acer pseudoplatanus</i>	Sycamore
<i>Ageratina adenophora</i>	Mexican devil
<i>Ageratina riparia</i>	Mistflower
<i>Akebia quinata</i>	Chocolate vine or Akebia
<i>Alocasia brisbanensis</i>	Elephant ear
<i>Alternanthera philoxeroides</i>	Alligator weed
<i>Arundo donax</i>	Giant reed
<i>Berberis darwinii</i>	Darwin's barberry
<i>Berberis glaucocarpa</i>	Barberry
<i>Bomarea caldasii</i>	Bomarea, climbing alstroemeria
<i>Bryonia cretica ssp dioica</i>	White bryony
<i>Buddleja davidii</i>	Buddleia
<i>Calicotome spinosa</i>	Spiny broom
<i>Calluna vulgaris</i>	Heather
<i>Calotis lappulacea</i>	Bur daisy
<i>Cardiospermum grandiflorum</i>	Balloon vine
<i>Carduus nutans</i>	Nodding thistle
<i>Cestrum elegans and Cestrum fasciculatum</i>	Red cestrum
<i>Cestrum parqui</i>	Green cestrum
<i>Chrysanthemoides monilifera ssp. Monilifera</i>	Boneseed
<i>Clematis vitalba</i>	Old man's beard
<i>Cortaderia jubata</i>	Purple pampas
<i>Cortaderia selloana and Cortaderia jubata</i>	Pampas grass
<i>Cotoneaster franchettii</i>	Cotoneaster, Franchet's cotoneaster
<i>Cotoneaster glaucophyllus</i>	Cotoneaster
<i>Cotoneaster simonsii</i>	Khasia berry
<i>Crataegus monogyna</i>	Hawthorn

Species	Common name
<i>Crocasmia x crocosmiiflora</i>	Montbretia
<i>Cytisus scoparius</i>	Broom
<i>Dendrobenthamia capitata</i>	Strawberry dogwood
<i>Drosera capensis</i>	Cape sundew
<i>Dryopteris affinis</i>	Scaly male fern
<i>Dryopteris filix-mas</i>	Male fern
<i>Eccremocarpus scaber</i>	Chilean glory creeper
<i>Equisetum arvense</i>	Field horsetail
<i>Eragrotis curvula</i>	African love grass
<i>Erigeron karvinskianus</i>	The Mexican daisy
<i>Escallonia rubra</i>	Red escallonia
<i>Eschscholzia californica</i>	Californian poppy
<i>Euonymus europaeus</i>	Spindle tree
<i>Euonymus japonicus</i>	Japanese spindleberry
<i>Fallopia japonica</i>	Japanese knotweed
<i>Fraxinus excelsior</i>	Ash
<i>Fuchsia boliviana</i>	Bolivian fuchsia
<i>Galeobdolon luteum</i>	Artillery plant
<i>Gunnera tinctoria</i>	Chilean rhubarb and Brazilian rhubarb
<i>Hedera helix</i>	Ivy
<i>Hedychium flavescens</i>	Yellow ginger
<i>Hedychium gardnerianum</i>	Kahili ginger
<i>Heracleum mantegazzianum</i>	Giant hogweed
<i>Hieracium species</i>	Hawkweed
<i>Houttuynia cordata</i>	Houttuynia, Chameleon plant
<i>Ilex aquifolium</i>	Holly
<i>Impatiens glandulifera</i>	Himalayan balsam
<i>Ipomoea indica</i>	Blue morning glory
<i>Jasminum polyanthum</i>	Jasmine
<i>Juncus gerardii</i>	Saltmarsh rush, blackgrass, black needle rush
<i>Lagarosiphon major</i>	African oxygen weed
<i>Leycesteria Formosa</i>	Himalayan honeysuckle

Species	Common name
<i>Ligustrum sinense</i>	Chinese privet
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Lupinus arboreus</i>	Tree lupin
<i>Lupinus polyphyllus</i>	Russell lupin
<i>Lycium ferocissimum</i>	Boxthorn
<i>Lythrum salicaria</i>	Purple loosestrife
<i>Macfadyena unguis-cati</i>	Cat's claw creeper
<i>Myricaria germanica</i>	False tamarisk
<i>Myriophyllum aquaticum</i>	Parrots feather
<i>Nassella tenuissima</i>	Finestem needlegrass
<i>Nassella trichotoma</i>	Nassella tussock
<i>Nephrolepis cordifolia</i>	Tuber ladder fern
<i>Osmunda regalis</i>	Royal fern
<i>Paraserianthes lophantha</i>	Brush wattle
<i>Passiflora caerulea</i>	Blue passion flower
<i>Passiflora mixta</i>	Banana passionfruit, northern banana passionfruit
<i>Passiflora mollissima</i>	Banana passionfruit
<i>Passiflora pinnatistipula</i>	Yellow passionfruit
<i>Passiflora tripartita</i>	Banana passionfruit, northern banana passionfruit
<i>Pennisetum clandestinum</i>	Kikuyu
<i>Pennisetum macrourum</i>	African feather grass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Phytolacca octandra</i>	Inkweed
<i>Pinus contorta</i>	Contorta pine
<i>Plectranthus ciliatus</i>	Plectranthus
<i>Prunus laurocerasus</i>	Cherry laurel
<i>Pseudosasa japonica</i>	Arrow bamboo
<i>Pueraria montana subsp. lobata</i>	Kudzu vine
<i>Reynoutria japonica</i>	Asiatic knotweed
<i>Rosa rubiginosa</i>	Sweet briar
<i>Rubus fruticosus</i> agg.	Blackberry
<i>Sagittaria montevidensis</i>	Arrowhead

Species	Common name
<i>Sambucus nigra</i>	Elder, elderflower, elderberry
<i>Salix cinerea</i>	Grey willow
<i>Salix fragilis</i>	Crack willow
<i>Selaginella kraussiana</i>	African club moss
<i>Senecio angulatus</i>	Cape ivy
<i>Senecio jacobaea</i>	Ragwort
<i>Senecio mikanioides</i>	German ivy
<i>Solanum dulcamara</i>	Bittersweet
<i>Solanum marginatum</i>	White-edged nightshade
<i>Spartina spp.</i>	Cordgrass
<i>Teline monspessulana</i>	Montpellier broom
<i>Tradescantia fluminensis</i>	Wandering jew
<i>Tropaeolum majus</i>	Nasturtium
<i>Tussilago farfara</i>	Coltsfoot
<i>Ulex europaeus</i>	Gorse
<i>Urtica dioica</i>	Perennial Nettle
<i>Utricularia gibba</i>	Bladderwort
<i>Vinca major</i>	Periwinkle
<i>Watsonia bulbifera</i>	Watsonia
<i>Zantedeschia aethiopica</i>	Arum lily
<i>Zantedeschia aethiopica</i> 'green goddess'	Green goddess
<i>Zizania latifolia</i>	Manchurian rice grass

Appendix 10C. Water Body Values

Water body	Conservation values	Public recreation and access values
Abernathys Creek	Important as a refuge for native fish in significant lifecycle stages. Likely to be present: banded kokopu, common bully, inanga, koura.	
Andersons Bay Stream	Important as a refuge for native fish in significant lifecycle stages. Likely to be present: banded kokopu, common bully, inanga, koura, redfin bully and giant kokopu.	
Bull Creek	High biodiversity values - eel species, migratory galaxias	

Water body	Conservation values	Public recreation and access values
Carey's Creek	High native fish values - whitebait spawning, passage for lamprey, longfin, shortfin, bully species and black flounder.	Recreation value, Mahika kai values.
Christies Creek	Black flounder, bullies and eel species.	Important for trout
Craigs Creek	Important as a refuge for native fish in significant lifecycle stages. Likely to be present: banded kokopu, bullies, eel.	
Deborah Bay Stream	Important as a refuge for native fish in significant lifecycle stages. Likely to be present: banded kokopu, bullies, eel.	
Deep Creek	Ecological values - Galaxias depressiceps (nationally vulnerable).	Recreation values
Deep Stream	Ecological values - Eldon's galaxias (nationally endangered) in upper tributaries.	Recreation values - brown trout
Dons Creek	Likely - lamprey, eel species, bullies, migratory galaxias.	
Fern Stream	Likely presence of banded kokopu, common bully, inanga, koura	
Flagstaff Creek	Kokopu, eel species	Trout
Flat Stream	Possible Galaxias eldons (nationally endangered)	
Foote Stream		
Frasers Stream	Banded kokopu	Trout
Kaikorai Stream	Mitigating flooding and erosion. Lower reaches have tidal influence and high conservation value	
Lagoon Creek	Common bully, inanga, perch, koura, longfin eel.	
Latham Bay Stream	Important as a refuge for native fish in significant lifecycle stages. Banded kokopu.	
Lee Creek	High values for giant kokopu in upper reaches, also perch, common bully, freshwater mussel.	
Lee Stream	Eldon's galaxias (upper tributaries), longfin eel	Brown trout
Lindsays Creek	Mitigating flooding and erosion, Banded and giant kokopu, shortfin and longfin eel, koura.	Important trout spawning from Chingford park downstream. Maybe salmon. Potential transport and recreation corridor
Lug Creek	Potentially Galaxias anomalus (nationally endangered)	Brown trout in lower reaches
Macandrew Bay Stream	Important as a refuge for native fish in significant lifecycle stages - banded kokopu.	

Water body	Conservation values	Public recreation and access values
Mihiwaka Stream		
Nenthorn Stream	Galaxias depressiceps (nationally vulnerable), freshwater mussel, longfin eel, koura.	Trout
Opoho Creek	Important as a refuge for native fish in significant lifecycle stages - banded kokopu and koura.	
Orbells Creek	Potential habitat for Galaxias depressiceps (nationally vulnerable).	
Orokonui Creek	Banded kokopu, giant kokopu, inanga, longfin eel, shortfin eel, giant bully, redfin bully, bluegill bully, lamprey	Brown trout
Otakou Stream	Important as a refuge for native fish in significant lifecycle stages	
Otokia Creek	Regionally significant Giant kokopu population, banded kokopu. longfin eel	
Owhiro Stream	Longfin and shortfin eel habitat, perhaps inanga.	Mahika kai values. Potential transportation and recreation corridor.
Portobello Stream	Important as a refuge for native fish in significant lifecycle stages - banded kokopu and redfin bully	
Post Office Creek (Waikouaiti)	Mitigating flooding and erosion. Migratory galaxias, longfin and shortfin eel	
Post Office Creek (Waipori)	Eldon's galaxias (nationally endangered), koaro, koura	
Pūrākaunui Creek	High biodiversity values in headwaters	High recreational use including whitebaiting in lower reaches
Sawyers Bay Stream	Important as a refuge for native fish in significant lifecycle stages	
Silverstream	Mitigating flooding and erosion. Migratory value for species in upper reaches	Transportation corridor. High trout values, with high demand for fishing opportunities near urban areas.
Smiths Creek	Important as a refuge for native fish in significant lifecycle stages	
Smugglers Creek	Eldon's galaxias (nationally endangered), longfin eel, koura	Brown trout
Stony Creek	Eldon's galaxias (nationally endangered)	
Styles Creek	Important as a refuge for native fish in significant lifecycle stages	

Water body	Conservation values	Public recreation and access values
Sutton Stream	Ecological values	Important for trout
Taieri River (upper)	Mitigating flooding and erosion (Hyde to Sutton). Ecological values	Mahika kai values. Important for trout
Taieri River (lower)	High biodiversity - inanga, lamprey, longfin, shortfin, black flounder, smelt, blue gill bully, torrent fish. Tidal zone important for whitebait (especially near Henley) and flounder.	Mahika kai values. Important for trout
Three O'clock Stream	Galaxias depressiceps (nationally vulnerable)	Trout angling
Toll Bar Creek	Potential for Galaxias depressiceps (nationally vulnerable)	
Traquair Burn	Longfin eel, common bully. Galaxias eldoni (nationally endangered) at top end.	Brown trout
Verter Burn	Koaro, koura. Potential for Galaxias eldoni (nationally endangered) at top end.	Brown trout, rainbow trout
Waikouaiti River	Mitigating flooding and erosion. Ecological values - high native fishery values. Galaxias depressiceps (nationally vulnerable).	Mahika kai values. High recreational values, including whitebaiting, game bird hunting, fishing (especially downstream of Orbell's Crossing). Potential transportation corridor from SH1 bridge to Karitane
Waipori River	Mitigating flooding and erosion. All migratory galaxias, Galaxias pullus and eldons (nationally endangered) in the headwaters. Koura.	Mahika kai values. Some hunting and angling
Waitati River	Mitigating flooding and erosion. High biodiversity values in headwaters	High recreational use including whitebaiting in lower reaches
Water of Leith	Mitigating flooding and erosion. Important as a refuge for native fish in significant lifecycle stages. Lamprey and longfin eel, koura in tributary streams.	
Whare Creek	Galaxias eldoni (nationally endangered).	Brown trout

11. Natural Hazards

11.1 Introduction

11.1.1 Dunedin's natural hazard risks

Communities in and around Dunedin are susceptible to a variety of natural hazards, including flooding from rivers and from the sea due to storm events, tsunamis and sea level rise, land instability, and earthquakes.

A large storm event could easily cause the Taieri River to flood, as well as several smaller rivers. This issue is particularly acute on low-lying flood plains and in coastal areas. Coastal storm surges may also result in flooding of certain areas.

Land instability can affect buildings built on steep sections and large storm events can contribute to land instability. Earthquakes can contribute to land instability and cause liquefaction. Finally, sea level rise as a result of climate change poses some risk to Dunedin, particularly in low-lying coastal communities.

Under the Resource Management Act 1991, Council is responsible for managing land use and subdivision to avoid or mitigate the risks from natural hazards. Council is also required to keep records of natural hazards.

The effects of natural hazards vary in terms of both their likelihood and consequence. Some natural hazards such as flooding may occur relatively frequently and may damage property whereas natural hazards such as tsunami occur infrequently, but when they do occur they pose serious risk to life.

Other natural hazards Dunedin may be vulnerable to include snow, ice, drought, strong winds, and fire. These natural hazards are managed outside the natural hazard provisions of the Plan. For example, the risks from snow and strong winds are managed through the Building Act 2004, and other mitigation measures are taken by the DCC Transportation team.

The Second Generation Plan (2GP) identifies natural hazards through overlays and mapped areas, and aims to reduce the effects of natural hazards through rules according to the type of natural hazard, the risk it poses and the sensitivity of the activity proposed.

11.1.2 Guidance on risk

Land use, subdivision, and development needs to be managed to minimise Dunedin's vulnerability to natural hazards.

In response to the issues, the 2GP proposes to manage the risks from natural hazards based on considering the overall risk from the hazard – in terms of both likelihood and consequence. This approach aims to strike a balance between enabling people to utilise their property without putting them or important assets at risk if an event was to occur. The key priority in managing the risks from natural hazards is the protection of people including loss of life, injury, the risk of being cut off from Civil Defence assistance, or the failure of key infrastructure required to ensure the health and safety of communities (such as wastewater treatment systems). After this the focus is on risk to property, such as loss of, or damage to, buildings.

In the context of the natural hazards provisions, risk refers to the likelihood of a natural hazard event occurring, in combination with the potential adverse consequences of that event, as set out in Table 11.1 below. This approach is based on guidance provided by MfE (Preparing for Future Flooding (A guide for local government in New Zealand) 2010) and GNS Science (Risk-based Land Use Planning for Natural Hazard Risk Reduction, 2013). The degree of risk is influenced by the magnitude of a natural hazard event, and the type of consequences to human safety, property, or the environment arising from the event either on-site or farther afield.

The likelihood of a natural hazard event occurring is placed in the context of the operational life of buildings, infrastructure and long-term land-use activities. For most natural hazard events, it is difficult to determine exact

probabilities of occurrence, and likelihood estimates are indicatively applied, rather than based on any direct scientific basis. The consequences of a natural hazard event occurring is placed in the context of health and safety, costs of damage to the built environment, and social and economic impacts on the wider community.

For the purposes of the natural hazards provisions, the sensitivity of land-use activities is classified according to the health and safety implications of land-use. The land-use sensitivity helps to inform the consequences that may occur as a result of a natural hazard event. This sensitivity classification draws from, and broadly corresponds to, the Building Importance Levels defined in the Building Amendment Regulations 2012.

Risk can be reduced through mitigation measures including site design and layout, material used, and the design of buildings and structures. While these measures should be taken into account when assessing risk, the effectiveness and appropriateness of these mitigation measures, including the residual risk in the event these mitigation measures fail, should also be considered.

Table 11.1 Risk Guidance

Likelihood	Minor consequences	Moderate consequences	Major consequences
Very likely (less than 1:50 (1 in 50 year event) or annual exceedance probability (AEP) 2% or more)	Moderate risk	High risk	High risk
Moderately likely ¹ (1:50 - 1:200 or AEP range 0.5% to 2%)	Low risk	Moderate risk	High risk
Unlikely (1:200 - 1:500 or AEP range 0.2% to 0.5%)	Low risk	Low risk	Moderate risk
Very unlikely (1:500 to 1:2500 or AEP range 0.04% to 0.2%)	Very low risk	Low risk	Moderate risk
Extremely unlikely (more than 1: 2500 or AEP 0.04% or less)	Very low risk	Very low risk	Low risk

¹ Where likelihood is unknown or poorly established, use 'moderately likely'.

11.1.3 Hazard provisions sensitivity classification

For the purpose of the hazard provisions, activities are categorised as sensitive activities, potentially sensitive activities or least sensitive activities as follows:

Table 11.2 Hazard sensitivity

Hazard provisions sensitivity classification	Land use activities
Sensitive activities	<ul style="list-style-type: none"> • Cemeteries • Crematoriums • Registered health practitioners • Early childhood education • Emergency services • Hospital • Landfills • Marae-related activities • Prison or detention centre • Residential activities (excluding working from home that do not involve additional people on-site) • Schools • Service stations • Visitor accommodation

Hazard provisions sensitivity classification	Land use activities
Potentially sensitive activities	<ul style="list-style-type: none"> • Airport • Campus • Community and leisure (excluding marae-related activities) • Commercial activities (excluding visitor accommodation, registered health practitioners, service stations, commercial advertising) • Factory farming • Industrial activities • Invermay/Hercus • Major recreation facility • Mining • Port • Rural tourism - large scale • Rural research which requires a building • Sport and recreation • Taieri aerodrome • All other commercial, community, industrial and major facility activities
Least sensitive activities	<ul style="list-style-type: none"> • Commercial advertising • Conservation • Domestic animal boarding and breeding • Dunedin Botanic Garden • Farming • Forestry • Grazing • Mineral exploration • Mineral prospecting • Public amenities • Rural ancillary retail • Rural tourism - small scale • Temporary activities • Working from home • All other rural activities

11.1.4 Hazard overlays

Dunedin's hazard prone areas are managed through six overlay zones, and two mapped areas (swales and dune systems). Initial assessments have established that risk (as defined in the guidance above) within the hazard overlay zones is as follows:

Table 11.3 Risk within hazard overlay zones

Hazard overlay zones	Risk (in accordance with the guidance on defining risk in Table 11.1 above)
Hazard 1 (flood) Overlay Zone	High
Hazard 1 (land instability) Overlay Zone	
Hazard 2 (flood) Overlay Zone	Moderate
Hazard 2 (land instability) Overlay Zone	
Hazard 3 (flood) Overlay Zone	Low
Hazard 3 (coastal) Overlay Zone	

At this stage, no areas have been identified as being exposed to a high or moderate risk from coastal hazards (Hazard 1 or 2 overlay zones), but areas may be included in these categories on the basis of future assessments.

While no areas have been identified as being exposed to a low risk of land instability (as hazard 3 overlay zones), many sites in Dunedin could fit within this category, but risk is managed primarily through the earthworks provisions, and Building Act 2004 requirements (e.g. foundation design).

Assessments of risk have been done on a catchment, landslide, or area-wide basis, often as a desk top assessment drawing on previous on-the-ground investigations and observations, and should be used as a starting point only. Local, site specific assessments are recommended. Where site specific assessments have been carried out and these have been provided to the DCC or Otago Regional Council, these may be available through the DCC Hazard Information Management System, or the Otago Regional Council online Otago Natural Hazards Database.

It is acknowledged that risk can be influenced by site or area specific factors, such as topography, elevation, soil make-up and other factors. Factors such as these should always be taken into account when assessing risk in relation to a particular proposal.

In addition, swales and undeveloped parts of dune systems are identified as mapped areas. Swales form part of the natural drainage system of the Taieri and can act to convey floodwater away from development. In these areas development is considered to be inappropriate, due to the role these features play in mitigating the effects of natural hazard events. Dune systems buffer land from coastal processes.

11.2 Objectives and Policies

Objective 11.2.1	
The risk from natural hazards, including climate change, is minimised, in the short to long term.	
Policy 11.2.1.1	In the hazard 1 overlay zones avoid the establishment of: <ul style="list-style-type: none"> a. sensitive activities; and b. potentially sensitive activities that are not permitted in the underlying zone; unless the risk from natural hazards is avoided, or is no more than low.
Policy 11.2.1.2	In the hazard 1 overlay zones, only allow the establishment of potentially sensitive activities that are otherwise permitted in the underlying zone, where all of the following are met: <ul style="list-style-type: none"> a. the activity has a critical operational need to locate within the hazard 1 overlay zones and locating outside the hazard 1 overlay zones is not practicable; and b. the scale, location and design of the activity or other factors means risk is avoided, or is no more than low.
Policy 11.2.1.3	In the hazard 1 and 2 overlay zones, only allow new buildings, and additions and alterations to buildings, where the scale, location and design of the building or other factors mean risk is avoided, or is no more than low.
Policy 11.2.1.4	In the hazard 1 (flood) Overlay Zone, require outdoor storage to be designed, managed, and located so that: <ul style="list-style-type: none"> a. potentially dangerous materials will not be mobilised in a flood; and b. materials will not obstruct or impede flood water.
Policy 11.2.1.5	In the hazard 2 overlay zones, only allow the establishment of sensitive activities where the scale, location and design of the activity or other factors means risk is avoided, or is no more than low.
Policy 11.2.1.6	In the hazard 2 overlay zones, only allow the establishment of potentially sensitive activities that are not otherwise permitted in the zone, where all of the following are met: <ul style="list-style-type: none"> a. the activity has a critical operational need to locate within the hazard 2 overlay zones and locating outside the hazard 2 overlay zones is not practicable; and b. the scale, location and design of the activity or other factors means risk is avoided, or is no more than low.
Policy 11.2.1.7	Only allow large quantities of hazardous substances in hazard 1 and 2 overlay zones where they are stored in a manner that ensures risk from natural hazards is avoided, or is no more than low.
Policy 11.2.1.8	In the hazard 1 and 2 (flood) and hazard 3 (coastal or flood) overlay zones, require new buildings intended for sensitive activities to have a floor level that mitigates risk from flooding (including coastal flooding) and rising groundwater so that risk is no more than low.
Policy 11.2.1.9	In the hazard 3 (coastal) Overlay Zone, require new buildings to be used for sensitive activities to be relocatable so that as coastal hazards, including sea level rise, become more severe, these buildings can be relocated.
Policy 11.2.1.10	Avoid development activities, public amenities and temporary activities in a swale mapped area unless they will not obstruct or impede water in a flood hazard event, and not cause water to be diverted out of a swale.

Objective 11.2.1

The risk from natural hazards, including climate change, is minimised, in the short to long term.

Policy 11.2.1.11	Avoid buildings and structures (except for relocatable surf life saving clubs) within a dune system mapped area unless there is no risk that development will cause, exacerbate, or be at risk from coastal erosion.
Policy 11.2.1.12	In all hazard overlay zones, or in any other area that the DCC has good cause to suspect may be at risk from a natural hazard (including but not limited to a geologically sensitive mapped area (GSA)), only allow earthworks - large scale or subdivision activities where the risk from natural hazards, including on any future land use or development, will be avoided, or no more than low.
Policy 11.2.1.13	In the hazard 3 (coastal) Overlay Zone, where hazards may worsen over time due to climate change, only allow subdivision activities that will only result in a minimal increase in development potential for sensitive activities or potentially sensitive activities.
Policy 11.2.1.14	Only allow earthworks in a dune system mapped area where they will not: a. have adverse effects on the stability or buffering capacity of dune systems; and b. create, exacerbate, or transfer risk from natural hazards.
Policy 11.2.1.15	Only allow earthworks in a swale mapped area and earthworks - large scale in hazard (flood) overlay zones, where they will not: a. obstruct or impede flood water, unless part of an approved natural hazard mitigation activity; and b. create, exacerbate, or transfer risk from natural hazards.
Policy 11.2.1.16	Only allow earthworks - large scale in a land instability overlay zone where they will not have adverse effects on land instability nor create, exacerbate, or transfer risk from natural hazards.
Policy 11.2.1.17	Limit vegetation clearance in hazard (land instability) overlay zones, the dune system mapped area, and along the banks of water bodies, to a scale and type that ensures any resultant risk from erosion or land instability is avoided, or is no more than low.
Policy 11.2.1.18	In all hazard overlay zones, only allow new roads or additions or alterations to existing roads, where they are located and designed so that risk from natural hazards is avoided, or is no more than low.
Policy 11.2.1.19	Require buildings and structures to be set back from water bodies an adequate distance to ensure that risk, including from erosion and flooding, is avoided, or is no more than low.
Policy 11.2.1.20	Only allow natural mitigation earthworks and natural mitigation structures where: a. the option of doing nothing is not the best practicable option; and b. it will reduce risk overall and not transfer, exacerbate, or create a new risk somewhere else.

Rules

Rule 11.3 Hazard Overlay Zones Development Standards

11.3.1 Hazard Exclusion Areas

11.3.1.1 Swale mapped area

- a. New buildings and structures, additions and alterations, public amenities, and buildings and structures associated with temporary activities must not be located inside the boundaries of a **swale mapped area**, except:
 - i. buildings or structures less than 36m² in a residential or the Rural Centre Zone; and
 - ii. post and wire fences or other fences where 80% of the surface area will permit the unobstructed passage of water.
- b. Other development activities, including outdoor storage, must not obstruct or impede water in a manner that may cause water to be diverted out of a **swale mapped area**.
- c. Activities that contravene the performance standard for swale mapped area are a non-complying activity, except in a residential or the Rural Centre Zone or temporary activities, in which case they are restricted discretionary activity.

11.3.1.2 Dune system mapped area

- a. New buildings and structures, and additions and alterations, must not be located inside the boundaries of a **dune system mapped area**, except:
 - i. relocatable buildings intended for surf life saving; and
 - ii. natural hazard mitigation activities.
- b. Activities that contravene this performance standard are a non-complying activity.

11.3.2 Maximum Area of Vegetation Clearance in the Hazard Overlay Zones

1. In the Hazard 1 (land instability) or Hazard 2 (land instability) Overlay Zones, vegetation clearance must not exceed a maximum area of 50m² per site, per calendar year, except vegetation clearance as part of any of the following is exempt from this standard:
 - a. the erection, maintenance or alteration of fences; or
 - b. the maintenance (but not extension) of existing network utilities, tracks, drains, structures, or roads; or
 - c. the construction of tracks up to 2m in width.
2. Vegetation clearance must not occur in a **dune system mapped area**, except vegetation clearance as part of any of the following, is exempt from this standard:
 - a. planting of indigenous species that is part of conservation activity;
 - b. the maintenance or alteration of fences (including gates);
 - c. the maintenance (but not extension) of existing utilities, tracks, drains, structures, or roads; or
 - d. vegetation clearance that is provided for as part of a conservation management strategy, conservation management plan, reserve management plan or covenant established under the Conservation Act 1987 or any other Act specified in the First Schedule of the Conservation Act 1987.

11.3.3 Minimum Floor Level

1. In the Hazard 3 (coastal) Overlay Zone, new buildings to be used for sensitive activities (including residential buildings) must have a floor level that is greater than the following:

Coastal Minimum Floor Level area		Levels in metres (in terms of the Otago Metric Datum (OMD), where current mean level of the sea is approximately 100.10 OMD)
a.	Karitane and Waikouaiti (Area A)	102.65m
b.	Warrington, Blueskin Bay, Pūrākaunui, Long Beach, Otago Harbour, South Dunedin (Area B)	102.60m
c.	Tomahawk, Brighton, South Coast, Papanui and Hoopers Inlets (Area C)	102.90m

2. In the Hazard 2 (flood) and Hazard 3 (flood) overlay zones, new buildings to be used for sensitive activities (including residential buildings) must have a floor level that is equal to or greater than the floor level shown on the **Flood Minimum Floor Level Map**, or if not shown on that map, at least 500mm above ground level.
3. Buildings that do not have people regularly present (for example, garages, carports, and sheds) are exempt from the performance standard for minimum floor levels in Rules 11.3.3.1 and 11.3.3.2.
4. In the Hazard 2 (flood) overlay zones, new buildings or additions and alterations to buildings must not include basements or floors that are below ground level.

Note 11.3A - General advice

1. Please note that minimum floor levels are based on a larger scale, often catchment wide, analysis of flood levels. They have been identified to reduce the risk from floodwaters, however a flood event may occur which could exceed the specified minimum floor level and which may result in damage. They do not avoid all risk to safety, particularly in relation to access or egress from a site; and they do not avoid all risk of damage to property.
2. All building and development are at the owner's risk own risk and the DCC does not accept any liability in regards to the specified minimum floor levels.
3. Plan users are advised to read the report Dunedin City Council, Minimum Floor Levels for Flood Vulnerable Areas (GHD, March 2015) to understand the methodology, level of certainty and limitations associated with the specified minimum floor levels.
4. A site specific assessment of flood levels and their probabilities is advised before undertaking development.

11.3.4 Relocatable Buildings

1. In the hazard 3 (coastal) overlay zone, new buildings to be used for sensitive activities (including residential buildings) must be relocatable.
2. Buildings that do not have people regularly present (for example, garages, carports, and sheds) are exempt from the performance standard for relocatable buildings.

Note 11.3B - General advice

1. Relocatable buildings may not avoid all risks from natural hazards, particularly in the long term.
2. Development in hazard prone areas, including in the identified hazard overlay zones, are at an owner's risk and the DCC does not accept any liability in regards to development and risk from natural hazards.

11.3.5 Outdoor Storage Standard

In a Hazard 1 (flood) Overlay Zone, materials and goods must be stored in a way that prevents:

1. potentially dangerous materials being mobilised in the event of a flood; or
2. any materials or goods from obstructing or impeding water in a manner that may cause water to be diverted to another site.

Rule 11.4 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 11.4.1 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. Rule 11.4.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides 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.

11.4.2 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. All performance standard contraventions		<p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> i. The risks from natural hazards will be no more than low when assessed against the guidance provided in Table 11.1, taking into account <u>site</u> or area specific factors, including the elevation of the <u>site</u> or the topography of the area. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> ii. Where more than one standard is contravened, the combined effects of the contraventions will be considered. iii. In balancing consideration of the objectives and policies related to reducing risk and those related to general amenity (for example height or setbacks), greater weight will usually be placed on reducing risk. iv. In assessing the appropriateness of alternative mitigation measures: <ul style="list-style-type: none"> 1. consideration will be given to its potential effectiveness, in the short to longer term; 2. preference will be given to non-structural solutions, over engineering or structural solutions, where practicable; 3. mitigation measures that rely on significant capital investment or requirements for ongoing maintenance by the DCC or Otago Regional Council will generally not be seen as appropriate; and 4. any mitigation measures that may result in more than negligible adverse effects on biodiversity, more than minor adverse effects on access to the coast, or significant effects on amenity or natural coastal sedimentation processes, will generally not be seen as appropriate.
2. Hazard exclusion areas (swale mapped area)	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 11.2.1 ii. Development activities, public amenities and temporary activities in a swale mapped area do not obstruct or impede water in a flood hazard event, and not cause water to be diverted out of a swale. (Policy 11.2.1.10). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. An assessment by a suitably qualified person has established that the development will not obstruct or impede water in a flood hazard event, and not cause water to be diverted out of the swale.

11.4.2 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
3. In a hazard overlay zone : Hazardous substances quantity limits and storage requirements (Rule 9.3.4)	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 11.2.1 ii. Hazardous substances in hazard 1 and 2 Overlay Zones are stored in a manner that ensures the risk from natural hazards is avoided, or is no more than low (Policy 11.2.1.7). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. An assessment by a suitably qualified person has established an appropriate manner of storage.
4. Minimum floor level	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 11.2.1 ii. New buildings intended for sensitive activities have a floor level that mitigates risk from flooding (including coastal flooding) and rising groundwater so that the risk is no more than low (Policy 11.2.1.8). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. A <u>site</u> specific assessment by a suitably qualified person has established an appropriate alternative minimum floor level. iv. The building is in the hazard 3 (coastal) Overlay Zone and has an appropriate alternative minimum floor level that will mitigate risks from flooding in the short term; and the building is easily relocatable, so that as coastal hazards, including sea level rise, become more severe, the building can be relocated.
5. Maximum area of vegetation clearance	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 11.2.1 ii. In a Hazard 1 (land instability) or Hazard 2 (land instability) Overlay Zone, or dune system mapped area, the scale and type of vegetation clearance will ensure the risk from erosion or land instability is avoided, or is no more than low (Policy 11.2.1.17). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. A report by a suitably qualified person confirms that the risk from the vegetation clearance will be no more than low. iv. The area is to be replanted in a species that will have equal or greater positive effects in terms of land stability and erosion control.

11.4.2 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Outdoor storage standard	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 11.2.1 ii. In the hazard 1 (flood) Overlay Zone, outdoor storage is designed, managed, and located so that potentially dangerous materials will not be mobilised in a flood; and materials will not obstruct or impede flood water (Policy 11.2.1.4).
7.	Relocatable buildings	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 11.2.1 ii. In the Hazard 3 (coastal) Overlay Zone, new buildings to be used for sensitive activities are relocatable so that as coastal hazards, including sea level rise, become more severe, these buildings can be relocated (Policy 11.2.1.9).
8.	Setback from coast and water bodies (Rule 10.3.3)	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 11.2.1 ii. Buildings and structures are set back from water bodies an adequate distance so that the risk, including from erosion and flooding, is avoided, or is no more than low (Policy 11.2.1.19). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. A <u>site</u> specific assessment by a suitably qualified person has established an appropriate alternative setback.

Rule 11.5 Assessment of Restricted Discretionary Activities

Rule 11.5.1 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. Rule 11.5.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides 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.

11.5.2 Assessment of all restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All restricted discretionary activities	a. Risk from natural hazards	<p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> i. In assessing the risks from natural hazards, Council will consider: <ul style="list-style-type: none"> 1. existing hazards assessment reports on the DCC's hazard Information Management System; 2. the Otago Regional Council's Otago Natural Hazard Database; 3. any new hazard assessment or engineers' reports provided as part of an application; and 4. site or area specific factors, including the elevation of the site; or topography and geology of the area, including if it is in a geologically sensitive mapped area (GSA); 5. risk to activities proposed on a site, as well as risk that is created, transferred, or exacerbated on other sites. ii. The creation, transference or exacerbation of risk off-site by the proposed activity, or future proposed activities, for example risk from redirected floodwaters, or risk from landslide on another <u>site</u> will generally not be seen as appropriate. iii. In assessing the appropriateness of mitigation measures (other than those prescribed in performance standards): <ul style="list-style-type: none"> 1. consideration will be given to its potential effectiveness, in the short to long term; 2. preference will be given to non-structural solutions, over engineering or structural solutions, where practicable; 3. mitigation measures that rely on significant capital investment or requirements for on-going maintenance by the DCC or Otago Regional Council will generally not be seen as appropriate; and 4. any mitigation measures that may result in more than negligible adverse effects on biodiversity, more than minor effects on access to the coast, or significant effects on amenity or natural coastal sedimentation processes, will generally not be seen as appropriate. <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The risk from natural hazards will be no more than low when assessed against the guidance provided in Table 11.1. v. In the hazard 2 (land instability) Overlay Zone, a report by a suitably qualified person confirms that the risks to the development, or resulting from the development, will be no more than low. vi. Measures are proposed (including legal instruments), that will avoid DCC or the community from being subject to claims for protection, compensation, reinstatement, or rectification of

11.5.2 Assessment of all restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		buildings or structures intended for sensitive activities, or potentially sensitive activities, undertaken in hazard overlay zones.
<p>2. In a hazard 1 or 2 overlay zone other than the Hazard 1 (land instability) Overlay Zone:</p> <ul style="list-style-type: none"> new buildings, and additions and alterations to buildings, which create more than 36m² of new ground floor area in a residential zone, or 60m² of new ground floor area in all zones other than residential. 	<p>a. Risk from natural hazards</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 11.2.1 ii. The scale, location and design of the building or other factors mean risk is avoided, or is no more than low (Policy 11.2.1.3).
<p>3. In a Hazard 1 (land instability) Overlay Zone:</p> <ul style="list-style-type: none"> new buildings, and additions and alterations to buildings which create more than 1m² of new ground floor area. 	<p>a. Risk from natural hazards</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 11.2.1 ii. The scale, location, and design of building or other factors mean risk is avoided, or is no more than low (Policy 11.2.1.3).

11.5.2 Assessment of all restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. In a dune system mapped area and swale mapped area : <ul style="list-style-type: none"> Earthworks - large scale that exceed the scale thresholds 	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 11.2.1 ii. Earthworks in a dune system mapped area will not have adverse effects on the stability or buffering capacity of dune systems; and will not create, exacerbate, or transfer risk from natural hazards (Policy 11.2.1.14). iii. Earthworks in a swale mapped area will not obstruct or impede flood water, unless part of an approved natural hazard mitigation activity; nor create, exacerbate, or transfer risk from natural hazards (Policy 11.2.1.15).
5. Earthworks - large scale that exceed underlying zone scale thresholds for a geologically sensitive mapped area	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 11.2.1 ii. The risk from natural hazards is avoided, or no more than low (Policy 11.2.1.12).
6. Earthworks - large scale that exceed scale thresholds for hazard (flood) overlay zones	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 11.2.1 ii. Earthworks will not obstruct or impede flood water, unless associated with approved hazard protection structures; nor create, exacerbate, or transfer risk from natural hazards (Policy 11.2.1.15).
7. Earthworks - large scale that exceed scale thresholds for hazard (land instability) overlay zones	a. Risk from natural hazards	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 11.2.1 ii. Earthworks will not have adverse effects on land stability nor create, exacerbate, or transfer risk from natural hazards (Policy 11.2.1.16).
8. All subdivision activities in a Hazard 3 (coastal) Overlay Zone	a. Risk from natural hazard	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 11.2.1 ii. In the hazard 3 (coastal) Overlay Zone, where hazards may worsen over time due to climate change, subdivision activities will only result in a minimal increase in development potential for sensitive activities or potentially sensitive activities (Policy 11.2.1.13). <p><i>Additional conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iii. Restrictions and conditions, including by way of consent notice, restricting future subdivision activities.
9. All subdivision	a. Risk from natural	<p><i>Relevant objectives and policies:</i></p>

11.5.2 Assessment of all restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
activities	hazards	<p>i. Objective 11.2.1</p> <p>ii. In all hazard overlays zones, or in any other area or areas that the DCC has good cause to suspect may be at risk from a natural hazard, all subdivisions are designed to ensure any future land use or development will occur in a way that ensures the risk from natural hazards is avoided, or is no more than low (Policy 11.2.1.12).</p> <p><i>General assessment guidance:</i></p> <p>iii. In assessing the risk from natural hazards, Council will consider the proposed and potential future development or land use that may occur as a result of the subdivision to create, transfer or exacerbate risk off site, including, but not limited to:</p> <ol style="list-style-type: none"> 1. earthworks; 2. new driveways and vehicle tracks, including culverts or driveway crossings or other <u>site</u> development that may restrict or impede drainage; 3. wastewater disposal systems (public or private); 4. stormwater management; 5. drainage; 6. all buildings, structures and other development, and the risk to them from natural hazards and their potential to create, transfer, or exacerbate risks off site; and 7. primary and secondary or ancillary land use activities, and their sensitivity. <p><i>Potential circumstances that may support a consent application include:</i></p> <p>iv. The availability of clear, practicable and safe evacuation routes and/or alternate means of maintaining access during a natural hazard event that will be equally available to future owners, occupiers, or operators.</p> <p>v. That resultant sites provide building platforms that will allow buildings associated with sensitive or potentially sensitive activities to ensure the risk from natural hazards is avoided, or is no more than low, including thorough meeting relevant performance standards.</p> <p>vi. Any associated consents for land use and development activities are approved at the same time consents for subdivisions are granted.</p> <p>vii. Confirmation (including certification) by a suitable qualified expert that the <u>site</u> is suitable for the intended use and the conditions on land use or development that are required for the <u>site</u> to be developed safely.</p> <p>viii. Where development of the resultant sites is likely to result in on-</p>

11.5.2 Assessment of all restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<p>site wastewater disposal or storage, the effects of flooding and sea level rise will be such that safe and effective on-site disposal is likely to be practicable in the long term.</p> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> ix. Building platforms registered against the title by way of consent notice x. Restrictions and conditions, including by way of consent notice, on development activities including: <ul style="list-style-type: none"> 1. minimum floor levels for buildings; 2. stormwater management systems, for example, retention basins to regulate the rate and volume of surface runoff; 3. establishment, enhancement, or retention of vegetation; 4. conditions on the design of earthworks; 5. the type of water and waste services to be used; and 6. the location and design of driveways and vehicle tracks. xi. Restrictions or conditions, including by way of consent notice, on land use activities allowed on the site.

Rule 11.6 Assessment of Discretionary Activities

Rule 11.6.1 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 11.6.2 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 application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed..

11.6.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objective 2.2.1 and Objective 11.2.1 <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> b. In assessing the risks from natural hazards, Council will consider: <ol style="list-style-type: none"> i. existing hazards assessment reports on the DCC's hazard Information Management System; ii. the Otago Regional Council's Otago Natural Hazard Database; iii. any new hazard assessment or engineers' reports provided as part of an application; iv. site or area specific factors, including the elevation of the site, or topography and geology of the area; v. the type, nature and scale of the activity, and how this affects its sensitivity to natural hazards; vi. short to long term effects, including effects in combination with other activities; vii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of resource consent; viii. risk to activities proposed on a site, as well as risk that is created, transferred, or exacerbated on other sites; and ix. new or changes to land use and any associated development activities together, as development may not be appropriate given the risk associated with a site, or conditions on development activities may be required to mitigate the risk from natural hazards. c. The creation, transference or exacerbation of risk off-site by the proposed activity, or future proposed activities, for example risk from redirected floodwaters, or risk from landslide on another <u>site</u> will generally not be seen as appropriate. d. In assessing the appropriateness of mitigation measures (other than those prescribed in performance standards):

11.6.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
	<ul style="list-style-type: none"> i. consideration will be given to its potential effectiveness, in the short to longer term; ii. preference will be given to non-structural solutions, over engineering or structural solutions, where practicable; iii. mitigation measures that rely on significant capital investment or requirements for ongoing maintenance by the DCC or Otago Regional Council will generally not be seen as appropriate; and iv. any mitigation measures that may result in more than negligible adverse effects on biodiversity, more than minor effects on access to the coast, or significant effects on amenity or natural coastal sedimentation processes, will generally not be seen as appropriate. <p>e. Mitigation measures relying on minimum floor levels are either:</p> <ul style="list-style-type: none"> i. based on recommended minimum floor levels specified in recommended minimum floor level areas as shown in the flood minimum floor level mapped area; or ii. are based on a <u>site</u> specific assessment by a suitably qualified hydrologist which establishes an appropriate alternative minimum floor level. <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> f. The availability of clear, practicable and safe evacuation routes and/or alternate means of maintaining access during a natural hazard event that will be equally available to future owners, occupiers, or operators. g. Measures are taken (including legal instruments), that will avoid the Council or community from being subject to claims for compensation, reinstatement, or rectification of sensitive activities, or potentially sensitive activities, undertaken in hazard overlay zones. h. In the Hazard 2 (land instability) Overlay Zone, a report by a suitably qualified person confirms that the risk to the activity, or resulting from the activity, will be no more than low. i. For discretionary land use activities, whether any associated buildings or structures meet relevant hazards-related development performance standards, or otherwise achieve the relevant policies for development (see Rule 11.4 for performance standard contraventions). <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> j. Building platforms registered against the title by way of consent notice.
<p>2.</p> <ul style="list-style-type: none"> • hazard mitigation earthworks • hazard mitigation structures 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 11.2.1 b. The option of doing nothing is not the best practicable option and it will reduce risk overall and not transfer, exacerbate, or create a new risk somewhere else (Policy 11.2.1.20)

11.6.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
<p>3. In the hazard 1 overlay zones:</p> <ul style="list-style-type: none"> potentially sensitive activities permitted in underlying zone 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> Objective 11.2.1 The activity has a critical operational need to locate within the hazard 1 overlay zones and locating outside the hazard 1 overlay zones is not practicable (Policy 11.2.1.2.a). The scale, location and design of the activity or other factors means risk is avoided, or is no more than low (Policy 11.2.1.2.b).
<p>4. In the hazard 2 overlay zones:</p> <ul style="list-style-type: none"> potentially sensitive activities not permitted in underlying zone 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> Objective 11.2.1 The activity has a critical operational need to locate within the hazard 2 overlay zones and locating outside the hazard 2 overlay zones is not practicable (Policy 11.2.1.6.a). The scale, location and design of the activity or other factors means risk is avoided, or is no more than low (Policy 11.2.1.6.b).
<p>5. In the hazard 2 overlay zones:</p> <ul style="list-style-type: none"> sensitive activities 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> Objective 11.2.1 The scale, location and design of the activity or other factors means risk is avoided, or is no more than low (Policy 11.2.1.5).

Rule 11.7 Assessment of Non-complying Activities

Rule 11.7.1 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 11.7.2 - 11.7.3 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.

11.7.2 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
1. In the hazard 1 overlay zones : <ul style="list-style-type: none"> • New potentially sensitive activities not permitted in zone • New sensitive activities 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objective 2.2.1 b. Objective 11.2.1, Policy 11.2.1.1 <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> c. In assessing the risks from natural hazards, Council will consider: <ol style="list-style-type: none"> i. existing hazards assessment reports on the DCC's hazard Information Management System; ii. the Otago Regional Council's Otago Natural Hazards Database; iii. any new hazard assessment or engineers' reports provided as part of an application; iv. site or area specific factors, including the elevation of the site, or topography and geology of the area; v. the type, nature and scale of the activity, and how this affects its sensitivity to natural hazards; vi. short to long term effects, including effects in combination with other activities; vii. risk to activities proposed on a site, as well as risk that is created, transferred, or exacerbated on other sites; viii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of resource consent; and ix. evacuation routes, and/or alternate means of maintaining access during a natural hazard event; d. The creation, transference or exacerbation of risk off-site by the proposed activity, or future proposed activities, for example risk from redirected floodwaters, or risk from landslide on another <u>site</u> will generally not be seen as appropriate. e. In assessing the appropriateness of mitigation measures (other than those prescribed in performance standards): <ol style="list-style-type: none"> i. consideration will be given to its potential effectiveness, in the short to longer term; ii. preference will be given to non-structural solutions, over

11.7.2 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
	<p>engineering or structural solutions, where practicable;</p> <p>iii. mitigation measures that rely on significant capital investment or requirements for ongoing maintenance by the DCC or Otago Regional Council will generally not be seen as appropriate; and</p> <p>iv. any mitigation measures that may result in more than negligible adverse effects on biodiversity, more than minor effects on access to the coast, or significant effects on amenity or natural coastal sedimentation processes, will generally not be seen as appropriate.</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>f. The risk from natural hazards, will be no more than low, when assessed against the guidance provided in Table 11.1.</p> <p>g. A report by a suitably qualified person confirms that the risks to the development, or resulting from the development, will be no more than low.</p> <p>h. Measures are proposed (including legal instruments), that will avoid DCC or the community from being subject to claims for protection, compensation, reinstatement, or rectification of buildings or structures intended for sensitive activities, or potentially sensitive activities, undertaken in hazard overlay zones.</p>

11.7.3 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Hazard exclusion areas (swale mapped area) (dune system mapped area)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 2.2.1</p> <p>b. Objective 11.2.1, Policies 11.2.1.10, 11.2.1.11</p>

Rule 11.8 Notification

1. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A(2) of the RMA, unless Council considers special circumstances exist in relation to the application:
 1. non-complying activities.
2. With respect to resource consent applications for the following activities, manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat to the **wāhi tūpuna mapped area** in Appendix A4.
3. Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided with respect to applications for resource consent in the following locations:
 1. Hazard 1 (flood) overlay zones; and
 2. **swale mapped areas**.
4. In accordance with section 95(B) of the RMA, where an application is not publicly notified, Council will give limited notification of an application to all affected persons.
5. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 11.9 Special Information Requirements

1. A report by a suitably qualified person, which addresses the relevant assessment matters of this plan, may be requested by Council for any activity that is subject to:
 1. a hazard overlay zone;
 2. a **dune system mapped area**;
 3. a **swale mapped area**;
 4. a minimum floor level;
 5. a geologically sensitive mapped area; and
 6. land that Council has good cause to suspect is hazard prone.
2. For the purpose of natural hazard risk, a suitably qualified person includes:
 1. Hydrologists;
 2. Geotechnical engineers; and
 3. Geomorphological specialists (including coastal).

12. Transitional Provisions

12.1 Introduction

Future urban land may be required over the timeframe of the Second Generation Plan (2GP) in order to respond to population and business growth.

In response to this issue, the strategic directions chapter of the 2GP outlines the objectives and policies that guide when and where urban expansion should occur, including the criteria that were used to identify the transitional areas. The strategic directions are based on the Dunedin Spatial Plan's goal of being a compact city with resilient townships, and the objectives and policies contained within.

A number of preferred areas for transition to or between urban uses are identified in the 2GP, and rules included which provide for their transition/re-zoning if and when they are required due to a shortage of land available in existing zoned areas. Such areas include:

1. areas for future General Residential 1 zoning, which have been identified in a General Residential 1 Transition Overlay Zone (GR1TZ);
2. areas for future Industrial zoning, which have been identified in an Industrial Transition Overlay Zone (IndTZ); and
3. areas for future Harbourside Edge zoning, which have been identified in a Harbourside Edge Transition Overlay Zone (HETZ).

The transition of land is being managed through requiring a resolution of the Council (meaning the elected body) which:

1. for transition to residential zoning, considers:
 1. the need for land (using a five year forward projection) based on current capacity information and other relevant evidence on changes in the land market; and
 2. the general housing market including trends in land values;
2. for all transitional zones, considers:
 1. the availability of infrastructure; and
 2. the design and staging of the development.

12.2 Objectives and Policies

Objective 12.2.1

Land within the General Residential 1 Transition Overlay Zone is able to be released and developed in a coordinated way as General Residential 1 land, when there is a need for additional residential land to accommodate growth.

Policy 12.2.1.1	<p>In the General Residential 1 Transition Overlay Zone (GR1TZ) provide for land to transition from rural or rural residential zoned land to General Residential 1 zoned land through a resolution by the Council when all of the following are met:</p> <ol style="list-style-type: none"> the Council is satisfied that the amount and location of land reflects both: <ol style="list-style-type: none"> an appropriate amount of land based on projected land needs in the catchment for a five year period; and an appropriate location based on a logical staging of development from the point of infrastructure provision; and the Council is satisfied that the design of the proposed development as outlined in a structure plan or other development plan, appropriate for the scale of development, will meet the relevant objectives and policies of this Plan; and the average market value of residential properties (as measured by Quotable Value) has not decreased in the residential catchment area in the last, not less than three-monthly, assessment cycle; and in the relevant residential catchment area either: <ol style="list-style-type: none"> the residential capacity falls below 50 sites (see Appendix 12A for catchment areas and Appendix 12B for methodology for calculating capacity); or there is other evidence that there is significant land shortage in the residential catchment area. for priority 2 GR1TZ land, a minimum of 70% in area of priority 1 General Residential 1 Overlay Zone (GR1TZ) land has been released, and adjoining priority 1 GR1TZ land has been subdivided into residential sized sites.
Policy 12.2.1.2	Avoid land use activities that may inhibit future use of General Residential 1 Transition Overlay Zone (GR1TZ) land for residential activity, including mining and landfill activity, or other rural activities that might create contaminated land.
Policy 12.2.1.3	Only allow forestry and factory farming in the General Residential 1 Transition Overlay Zone (GR1TZ) where these activities will not inhibit future use of the land for residential activity.
Policy 12.2.1.4	<p>Only allow subdivision where:</p> <ol style="list-style-type: none"> after land has been released by a resolution of Council, it is in accordance with the objectives and policies of the General Residential 1 Zone; or prior to land being released, the subdivision will not undermine or inhibit the future development of the area as residential land.

Objective 12.2.2

Land within the Harbourside Edge Transition Overlay Zone is able to be released and developed in a coordinated way as Harbourside Edge zoned land when there is a need for additional land to accommodate growth.

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Land within the Harbourside Edge Transition Overlay Zone is able to be released and developed in a coordinated way as Harbourside Edge zoned land when there is a need for additional land to accommodate growth.

Policy 12.2.2.1	<p>In the Harbourside Edge Transition Overlay Zone (HETZ), provide for land to transition from industrial zoned land to Harbourside Edge zoned land through a resolution by the Council when all of the following are met:</p> <ul style="list-style-type: none"> a. the Council is satisfied that the amount and location of land reflects both: <ul style="list-style-type: none"> i. an appropriate amount of land based on projected land needs for a five year period; and ii. an appropriate location based on a logical staging of development from the point of infrastructure provision; and b. the Council is satisfied that the design of the proposed development as outlined in a development plan, appropriate for the scale of development, will meet the relevant objectives and policies of this Plan; and c. either: <ul style="list-style-type: none"> i. at least 70% of the sites, including any proposed sites that are still in the process of subdivision, have been re-developed; or ii. there is other compelling evidence that there is significant shortage of Harbourside Edge zoned land;
Policy 12.2.2.2	<p>Only allow subdivision where:</p> <ul style="list-style-type: none"> a. after land has been released by a resolution of Council, it is in accordance with the objectives and policies of the Harbourside Edge Zone; or b. prior to land being released, the subdivision will not undermine or inhibit the future development of the area as Harbourside Edge-zoned land.

Objective 12.2.3

Land within the Industrial Transition Overlay Zone is able to be released and developed in a coordinated way as industrial zoned land when there is a need for additional land to accommodate growth.

Policy 12.2.3.1	<p>In the Industrial Transition Overlay Zone (IndTZ), provide for land to transition from rural zoned land to industrial zoned land through a resolution by the Council when all of the following are met:</p> <ul style="list-style-type: none"> a. the Council is satisfied that the amount and location of land reflects a logical staging of development from the point of infrastructure provision; and <ul style="list-style-type: none"> i. there is sufficient existing or planned and approved transport, wastewater and stormwater infrastructure capacity to accommodate industrial development; and b. the Council is satisfied that the design of the proposed development, as outlined in a development plan appropriate for the scale of development, will meet the relevant objectives and policies of this Plan.
Policy 12.2.3.2	<p>Only allow subdivision where:</p> <ul style="list-style-type: none"> a. after land has been released by a resolution of Council, it is in accordance with the objectives and policies of the industrial zone; or b. prior to land being released, the subdivision will not undermine or inhibit the future development of the area as Industrial-zoned land.

12.3 Rules for Transitional Overlay Zones

Rule 12.3.1 Release of General Residential 1 Transition Overlay Zone land

1. In a General Residential 1 Transition Overlay Zone (GR1TZ), the provisions of the General Residential 1 Zone will apply to any part of that zone that is "released" through a resolution of the Council to that effect.
2. The Council must only resolve to release land in a General Residential 1 Transition Overlay Zone (GR1TZ) once:
 - a. the Council is satisfied that the amount and location of land reflects both:
 - i. an appropriate amount of land based on projected land needs in the catchment for a five year period; and
 - ii. an appropriate location based on a logical staging of development from the point of infrastructure provision; and
 - b. the Council is satisfied that the design of the proposed development as outlined in a structure plan or other development plan, appropriate for the scale of development, will meet the relevant objectives and policies of this Plan; and
 - c. the average market value of residential properties (as measured by Quotable Value) has not decreased city wide or in the **GR1TZ Overlay Catchment** area in the last assessment cycle; and
 - d. in the relevant **GR1TZ Overlay Catchment** area, either:
 - i. the residential capacity falls below 50 sites (see Appendix 12A for **GR1TZ Overlay Catchment** area and Appendix 12B for methodology for calculating capacity); or
 - ii. there is other evidence that there is significant land shortage in the residential catchment area; and
 - e. for priority 2 GR1TZ land, a minimum of 70% in area of priority 1 GR1TZ Overlay Zone (GR1TZ) land in the **GR1TZ Overlay Catchment** area has been released, and adjoining priority 1 GR1TZ land has been subdivided into residential sized sites.

Rule 12.3.2 Release of Harbourside Edge Transition Overlay Zone land

1. In a Harbourside Edge Transition Overlay Zone (HETZ), the provisions of the Harbourside Edge Zone will apply to any part of that zone that is "released" through a resolution of the Council to that effect.
2. The Council must only resolve to release land in a Harbourside Edge Transition Overlay Zone once:
 - a. the Council is satisfied that the amount and location of land reflects both:
 - i. an appropriate amount of land based on projected land needs for a five year period; and
 - ii. an appropriate location based on a logical staging of development from the point of infrastructure provision; and
 - b. the Council is satisfied that the design of the proposed development as outlined in a development plan, appropriate for the scale of development, will meet the relevant objectives and policies of this Plan; and
 - c. either:
 - i. at least 70% of the sites, including any proposed sites that are still in the process of subdivision, have been re-developed; or
 - ii. there is other compelling evidence that there is significant shortage of Harbourside Edge zoned land.

12.3.3 Release of Industrial Transition Overlay Zone land

1. In a Industrial Transition Overlay Zone (IndTZ), the provisions of the Industrial Zone will apply to any part of

that zone that is "released" through a resolution of the Council to that effect.

2. The Council must only resolve to release land in a Industrial Transition Overlay Zone once:
 - a. the Council is satisfied that the amount and location of land reflects both:
 - i. an appropriate location based on a logical staging of development from the point of infrastructure provision; and
 - ii. any necessary public infrastructure is available, including any necessary infrastructure upgrades are completed or a programme of upgrades is agreed between the Council and the developer; and
 - b. the Council is satisfied that the design of the proposed development as outlined in a development plan, appropriate for the scale of development, will meet the relevant objectives and policies of this Plan.

Rule 12.3.4 Information requirements Transition Overlay Zones

Subdivision in a Transition Overlay Zone must have a structure plan or other development plan that shows, as a minimum, the following:

1. allotments;
2. stages of development;
3. roads; and
4. public infrastructure.

Rule 12.3.5 Assessment of Discretionary Activities

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 12.3.5.3 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); and
 - b. general assessment guidance, including any effects that will be considered as a priority.

12.3.5.3 Assessment of discretionary activities in a Transition overlay zone

Activity	Guidance on the assessment of resource consents
a. In a General Residential 1 Transition Overlay Zone (GR1TZ) : <ul style="list-style-type: none"> • Factory Farming • Forestry 	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> a. Objective 12.2.1 b. Forestry and factory farming are only allowed in the General Residential 1 Transition Overlay Zone (GR1TZ) where these activities will not inhibit future use of the land for residential activity (Policy 12.2.1.3) <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> c. Council will consider the location and scale of the activity in assessing the likelihood that the activity may render the site, or any surrounding sites that are zoned as GR1TZ land, unable to be developed as General Residential 1 Zone land when required.

Rule 12.3.6 Assessment of Non-complying Activities

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. Rule 12.3.6.3 provides guidance on how a consent application for the listed non-complying activities will be assessed, including:
- relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - general assessment guidance, including any effects that will be considered as a priority.

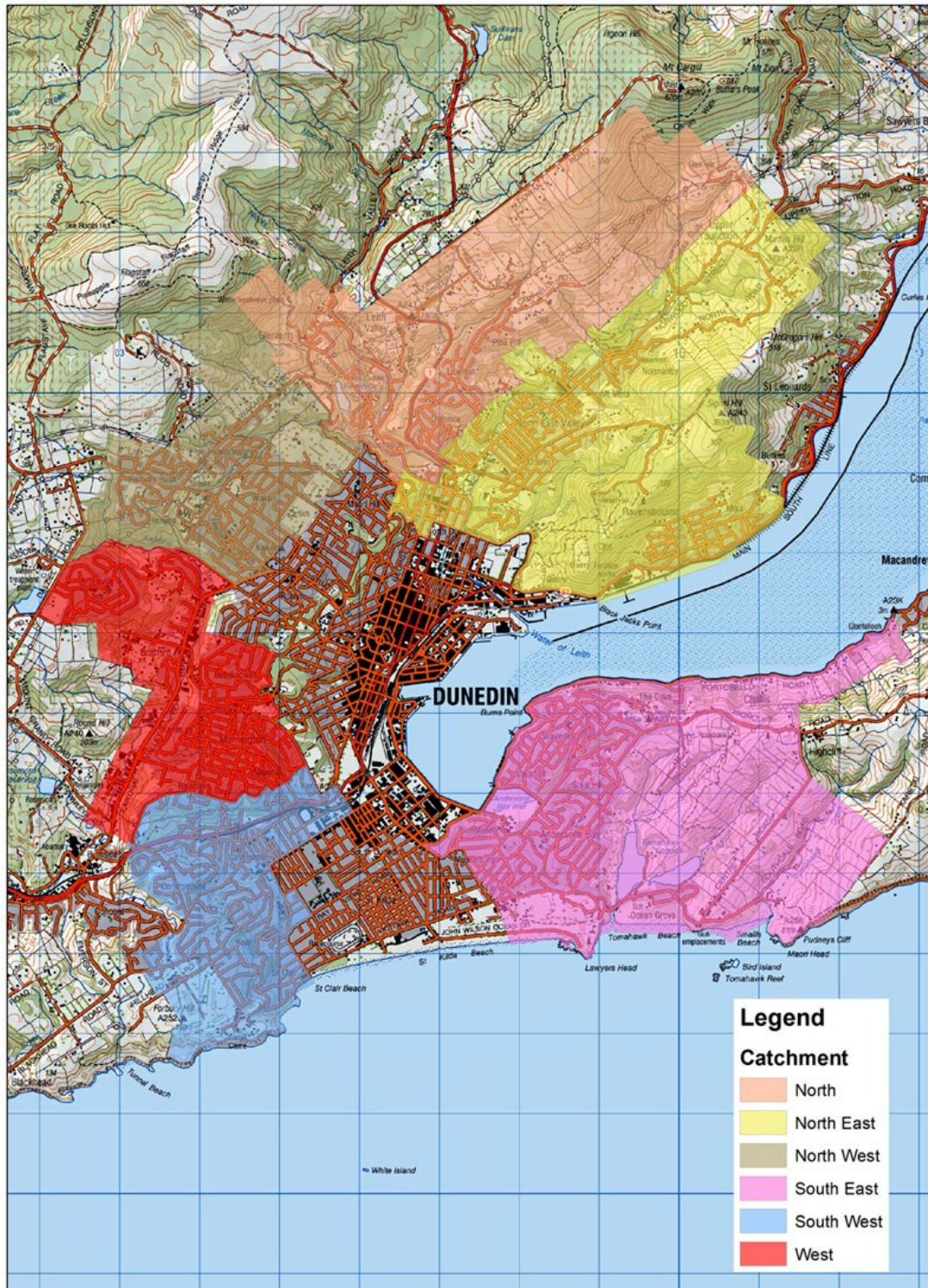
12.3.6.3 Assessment of discretionary activities in a Transition overlay zone

Activity	Guidance on the assessment of resource consents
<p>a. In a General Residential 1 Transition Overlay Zone:</p> <ul style="list-style-type: none"> • Mining • Landfill 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> Objective 12.2.1 Land use activities that may inhibit future use of General Residential 1 Transition Overlay Zone land for residential activity are avoided, including mining and landfill activity, or other rural activities that might create contaminated land (Policy 12.2.1.2). <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> Council will consider the location and scale of the activity in assessing the likelihood that the activity may render the site, or any surrounding sites that are zoned as GR1TZ land, unable to be developed as General Residential 1 Zone land when required.

Appendices

Appendix 12A

General Residential 1 Transition Overlay Zone Catchments



Appendix 12B

General Residential 1 Transition Overlay Capacity Methodology

1. The methodology for determining the residential capacity of a General Residential 1 Transition Overlay Zone (GR1TZ) catchment is firstly to remove land in public ownership, and land with an area divided by perimeter ratio of less than 3, from the land to be considered. From the balance of the residential zoned land in the relevant General Residential 1 Transition Overlay Zone (GR1TZ) catchment, the residential capacity is the sum of the following:
 - a. The total number of vacant sites with an area between 100 and 1000m², and less than 10 years old; and
 - b. For vacant sites with an area between 100 and 1000m², and 10 years or older, 80% of the total number of sites; and
 - c. For vacant sites with an area of 1000m² or more, and 5 years or older, 10% of the number of potential sites (total land area divided by 700); and
 - d. For vacant sites with an area of 1000m² or more, and less than 5 years old, the total number of potential sites (total land area divided by 700); and
 - e. For occupied sites with an area of 1000m² or more, 2% of the total number of potential sites (total land area less any existing residential development, divided by 700).

13. Heritage

13.1 Introduction

The Resource Management Act (RMA) identifies 'the protection of historic heritage from inappropriate subdivision, use, and development' as a matter of national importance (section 6(f) RMA). Dunedin has a wealth of heritage items, particularly its remarkable collection of heritage buildings, but also significant heritage sites and archaeological sites, which reflect both its Māori history and early European settlement. Dunedin's strength is that its heritage is strongly visible in all parts of the city, including suburban centres, residential areas, industrial areas and outlying settlements. These diverse buildings tell the stories of the various social classes and activities that have contributed to the city's growth.

Heritage items are listed within schedules within the Plan appendices, and are managed through rules within each zone. The objectives, policies and assessment rules, are contained within this section of the Plan.

Heritage buildings and structures

One of Dunedin's strengths is its collection of heritage buildings and structures. The city's appearance is still strongly that of a Victorian/Edwardian city. The design and appearance of many large buildings of that era, individually and collectively, give the central city an appearance of grandeur and permanence. Development that has taken place since Edwardian times has generally retained and enhanced the values of that period, cumulatively giving Dunedin a unique and coherent heritage character. Heritage buildings and structures are listed in Schedule A1.1.

One of the key resource management issues relating to such buildings is the degradation of the heritage fabric, leading to demolition because the building has become dangerous under the Building Act, or because it has become too costly to repair. In some cases, a lack of long-term maintenance has led to this 'demolition by neglect'.

In order to avoid the loss of heritage character and values, it is necessary to manage changes to these buildings and structures. However, it is also recognised that the best way of retaining heritage buildings and avoiding demolition by neglect is encourage their on-going use and re-use. Remarkable progress has been made in recent years, particularly in the older commercial and industrial parts of the central city, in terms of adaptive re-use of heritage buildings that might otherwise have been under-utilised and fallen into decay. This has been instrumental in re-vitalising those parts of the city.

In response to these issues, the 2GP proposes to both protect the heritage values and to also encourage and allow changes necessary to facilitate appropriate re-use. To achieve this, the 2GP contains more enabling rules and policies related to repairs and maintenance, restoration, earthquake strengthening, and other alterations required by the Building Act 2004, while activities resulting in irreversible changes to protected parts of the building, removal or demolition are subject to greater levels of control. In order to encourage re-use, the range of activities provided for within heritage buildings in specific zones is broadened to offer additional development opportunities. For example, in the Warehouse Precinct Zone, general retail activities are provided for only in heritage buildings, and in the Smith Street/York Place Zone, office activity is only provided for in heritage buildings.

Heritage sites

Heritage sites recognise the heritage values of a larger number of elements within a defined geographic area. This may include buildings and structures and their curtilage, gardens, open spaces and other landscape features. Such sites are also under threat from inappropriate development if not adequately protected.

The Heritage Schedule identifies these sites within Schedule A1.1. The 2GP provisions manage changes to these sites to ensure that the heritage values for which the site is protected are not eroded. There is a focus on managing the effects of new buildings, larger structures and site development, given the effects these can have on the relationships between existing structures and open space on sites. Where a site contains scheduled heritage buildings, the rules relating to heritage buildings govern changes to those buildings.

Heritage Precincts

The Plan identifies a number of areas that have high heritage streetscape values within both the residential and commercial mixed use zones. These are areas with concentrated collections of high quality period buildings, whose appearance and character contributes significantly to the streetscape. In many cases, these areas were protected as heritage or townscape precincts in the operative District Plan.

Many of these areas contain large numbers of individually scheduled heritage buildings. The remainder of the buildings are classified as either 'character-contributing' or 'non character-contributing' buildings, depending on whether the building or site is consistent with the predominant character of the area. Character-contributing buildings are included within Schedule A1.1. Rules differ between these types of building, recognising that changes to, or removal of, non-character buildings may have little negative effect on the heritage character of the area.

The focus in the precincts is on managing the historic streetscape character. For this reason, the proposed rules only apply to the parts of buildings visible from the street or other adjoining public place, with alterations that are not visible from an adjoining public place not requiring consent. As with individual heritage buildings, the provisions recognise that the on-going use or re-use of buildings is the most effective way of maintaining the character of the precinct. As such, activities such as repairs and maintenance, restoration, and earthquake strengthening are permitted activities, while additions and alterations, removal or demolition, require consent.

New buildings that are visible from an adjoining public place require consent, with design criteria detailed for each precinct (Appendix A2) to ensure that these buildings are sympathetic to the character of the precinct. However, this does not mean they are required to be replica buildings. There are also specific rules relating to fences, retaining walls and car parking areas in residential heritage precincts that aim to protect streetscape character. Car parking areas must be located away from the front boundary. This is to discourage existing front gardens, which contribute to the streetscape character, from being converted to parking areas, and ensure that parking areas associated with new development is appropriately located. The rules around fences will ensure that heritage buildings and their curtilage remain visible from the street.

Within the commercial areas, colours are restricted to a neutral, heritage or muted palette. The range of possible colours is broad, but does not include excessively bright colours which may detract from the streetscape character. There are also additional controls around demolition within the commercial heritage precincts. Policies require that consent is only granted where there is reasonable certainty that the land will be put to an alternative acceptable land use (for example, another building or green space). This is to avoid the creation of unsightly gaps within the central city streetscape, which can significantly reduce the streetscape character. For this reason, consent is required for demolition of all buildings within a heritage precinct that are visible from an adjoining public place.

Archaeological sites

Statutory responsibility for archaeological sites rests with Heritage New Zealand. Archaeological sites are defined in the Heritage New Zealand Pouhere Taonga Act 2014 as:

"any place in New Zealand, including any building or structure (or part of a building or structure), that—

- (i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and
- (ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand".

Sites dating from after 1900 may also be declared to be archaeological sites if they may provide significant evidence relating to the historical and cultural heritage of New Zealand.

The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. This is the case regardless of whether the land on which the site is located is designated, the activity is permitted under the

District or Regional Plan, or a resource or building consent has been granted. The Act also provides for substantial penalties for unauthorised destruction, damage or modification. There is a specific statutory process for applying for an authority, which is managed by Heritage New Zealand.

The key issue with regard to archaeological sites is that most are not identified in the operative plan, and are therefore at risk of damage if landowners are unaware of them when undertaking activities on their land. In response to this issue, the 2GP proposes to alert land and building owners to their responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014 rather than duplicating the authority process by requiring additional resource consents for work that may disturb archaeological sites. This is achieved in the following three ways.

Firstly, a number of highly significant archaeological sites are identified in Schedule A1.1 and their extent mapped. These are sites with high archaeological values and are a small subset of the known archaeological sites within Dunedin. Earthworks within these areas are subject to a performance standard requiring an archaeological authority to be obtained if one is required. A breach of this standard is a non-complying activity. Inclusion of this rule allows enforcement action to be taken if a site is disturbed without appropriate authority from Heritage New Zealand.

Secondly, the Plan establishes an archaeological alert layer. This includes many other known archaeological sites and areas of historical Māori settlement, and identifies areas that have a strong likelihood of containing archaeological remains. There are no specific rules attached to these areas in relation to archaeological remains. Instead, people undertaking development are specifically alerted that archaeological remains may be present, and are encouraged to check with Heritage New Zealand as to whether there are any recorded archaeological sites close by.

Thirdly, the Plan includes advice notes in all zones reminding site owners of their responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014, given that archaeological remains may be present anywhere within the District. This includes advice on the correct process to be followed should an archaeological site be uncovered, and advice that demolition of pre-1900 buildings requires an archaeological authority.

13.2 Objectives and Policies

Objective 13.2.1	
Scheduled heritage buildings and structures are protected.	
Policy 13.2.1.1	Encourage the maintenance, on-going use and adaptive re-use of scheduled heritage buildings, including by enabling repairs and maintenance, earthquake strengthening, and work required to comply with section 112 (Alterations) and section 115 (Change of Use) of the Building Act 2004 where it is done in line with policies 13.2.1.2-13.2.1.4.
Policy 13.2.1.2	Require repairs and maintenance and <u>restoration</u> that affect a protected part of a scheduled heritage building or scheduled heritage structure to preserve and protect the heritage values of the building or structure by using appropriate materials and design.
Policy 13.2.1.3	Require earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure to use appropriate materials and design to minimise any adverse effects on the heritage values of the building, including by: <ul style="list-style-type: none"> a. protecting, as far as possible, architectural features and details that contribute to the heritage values of the building; b. retaining the original façade material; c. minimising the visual impact of additions on protected parts of the building; and d. in the case of the replacement of an elevated feature on a façade or roof, the new feature is visually indistinguishable from the feature being replaced.
Policy 13.2.1.4	Enable work required to comply with section 112 (Alterations) and section 115 (Change of Use) of the Building Act 2004 that affects a protected part of a scheduled heritage building or structure, provided both of the following criteria are met: <ul style="list-style-type: none"> a. it is carried out in a manner that minimises adverse effects on the heritage values of the building; and b. the benefit in terms of long-term protection and future use of the building outweighs any loss of heritage values.
Policy 13.2.1.5	Only allow other additions and alterations that affect a protected part of a scheduled heritage building or structure where: <ul style="list-style-type: none"> a. adverse effects on heritage values are avoided, or if avoidance is not possible, are no more than minor; and b. the visual impact of additions on protected parts of the building, including building utilities, is minimised.
Policy 13.2.1.6	Only allow subdivision of sites containing scheduled heritage buildings and scheduled heritage structures where the subdivision is designed to: <ul style="list-style-type: none"> a. provide sufficient curtilage around the scheduled heritage building or scheduled heritage structure to protect heritage values; and b. ensure any future land use or development will maintain existing views of scheduled heritage buildings or scheduled heritage structures from adjoining public places, as far as is practicable.

Objective 13.2.1

Scheduled heritage buildings and structures are protected.

Policy 13.2.1.7	<p>Avoid the demolition of a protected part of a scheduled heritage building or structure unless all of the following criteria are met:</p> <ul style="list-style-type: none"> a. the building or part of the building poses a significant risk to safety or property; and b. there is no reasonable alternative to demolition, including repair, adaptive re-use, relocation or stabilising the building for future repair; and c. for buildings and structures located within a heritage precinct: <ul style="list-style-type: none"> i. development post demolition will maintain or enhance the heritage streetscape character and amenity in accordance with Policy 13.2.3.6; and ii. conditions can be imposed which would give reasonable certainty that this will be completed within an acceptable timeframe.
Policy 13.2.1.8	<p>Only allow removal for relocation of a scheduled heritage building or structure where all of the following criteria are met:</p> <ul style="list-style-type: none"> a. the removal is necessary to facilitate the ongoing use or protection of the building or ensure public safety; b. measures are in place to minimise the risk of damage to the building; c. the heritage values of the building or structure in its new location are not significantly diminished; and d. for buildings and structures located within a heritage precinct: <ul style="list-style-type: none"> i. development post relocation will maintain or enhance the heritage streetscape character and amenity in accordance with Policy 13.2.3.6; and ii. conditions can be imposed which would give reasonable certainty that this will be completed within an acceptable timeframe.
Policy 13.2.1.9	<p>Provide for general retail in scheduled heritage buildings in the Warehouse Precinct Zone and offices in scheduled heritage buildings in the Smith Street and York Place and Warehouse Precinct zones, in order to maximise the potential opportunities for adaptive re-use of heritage buildings in these areas.</p>

Objective 13.2.2

The heritage values of scheduled heritage sites are protected.

Policy 13.2.2.1	<p>Only allow new buildings and structures, additions and alterations, network utilities activities, public amenities, natural hazard mitigation activities, transportation activities, and parking, loading and access on a scheduled heritage site where the heritage values of the <u>site</u> are protected, including by ensuring:</p> <ol style="list-style-type: none"> the form, scale and proportion of the development, and the materials used, are architecturally compatible with the existing scheduled heritage buildings and scheduled heritage structures within the scheduled heritage site; the location of the development is compatible with that of scheduled heritage buildings and scheduled heritage structures on the site, and respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space; existing views of scheduled heritage buildings or scheduled heritage structures from adjoining public places and publicly accessible areas within the scheduled heritage site are maintained as far as is practicable; scheduled heritage sites that are primarily open space are protected from inappropriate development; and network utilities activities, natural hazard mitigation activities and building utilities are designed, located and/or screened to be as unobtrusive as possible.
Policy 13.2.2.2	<p>Only allow subdivision of scheduled heritage sites where:</p> <ol style="list-style-type: none"> the subdivision is designed to ensure any future land use or development respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space; scheduled heritage sites that are primarily open space are protected from unnecessary development; and the heritage values for the <u>site</u> are maintained.

Objective 13.2.3

The heritage streetscape character of heritage precincts is maintained or enhanced.

Policy 13.2.3.1	<p>Require repairs and maintenance, <u>restoration</u> and earthquake strengthening of a character-contributing building, where the work is visible from an adjoining public place, to be undertaken in a way that maintains or enhances the heritage streetscape character of the precinct by using appropriate materials and design.</p>
Policy 13.2.3.2	<p>Require development within residential heritage precincts to maintain or enhance heritage streetscape character, including by ensuring:</p> <ol style="list-style-type: none"> garages and carports do not dominate the street; off-street car parking is located at the rear of buildings, or where this is not feasible due to the location of the buildings, is set back from the street frontage; building heights, boundary setbacks, and scale reflect heritage streetscape character; network utility structures are appropriately located; and fences do not screen buildings from view.

Objective 13.2.3

The heritage streetscape character of heritage precincts is maintained or enhanced.

Policy 13.2.3.3	Require development within commercial heritage precincts to maintain or enhance heritage streetscape character by ensuring: <ul style="list-style-type: none"> a. off-street car parking is located within or behind buildings; b. building heights, boundary setbacks, and scale reflect heritage streetscape character; c. vehicle crossings are kept to a minimum, including avoiding commercial drive-through facilities; and d. network utility structures are appropriately located.
Policy 13.2.3.4	Require signs within commercial heritage precincts to be located and designed to avoid, and if avoidance is not possible minimise, adverse effects on heritage streetscape character.
Policy 13.2.3.5	Only allow other additions and alterations to character-contributing buildings and larger additions to non character-contributing buildings, where visible from a public place, where their design, materials and location achieve the following: <ul style="list-style-type: none"> a. for work that is required in order to comply with the Building Act 2004 section 112 and section 115, the benefits in terms of long term protection and future use of the building outweighs any adverse effects on heritage street character; and b. for all other additions and alterations, heritage streetscape character is maintained or enhanced.
Policy 13.2.3.6	Only allow demolition or removal for relocation of a building where: <ul style="list-style-type: none"> a. the heritage streetscape character of the precinct will be maintained or enhanced; and b. conditions can be imposed that would give reasonable certainty that within an acceptable timeframe: <ul style="list-style-type: none"> i. a replacement building will be constructed; or ii. the land will be put to an acceptable alternative land use that will make a positive contribution to the amenity of the streetscape.
Policy 13.2.3.7	Only allow new buildings and structures that are visible from an adjoining public place, where their design, materials and location ensure the heritage streetscape character of the precinct is maintained or enhanced, including by: <ul style="list-style-type: none"> a. incorporating into the design the relevant preferred design features and characteristics listed in Appendix A2 and, where possible and appropriate, the relevant suggested features and characteristics; b. maintaining existing views of scheduled heritage buildings and character-contributing buildings from adjoining public places as far as practicable; and c. ensuring structures whose design unavoidably conflicts with precinct characteristics are as unobtrusive as possible.
Policy 13.2.3.8	Encourage the maintenance, ongoing use and adaptive re-use of character-contributing buildings, including by enabling repairs and maintenance, earthquake strengthening, and work required in order to comply with the Building Act 2004 section 112 and section 115 where it is done in line with policies 13.2.3.1 and 13.2.3.5.
Policy 13.2.3.9	Require buildings within commercial heritage precincts, where painted, to be a muted or heritage palette colour.

Objective 13.2.3

The heritage streetscape character of heritage precincts is maintained or enhanced.

Policy 13.2.3.10	Only allow public amenities and network utilities activities where these are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character.
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Objective 13.2.4

Dunedin's archaeological sites are protected from inappropriate development and use.

Policy 13.2.4.1	Require an archaeological authority to be obtained, if one is required, prior to undertaking earthworks on a scheduled archaeological site.
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Rules

Rule 13.3 Development Performance Standards

13.3.1 Building Colour

1. The following activities in commercial heritage precincts must meet the performance standard in Rule 13.3.1.2 below.
 - a. repairs and maintenance of buildings and structures;
 - b. additions and alterations to buildings and structures; and
 - c. new buildings and structures.
2. Paint on a roof or wall that is visible from an adjoining public place must be a colour from, or indistinguishable from a colour from, the following colour palettes:
 - a. Resene Heritage Colour Palette (2006);
 - b. Resene Whites and Neutrals (2001); or
 - c. British Standard BS 5252:1976 A01 to C40.
3. Public artworks and the painting of decorative trims, windows, and doors are exempt from this performance standard.

13.3.2 Materials and Design

1. For repairs and maintenance and restoration of any part of a character-contributing building, any protected part of a scheduled heritage building or scheduled heritage structure, or any non-protected part of a scheduled heritage building within a heritage precinct, that are visible from an adjoining public place:
 - a. the materials used and the design of any replacement building components are the same or closely similar to those being repaired or replaced, or those that were in place originally. Except that:
 - i. concrete roofing tiles or metal and stone chip roofing tiles may be replaced with any roofing material; and
 - ii. wooden windows may be retrofitted with double glazed units into the existing timber joinery.
 - b. Unpainted walls must not be painted, and un-rendered walls must not be rendered.
2. Where an elevated feature is replaced, the replacement feature must appear exactly the same as the feature being replaced, when viewed from a public place.
3. For earthquake strengthening of a protected part of a scheduled heritage building or scheduled heritage structure, shotcrete must not be applied to the exterior.

13.3.3 Archaeological sites

1. Earthworks on a Scheduled Archaeological Site must have an archaeological authority if required.
2. Activities that contravene this performance standard are non-complying activities.

Note 13.3A - Other requirements outside the District Plan

1. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin. 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. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological

sites which may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites.

Rule 13.4 Assessment of Controlled Activities

Rule 13.4.1 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. Rules 13.4.2:
 - 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.

13.4.2 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of 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	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 13.2.1 ii. Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure uses appropriate materials and design to minimise any adverse effects on the heritage values of the building, including by: <ol style="list-style-type: none"> a. protecting, as far as possible, architectural features and details that contribute to the heritage values of the building; b. retaining the original façade material; c. minimising the visual effect of additions on protected parts of the building; and d. in the case of the replacement of an elevated feature on a façade or roof, the new feature is visually indistinguishable from the feature being replaced (Policy 13.2.1.3). <p><i>Conditions that may be imposed include:</i></p> <ol style="list-style-type: none"> iii. The design and implementation of the works, including materials and methods used.

Rule 13.5 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 13.5.1 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 13.5.2 - 13.5.4:
 - 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.

13.5.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
<p>1. All performance standard contraventions</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> a. Objectives 2.4.2, 2.4.3 b. Policies 3.4.2.1, 2.4.3.2 <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> c. The degree of non-compliance with the performance standard is minor. d. There are positive effects on heritage values through not meeting the performance standards. e. Where there is a conflict between compliance with performance standards and protection of heritage values, protection of heritage values should take precedence. f. The need to meet other performance standards, <u>site</u> specific factors, including topography, make meeting the standard impracticable. g. 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> <ul style="list-style-type: none"> h. For work affecting a scheduled heritage building or structure, Council will consider the extent to which the work enables the on-going use of the building or structure in line with Policy 13.2.1.1 i. For work affecting a character-contributing building or structure, Council will consider the extent to which the work enables on-going use of the building in line with Policy 13.2.3.8 j. Where more than one standard is contravened, the combined effects of the contraventions should be considered. k. 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. l. In assessing the effects on heritage streetscape character, Council will consider the heritage precinct values in Appendix A2.

13.5.3 Assessment of performance standard contraventions that affect a protected part of a Scheduled Heritage Building, Scheduled Heritage Structure, or Scheduled Heritage Site

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Materials and design	a. Effect on heritage values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 13.2.1 ii. Repairs and maintenance and <u>restoration</u> that affect a protected part of a scheduled heritage building or scheduled heritage structure preserve and protect the heritage values of the building or structure by using appropriate materials and design (Policy 13.2.1.2). iii. Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure uses appropriate materials and design to minimise any adverse effects on the heritage values of the building, including by: <ul style="list-style-type: none"> 1. protecting, as far as possible, architectural features and details that contribute to the heritage values of the building; 2. retaining the original façade material; and 3. minimising the visual effect of additions on protected parts of the building; and 4. in the case of the replacement of an elevated feature on a façade or roof, the new feature is visually indistinguishable from the feature being replaced (Policy 13.2.1.3). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. Alternative materials are used only where: <ul style="list-style-type: none"> 1. it is not feasible to use the same or equivalent materials due to unavailability, excessive cost or unacceptable performance in terms of Building Act 2004 requirements; and 2. their effect on the heritage values of the building or structure is minor; and 3. they are as close to the original material in appearance as possible. v. Where an alternative design is proposed there is clear justification for its use, and the design is architecturally compatible with the design of the building or structure. vi. Rendering of un-rendered surfaces is undertaken only where the surface has deteriorated and cannot feasibly be repaired. vii. Where unpainted surfaces are painted, either the unpainted surface is not a key architectural feature of the building or structure, or the quality of the unpainted surface is low and its appearance will be improved by painting, including through the installation of approved murals or street art.

13.5.4 Assessment of performance standard contraventions in a Heritage Precinct

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary setbacks	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 13.2.3 ii. Development within heritage precincts maintains or enhances heritage streetscape character by ensuring: building heights, boundary setbacks, and scale reflect heritage streetscape character (Policy 13.2.3.2.c, 13.2.3.3.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The boundary setback is consistent with the setbacks of surrounding properties. iv. The visual cohesion of the street is not reduced by the increase in setback. v. There is significant variability in the setback of buildings from the street frontage in the vicinity of the site.
2.	Building colour	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 13.2.3 ii. Buildings are painted a muted or heritage palette colour (Policy 13.2.3.9).
3.	Fence height and design	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 13.2.3 ii. Development within residential heritage precincts maintains or enhances heritage streetscape character by ensuring: fences do not screen buildings from view (Policy 13.2.3.2.e). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The fence is highly permeable. iv. The fence only screens an existing non-character-contributing building. v. The fence maintains an attractive interface with the street. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> vi. Landscaping requirements between the fence and any public place.

13.5.4 Assessment of performance standard contraventions in a Heritage Precinct

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. <ul style="list-style-type: none"> Height in relation to boundary Maximum height Height (CMU) 	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 13.2.3 ii. Development within heritage precincts maintains or enhances heritage streetscape character by ensuring: building heights, boundary setbacks, and scale reflect heritage streetscape character (Policy 13.2.3.2.c, 13.2.3.3.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The height and height profile is consistent with that of the buildings on either side. iv. There is significant variability in the height and height profile of buildings from the street frontage in the vicinity of the site. v. The height of the building does not reduce the visual cohesion of the street. vi. The building is to the rear of the site, located behind a building on the street frontage.
5. Location and screening of car parking	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 13.2.3 ii. Development within commercial heritage precincts maintains or enhances heritage streetscape character by ensuring: off-street car parking is located at the rear of buildings, or where this is not feasible due to the location of the buildings, is set back from the street frontage (Policy 13.2.3.2.b). iii. Development within residential heritage precincts maintains or enhances heritage streetscape character by ensuring: off-street car parking is located within or behind buildings (Policy 13.2.3.3.a)

13.5.4 Assessment of performance standard contraventions in a Heritage Precinct

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
6. Materials and design	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 13.2.3 ii. Require repairs and maintenance, <u>restoration</u> and earthquake strengthening of a character-contributing building, where the work is visible from an adjoining public place, is undertaken in a way that maintains or enhances the heritage streetscape character of the precinct by using appropriate materials and design. (Policy 13.2.3.1). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The development avoids, or where avoidance is not possible, minimises, loss of fabric and features that contribute to the heritage streetscape character. iv. Where alternative materials are used, their effect on the heritage streetscape character is minor. This may include the use of muted colours. v. Where an alternative design is proposed, it is architecturally compatible with the design of the building. vi. Rendering of un-rendered surfaces is undertaken only where the surface has deteriorated and cannot feasibly be repaired. vii. Where unpainted surfaces are painted, either the unpainted surface is not a key architectural feature of the building, or the quality of the unpainted surface is low and its appearance will be improved by painting, including through the installation of approved murals or street art.
7. Number, location and design of ancillary signs	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 13.2.3 ii. Signs within commercial heritage precincts are located and designed to avoid, and if avoidance is not possible minimise, adverse effects on heritage streetscape character (Policy 13.2.3.4).
8. Location (network utility activities)	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 13.2.3 ii. Development within heritage precincts maintains or enhances heritage streetscape character by ensuring: network utilities structures are appropriately located (Policy 13.2.3.2.d and 13.2.3.3.d).

Rule 13.6 Assessment of Restricted Discretionary Activities

Rule 13.6.1 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 13.6.2 - 13.6.4:
 - 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.

13.6.2 Assessment of all restricted discretionary activities

Activity	Guidance on the assessment of resource consents
1. All restricted discretionary activities	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> a. Objectives 2.4.1, 2.4.2, 2.4.3 b. Policies 2.4.1.3, 2.4.2.1, 2.4.2.2, 2.4.3.2 <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> c. For work affecting a scheduled heritage building or structure, Council will consider the extent to which the work enables the on-going use of the building or structure in line with Policy 13.2.1.1 d. For work affecting a character-contributing building or structure, Council will consider the extent to which the work enables the on-going use of the building in line with Policy 13.2.3.8 e. For all restricted discretionary activities, Council will consider whether there are positive effects on heritage values. f. In assessing the effects on heritage streetscape character, Council will consider the heritage precinct values in Appendix A2.

13.6.3 Assessment of restricted discretionary development activities that affect a protected part of a Scheduled Heritage Building or Scheduled Heritage Structure, or a Scheduled Heritage Site

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>1. On a Scheduled Heritage Site:</p> <ul style="list-style-type: none"> • New buildings and structures where visible from an adjoining public place or a public place within a heritage site • Parking, loading and access where visible from an adjoining public place or a public place within a heritage site • Earthworks - large scale (that exceed scale thresholds for a scheduled heritage site) • Network utilities poles and masts - small scale • Wind generators - on-site energy generation • Hydro generators - on-site energy generation • Solar panels - on-site energy generation • Energy resource investigation devices • All restricted discretionary public amenities activities 	<p>a. Effect on heritage values</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> Objective 13.2.2 Activities on a scheduled heritage site protect the heritage values of the site, including by ensuring: <ol style="list-style-type: none"> the form, scale and proportion of the development, and the materials used, are architecturally compatible with the existing scheduled heritage buildings and scheduled heritage structures within the scheduled heritage site; the location of the development is compatible with that of scheduled heritage buildings and scheduled heritage structures on the scheduled heritage site, and respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space; existing views of scheduled heritage buildings or scheduled heritage structures from adjoining public places and publicly accessible areas within the scheduled heritage site are maintained as far as is practicable; scheduled heritage sites that are primarily open space are protected from inappropriate development; and network utilities, natural hazard mitigation activities and building utilities are designed, located and/or screened to be as unobtrusive as possible (Policy 13.2.2.1).

13.6.3 Assessment of restricted discretionary development activities that affect a protected part of a Scheduled Heritage Building or Scheduled Heritage Structure, or a Scheduled Heritage Site

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>2. On a Scheduled Heritage Site:</p> <ul style="list-style-type: none"> All subdivision activities 	<p>a. Effects on heritage values</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 13.2.2 ii. Future land use or development respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space (Policy 13.2.2.2.a). iii. Scheduled heritage sites that are primarily open space are protected from unnecessary development (Policy 13.2.2.2.b). iv. Heritage values for the <u>site</u> are maintained (Policy 13.2.2.2.c). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> v. The subdivision will result in better outcomes for heritage values than would otherwise exist. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> vi. A building platform registered against the Certificate of Title by way of consent notice.

13.6.3 Assessment of restricted discretionary development activities that affect a protected part of a Scheduled Heritage Building or Scheduled Heritage Structure, or a Scheduled Heritage Site

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Additions and alterations (other than restoration or earthquake strengthening) where external features only are protected that affect a protected part of a scheduled heritage building or scheduled heritage structure:	a. Effect on heritage values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 13.2.1 ii. Where work is required to comply with section 112 (Alterations) and section 115 (Change of Use) of the Building Act 2004: Enable work provided both of the following criteria are met: <ul style="list-style-type: none"> 1. it is carried out in a manner that minimises adverse effects on the heritage values of the building; and 2. the benefit in terms of long-term protection and future use of the building outweighs any loss of heritage values (Policy 13.2.1.4). iii. Only allow other additions and alterations that affect a protected part of a scheduled heritage building or structure where: <ul style="list-style-type: none"> a. adverse effects on heritage values are avoided, or if avoidance is not possible, are no more than minor; and b. the visual effect of additions on protected parts of the building, including building utilities, is minimised (Policy 13.2.1.5). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. Removal of more recent additions to a building or structure will result in an overall enhancement of the heritage values of the building or structure. v. The form, scale, proportion and materials used are architecturally compatible with the existing building or structure and do not dominate the protected parts vi. Architectural features and details are not removed.

13.6.3 Assessment of restricted discretionary development activities that affect a protected part of a Scheduled Heritage Building or Scheduled Heritage Structure, or a Scheduled Heritage Site

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Removal of a scheduled heritage building for relocation	a. Effect on heritage values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 13.2.1 ii. Only allow removal where all of the following criteria are met: <ul style="list-style-type: none"> 1. the removal is necessary to facilitate the ongoing use or protection of the building or ensure public safety; 2. measures are in place to minimise the risk of damage to the building; 3. the heritage values of the building or structure in its new location are not significantly diminished; and 4. for buildings and structures located within a heritage precinct: <ul style="list-style-type: none"> 1. development post relocation will maintain or enhance the heritage streetscape character and amenity in accordance with Policy 13.2.3.6; and 2. conditions can be imposed which would give reasonable certainty that within an acceptable time frame (Policy 13.2.1.8).
5. All subdivision activities on sites containing scheduled heritage buildings and scheduled heritage structures	a. Effects on heritage values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objectives 13.2.1 ii. Sufficient curtilage is provided around the scheduled heritage building or scheduled heritage structure to protect heritage values (Policy 13.2.1.6.a). iii. Future land use or development will maintain existing views of scheduled heritage buildings or scheduled heritage structures from adjoining public places, as far as is practicable (Policy 13.2.1.6.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The subdivision will result in better outcomes for heritage values than would otherwise exist. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> v. A building platform registered against the Certificate of Title by way of consent notice.

13.6.4 Assessment of restricted discretionary development activities in Heritage Precinct

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> New buildings Structures greater than 2.5m high and 2m² footprint in a residential heritage precinct that are visible from an adjoining public place: 	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 13.2.3 ii. Only allow new buildings and structures that are visible from an adjoining public place, where their design, materials and location ensure the heritage streetscape character of the precinct is maintained or enhanced, including by: <ul style="list-style-type: none"> 1. incorporating into the design the relevant preferred design features and characteristics listed in Appendix A2 and, where possible and appropriate, the relevant suggested features and characteristics; 2. maintaining existing views of scheduled heritage buildings and character-contributing buildings from adjoining public places as far as practicable; and 3. ensuring structures whose design unavoidably conflicts with precinct characteristics are as unobtrusive as possible (Policy 13.2.3.7). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. Maintaining or enhancing the heritage streetscape character may be achieved by: <ul style="list-style-type: none"> 1. Including the relevant preferred design features and characteristics and, where possible and appropriate, the relevant suggested features and characteristics, listed in Appendix A2. 2. Where the new building is located within an integrated group of character-contributing or scheduled heritage buildings, the design maintains the coherence of the group and the contribution it makes to the heritage streetscape character.

13.6.4 Assessment of restricted discretionary development activities in Heritage Precinct

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>2. Additions or alterations to a character-contributing building or a non-protected part of a scheduled heritage building in a heritage precinct that are visible from an adjoining public place (other than earthquake strengthening or restoration)</p> <p>Additions and alterations to a non character-contributing building that involve:</p> <ul style="list-style-type: none"> • an increase in the footprint of more than 10m²; or • an increase in the height of the building by more than 2m; or • the replacement of a pitched roof with a flat roof. 	<p>a. Effects on heritage streetscape character</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> Objective 13.2.3 Only allow other additions and alterations to character-contributing buildings and larger additions to non character-contributing buildings, where visible from a public place, where their design, materials and location achieve the following: <ol style="list-style-type: none"> for work that is required in order to comply with the Building Act 2004 section 112 and section 115, the benefits in terms of long term protection and future use of the building outweighs any adverse effects on heritage street character; and for all other additions and alterations, heritage streetscape character is maintained or enhanced (Policy 13.2.3.5.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> The design includes the relevant preferred design features and characteristics and, where possible and appropriate, the suggested features and characteristics listed in Appendix A2. Decorative architectural features and fabric on character-contributing buildings that contribute to the heritage streetscape character are protected as far as possible. Existing views of any existing character-contributing building or scheduled heritage building are maintained as far as is practicable. Where the building is character-contributing and is part of an integrated group of buildings, the additions and alterations maintain the coherence of the group and the contribution the group makes to the streetscape character.

13.6.4 Assessment of restricted discretionary development activities in Heritage Precinct

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>3. Demolition or removal for relocation of:</p> <ul style="list-style-type: none"> • a character-contributing building; • a non-protected part of a scheduled heritage building; or • a non character-contributing building that adjoins the road frontage (in a commercial heritage precinct). 	<p>a. Effects on heritage streetscape character</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 13.2.3 ii. The heritage streetscape character of the zone will be maintained or enhanced (Policy 13.2.3.6.a). iii. Conditions can be imposed that would give reasonable certainty that that within an acceptable timeframe: <ul style="list-style-type: none"> 1. a replacement building will be constructed; or 2. the land will be put to an acceptable alternative land use that will make a positive contribution to the amenity of the streetscape (Policy 13.2.3.6.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. For buildings that are part of an integrated group of character-contributing buildings, retention of the character-contributing façade will be preferred over full demolition. v. The building being demolished or removed will be replaced by one of appropriate design that provides an equivalent or better contribution to the streetscape heritage character. vi. Where the <u>site</u> will not be built on in the short to medium term, landscaping will provide an attractive interface with the street in the interim. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> vii. Landscaping requirements to soften or screen open sites following demolition.
<p>4.</p> <ul style="list-style-type: none"> • All restricted discretionary public amenities activities • Network utilities poles and masts - small scale • Wind generators - on-site energy generation • Hydro - generators - on-site energy generation • Solar panels - on-site energy generation • Energy resource investigation devices 	<p>a. Effects on heritage streetscape character</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 13.2.3 ii. Public amenities and network utilities activities are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character (Policy 13.2.3.10).

Rule 13.7 Assessment of Discretionary Activities

Rule 13.7.1 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 13.7.2 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.

13.7.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objectives 2.4.2, 2.4.3 b. Policies 2.4.2.2, 2.4.3.2 <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> c. In assessing the effects on heritage streetscape character, Council will consider the heritage precinct values in Appendix A2.
2. On a Scheduled Heritage Site: <ul style="list-style-type: none"> • Discretionary transportation activities • Discretionary public amenities • Hazard mitigation earthworks and structures • Network utilities structures - large scale • Solar panels - community scale • Hydro generators - community scale 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objective 13.2.2 b. The heritage values of the scheduled heritage site are maintained or enhanced, including by ensuring: <ol style="list-style-type: none"> i. the form, scale and proportion of the development, and the materials used, are architecturally compatible with the existing scheduled heritage buildings and scheduled heritage structures within the site; ii. the location of the development is compatible with that of the scheduled heritage buildings and scheduled heritage structures on the site, and respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space; iii. existing views of scheduled heritage buildings or scheduled heritage structures from adjoining public places and publicly accessible areas within the <u>site</u> are maintained as far as is practicable; iv. sites that are primarily open space are protected from inappropriate development; and v. network utilities and hazard mitigation activities are designed, located and/or screened to be as unobtrusive as possible (Policy 13.2.2.1).

13.7.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
<p>3. In a heritage precinct:</p> <ul style="list-style-type: none"> • Network utilities structures - large scale • Solar panels - community scale • Hydro generators - community scale 	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> a. Objective 13.2.3 b. Network utilities activities are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character (Policy 13.2.3.10).

Rule 13.8 Assessment of Non-complying Activities

Rule 13.8.1 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 13.8.2 - 13.8.4 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.

13.8.2 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. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to Objective 2.4.2 b. Policy 2.4.2.1. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> c. 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.; d. In assessing the effects on heritage streetscape character, Council will consider the values in Schedule A2.

13.8.3 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objective 13.2.1 b. Policy 13.2.1.7. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> c. The assessment for resource consent for demolition of a scheduled heritage building will consider the information provided with the consent application (see Special Information Requirements - Rule 13.9.1).

13.8.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Archaeological sites (earthworks)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objective 13.2.4 b. Policy 13.2.4.1.

Rule 13.9 Special Information Requirements

13.9.1 Demolition of a scheduled heritage building requirements

1. For resource consent applications proposing demolition of a scheduled heritage building, the following is required:
 - a. A full discussion of the alternatives considered, including quantified reasons why the alternatives are not reasonable.
 - b. Where demolition is proposed due to seismic risk, a detailed seismic assessment, fully quantified costs and an economic analysis of seismic upgrade (including a staged upgrade) to the minimum requirements by a Chartered Professional Engineer qualified engineer with demonstrated experience of assessment and seismic upgrade of buildings with the same or similar construction form and materials. The information should include the methods of strengthening considered.
 - c. Where partial demolition is proposed:
 - i. Evidence of the structural feasibility of retaining the part of the building proposed for retention.
 - ii. A Heritage Impact Assessment addressing the effect the partial demolition will have on the heritage values of the building.
2. All information provided in support of any resource consent application, including engineering assessments, consideration of alternatives and design statements may be peer reviewed by Dunedin City Council prior to making a decision.

14. Manawhenua

14.1 Introduction

14.1.1 Kāi Tahu

The Kāi Tahu¹ tribal area occupies most of the South Island. The area ranges from Rakiura (Stewart Island) in the south to Te Parinuiowhiti (White Cliffs, Blenheim) in the north and Kahurangi Point on the West Coast/Te Tai o Poutini. Te Rūnaka o Ngāi Tahu, the tribal iwi authority, is made up of 18 Papatipu Rūnaka. Located predominantly in traditional coastal settlements, papatipu rūnaka are a focus for whānau and hapū (extended family groups) who have manawhenua status within their area. Manawhenua hold traditional customary authority and maintain contemporary relationships within an area determined by whakapapa (genealogical ties), resource use and ahi-kā-roa (the long burning fires of occupation).

¹ In the south of the South Island, the local Māori dialect can use a 'k' in place of the 'ng' so southern Māori are known as Kāi Tahu, as well as Ngāi Tahu. The 'ng' and 'k' are used interchangeably. In this Plan, 'k' is generally used.

14.1.2 Relationship of Kāi Tahu Whānui with Dunedin

The first people of the South Island, Te Waipounamu, were the Waitaha people. The first place name applied to any site in the Dunedin area is believed to be Kaikarae, the Kaikorai estuary where the Waitaha rakatira Rakaihautu and his people made camp and ate a meal of karae (seabird). Successive waves of iwi followed at a later time. First the Kāti Mamoe, and later Kāi Tahu, who both migrated from the North Island. Over time the three iwi merged through conquest, marriage and peace alliances. Kāi Tahu are therefore a fusion of Waitaha, Kāti Mamoe and Kāi Tahu whakapapa, referred to collectively as Kāi Tahu whānui.

At the time of first European contact the greatest concentration of Kāi Tahu population south of the Waitaki was settled within the East Otago bight from Karitāne to the Otago Peninsula. Sealer John Boulton recorded in the 1820 that Ōtākou was the "oldest and largest" Ngāi Tahu settlement south of the Waitaki. Seasonally, trips would be made to inland Otago to visit relations, harvest various species and gather plants and stone resources. Journeys were also made south to the Titi (Mutton Bird) Islands. Trails along the Otago coast and inland became well established. Waterways and the coastal waters also provided transport routes.

14.1.3 Manawhenua

The Dunedin City Council (DCC) has an established relationship with the two Kāi Tahu papatipu rūnaka within the Dunedin City boundary: Te Rūnaka o Ōtākou, based on the Otago Peninsula, and Kāti Huirapa Rūnaka ki Puketeraki, based at Puketeraki Marae near Karitāne. In this Plan Te Rūnaka o Ōtākou and Kāti Huirapa Rūnaka ki Puketeraki are recognised as having manawhenua status within specific areas of the city.

The DCC acknowledges that Dunedin is also home to Māori from other iwi and hapū (mātāwaka). The Araiteuru marae in Shetland Street in Dunedin is an important pan-tribal cultural centre for mātāwaka and sits within the manaakitaka of manawhenua.

14.1.4 Papatipu Rūnaka

14.1.4.1 Te Rūnaka o Ōtākou

The takiwā of Te Rūnaka o Ōtākou centres on Muaūpoko/Otago Peninsula, and extends from Purehurehu (Heyward Point) to Te Mata-Au (Clutha River) and inland, sharing an interest in the lakes and mountains to the western coast with rūnaka to the north and south. The Otago Harbour has a pivotal role in the well-being of Ōtākou people. The harbour is a source of identity and a bountiful provider of kaimoana, and it is the pathway to the fishing grounds beyond. Traditionally it was the mode for other hapū to visit, and in today's world it is the lifeline to the international trade that benefits the region. The ebb and flow of the harbour tides is a valued certainty in a world of change, a

taoka to be treasured and protected for the benefit of current and future generations.

Figure 14.1A: Ōtākou Marae, Otago Peninsula



14.1.4.2 Kāti Huirapa Rūnaka ki Puketeraki

The takiwā of Kāti Huirapa Rūnaka ki Puketeraki centres on Karitāne and extends from the Waihemo (Shag) River to Purehurehu (Heywards Point) and includes an interest in Ōtepoti and the greater harbour of Ōtākou. The takiwā extends inland to the Main Divide sharing an interest in the lakes and mountains to Wakatipu Waitai with rūnaka to the south. The kaimoana resources of the coast from Karitāne to Okahau/Blueskin Bay and Pūrākaunui, and the kai awa of the Waikouaiti River are treasured and well-utilised mahika kai to Kāti Huirapa Rūnaka ki Puketeraki. The people that lived in this area chose to do so because of the strategic position to European traders and the abundance of kaimoana and mahika kai. In the early 1800s Whareakeake became a central focus of Kāi Tahu commerce with European traders, based on the manufacture of pounamu trade items. In the late 1830s the shore whaling stations at Karitāne and Pūrākaunui attracted whānau involvement and later in 1840 the Reverend James Watkin established the first Wesleyan Mission Station in the south. At Karitāne, then called Old Waikouaiti, the young chiefs of southern Kāi Tahu learnt to read and write and hear about the karakia bora, the new Christian religion.

Figure 14.1B: Puketeraki Marae, Puketeraki



14.1.5 Kāi Tahu Values

14.1.5.1 Introduction

Kāi Tahu do not see their existence as separate from Te Ao Tūroa (the natural world), but as an integral part of it. Through whakapapa (genealogy), all people and life forms descend from a common source. Whakapapa binds Kāi Tahu to the mountains, forests and waters and the life supported by them, and this is reflected in traditional attitudes towards the natural world and resource management.

Whakawhanaukataka (the process of establishing relationships) embraces whakapapa, through the relationship between people, and between people and the environment. The nature of these relationships determines people's rights and responsibilities in relation to the use and management of taoka of the natural world.

All things have the qualities of wairua (spiritual dimension) and mauri (essential life force, or life supporting capacity), are living and have a genealogical relationship with each other. Mauri provides the common centre between the natural resources (taoka), the people or guardians who care for the taoka (the kaitiaki), and the management framework (tikaka) of how taoka are to be managed by the kaitiaki. It is through kawa (protocol) that the relationship between taoka, tikaka and kaitiakitaka is realised. As noted above, each papatipu rūnaka has its own takiwā, determined by natural boundaries such as headlands, mountain ranges and rivers, with areas of shared interest, particularly inland. This political and operational authority over an area is undertaken by manawhenua and encompasses kaitiakitaka and rakatirataka.

An integral element of the concepts of kaitiakitaka and rakatirataka is the recognition that Kāi Tahu have their own traditional means of managing and maintaining resources and the environment. This system of rights and responsibilities is inherited from previous generations and has evolved over time.

The resources in any given area are a point of prestige for the people who reside there and are a statement of identity. Traditionally, the abundance or lack of resources directly determines the welfare of every tribal group, and so affects their mana.

14.1.5.2 Tikaka

Tikaka Māori encompasses the beliefs, values, practices and procedures that guide appropriate codes of conduct, or ways of behaving. It seeks to unify the three planes of reality in a holistic way: te taha tinana (the physical plane), te taha hinengaro (the intellectual plane), and te taha wairua (the spiritual plane).

In the context of natural resource management, observing tikaka is part of the ethic and exercise of kaitiakitaka. It is underpinned by a body of Mātauraka Māori (Māori knowledge), and is based on a general understanding that people belong to the land and have a responsibility to care for and manage the land. It incorporates forms of social control to manage the relationship of people and the environment, including concepts such as tapu, noa and rāhui.

Tikaka is based on traditional practices, but is dynamic and continues to evolve in response to different situations. One example of tikaka is the concept of kanohi ki te kanohi, or meeting face-to-face. For consultation on natural resource management issues, kanohi ki te kanohi may be the appropriate tikaka. Tikaka may also limit public access to wāhi tapu sites or require that certain protocols are observed before entering a site.

14.1.5.3 Ki Uta Ki Tai

Ki Uta ki Tai is a Kāi Tahu term that has become synonymous with the way Kāi Tahu think about natural resource Management. Ki Uta ki Tai is the concept used to describe the overall approach to integrated natural resource management by Kāi Tahu - from the mountains to the sea.

Ki Uta ki Tai is a Kāi Tahu paradigm and ethic that has at its heart a holistic view of natural resources management - it is the Kāi Tahu way of understanding the natural environment, including how it functions, how people relate to it and how it can be looked after appropriately. It involves not only a planning and policy framework, but also the

development of monitoring, reporting, geographical information system analysis, information databases, area management and succession tools for natural resource management.

14.1.5.4 Kaitiakitaka

Kaitiakitaka entails the active protection and responsibility for natural and physical resources by tākata whenua. To give effect to kaitiakitaka it is important to engage meaningfully with the appropriate papatipu rūnaka. Kaitiakitaka means "the exercise of guardianship by the tākata whenua of an area in accordance with tikaka Māori in relation to natural and physical resources; and includes the ethic of stewardship." This Resource Management Act (RMA) definition of kaitiakitaka is, however, only a starting point for Kāi Tahu, as kaitiakitaka is a much wider cultural concept than pure guardianship.

Kaitiakitaka is fundamental to the relationship between Kāi Tahu and the environment. The responsibility of kaitiakitaka is twofold: first, there is the ultimate aim of protecting life supporting capacity and, secondly, there is the duty to pass the environment to future generations in a state that is as good as, or better than, the current state. To Kāi Tahu, kaitiakitaka is not passive custodianship, nor is it simply the exercise of traditional property rights, but it entails an active exercise of rights and responsibilities in a manner beneficial to the resource. In managing the use, development, and protection of natural and physical resources, decision makers must have regard to kaitiakitaka.

14.1.5.5 Rakatirataka

Rakatirataka is about having the mana or authority to give effect to Kāi Tahu culture and traditions in the management of the natural world. Recognition of the relationship of Kāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka are embedded in the RMA and the Treaty of Waitangi.

Traditionally, rakatirataka incorporates the right to make, alter and enforce decisions pertaining to how a resource is to be used and managed, and by whom (in accordance with kawa (Māori customs) and tikaka). Kāi Tahu ki Otago Natural Resources Management Plan 2005 is an expression of rakatirataka. A practical expression of rakatirataka is the active involvement of Kāi Tahu in resource management decision-making processes.

14.1.5.6 Taoka

In the management of natural resources, it is important that the habitats and wider needs of taoka are protected and sustainably managed and enhanced.

All natural resources - air, land, water, and indigenous biodiversity - are taoka. Taoka are treasures, things highly prized and important to Kāi Tahu, derived from the atua (gods) and left by the tūpuna (ancestors) to provide and sustain life. Taoka include sites and resources such as wāhi tapu, tauraka waka and kai mātaimai, other sites for gathering food and cultural resources, tribally significant landforms, features and cultural landscapes (wāhi tūpuna). Taoka may also be intangible, such as tikaka and te reo (Māori language). All taoka are part of the cultural and tribal identity of an iwi.

The protection of the relationship of tākata whenua and their taoka is included in Article II of the Treaty of Waitangi, section 6(e) of the RMA, and more recently the Ngāi Tahu Claims Settlement Act 1998. To ensure taoka are available for future generations, resource management decision-making processes need to recognise tikaka (Māori protocol and customs) and have the conservation and sustainability of resources as their focus.

14.1.5.7 Mahika Kai

Mahika kai is one of the cornerstones of Kāi Tahu cultural identity. Mahika kai is a term that literally means "food workings" and refers to the customary gathering of food and natural materials and the places where those resources are gathered or produced. The term also embodies the traditions, customs and collection methods, and the gathering of natural resources for cultural use², including raraka (weaving) and rokoā (traditional medicines). Maintaining mahika kai sites, gathering resources, and continuing to practice the tikaka that governs each resource, is an important means of passing on cultural values and mātauraka Māori (traditional knowledge) to the next generation.

² Ngāi Tahu Claims Settlement Act 1998, s.167

14.1.5.8 Wāhi tapu or Wāhi taoka sites

Wāhi tapu or wāhi taoka sites hold special historical, spiritual, or cultural associations for Kāi Tahu. The term refers to places that hold the respect of the people in accordance with tikaka.

In addition to urupā, physical resources such as landforms, mountains and ranges, remaining areas of indigenous vegetation, springs, and waterways, are examples of wāhi tapu or wāhi taoka sites.

14.1.5.9 Wāhi Tūpuna

Kāi Tahu use the term 'wāhi tūpuna' to describe landscapes that embody the ancestral, spiritual and religious traditions of all the generations prior to European settlement. Waitaha, Kāti Mamoe and Kāi Tahu whakapapa is closely interwoven in Te Wai Pounamu. The use of the term wāhi tūpuna is intended to encompass and respect these separate strands of whakapapa and tradition. It is important to understand this concept in the context of the distinctive seasonal lifestyle that Kāi Tahu evolved in the south.

These sites used by Kāi Tahu are spread throughout the wider Dunedin area. These places did not function in isolation from one another but were part of a wider cultural setting and pattern of seasonal resource use. The values and potential threats to wāhi tūpuna are described in Appendix A4. The table below lists the types of wāhi tūpuna.

Type of wāhi tūpuna	Explanation
Ara tawhito	Ancient trails. A network of trails crossed the region linking the permanent villages with seasonal inland campsites and the coast, providing access to a range of mahika kai resources and inland stone resources, including pounamu and silcrete.
Kāika	Permanent settlements or occupation sites. These occurred throughout wider Dunedin, particularly in coastal areas.
KāikaNohoaka	A network of seasonal settlements. Kāi Tahu were based largely on the coast in permanent settlements, and ranged inland on a seasonal basis. Iwi history shows, through place names and whakapapa, continuous occupation of a network of seasonal settlements, which were distributed along the main river systems from the source lakes to the sea.
Kai moana	Food obtained from the sea. Seafood occupies a key role in Kāi Tahu culture; it plays a part in many tribal histories and forms a part of cultural identity. The ability to provide kai moana as a part of manaakitaka (hospitality) responsibilities reflects on a tribe's mana.
Mahika kai	The customary gathering of food or natural materials and the places where those resources are gathered. Mahika kai remains one of the cornerstones of Kāi Tahu culture.
Mauka	Important mountains. Mountains are of great cultural importance to Kāi Tahu. Many are places of spiritual presence, and prominent peaks in the district are linked to Kāi Tahu creation stories, identity and mana.
Papatipu marae	The marae atea and the buildings around it, including the wharenui, wharekai, church and urupā. The sheltering havens of Kāi Tahu cultural expression, a place to gather, kōrero and to welcome visitors. Expressions of Kāi Tahu past and present.
Repo raupo	Wetlands or swamps. These provide valuable habitat for taoka species and mahika kai resources.
Tauraka waka	Canoe mooring site. These were important for transport and gathering kai, and included such places such as present day Wellers Rock and Koputai (Port Chalmers).

Type of wāhi tūpuna	Explanation
Tūāhu	Places of importance to Māori identity. These are generally sacred ground and marked by an object, or a place used for purposes of divination.
Taumanu	Fishing sites. These are traditional fishing easements which have been gazetted by the South Island Māori Land Court. There are taumanu at Hawksbury Lagoon and on the south bank of the Waikouaiti River at the confluence of the mainstem of the Waikouaiti with the south branch (Hakariki).
Umu, Umu-tī	Earth ovens. Used for cooking tī-kōuka (cabbage tree), these are found in a diversity of areas, including old stream banks and ancient river terraces, on low spurs or ridges, and in association with other features, such as kāika nohoaka.
Urupā	Human burial sites. These include historic burial sites associated with kāika, and contemporary sites, such as the urupā at Ōtākou and Puketeraki marae.
Wāhi kohātu	Rock outcrops. Rocky outcrops provided excellent shelters and were intensively occupied by Māori from the moa-hunter period into early European settlement during seasonal hikoī. Tuhituhi neherā (rock art) may be present due to the occupation of such places by the tūpuna.
Wāhi pakaka	Battle sites. Historic battle sites occur throughout Dunedin, such as that at Ohinepouwera (Waikouaiti sandspit) where Taoka's warriors camped for six months while they laid siege on Te Wera on the Huriawa Peninsula.
Wāhi paripari	Cliff areas.
Wāhi taoka	Resources, places and sites treasured by manawhenua. These valued places reflect the long history and association of Kāi Tahu with the Dunedin district.
Wāhi tapu	Places sacred to the takata whenua. These occur throughout the Dunedin district and include urupā (human burial sites).
Wāhi tohu	Features used as location markers within the landscape. Prominent landforms formed part of the network of trails along the coast and inland. These acted as fixed point locators in the landscape for travellers and are imbued with history.
Wai māori	Freshwater areas important to Māori. These include wai puna (springs), roto (lakes) and awa (rivers).

14.2 Objectives and Policies

Objective 14.2.1	
<p>The relationship between manawhenua and the natural environment is maintained or enhanced, including the cultural values and traditions associated with:</p> <ul style="list-style-type: none"> a. wāhi tūpuna; b. mahika kai; and c. occupation of native reserve land through papakāika 	
Policy 14.2.1.1	Only allow activities in or adjacent to wetlands and coastal and riparian areas that are wāhi tūpuna and are identified as having mahika kai values in Appendix A4, where adverse effects on mahika kai are avoided, or if avoidance is not possible, are no more than minor.
Policy 14.2.1.2	Require buildings, structures, earthworks and network utilities to be set back an adequate distance from the coast and water bodies that are wāhi tūpuna and are identified as having mahika kai values in Appendix A4, to maintain or enable access to the coast and riparian margins for the purpose of gathering mahika kai.
Policy 14.2.1.3	Only allow subdivision of land adjacent to water bodies and the coast that are wāhi tūpuna and are identified as having mahika kai values in Appendix A4, where the subdivision is designed to maintain or enable access to the coast and riparian margins for the purpose of gathering mahika kai.
Policy 14.2.1.4	Only allow activities that are identified as a threat to wāhi tūpuna in Appendix A4, where adverse effects on the relationship between manawhenua and the wāhi tūpuna are avoided, or if avoidance is not possible, are no more than minor.
Policy 14.2.1.5	Only allow cemeteries, crematoriums and landfills where any adverse effects on manawhenua values, including the relationship between manawhenua and sites of cultural importance to them, are avoided or, if avoidance is not possible, are no more than minor.
Policy 14.2.1.6	Enable manawhenua to live in Native Reserve areas where any adverse effects can be adequately managed in line with the objectives and policies of the relevant zone.
Policy 14.2.1.7	Require residential buildings used for papakāika to be removed from a <u>site</u> when they are no longer used for that purpose.

Rules

Rule 14.3 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 14.3.1 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. Rule 14.3.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides 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. If a restricted discretionary activity also does not meet one or more relevant performance standards, discretion is expanded to include the areas of non-compliance and the assessment will include the matters outlined in Section 15.9.
4. 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.

14.3.2 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. All performance standard contraventions including performance standards listed below		<p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> a. The degree of non-compliance with the performance standard is minor. b. 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. c. 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> <ul style="list-style-type: none"> d. Where more than one standard is contravened, the combined effects of the contraventions should be considered. e. Council will consider the findings of any cultural impact assessment provided with a resource consent application, where required (see Special Information Requirements - Rule 14.7). f. In assessing the effects on manawhenua and their relationship with a wāhi tūpuna mapped area, Council will consider the values in Appendix A4.
2. Density (papakāika - residential zone)	a. Effects on cultural values of manawhenua	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 14.2.1 ii. Manawhenua are able to live in Native Reserve areas where any adverse effects can be adequately managed in line with the policies of the relevant zone (Policy 14.2.1.6). iii. Residential buildings used for papakāika are removed when no longer used for that purpose (Policy 14.2.1.7).
3. Esplanade reserves and strips	a. Where in a wāhi tūpuna mapped area , effects on cultural values of manawhenua	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 14.2.1 ii. In a wāhi tūpuna mapped area identified as having mahika kai values in Appendix A4, the subdivision is designed to maintain or enable access to the coast and riparian margins for the purpose of gathering mahika kai (Policy 14.2.1.3).

14.3.2 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. Maximum height	<p>a. In the Huriawa height restriction mapped area, effects on cultural values of manawhenua</p> <p>b. In the Dunedin International Airport Zone, effects on cultural values of manawhenua (<i>in relation to Maukaatua wāhi tūpuna mapped area</i>)</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> Objective 14.2.1 Adverse effects on the relationship between manawhenua and wāhi tūpuna are avoided, or if avoidance is not possible, are no more than minor (Policy 14.2.1.4).
5. <ul style="list-style-type: none"> Maximum area (indigenous vegetation clearance) Protected areas (vegetation clearance) Protected species (indigenous vegetation) 	a. Where in a wāhi tūpuna mapped area , effects on cultural values of manawhenua	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> Objective 14.2.1 In a wāhi tūpuna mapped area identified as having mahika kai values in Appendix A4, vegetation clearance has no significant effects on mahika kai (Policy 14.2.1.1). In a wāhi tūpuna mapped area where indigenous vegetation clearance is identified as a threat in Appendix A4, adverse effects on the relationship between manawhenua and the wāhi tūpuna are avoided, or if avoidance is not possible, are no more than minor (Policy 14.2.1.4). <p><i>Potential circumstances or mitigation measures that may support a consent application include:</i></p> <ol style="list-style-type: none"> Where the wāhi tūpuna mapped area has mahika kai values: <ol style="list-style-type: none"> The area of vegetation to be cleared is not a source of mahika kai, nor will its removal affect adjoining areas of mahika kai. Sufficient vegetation will remain to ensure mahika kai can continue to be gathered to the extent it is currently gathered.
6. Setback from coast and water bodies	a. Where in a wāhi tūpuna mapped area , effects on cultural values of manawhenua	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> Objective 14.2.1 In a wāhi tūpuna mapped area where activities affecting access to a water body are identified as a threat in Appendix A4, adverse effects on the relationship between manawhenua and the wāhi tūpuna are avoided, or if avoidance is not possible, are no more than minor (Policy 14.2.1.4). In a wāhi tūpuna mapped area identified as having mahika kai values in Appendix A4, buildings and structures, earthworks and network utilities are set back an adequate distance from the coast and water bodies to ensure access to the coast and riparian margins for the purpose of gathering mahika kai is maintained or enabled (Policy 14.2.1.2).

14.3.2 Assessment of performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
7.	Setback from ridgeline	a. Where in a wāhi tūpuna mapped area , effects on cultural values of manawhenua	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 14.2.1 ii. In a wāhi tūpuna mapped area where buildings, structures and network utility structures are identified as a threat in Appendix A4, adverse effects on the relationship between manawhenua and the wāhi tūpuna are avoided, or if avoidance is not possible, are no more than minor (Policy 14.2.1.4).

Rule 14.4 Assessment of Restricted Discretionary Activities

Rule 14.4.1 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. Rule 14.4.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides 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.

14.4.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All restricted discretionary activities		<p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> a. The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values. b. Council will consider the findings of any cultural impact assessment provided with a resource consent application, where required (see Special Information Requirements - Rule 14.7). c. In assessing the effects on manawhenua and their relationship with a wāhi tūpuna mapped area, Council will consider the values in Appendix A4.

14.4.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. <ul style="list-style-type: none"> Indigenous vegetation clearance Earthworks - large scale New buildings or structures / additions and alterations up to 60m² Network utilities activities All other structures New buildings and additions and alterations 60m² and over Forestry Tree planting All other buildings and structures 	a. Where in a wāhi tūpuna mapped area , effects on cultural values of manawhenua	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 14.2.1 ii. In a wāhi tūpuna mapped area where the activity is identified as a threat in Appendix A4, adverse effects on the relationship between manawhenua and wāhi tūpuna are avoided, or if avoidance is not possible, are no more than minor (Policy 14.2.1.4).
3. Crematoriums and Cemeteries	a. Effects on cultural values of manawhenua	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 14.2.1 ii. Adverse effects on cultural values, including the relationship between manawhenua and sites of cultural importance to them, can be avoided, or if avoidance is not possible, are no more than minor (Policy 14.2.1.5).

14.4.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. All subdivision activities	a. Where in a wāhi tūpuna mapped area , effects on cultural values of manawhenua	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 14.2.1 ii. In a wāhi tūpuna mapped area where a subdivision or buildings and structures are identified as a threat, the subdivision is designed to ensure any future land use or development will avoid or, if avoidance is not possible, ensure adverse effects on values of significance to manawhenua are no more than minor (Policy 14.2.1.4). iii. In a wāhi tūpuna mapped area identified as having mahika kai values, the subdivision is designed to maintain or enable access to the coast and riparian margins for the purpose of gathering mahika kai (Policy 14.2.1.3). <p><i>Design considerations that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. Subdivisions are designed to maximise the opportunities for protection or enhancement of important manawhenua values on the site, for example through: <ul style="list-style-type: none"> 1. retaining indigenous vegetation on a single allotment, under single ownership; 2. fencing of indigenous vegetation; 3. enabling access to, and protection of, sites of significance. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> v. A building platform registered against the Certificate of Title by way of consent notice.

Rule 14.5 Assessment of Discretionary Activities

Rule 14.5.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 14.5.1.2 - 14.5.1.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent applications;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

14.5.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 2.5.1, 2.5.3, 2.5.4, 14.2.1</p> <p><i>General assessment guidance:</i></p> <p>b. Council will consider the findings of any cultural impact assessment provided with a resource consent application, where required (see Special Information Requirements - Rule 14.7.1).</p>
2. <ul style="list-style-type: none"> • Crematoriums • Cemeteries • Landfills 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Adverse effects on cultural values, including the relationship between manawhenua and sites of cultural importance to them, are avoided or, if avoidance is not possible, are no more than minor (Policy 14.2.1.5).</p>
3. In a wāhi tūpuna mapped area : <ul style="list-style-type: none"> • Mining • Discretionary network utilities activities • New roads or additions or alterations to existing roads • Passenger transportation hubs • Heliports • Hazard mitigation earthworks and structures 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. In a wāhi tūpuna mapped area where the activity is identified as a threat in Appendix A4, adverse effects on the relationship between manawhenua and wāhi tūpuna are avoided, or if avoidance is not possible, are no more than minor (Policy 14.2.1.4).</p> <p><i>General assessment guidance:</i></p> <p>b. Council will consider whether the activity is identified as a threat in Appendix A4 in the wāhi tūpuna mapped area.</p> <p>c. Where effects on the cultural values of manawhenua are assessed, the findings of a cultural impact assessment will be considered, where required (see Special Information Requirements - Rule 14.7).</p>

14.5.3 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
1. Density (papakāika - rural zones)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 2.5.2, 14.2.1 b. Manawhenua are able to live in Native Reserve areas where any adverse effects can be adequately managed in line with the policies of the relevant zone (Policy 14.2.1.6). c. Residential buildings used for papakāika are removed from the <u>site</u> when they are no longer used for that purpose (Policy 14.2.1.7).

Rule 14.6 Assessment of Non-complying Activities

Rule 14.6.1 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. Rule 14.6.2 provides 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.

14.6.2 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objectives 2.5.1, 2.5.3, 2.5.4 <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> b. Council will consider the findings of a cultural impact assessment provided with the application for resource consent, where required (see Special Information Requirements - Rule 14.7.1).
2. <ul style="list-style-type: none"> • Cemeteries • Crematoriums • Landfills 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 14.2.1 b. Policy 14.2.1.5 <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. The assessment of a resource consent application for crematoriums, cemeteries and landfills will consider the findings of a cultural impact assessment (see Special Information Requirements - Rule 14.7)

Rule 14.7 Special Information Requirements

14.7.1 Cultural Impact Assessment

1. Where manawhenua are considered an affected person, a cultural impact assessment may be required.

Note: The notification rules within the relevant management zone, major facility or city wide activities section provide advice on when manawhenua will be considered an affected person.

