

32. Stadium

32.1 Introduction

The Forsyth Barr Stadium is located at Logan Point, immediately south of Logan Park. The area is approximately 5.1ha in size and is located between Anzac Avenue (SH 88), Ravensbourne Road, the Water of the Leith and the main south railway line. The Forsyth Barr Stadium has a capacity for up to 35,000 spectators and provides a venue for international and local sporting events as well as concerts, community events and conferences.

The zone is bordered by the Industrial Zone to the north and east, CBD Edge Zone to the south, Campus to the east and Recreation to the north. The University of Otago uses the University Plaza building at the western end of the stadium for campus activities. This building, and the plaza area in front of it, are zoned Campus. A large car park services the stadium.

The Forsyth Barr Stadium and its associated activities have the potential for visual, noise and traffic effects that may impact on surrounding land uses. The effects of activities within the area must be carefully managed to ensure that there are no adverse impacts on the rest of the city. Activities permitted within the Stadium Zone are limited to those clearly associated with the operation and function of the stadium, or that make use of the stadium facility itself.

32.2 Objectives and Policies

Objective 32.2.1	
The stadium is able to operate efficiently and effectively	
Policy 32.2.1.1	Enable major recreation facility activity in the Stadium Zone.
Policy 32.2.1.2	Provide for activities ancillary to major recreation facility activity where they are designed and operated in line with Objective 32.2.2 and its policies.
Policy 32.2.1.3	Only allow activities that are not ancillary to major recreation facility activity where: <ol style="list-style-type: none"> they are related to or support the Forsyth Barr Stadium, or have other operational requirements that mean they need to locate in the zone; they will support the efficient and effective operation of the Forsyth Barr Stadium; they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and they are designed and operated in line with Objective 32.2.2 and its policies.
Policy 32.2.1.4	Enable land that is surplus to the needs of the Forsyth Barr Stadium to transition to the Campus Zone, so that future development that is not related to major recreation facility activity can be managed in accordance with the objectives and policies of that zone.
Policy 32.2.1.5	Only allow subdivision where: <ol style="list-style-type: none"> it is in accordance with the provisions of the Campus Zone; and the subdivision does not adversely affect the efficient and effective operation of the Forsyth Barr Stadium.
Policy 32.2.1.6	Enable car parking areas to be used for stand-alone car parking when not required for major recreation facility activity.

Objective 32.2.2

Land use activities and development are designed and operated to:

- provide a good standard of on-site amenity for visitors;
- maintain or enhance the amenity of surrounding areas, as far as practicable; and
- avoid adverse effects on people's health and safety.

Policy 32.2.2.1	Require development along Ravensbourne Road (amenity route mapped area) to provide a high level of streetscape amenity by: <ol style="list-style-type: none"> providing landscaping of a height and density adequate to maintain or enhance the amenity of the route; and setting back buildings an adequate distance to allow this landscaping.
Policy 32.2.2.2	Only allow buildings greater than 20m in height where: <ol style="list-style-type: none"> they contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design; and they avoid significant adverse effects on views from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula.
Policy 32.2.2.3	Only allow buildings over 47m in height where: <ol style="list-style-type: none"> the height is essential to the operation of the Forsyth Barr Stadium; and the height exceedence is minimal.
Policy 32.2.2.4	Require ancillary signs visible from outside the zone to be located and designed to be 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 <u>site</u> to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose.
Policy 32.2.2.5	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, are insignificant.
Policy 32.2.2.6	Require ancillary commercial activities to be designed, located and operated to primarily serve staff and visitors to the Forsyth Barr Stadium.
Policy 32.2.2.7	The Forsyth Barr Stadium is predominantly muted colours, to minimise adverse effects on the skyline vista of the city and views across the harbour.

Objective 32.2.3

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

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

Policy 32.2.3.1	Require earthworks, and associated retaining structures, to be designed and located to avoid adverse effects on the stability of land, buildings, and structures by: <ol style="list-style-type: none"> being set back an adequate distance from property boundaries, buildings, structures and cliffs; and using a batter gradient that will be stable over time.
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Objective 32.2.3

Policy 32.2.3.2	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 32.2.3.3	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 32.3 Activity Status

Rule 32.3.1 Rule location

The activity status tables in Rule 32.3.3 - 32.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the Stadium Zone, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

Rule 32.3.2 Activity status introduction

1. The tables in Rules 32.3.3 - 32.3.5 show the activity status of activities in the Stadium 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

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

32.3.3 Activity status table - land use activities

1.	Performance standards that apply to all land use activities		a. Acoustic insulation (noise sensitive activities) b. Electrical interference c. Light spill d. Noise
Major facility activities		Activity status	Performance standards
2.	Major recreation facility	P	a. Minimum car parking
3.	All other major facility activities	NC	
Community activities		Activity status	Performance standards
4.	Early childhood education	NC	
5.	All other community activities	P	
Commercial activity		Activity status	Performance standards
6.	Commercial activities ancillary to major recreation facility activity	P	a. Location
7.	Visitor accommodation	D	
8.	Office	D	
9.	Stand-alone car parking	P	
10.	All other activities in the commercial activities category	NC	
Residential activities		Activity status	Performance standards
11.	All activities in the residential activities category	NC	
Industrial activity		Activity status	Performance standards
12.	All activities in the industrial activities category	NC	
Rural activities		Activity status	Performance standards
13.	All activities in the rural activities category	NC	

32.3.4 Activity status table - development activities

1.	Performance standards that apply to all development activities		a. Setback from coast and water bodies
2.	Performance standards that apply to all buildings and structures activities		a. Building design b. Number, location and design of ancillary signs c. Maximum height d. Hazard overlay zones development standards
Buildings and structures activities		Activity status	Performance standards
3.	All buildings and additions and alterations to buildings	P	a. Boundary setbacks
4.	All other buildings and structures activities	P	
Site development activities		Activity status	Performance standards
5.	Earthworks - small scale	P	a. Earthworks standards
6.	Earthworks - large scale	RD	a. Earthworks standards
7.	Parking, loading and access	P	a. Parking, loading and access standards b. Boundary treatments and other landscaping
8.	New parking areas, or extensions to existing parking areas <i>(that result in the creation of 50 or more new parking spaces.)</i>	RD	a. Boundary treatments and other landscaping b. Parking, loading and access standards
9.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements
10.	Vegetation clearance	P	
11.	All other site development activities	P	

32.3.5 Activity status table - subdivision activities

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

Rule 32.3.6 Transition to Campus Zone

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

Note 32.3A - General advice

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

Rule 32.4 Notification

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

Rule 32.5 Land Use Performance Standards

32.5.1 Acoustic Insulation

Noise sensitive activities in the Stadium Zone must comply with Rule 9.3.1.

32.5.2 Electrical Interference

Land use activities must comply with Rule 9.3.2.

32.5.3 Light Spill

Land use activities must comply with Rule 9.3.5.

32.5.4 Location

For commercial activities ancillary to major recreation facility activity, customer access must only be available from inside the stadium buildings.

32.5.5 Minimum Car Parking

- Major recreation facility activity must provide a minimum of 163 parking spaces, including 5 mobility parking spaces.

Note 32.5A - Other relevant District Plan provisions

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

32.5.6 Noise

Rule 32.5.6.1 Noise

- Land use activities must comply with Rule 9.3.6, except stadium noise events (see Rule 32.5.6.2).

Rule 32.5.6.2 Stadium Noise Events

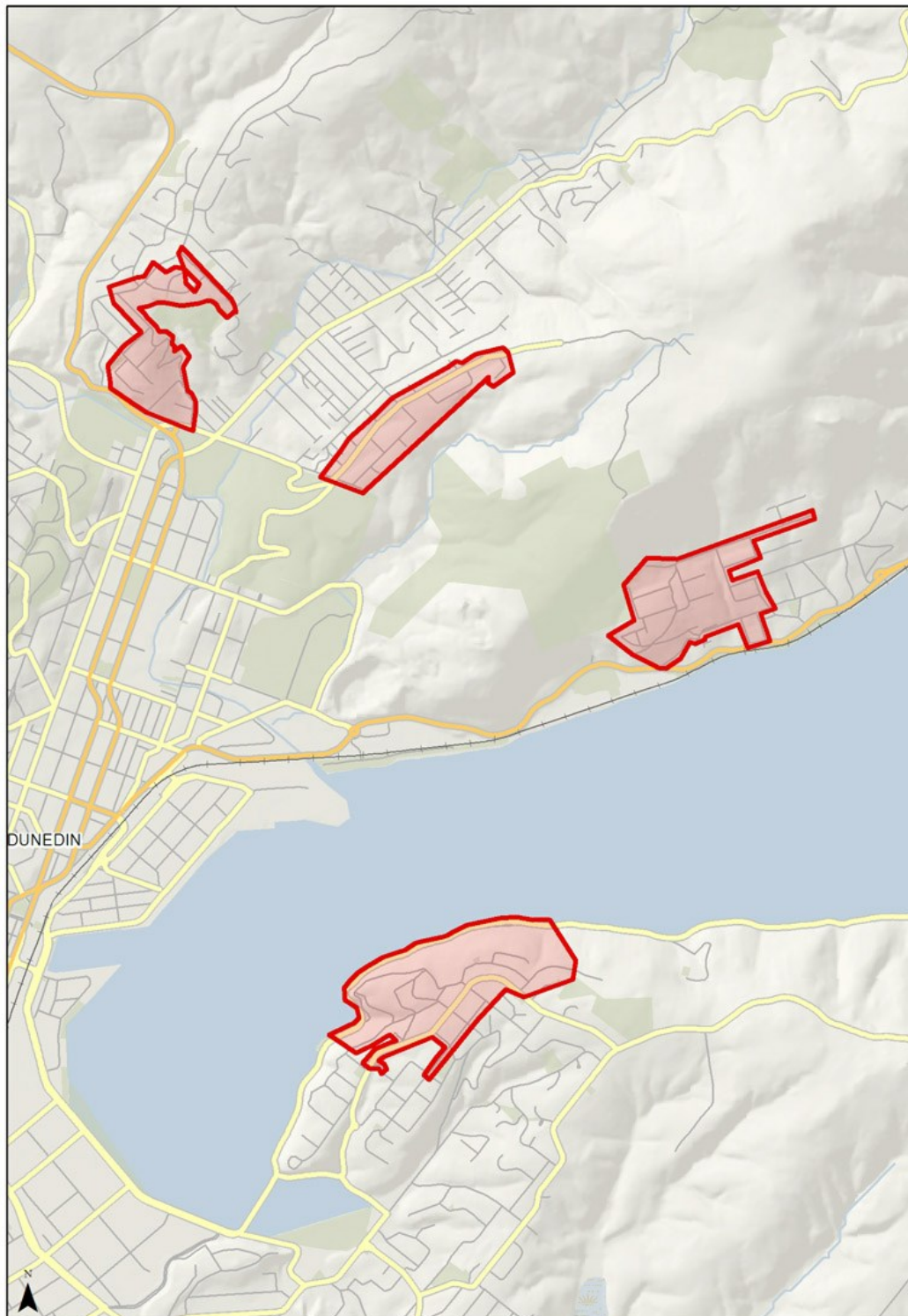
- Stadium noise events must not exceed 75 dB LAeq (15 min) or 80 dB LAFmax measured at the **stadium noise mapped area**.
- The maximum number of stadium noise events allowed within the following noise ranges is:

Noise measured at the boundary of the Stadium noise mapped area		Maximum number of events per calendar year
i.	Between 65 dB LAeq (15 min) and up to 75 dB LAeq (15 min); or up to 80 dB LAF max	3
ii.	Between 55 dB LAeq (15 min) and up to 65 dB LAeq (15 min); or up to 75 dB LAF max	12 events
iii.	Up to 55 dB LAeq (15 min)	n/a

- Stadium noise events must not commence before 10am or finish after 12am (midnight) for events between 1 November and the end of February, or after 11pm for events between 1 March and 31 October. For clarity, the event may exceed four hours, but the period during which any noise is produced that exceeds the noise limits in Rule 9.3.6 must not exceed four hours.

- d. Stadium noise events must comply with the following restrictions:
 - i. There must be no more than two stadium noise events in any one seven-day period, except for two weeks of the year which may have a maximum of four stadium noise events in any one seven-day period; and
 - ii. There must be no more than two stadium noise events that exceed 55 bBA Leq (15 min) within any Sunday to Thursday period inclusive; and
 - iii. Stadium noise events that exceed 55 bBA Leq (15 min) must not be held on consecutive days within any Sunday to Thursday period inclusive; and
 - iv. There must be no more than two stadium noise events that exceed 55 bBA Leq (15 min) on consecutive days.
- e. The Forsyth Barr Stadium must either:
 - i. have a permanent sound system that is commissioned and calibrated to achieve compliance with the above noise standards during stadium noise events, and with the noise standards specified in Rule 9.3.6 at all other times; or
 - ii. for stadium noise events where a non-calibrated sound system is used, monitor and regulate the noise to ensure compliance with the noise standards specified above.
- f. Sound checks involving amplified music which exceed the noise limits specified in Rule 9.3.6 must be between the hours of 9am and 7.30pm and a maximum of two hours total duration per day. Sound checks must not exceed the noise limits specified in Rule 32.5.6.2.a.
- g. Stadium noise events expected to exceed 65dB LAeq (15 min) or 75 dB LAFmax must be publicised by:
 - i. an advertisement in both the Otago Daily Times newspaper and Star community newspaper no more than 10 days prior to the event; or
 - ii. a leaflet drop to the **stadium noise leaflet drop mapped area** no more than 10 days prior to the event.
- h. A noise management plan must be provided to the DCC's Environmental Health Department at least 48 hours prior to all stadium noise events detailing:
 - i. the name and contact details of a noise management contact person who will be present at the stadium noise event; and
 - ii. methods by which noise will be managed to ensure it does not exceed the noise levels in Rule 32.5.6.2.a and b.
- i. Activities that exceed the noise limits in 32.5.6.2.a are a non-complying activity.
- j. Activities that contravene all other parts of this rule are a discretionary activity.

Stadium Noise Leaflet Drop Mapped Area



Rule 32.6 Development Performance Standards

32.6.1 Boundary Treatments and Other Landscaping

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

32.6.2 Building Design

The Forsyth Barr Stadium must be at least 75% grey tones. Up to 25% of each façade may be any colour, but no one block of colour can occupy more than 5% of the façade.

32.6.3 Earthworks Standards

32.6.3.1 Earthworks - small scale thresholds

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

Zone/Area		1. Stadium Zone	2. Within 5m of a water body ¹ or MHWS	3. Haz3 (Flood)
i.	Maximum change in ground level	1.5m	0.5m	—
ii.	Maximum volume of combined cut and fill	30m ³ per 100m ² of <u>site</u>	1m ³	20m ³ fill
iii.	Maximum area	—	25m ²	300m ²

- b. Earthworks *ancillary to network utilities* activities are only required to comply with Rule 32.6.3.1.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.

32.6.3.2 Batter gradient

Earthworks must:

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

32.6.3.3 Setback from property boundary, buildings, structures and cliffs

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

- a. Earthworks not supported by retaining walls:
 - i. a distance at least equal to the maximum height of the fill, as measured from the toe of the fill (see Figure 32.6A);
 - ii. a distance at least equal to 1.5 times the maximum depth of the cut, plus 300mm, as measured from the toe of the cut (see Figure 32.6A); and
 - iii. 300mm, as measured from the crest of any cut (see Figure 32.6A).
- 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 32.6B), except:
 - i. retaining walls supporting a cut that have been granted building consent are exempt from this standard.
- c. Earthworks *ancillary to network utilities* activities and earthworks *ancillary to the operation, repair, and maintenance of the roading network* are exempt from the setback from property boundary, buildings, structures and cliffs performance standard.

Figure 32.6A Unsupported cut and fill (elevation view)

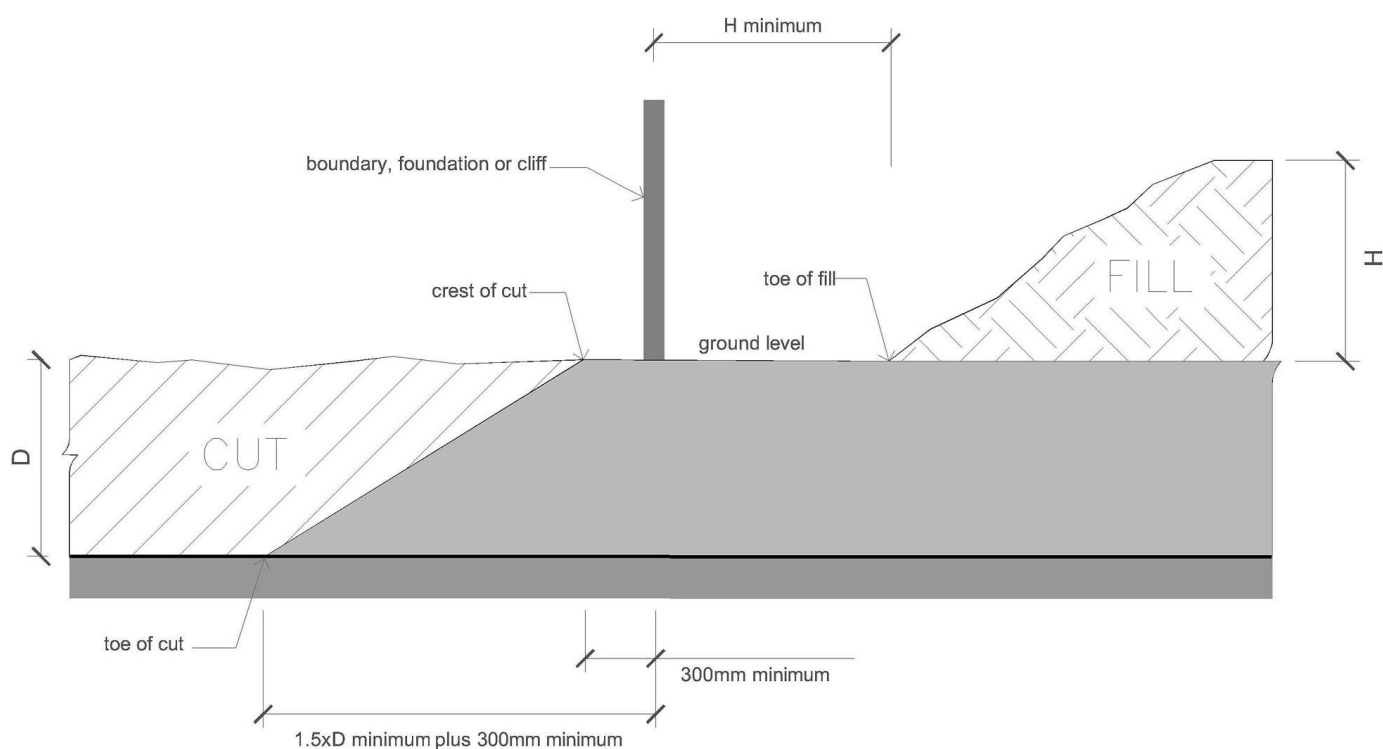
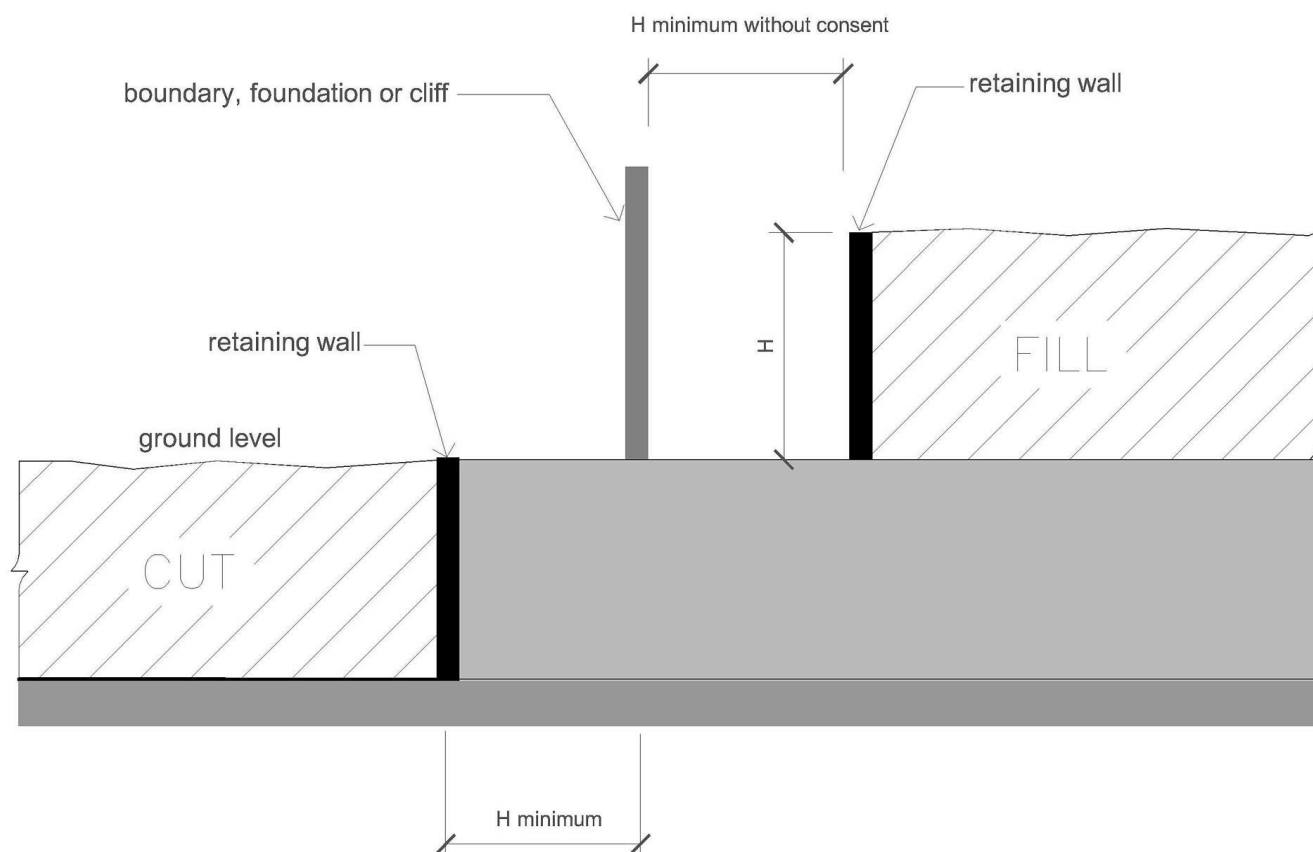


Figure 32.6B Cut and fill supported by retaining walls (elevation view)



32.6.3.4 Setback from network utilities

Earthworks must comply with Rule 5.6.2.

32.6.3.5 Sediment control

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

32.6.4 Hazard Overlay Zones Development Standards

32.6.4.3 Minimum floor level

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

32.6.4.4 Relocatable buildings

New buildings (including residential buildings) to be used for sensitive activities in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.4.

32.6.5 Hazardous Substances Quantity Limits and Storage Requirements

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

32.6.6 Maximum Height

1. The maximum height for new buildings and structures, and additions and alterations is 20m above ground level.
2. Rooftop structures are exempt from the performance standard for maximum height, provided they do not exceed the maximum height limit by more than 5m.
3. Activities that contravene the performance standard for maximum height but are no greater than 47m in height are a restricted discretionary activity.
4. Activities that contravene the performance standard for maximum height and are over 47m in height are a discretionary activity.

32.6.7 Number, Location and Design of Ancillary Signs

32.6.7.1 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 Stadium 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 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 related to commercial activities ancillary to major recreation facility activity must not be visible from outside the Stadium Zone.
- e. Signs higher than 4m above ground level must only display the major facility name.
- f. Signs other than those specified in Rules 32.6.7.2 and 32.6.7.3 are not allowed.

32.6.7.2 Signs attached to buildings

- a. Signs must not be attached to roofs
- b. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- c. Signs attached flat against a building must:
 - i. not exceed one sign per road frontage; and
 - ii. not exceed a display face area of 160m² per sign.
- d. 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; and
 - iv. not exceed 1 sign per 30m of street frontage.

32.6.7.3 Freestanding signs

- a. The maximum number of freestanding signs is:
 - i. 1 per 50m of street frontage.
- b. The maximum area of freestanding signs is 1m², except one sign is allowed with the following maximum dimensions:
 - i. maximum height of 8m; and
 - ii. maximum area of 16m².
- c. Freestanding signs must:
 - i. be positioned entirely within site boundaries and cannot be located on the road reserve; and
 - ii. not obstruct driveways, parking or loading areas.

Note 32.6A - 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 32.6B - Other requirements outside of the District Plan

For additional restrictions that may apply to signs, see also:

1. New Zealand Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs.
2. Dunedin City Council Commercial Use of Footpaths Policy.
3. Dunedin City Council Roadway Bylaw.
4. Dunedin City Council Traffic and Parking Bylaw.

32.6.8 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

32.6.9 Setbacks

32.6.9.1 Boundary setbacks

- a. New buildings and structures, and additions and alterations to buildings and structures must have a minimum set back from Ravensbourne Road (**amenity route mapped area**) of 10.5m.
- b. Fences and ancillary signs are exempt from this standard.

32.6.9.2 Setback from coast and water bodies

New buildings and structures, additions and alterations, earthworks - large scale, and storage and use of hazardous substances must comply with Rule 10.3.3.

Rule 32.7 Subdivision Performance Standards

Subdivision activities must comply with Rule 34.7.

Rule 32.8 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 32.8.1 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 32.8.2 - 32.8.5:
 - 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.

32.8.2 Assessment of all performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	Performance standard contraventions	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> a. The degree of non-compliance with the performance standard is minor. b. The need to meet other performance standards, or other <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.

32.8.3 Assessment of land use performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Electrical interference	a. Effects on health and safety	See Rule 9.4
2.	Location	a. Effects on the vibrancy, and economic and social success of the CBD and Centres hierarchy	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 32.2.1 ii. Ancillary commercial activities are designed, located and operated to primarily serve staff and visitors to the stadium (Policy 32.2.2.6).

32.8.3 Assessment of land use performance standard contraventions

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

32.8.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Boundary setbacks	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> Objective 32.2.2 Buildings are set back an adequate distance from Ravensbourne Road (amenity route mapped area) to allow landscaping (Policy 32.2.2.1.b).
2. Boundary treatments and other landscaping	a. Effects on neighbourhood amenity	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> Objective 32.2.2 Development along Ravensbourne Road (amenity route mapped area) provides a high level of streetscape amenity by providing landscaping of a height and density adequate to maintain or enhance the amenity of the route (Policy 32.2.2.1.a).
3. Building design	a. Effect on neighbourhood amenity	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> Objective 32.2.2 The Forsyth Barr Stadium is predominantly muted colours, to minimise adverse effects on the skyline vista of the city and views across the harbour (Policy 32.2.2.7).
4. Earthworks standards: <ul style="list-style-type: none"> Batter gradient 	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> Objective 32.2.3 Earthworks and associated retaining structures are designed and located to avoid adverse effects on the stability of land, buildings, and structures by using a batter gradient that will be stable over time (Policy 32.2.3.1.b). <i>Conditions that may be imposed include, but are not limited to:</i> <ol style="list-style-type: none"> Maximum slopes of cut and fill batters. Time limits for retaining wall installation to avoid leaving a cut slope unsupported for an extended period. Temporary shoring requirements to maintain stability before a wall is constructed. Supervision and monitoring requirements for retaining wall construction and standard earthworks construction.

32.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Earthworks standards: • Setback from property boundary, buildings, structures and cliffs	a. Effects on the stability of land, buildings and structures	<i>Relevant objectives and policies:</i> i. Objective 32.2.3 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 32.2.3.1.a).
6.	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
7.	Earthworks standards: • Sediment control	a. Effects on surrounding sites b. Effects on biodiversity and natural character values of riparian margins and coast c. Effects on the efficiency and/or affordability of infrastructure	<i>Relevant objectives and policies:</i> i. Objective 32.2.3 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 32.2.3.2.b). See Rule 10.4 See Rule 9.4
8.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety b. Risk from natural hazards	See Rule 9.4 See Rule 11.4
9.	Maximum height	a. Effect on streetscape amenity	<i>Relevant objectives and policies:</i> i. Objective 32.2.2 ii. Buildings greater than 20m in height contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design, and avoid significant adverse effects on views from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula (Policy 32.2.2.2).

32.8.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
10.	Hazard overlay zones development standards: <ul style="list-style-type: none"> • Minimum floor level • Relocatable buildings 	a. Risk from natural hazards	See Rule 11.4
11.	Number, location and design of ancillary signs	a. Effects on amenity of surrounding area.	<i>Relevant objectives and policies:</i> <ul style="list-style-type: none"> i. Objective 32.2.2 ii. Ancillary signs visible from outside the zone are located and designed to be 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 <u>site</u> to passing pedestrians and vehicles, and not being oversized or too numerous for that purpose (Policy 32.2.2.4).
		b. Effects on safety and efficiency of the transport network.	See Rule 6.9
12.	Setback from coast and water bodies	a. Effects on public access	See Rule 10.4
		b. Effects on biodiversity values and natural character of the coast and riparian margins	
		c. Risk from natural hazards	See Rule 11.4
13.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.9

32.8.5 Assessment of subdivision performance standard contraventions

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

Rule 32.9 Assessment of Restricted Discretionary Activities

Rule 32.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 32.9.2 - 32.9.3 list:
 - a. 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 32.8; 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 32.10; 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 32.11; and
 - iii. the assessment guidance in this section will also be considered.

32.9.2 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Earthworks - large scale (that exceed scale thresholds for the Stadium 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 32.2.3 ii. Adverse effects on visual amenity and character will be avoided or, if avoidance is not possible, adequately mitigated (Policy 32.2.3.3.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 32.2.3.3.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 impact upon 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. Measures to divert surface water and rain away from, or prevent from discharging over, batter faces and other areas of bare earth. ix. Measures to ensure there are no adverse effects from changes to drainage patterns on surrounding properties. x. 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.

32.9.2 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 32.2.3 ii. Adverse effects on the stability of land, buildings, and structures will be avoided or, if avoidance is not possible, adequately mitigated (Policy 32.2.3.3.c). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. A geotechnical report confirms the existing ground is suitably stable for the proposed works, and proposed works will not create instability risks for surrounding land, buildings, or structures (see Special Information Requirements - Rule 32.12.1). 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	
3. Earthworks - large scale (that exceed scale thresholds for a hazard (flood) overlay zone)	a. Risk from natural hazards	See Rule 11.5
4. New parking areas, or extensions to existing parking areas (<i>that result in the creation of 50 or more new parking spaces.</i>)	a. Effects on the safety and efficiency of transport network	See Rule 6.10

32.9.3 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
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1.	All subdivision activities	a. Effects on the efficient and effective operation of the stadium	<i>Relevant objectives and policies:</i> i. Objective 32.2.1, 2.3.1 ii. Subdivision does not adversely affect the efficient and effective operation of the stadium (Policy 32.2.1.5.b).
		See Rule 34.10	

Rule 32.10 Assessment of Discretionary Activities

Rule 32.10.1 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. Rules 32.10.2 - 32.10.3 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.
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.

32.10.2 Assessment of 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. short to long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. <p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> b. Objective 32.2.1 c. Only allow activities that are not ancillary to major recreation facility activity where: <ol style="list-style-type: none"> i. they are related to or support the Forsyth Barr Stadium, or have other operational requirements that mean they need to locate in the zone; ii. they will support the efficient and effective operation of the Forsyth Barr Stadium; iii. they are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. they are designed and operated in line with Objective 32.2.2 and its policies (Policy 32.2.1.3).
2. Visitor accommodation	<p>See Section 6.11 for guidance on the assessment of resource consents in relation to Objective 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network</p> <p>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.</p>

32.10.3 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> • Acoustic insulation • Noise - where the limits in Rule 32.5.7.1 are exceeded by up to 5dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less 	See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health.
2. Noise - where the limits in Rule 35.5.7.2.b to 35.5.7.2.h are not complied with	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> Objectives 32.2.1, 9.2.2 Major recreation facility is enabled (Policy 32.2.1.1). Activities are designed and operated to ensure that adverse effects from noise on the health of people can be avoided or, if avoidance is not possible, are insignificant (Policy 9.2.2.1).
3. Maximum height (buildings greater than 47m in height)	<i>Relevant objectives and policies (priority considerations):</i> <ol style="list-style-type: none"> Objective 2.4.1, Policy 2.4.1.4 Objective 32.2.2 Only allow buildings over 47m in height where: <ol style="list-style-type: none"> the height is essential to the operation of the Forsyth Barr Stadium; and the height exceedence is minimal (Policy 32.2.2.3). Buildings contribute positively to the skyline vista of the city, by being of a quality and contextually appropriate architectural design (Policy 32.2.2.2.a). Buildings avoid significant adverse effects on views from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula (Policy 32.2.2.2.b).

Rule 32.11 Assessment of Non-complying Activities

Rule 32.11.1 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 32.10.2 - 32.10.4 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

32.11.2 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. Objectives 2.3.1, 2.3.3 b. Objective 32.2.1 c. Activities that are not ancillary to major recreation facility activity: <ul style="list-style-type: none"> i. are related to or support the Forsyth Barr Stadium, or have other operational requirements that mean they need to locate in the zone; ii. will support the efficient and effective operation of the Forsyth Barr Stadium; iii. are not more appropriately located in another zone in line with Objective 2.3.2 and its policies; and iv. are designed and operated in line with Objective 32.2.2 and its policies (Policy 32.2.1.3). d. Forsyth Barr stadium is: <ul style="list-style-type: none"> i. able to continue to operate efficiently and effectively, while minimising as far as practical any adverse effects on surrounding areas; and ii. protected from activities that may lead to reverse sensitivity issues; and iii. allowed the transition of land to a default zone where the land is no longer required for major facility use (Policy 2.3.3.2). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> e. 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. 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. f. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered.

32.11.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising	<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

32.11.4 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on assessment of resource consents
<p>1.</p> <ul style="list-style-type: none"> • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit in Rule 32.5.6.1 is exceeded by 5dB LAeq (15 min) or more • Noise - where the limit in Rule 32.5.6.2.a is exceeded • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) 	<p>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.</p>

Rule 32.12 Special Information Requirements

32.12.1 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.

