

30. Port

30.1 Introduction

Port Chalmers is located on the northern side of Otago Harbour. The locality, known to Māori as Kōpūtai, is where local Ngāi Tahu sold the Otago block to the New Zealand Company in 1844. A European town was founded there when Otago was settled in 1848. The Union Steam Ship Company started in 1875 and in 1882 the first frozen meat shipped from New Zealand to the northern hemisphere left from the port. Port Chalmers became the lower South Island's deep-water container port in 1977. The port is a major exporter of meat, dairy, fish, forestry products and apples and hosts cruise ships throughout the summer.

The key resource management issues with regard to Port relate to noise, glare/light spill, and effects on the amenity of nearby residential land uses, as well a need to provide for the expansion of Port activities. Notably, while the operative District Plan applies a specific 'Port Zone' to Port Chalmers, it does not provide for future expansion and changes in the nature of port activities.

In response to these issues, the Second Generation Plan (2GP) proposes to amend the "Port Zone" that applies to the site. The zone applies to the existing operational area of the port and includes land which extends from MacAndrew Road and Peninsula Beach Road to the coast and sites on Beach Street.

The intent of the zone is for Port Chalmers to operate efficiently and effectively as a key shipping and passenger port for the region, while managing effects on the amenity of surrounding zones so that adverse effects are avoided or mitigated as far as practicable, and people's health and safety is maintained.

Only industry and port activities are provided for in the zone. Both of these activities are broadly defined and incorporate all activities associated with the normal operation of the port. Potential adverse effects of port activity on surrounding properties are managed through:

- performance standards focused on the management of the effects of noise (including through port funded acoustic insulation of existing residential properties) within a mapped area (**port noise control mapped area**);
- managing the establishment of new noise sensitive activities within the **port noise control mapped area**;
- restricting the height of shipping container stacks, with a greater restriction at Back Beach and Boiler Point compared to the rest of the Port Zone;
- applying a light performance standard measured at the boundary of residential zoned sites; and
- not allowing the storage of logs, woodchips or fertiliser north of George Street in Port Chalmers (Boiler Point area).

30.2 Objectives and Policies

Objective 30.2.1	
The port at Port Chalmers is able to operate efficiently and effectively as a key shipping and passenger port for the region.	
Policy 30.2.1.1	Enable port activities, including activities that are ancillary to port activities.
Policy 30.2.1.2	Provide for industry in recognition that this activity is compatible with the operation of the port and can support its efficient and effective operation.
Policy 30.2.1.3	Avoid the establishment of activities that are not related to the operation of the port and may conflict with the ability of the port to operate efficiently and effectively.
Policy 30.2.1.4	Only allow subdivision where necessary for: <ul style="list-style-type: none"> a. the operation of the port at Port Chalmers; or b. the disposal of surplus land in accordance with Policy 2.3.1.6 and the objectives and policies of the Industrial Port Zone.
Objective 30.2.2	
Land use, development and subdivision activities necessary for the port at Port Chalmers to operate efficiently and effectively is enabled while: <ul style="list-style-type: none"> a. adverse effects on the amenity of surrounding zones are avoided or mitigated as far as practicable; and b. people's health and safety is maintained. 	
Policy 30.2.2.1	Require buildings, structures and outdoor storage, including shipping containers, to be of a height that avoids or mitigates significant adverse effects on visual amenity in Port Chalmers and Carey's Bay, as far as practicable.
Policy 30.2.2.2	Require fertiliser and woodchips to be stored in a manner and in an area where they will not become windblown and will not contaminate any off-site areas.
Policy 30.2.2.3	Require ancillary signs to be located and designed to maintain streetscape amenity including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for what is necessary for that purpose.
Policy 30.2.2.4	Require land use activities to operate, and development to be designed, to ensure that adverse effects from noise on the health of people can be avoided or, if avoidance is not possible, adequately mitigated.

Objective 30.2.3

Earthworks necessary for permitted or approved land use and development are enabled, while avoiding, or adequately mitigating, any adverse effects on:

- a. visual amenity and character;
- b. the stability of land, buildings, and structures; and
- c. surrounding properties.

Policy 30.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: <ul style="list-style-type: none"> a. being set back an adequate distance from property boundaries, buildings, structures and cliffs; and b. using a batter gradient that will be stable over time.
Policy 30.2.3.2	Require earthworks and any associated retaining structures to be designed and located to minimise adverse effects on surrounding sites and the wider area, including by: <ul style="list-style-type: none"> a. limiting the scale of earthworks that are provided for as a permitted activity; and b. requiring earthworks to avoid sediment run-off, including onto any property, or into any stormwater pipes, drains, channels or soakage systems.
Policy 30.2.3.3	Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated: <ul style="list-style-type: none"> a. adverse effects on visual amenity and character; b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and c. adverse effects on the stability of land, buildings, and structures.

Rules

Rule 30.3 Activity Status

30.3.1: Rule location

Tables 30.3.3 to 30.3.5 in Rule 30.3.2 specify the activity status of land use activities, development activities, and subdivision activities in the Port Zone and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

30.3.2: Activity status introduction

1. The tables in Rules 30.3.3-30.3.5 show the activity status of activities in the Port Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.6 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. The nested table in Section 1.6 is intended to be a complete list of activities and categories of activities. For any activity that is not covered by any of the defined activities in the nested table, the activity status will be non-complying if the activity status of "all" or "all other" activities in the most closely related category is non-complying, otherwise it will be discretionary.

Performance Standards

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

Legend

Acronym	Activity status
—	No additional provisions apply or not relevant
P	Permitted activity
C	Controlled activity
RD	Restricted discretionary activity
D	Discretionary activity
NC	Non-complying activity

30.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Electrical interference b. Light spill
Major facility activities		Activity status	Performance standards
2.	Port	P	a. Port Noise
3.	All other activities in the major facility activities category	NC	
Industrial activities		Activity status	Performance standards
4.	Industry	P	a. Minimum vehicle loading b. Noise (Rule 9.3.6)
Commercial activities		Activity status	Performance standards
5.	All activities in the commercial activities category	NC	
Community activities		Activity status	Performance standards
6.	All activities in the community activities category	NC	
Rural activities		Activity status	Performance standards
7.	All activities in the rural activities category	NC	
Residential activities		Activity status	Performance standards
8.	All activities in the residential activities category	NC	

30.3.4 Activity status table - development activities

Buildings and structures activities		Activity status	Performance standards
1.	All buildings and structures activities	P	a. Maximum height b. Number, located and designed of ancillary signs
Site development activities		Activity status	Performance standards
2.	Earthworks - small scale	P	a. Earthworks standards
3.	Earthworks - large scale	RD	a. Earthworks standards
4.	Outdoor storage	P	a. Location of outdoor storage (fertiliser, woodchips and logs) b. Maximum height c. Securing of outdoor storage
5.	Parking, loading and access	P	a. Parking, loading and access standards
6.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
7.	All other site development activities	P	

30.3.5 Activity status table - subdivision activities

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

Rule 30.3.6 Transition to the Industrial Port Zone

On receipt of written notice from the Port of Otago to Dunedin City Council confirming that all or part of the land within the port zone is surplus to the requirements of the Port of Otago, the provisions of the Port Zone will no longer apply to that parcel of land and the provisions of the Industrial Port Zone will apply in full.

Note 30.3A - General advice

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

Rule 30.4 Notification

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

Rule 30.5 Land Use Performance Standards

30.5.1 Electrical Interference

Land use activities must comply with Rule 9.3.2.

30.5.2 Light Spill

Land use activities must comply with Rule 9.3.5.

30.5.3 Minimum Vehicle Loading

Industry activity on all sites must provide one loading space, to accommodate an 8m rigid truck (see Figure 6.14J).

30.5.4 Port Noise

1. The operator of the port at Port Chalmers must:
 - a. develop a noise management and noise mitigation plan for Port Chalmers to provide for noise minimisation, mitigation of the effects of port noise and community liaison;
 - b. investigate and adopt the best practicable option to minimise port noise emissions;
 - c. produce and, at all times, operate in accordance with a port noise management plan, which must include, but is not limited to, the matters set out in Appendix 30A;
 - d. implement a port noise mitigation plan for the purchase or acoustic treatment of noise affected properties, which must include, but is not limited to, the matters set out in Appendix 30B; and
 - e. establish, maintain and participate in a port noise liaison committee, which must operate in accordance with the requirements set out in Appendix 30C.
2. The measurement of port noise must be in accordance with NZS6801:2008 Acoustics - Measurement of Environmental Sound, and assessment must be in accordance with NZS6809:1999 Acoustics - Port Noise Management and Land Use Planning, provided that:
 - a. subject to Rule 9.3.6.6 a., the rating level described in clause 7.3 of NZS6809:1999 Acoustics - Port Noise Management and Land Use Planning must be determined for the sole purpose of defining any Leq (15 min) sound level, required for the purposes of Appendices 30A and 30B; and
 - b. adjustments for any special audible characteristics to any Leq (15 min) made in accordance with clause 7.3 and A6 of NZS6809:1999 must, except for audible warning devices, not apply to noise from log and container handling activities.
3. For the purpose of comparison with noise criteria specified in Appendix 30B the following apply:
 - a. in calculating any Ldn (5 day average), one ship visit of up to five days duration, must be deemed to be one occasion; and
 - b. in assessing any Leq (15 min) sound level between 10pm and 7am the following day, one ship visit of up to five days duration must be deemed to be one occasion.
4. Port activity that does not comply with the performance standard for Port Noise is a non-complying activity.

Note: Industry must comply with Rule 9.3.6.

Rule 30.6 Development Activities Performance Standards

30.6.1 Earthworks Standards

30.6.1.1 Earthworks - small scale thresholds

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

Zone/Area		1. Port Zone	2. Within 5m of a water body ¹ or MHWS
i.	Maximum change in ground level	1.5m	0.5m
ii.	Maximum volume of combined cut and fill	30m ³ per 100m ² of site	1m ³
iii.	Maximum area	—	25m ²

- b. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 30.6.1.1.a.i - maximum change in ground level threshold.
- c. Earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the performance standard earthworks - small scale thresholds.
- d. Scale thresholds will be calculated as the cumulative total of earthworks on any site in a two calendar-year period.
- e. Earthworks that exceed the earthworks - small scale thresholds are treated as earthworks - large scale, which are a restricted discretionary activity.

¹See Rule 10.3.3 for how setbacks from waterbodies will be measured.

30.6.1.2 Batter gradient

Earthworks must:

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

30.6.1.3 Setback from property boundary, buildings, structures and cliffs

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

- a. Earthworks not supported by retaining walls:
- a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 30.6A);
 - a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 30.6A); and
 - 300mm, as measured from the crest of any cut (see Figure 30.6A).
- b. Retaining walls supporting a cut or fill must be setback a distance at least equal to the height of the retaining walls (see Figure 30.6B), except:
- retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and*

maintenance of the roading network are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 30.6A Unsupported cut and fill (elevation view)

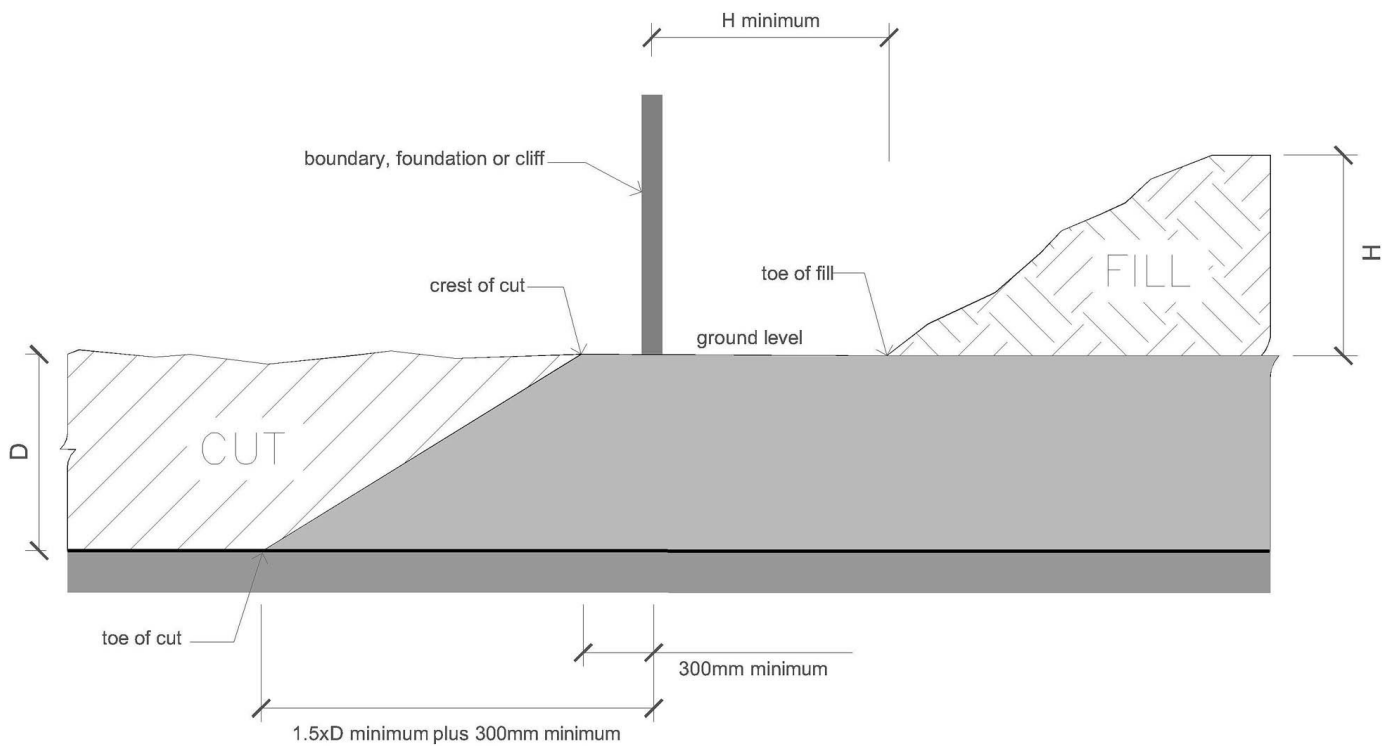
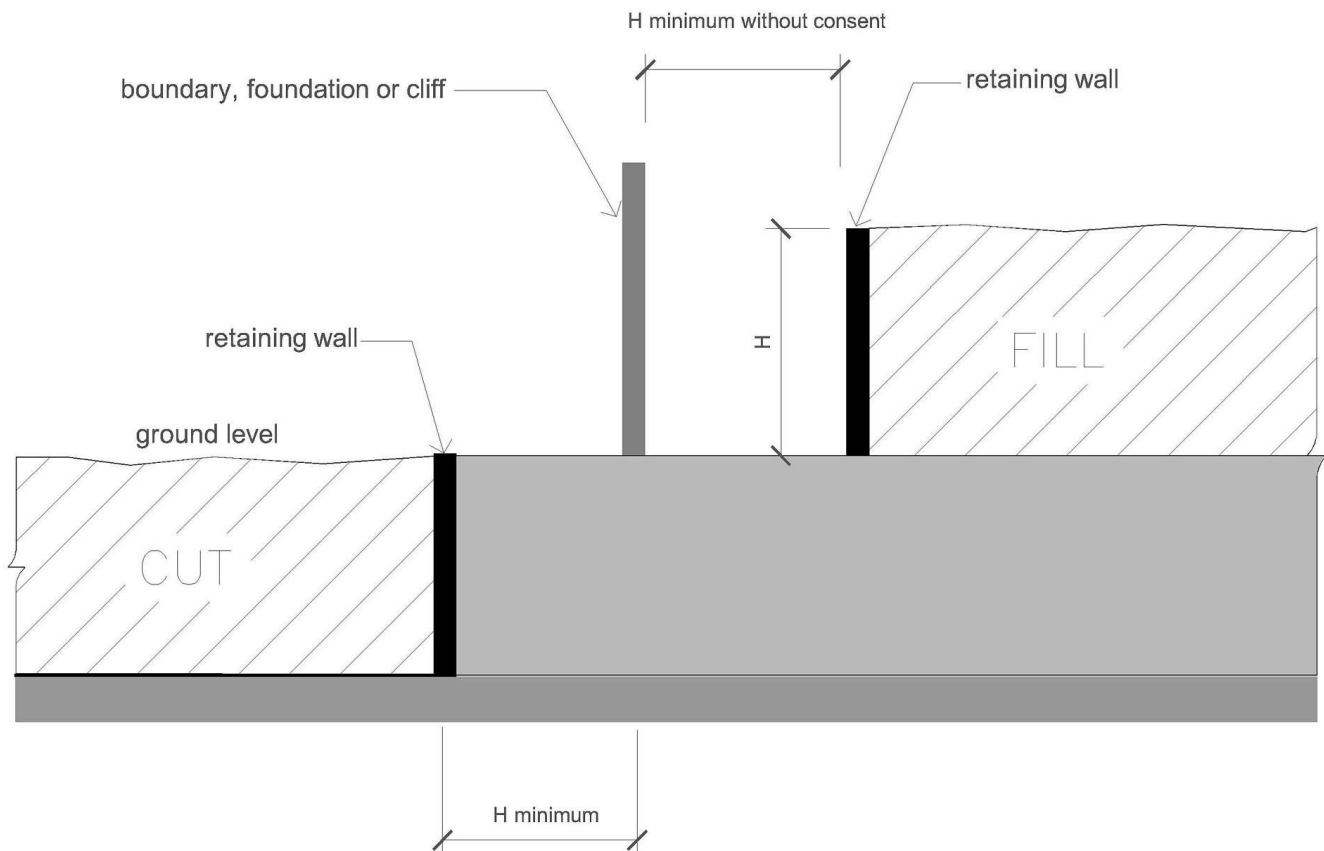


Figure 30.6B Cut and fill supported by retaining walls (elevation view)



30.6.1.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

30.6.1.5 Sediment control

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

30.6.1.6 Archaeological sites

Earthworks must comply with Rule 13.3.3.

30.6.2 Hazardous Substances Quantity Limits and Storage Requirements

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

30.6.3 Location of Outdoor Storage

1. Woodchips and logs must not be stored in the **port wood exclusion mapped area**.
2. Fertiliser must not be stored outside, or in a building that is not fully enclosed.

Port Wood Exclusion Mapped Area



30.6.4 Maximum Height

The maximum height of new buildings and structures activities, additions and alterations, and outdoor storage, including the temporary storage of shipping containers, must not exceed 30m above ground level, except:

1. in the **Boiler Point and Back Beach height mapped area** the maximum height is 15m;
2. quayside and container cranes, and light towers are exempt from the maximum height limit; and

3. rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit or 5m, whichever is the lesser.

Boiler Point and Back Beach Height Mapped Area



30.6.5 Number, Location and Design of Ancillary Signs

30.6.5.1 General

- a. Signs must comply with the following standards, except the following signs are exempt from these standards:
 - i. signs that are not visible from outside the Port Zone;
 - ii. 'regulatory' (requiring or prohibiting specified actions), 'warning' (informing of hazards or of other features requiring a safe response), or 'directional' (identifying the location of, or direction to destinations, routes, building entrances and vehicle accesses) signs; and
 - iii. 'building names' (excluding commercial sponsorship names).
- b. Signs located above the footpath must comply with Rule 6.7.2.
- c. Signs must comply with Rule 6.7.3 where visible from a road.
- d. Signs must not be illuminated or digital.
- e. Signs higher than 4m above ground level must only display the business name or major facility name.
- f. Signs other than those specified in Rules 30.6.5.2 and 30.6.5.3 are not allowed.

30.6.5.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign, attached to a building is 8m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached flat against a building must:
 - i. not cumulatively exceed 15% of the total wall area (excluding windows) that face the street frontage, or 8m², whichever is lesser; and
 - ii. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
- e. If attached on the underside of a verandah or protruding from a building façade, signs must:
 - i. where attached to the façade of a building, not protrude more than 1.5m from the façade;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of 2 display faces per sign; and
 - iv. not exceed 1 sign per 15m of street frontage and a maximum of 3 signs per building.

30.6.5.3 Freestanding signs

- a. The maximum number of freestanding signs is:
 - i. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for permanently fixed freestanding signs, and
 - ii. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for portable freestanding signs.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 8m for permanently fixed freestanding signs;
 - ii. maximum height of 4m for portable freestanding signs;
 - iii. maximum area of 16m² per display face for permanently fixed freestanding signs;
 - iv. maximum area of 8m² per display face for portable freestanding signs;
 - v. maximum width of 2m; and

- vi. maximum depth of 400m.
- c. Freestanding signs must not:
 - i. obstruct driveways, parking or loading areas; and
 - ii. be positioned entirely within site boundaries.

Note 30.6A - Other relevant District Plan provisions

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

Note 30.6B - Other requirements outside of the District Plan

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

30.6.6 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

30.6.7 Securing of Outdoor Storage

Materials must be stored in a way that prevents materials contaminating any off-site area.

Rule 30.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 19.7.

Rule 30.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 30.8.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 30.8.2 - 30.8.5:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

30.8.2 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> <p>a. The degree of non-compliance with the performance standard is minor.</p> <p><i>General assessment guidance:</i></p> <p>b. Where more than one standard is contravened, the combined effects of the contraventions should be considered.</p>

30.8.3 Assessment of land use performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Electrical interference	a. Effects on health and safety	See Rule 9.4
2.	Minimum vehicle loading	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

30.8.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks standards: • Batter gradient	a. Effects on the stability of land, buildings and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 30.2.3 ii. Earthworks and associated retaining structures are located and designed to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 30.2.3.1.b). <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> iii. Maximum slopes of cut and fill batters. iv. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. v. Temporary shoring requirements to maintain stability before a wall is constructed. vi. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.
2. Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 30.2.3 ii. Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by being set back an adequate distance from property boundaries, buildings and cliffs (Policy 30.2.3.1.a).
3. Earthworks standards: • Setback from network utilities	a. Effects on efficient and effective operation of network utilities b. Effects on health and safety	See Rule 5.7

30.8.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. Earthworks standards: • Sediment control	a. Effects on surrounding sites	<i>Relevant objectives and policies:</i> i. Objective 30.2.3 ii. Earthworks and any associated retaining structures are designed and located to minimise adverse effects on surrounding sites and the wider area by managing earthworks to avoid sediment run-off, including on to any property, or into any stormwater pipes, drains, channels or soakage systems (Policy 30.2.3.2.b).
	b. Effects on biodiversity values and natural character of riparian margins and coast	See Rule 10.4
	c. Effects on the efficiency and/or affordability of infrastructure	See Rule 9.4
5. Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.4
	b. Risk from natural hazards	See Rule 11.4
6. Maximum height	a. Effects on amenity of surrounding residential zone	<i>Relevant objectives and policies:</i> i. Objective 30.2.2 ii. Buildings, structures and outdoor storage, including shipping containers, are of a height that avoids or mitigates significant adverse effects on visual amenity in Port Chalmers and Carey's Bay as far as practicable (Policy 30.2.2.1).
7. Number, location and design of ancillary signs	a. Effects on amenity of surrounding zones	<i>Relevant objectives and policies:</i> i. Objective 30.2.2 ii. Ancillary signs are located and designed to maintain streetscape amenity including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and will not be oversized or too numerous for what is necessary for that purpose (Policy 30.2.2.3).
	b. Effects on safety and efficiency of the transport network	See Rule 6.9

30.8.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
8. <ul style="list-style-type: none"> • Securing of outdoor storage • Location of outdoor storage 	a. Effects on amenity of surrounding zones	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 30.2.2 ii. Fertiliser, woodchips and other materials are stored in a manner and in an area where they will not become windblown and will not contaminate any off-site areas (Policy 30.2.2.2).

30.8.5 Assessment of subdivision performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Subdivision performance standards	See Rule 19.9

Rule 30.9 Assessment of Restricted Discretionary Activities

Rule 30.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 30.9.2 and 30.9.3:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
4. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**; and
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 30.8; and
 - iv. the matters of discretion in this section will be assessed as indicated.
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 30.10; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 30.11; and
 - iii. the assessment guidance in this section will also be considered.

30.9.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks - large scale (that exceed the scale thresholds for the Port Zone)	<p>a. Effects on visual amenity and character</p> <p>b. Effects on the amenity of surrounding properties</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 30.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 30.2.3.3.a). iii. Adverse effects on the amenity of surrounding properties, including from changes to drainage patterns, will be avoided or, if avoidance is not possible, adequately mitigated (Policy 30.2.3.3.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. There is no, or only minimal, alteration to the natural landform. v. Any cut or fill will be restored or treated to resemble natural landforms. vi. The earthworks will not remove or effect existing vegetation or landscaping. <p><i>Conditions that may be imposed include, but are not limited to:</i></p> <ul style="list-style-type: none"> vii. Measures to minimise visual effects, e.g. requirements for revegetation and/or landscaping. viii. Maximum slopes of cut and fill batters. ix. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. x. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. xi. Requirement to de-compact soils; to take other remedial action to ensure the natural absorption capacity of the soils is not reduced; or to use other mitigation measures to ensure the overall absorption of rain water on <u>site</u> is not diminished.

30.9.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on the stability of land, buildings, and structures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 30.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 30.2.3.3.c). <p><i>Potential circumstances that may support a consent application:</i></p> <ul style="list-style-type: none"> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements - Rule 30.12.1). iv. Excavation, fill and retaining structures will be designed, and the work undertaken, in accordance with best practice engineering standards
2. Earthworks - large scale (that exceed scale thresholds within 5m of a water body or MHWS)	a. Effects on biodiversity and natural character of riparian margins and the coast	See Rule 10.5
	b. Effects on public access	

30.9.3 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All subdivision activities	a. Effects on the efficient and effective operation of the port at Port Chalmers	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 30.2.1; Strategic objective 2.3.1 ii. Subdivision is necessary for the operation of the port at Port Chalmers or the disposal of surplus land in accordance with Policy 2.3.1.6, in accordance with the objectives and policies of the Industrial Port Zone (Policy 30.2.1.4).
	See Rule 19.10	

Rule 30.10 Assessment of Discretionary Activities

Rule 30.10.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 30.10.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent applications;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

30.10.2 Assessment of discretionary performance standard contraventions

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

Rule 30.11 Assessment of Non-complying Activities

Rule 30.11.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 30.11.2 and 30.11.3 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

30.11.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <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, those related to: <ul style="list-style-type: none"> i. Objective 2.3.1 b. The activity supports the purpose of the zone as outlined in 30.2.1 and 30.2.2. c. In assessing the significance of 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><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> d. the establishment of the activity is related to the operation of the port and will not conflict with the ability of the port to operate efficiently and effectively.
2. <ul style="list-style-type: none"> • Cemeteries • Crematoriums • Landfills 	See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of manawhenua.
3. Commercial advertising in all zones	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 2.4.1 b. Policy 2.4.1.6.c

30.11.3 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Light spill - where the limit is exceeded by greater than 25%	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. <ul style="list-style-type: none"> • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more (Rule 9.3.7) • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) 	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
3. Port Noise	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>Objective 30.2.2, Policy 30.2.2.4</p>

Rule 30.12 Special Information Requirements

30.12.1 Geotechnical investigation report

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

Appendices

Appendix 30A. Port Noise Management Plan

30A.1 Minimum port noise management plan provisions

The port noise management plan required by Rule 30.5.4 must contain the following:

1. port noise management plan objectives;
2. detailed procedures for the implementation of Rule 30.5.4, including the port noise mitigation plan outlined in Appendix 30B and the establishment and maintenance of a port noise liaison committee outlined in Appendix 30C;
3. a list of port noise liaison committee functions;
4. procedures for recommendations of the port noise liaison committee to be considered and determined by the port operator;
5. noise modelling, noise monitoring, auditing and reporting procedures;
6. complaint handling procedures;
7. procedures for achieving noise reduction through port operational procedures and staff and contractor training; and
8. procedures for alterations to the port noise management plan.

30.1.B Minimum monitoring and reporting requirements

1. The port operator must maintain, at its expense, sound level monitoring equipment to ensure the continuous measurement of port noise emanating from port related activities occurs 24 hours a day and seven days a week.
2. The port operator must provide the results of sound level monitoring to the Council and the port noise liaison committee in a summary form showing Leq, calculated Ldn sound exposure and all attended Lmax levels not less than four times a year. Significant port noise emissions must be highlighted and correlated with port activity and wind speed and wind direction data.
3. When sound level monitoring indicates that port noise may be exceeding 65 dBA Ldn (5 day average) or 65dBA Leq (15 min, 10pm - 7am) at noise affected properties that are not shown on the port noise contour map as eligible for mitigation under Appendix 30B.1, the exceedence must be recorded, investigated and reported to the port noise liaison committee. The investigation must identify as far as possible those noise affected properties receiving port noise at or above such levels.
4. The port operator must produce and include in the port noise management plan a port noise contour map based on a current busy 5 day operating scenario. The contour map must be updated at least on an annual basis or when a change to port operations is likely to affect the levels of port noise received in the township and settlement, rural residential 2, recreation, industrial, principal centre and hill slopes rural zone. Port noise contours must be modelled at 1dB intervals between 55Ldn and 70Ldn.
5. To ensure the accuracy of the port noise contour map, the port operator must perform field verification of calculated sound exposure levels and assessed Leq (15 min) levels of port noise at the agreed monitoring points identified in the port noise management plan.
6. Those noise affected properties confirmed as eligible for mitigation under Appendix 30B.1 must be identified on the port noise contour map.
7. The port operator must maintain an acoustic certificate register. A copy of the register and acoustic certificates for noise affected properties must be supplied to the Council. Copies of the register and acoustic certificates must also be held at the offices of the port operator and the Dunedin City Council and made

available to members of the public on request.

8. The port operator must make available to the port noise liaison committee or the Council on request all information the port operator has as to noise and meteorological conditions.
9. When a noise complaint is received the port operator will immediately advise the Dunedin City Council (if the complaint is not received throughout the Dunedin City Council).
10. The port operator must maintain a register of noise complaints and report the details of complaints and any action taken to investigate and resolve complaints to the port noise liaison committee at the earliest opportunity.
11. Copies of the port noise management plan are to be held at the offices of the port operator and the Dunedin City Council and made available to members of the public on request.

Appendix 30B. Port Noise Mitigation Plan

30B.1 Mitigation for noise affected properties 65dBA and above

The port operator must offer to purchase or provide acoustic treatment for noise affected properties which receive at any point within their boundary levels of port noise equal to or greater than an assessed 65 dBA Ldn (5 day average) or an assessed 65 dBA Leq (15 min, 10pm –7am) on more than three occasions (more than 24 hours apart) during any rolling 12 month period. The conditions and standards in 9.3.1.2 to 9.3.1.4 apply to the offer to purchase or provide acoustic treatment.

30B.1.2 Owner to decide

The owner of each such noise affected property must have the right to elect whether to accept either purchase or acoustic treatment and there is no time limit on the owner's acceptance of the offer.

30B.1.2 Purchase

The fair market value of a noise affected property must be determined as if the property was situated in Port Chalmers, excluding the effect of port operation; plus an additional compensatory payment of \$1,000 for each year, up to 30 December 2003 that the owner was in prior occupation of the property. The minimum additional payment is to be \$2,000 up to a maximum of \$15,000 with adjustment for inflation to be in accordance with the method specified in the port noise mitigation plan.

30B.1.3 Acoustic treatment

Acoustic treatment of noise affected properties must be carried out in accordance with procedures specified in the port noise mitigation plan up to a limit specified in the port noise mitigation plan.

Where the assessed costs of acoustic treatment exceed the limit specified in the port noise mitigation plan the port operator must advise the property owner of the costs of acoustic treatment and offer the property owner the option of making up the difference in the costs of acoustic treatment to enable the port operator to obtain an acoustic certificate.

If port noise received by a noise affected property which has received acoustic treatment exceeds the certified level of port noise for that property, then the port operator must offer to purchase the affected property notwithstanding the previous election of acoustic treatment.

30B.1.4 Residential use of properties purchased by the port operator

Noise affected properties purchased under this provision may not be used for residential purposes unless they receive acoustic treatment.

30B.2 Mitigation for noise affected properties 60dBA and above

The port operator must contribute to the costs of acoustic treatment for noise affected properties or may offer to

purchase noise affected properties which are shown on the current port noise contour map as receiving at any point within their boundary port noise levels equal to or greater than 60 dBA Ldn (5 day average). The conditions and standards in 9.3.1.2 to 9.3.1.4 apply to any offer to provide acoustic treatment.

30B.2.1 Purchase

The port operator, on application by the owner of a noise affected property, must consider and decide whether to offer to purchase a noise affected property. The purchase will be on the basis of a "willing buyer/willing seller" and no additional compensatory payments will be necessary.

30B.2.2 Acoustic treatment

The port noise liaison committee on a case by case basis, must provide a contribution to the costs of acoustic treatment utilising its annual mitigation budget. Acoustic treatment of noise affected properties must be carried out in accordance with procedures specified in the port noise mitigation plan and the liaison committee will determine the level of the contribution up to a limit specified in the port noise mitigation plan.

30B.3 Mitigation for noise affected properties 55dBA to 60dBA

The port noise liaison committee will provide technical advice to noise affected properties.

In special circumstances the port noise liaison committee utilising its annual mitigation budget may offer to contribute to the costs of acoustic treatment for noise affected properties which are shown on the current Port Noise Contour Map as receiving at any point within their boundary port noise levels equal to or greater than 55 dBA Ldn (5 day average). The conditions and standards in 10.2.3.1 to 10.2.3.2 apply to the provision of technical advice or an offer to provide acoustic treatment.

30B.3.1 Technical advice

An annual update of noise modelling information is to be made available to property owners.

An annual summary of the activities of the port noise liaison committee taken from the minutes of the liaison committee meetings is to be provided to property owners.

30B.3.2 Acoustic treatment

Acoustic treatment of noise affected properties must be carried out in accordance with procedures specified in the port noise mitigation plan.

Where the contribution to the costs of acoustic treatment is to be provided it must be up to a limit specified in the port noise mitigation plan.

Appendix 30C. Port Noise Liaison Committee

1. The port noise liaison committee required under Rule 30.5.4 must comprise but is not limited to members appointed by the following organisations:
 - a. Port operator
 - b. Otago Regional Council
 - c. Dunedin City Council
 - d. Carey's Bay Association
 - e. Chalmers Community Board¹
2. General duty to committee: The port operator must implement to the extent reasonably possible all recommendations of the port noise liaison committee that can be implemented within budget and without compromising the efficiency, safety and competitiveness of port operations.

3. Role of the port noise liaison committee: The port noise liaison committee must consider all noise issues arising from the port operation and carry out the functions identified in the port noise management plan and mitigation functions identified in Appendix 30B.
4. Port noise liaison committee resourcing: The port operator must provide for the implementation and maintenance of the port noise liaison committee as follows:
 - a. The port operator must provide secretarial and logistic support for the port noise liaison committee.
 - b. The port operator must arrange for the port noise liaison committee to meet on not less than four occasions a year and must identify procedures in the port noise management plan for calling an emergency meeting of the committee.
 - c. The port operator must provide an annual budget for noise mitigation that reasonably provides for the port noise liaison committee.

¹The board will be responsible for appointing resident representatives from areas of Port Chalmers, other than Carey's Bay, affected by port noise.

