

3. Public Amenities

3.1 Introduction

Public amenities are structures and facilities established for the convenience, enjoyment, or amenity of the public, such as seating, barbeques, play equipment, and toilets. Public amenities also encompass other features that contribute to our experience or understanding of the environment or events in the area, such as artworks, monuments, memorials, and interpretation panels. They provide for community needs and contribute positively to streetscape amenity and public places, enhancing the use and attractiveness of these areas.

Public amenities have the potential to adversely effect amenity if they are of an inappropriate scale, and in some cases may be slightly controversial by their very nature.

In response to these issues the rules proposed in the Second Generation Plan (2GP) impose limits on scale or requiring consent. In order to enable public amenities to occur while managing effects on the amenity of surrounding sites and other users of public places.

3.2 Objectives and Policies

Objective 3.2.1	
Public amenities contribute positively to community well-being and streetscape amenity, while:	
a. minimising, as far as practicable, any adverse effects on the amenity of surrounding sites; and	
b. meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which they are located.	
Policy 3.2.1.1	Provide for public amenities throughout the city.
Policy 3.2.1.2	Require public amenities to be designed and located to avoid significant adverse effects on the amenity of surrounding sites and streetscape amenity.
Policy 3.2.1.3	Only allow public toilets and public display boards where significant adverse effects on surrounding sites will be avoided.
Policy 3.2.1.4	Only allow public artworks - large scale where: <ul style="list-style-type: none"> a. it has positive effects for streetscape amenity; and b. significant adverse effects on surrounding sites will be avoided.

Rules

Rule 3.3 Activity Status

3.3.1 Activity status introduction

1. The activity status table in Rule 3.3.2 shows the activity status of public amenities activities across all zones, provided any performance standards shown in the far right column are met. The activities in the public amenities category are listed in the nested table in Section 1.6.
2. Performance standards apply to permitted, and restricted discretionary activities.
3. If a permitted activity does not meet one or more performance standards, then the activity status of the activity will become restricted discretionary, unless otherwise indicated by the relevant performance standard.
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.

Legend

Acronym	Activity status
—	No additional provisions apply or not relevant
P	Permitted activity
RD	Restricted discretionary activity
Zone key	Zone/overlay name
Res	Residential Zone

3.3.2 Activity status table - public amenities activities

1.	Performance standards that apply to all public amenities activities	a. Buildings and structures located on or above the footpath b. Height in relation to boundary c. Light spill d. Setback from scheduled trees e. Noise f. Hazard overlay zones development standards			
Public amenities activities		Activity status			Performance standards
		a. Res	b. All other zones	c. In a heritage precinct or on a scheduled heritage site	
2.	Public artworks - small scale painted on network utilities structures or bus shelters	P	P	—	

3.	All other public artworks - small scale	RD	P	RD (in Residential Heritage Precincts)	
4.	Public artworks - large scale	RD	RD	RD	
5.	Public display boards	RD	RD	RD	i. Maximum dimensions
6.	Public toilets	RD	RD	RD	i. Maximum height
7.	All other public amenities	P	P	—	i. Maximum height ii. Setback from national grid iii. Maximum dimensions

Note 3.3A - Other relevant District Plan provisions

1. Painting of unpainted scheduled heritage buildings and structures, and character-contributing buildings, is defined as additions and alterations to the building, and consent is required. See the additions and alterations rules within each zone.
2. Rule 11.3.1.1 restricts all buildings and structures in a **swale mapped area**.

Note 3.3B - Other requirements outside of the District Plan

1. Permission must be obtained for any public amenities on Dunedin City Council (DCC) land including reserves and roads, please contact 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Permission must be obtained from the New Zealand Transport Agency for the erection of any public amenities within the state highway road reserve.

Note 3.3C - Other requirements outside of 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.

Note 3.3D - Other relevant District Plan provisions

1. Earthworks are managed through the management and major facilities zone sections.

Rule 3.4 Notification

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

Rule 3.5 Performance Standards

3.5.1 Buildings and Structures Located on or Above the Footpath

Public amenities must comply with Rule 6.7.2.

3.5.2 Height

3.5.2.1 Height in relation to boundary

Public amenities must comply with the performance standard for height in relation to boundary of the zone in which they are located.

3.5.2.2 Maximum height

The maximum height of public amenities must not exceed the following above ground level:

Public amenity	Maximum height
a. Public play equipment	9m
b. Freestanding flagpoles	9m
c. Public display boards	2m
d. Monuments and memorials	5m
e. All other public amenities	3m

3.5.3 Light Spill

Public amenities must comply with Rule 9.3.5.

3.5.4 Maximum Dimensions

- For flat public display boards, the maximum area of all display faces is 3m², with no single display face exceeding 1.5m² in area.
- The maximum diameter for bollards is 1m.
- For place name signs, the maximum area of the display face is 2m².

3.5.5 Setback from National Grid

Public play equipment and freestanding flagpoles must comply with Rule 5.6.1.1.

3.5.6 Setback from Scheduled Tree

Public amenities must comply with Rule 7.5.2.

3.5.7 Noise

Public amenities must comply with Rule 9.3.6.

3.5.8 Hazard Overlay Zones Development Standards

3.5.8.1 Hazard exclusion area (swale mapped area)

Public amenities must comply with Rule 11.3.1.1.

Rule 3.6 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 3.6.1 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 3.6.2 - 3.6.3:
 - 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.

3.6.2 Assessment of all performance standard contraventions

Performance standard	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> <ol style="list-style-type: none"> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, <u>site</u> specific factors including topography, make meeting the standard impracticable. 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> <ol style="list-style-type: none"> d. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

3.6.3 Assessment of public amenities 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 safety and efficiency of the transport network	See Rule 6.9
	a. Effects on health and safety	See Rule 9.4.3.1
2. <ul style="list-style-type: none"> Height in relation to boundary Maximum dimensions Maximum height 	a. Effects on amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 3.2.1 ii. Public amenities are designed and located to avoid significant effects on the amenity of surrounding sites and streetscape amenity (Policy 3.2.1.2). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. The public amenity must be designed or located to not impede pedestrian movement, distract drivers, or obstruct sightlines.
3. Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

Rule 3.7 Assessment of Restricted Discretionary Activities

Rule 3.7.1 Introduction

- 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.
- Rules 3.7.2 - 3.7.3:
 - list the matters Council will restrict its discretion to; and
 - provide guidance on how a consent application will be assessed, including:
 - relevant objectives and policies, with respect to s104(1)(b)(vi);
 - potential circumstances that may support a consent application;
 - general assessment guidance; and
 - conditions that may be imposed.
- Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) then:
 - the activity, as a whole, will be treated as **restricted discretionary**;
 - the matters of discretion are expanded to include the areas of non-compliance with the performance standard;
 - the performance standard contravention will be assessed as indicated in Section 3.6; and
 - the matters of discretion in this section will be assessed as indicated.
 - if the contravention of the performance standard defaults to **discretionary** then:
 - the activity, as a whole, will be treated as **discretionary**;

- ii. the performance standard contravention will be assessed; and
 - iii. the assessment guidance in this section will also be considered.
- c. if the contravention of the performance standard defaults to **non-complying** then:
- i. the activity, as a whole, will be **non-complying**;
 - ii. the performance standard contravention will be assessed as indicated in Section 3.8; and
 - iii. the assessment guidance in this section will also be considered.

3.7.2 Assessment of all public amenities activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> Public artworks - large scale Public artworks - small scale (residential zones only) 	a. Effects on amenity, and use and enjoyment of public spaces	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 3.2.1 ii. Public artwork has positive effects for streetscape amenity (Policy 3.2.1.4.a). iii. Significant adverse effects of public artworks on surrounding sites will be avoided (Policy 3.2.1.4.b). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iv. In assessing the effects on amenity, Council will consider the appropriateness of the location and design, and in particular consider the following matters: <ul style="list-style-type: none"> 1. Artworks should not overly dominate a public space. 2. Artworks must use colours that are appropriate to the location and purpose of the artwork, with consideration of the context of the artwork. 3. The artworks must be made of robust materials and constructed to meet environmental conditions so they will maintain their physical integrity for the life of the artwork. 4. The artwork must be designed and located to not impede pedestrian movement or create concealment places, or significantly obstruct clear sightlines through public spaces. 5. Artworks must be culturally and socially sensitive so as to be inclusive of the wider community, and not present material that would be offensive or inappropriate. 6. Artworks must be located to avoid creating clutter in public spaces. 7. Illuminated artworks must not distract drivers or create nuisance effects for surrounding sites or other activities on the same <u>site</u> by having appropriate direction, movement, and intensity of light. 8. Artworks must not create sound that would be a nuisance to users of a public space, surrounding sites, or other activities on the same site. 9. Kinetic artworks must not distract drivers or be a nuisance to users of a public space, to surrounding sites, or other activities on the same site, as a result of movement or sound.

3.7.2 Assessment of all public amenities activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
2.	Public display boards	a. Effects on amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 3.2.1 ii. Significant adverse effects of public display boards on surrounding sites are avoided (Policy 3.2.1.3).
3.	Public toilets	a. Effects on amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 3.2.1 ii. Significant adverse effects of public toilets on surrounding sites are avoided (Policy 3.2.1.3). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Toilets are set back from side and rear boundaries with residential properties by an adequate distance to avoid effects on surrounding sites.

3.7.3 Assessment of restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In the ONF, ONL or SNL overlay zones: <ul style="list-style-type: none"> • Public artworks - large scale 	a. Effects on landscape values	See Rule 10.5
2.	In the ONCC, HNCC or NCC overlay zones: <ul style="list-style-type: none"> • Public artworks - large scale 	b. Effects on natural character of the coast	See Rule 10.5
3.	In a heritage precinct or on a scheduled heritage site: <ul style="list-style-type: none"> • Public artworks - large scale • Public display boards • Public toilets • Public artworks - small scale in a residential heritage precinct 	a. Effects on heritage streetscape and character	See Rule 13.6

Rule 3.8 Assessment of Discretionary Activities

Rule 3.8.1 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 3.8.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent applications;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

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

Rule 3.9 Assessment of Non-complying Activities

Rule 3.9.1 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 3.9.2 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.

3.9.2 Assessment of non-complying performance standards		
Performance standard		Guidance on the assessment of resource consents
1.	<ul style="list-style-type: none"> • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more 	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2.	Setback from national grid	See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 and effects related to the efficient and effective operation of network utilities and public health and safety.
3.	In a swale mapped area : hazard exclusion areas	See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to risk from natural hazards.

