

9. Public Health and Safety

9.1. Introduction

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

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

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

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

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

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

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

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

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

stormwater, and wastewater public infrastructure; controlling the emission of electrical interference; requiring forestry and tree planting to be set back from boundaries; setting controls on fencing to ensure that that passive surveillance is provided for; and requiring earthworks to take into account the potential effects on groundwater.

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

9.2 Objectives and Policies

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

Objective 9.2.2

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

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

Objective 9.2.2

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

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

Rules

Rule 9.3 Performance Standards

9.3.1 Acoustic Insulation

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

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

9.3.2 Electrical Interference

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

9.3.3 Fire Fighting

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

9.3.4 Hazardous Substances Quantity Limits and Storage Requirements

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

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

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

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

Note 9.3A - Other requirements outside of the District Plan

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

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

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

9.3.5 Light Spill

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

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

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

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

9.3.6 Noise

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

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

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

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

9.3.7 Service Connections

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

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

Rule 9.4.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 9.4.2 and 9.4.3:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

9.4.2 Assessment of all performance standard contraventions

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

9.4.3 Assessment of performance standard contraventions

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

9.4.3 Assessment of performance standard contraventions

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

9.4.3 Assessment of performance standard contraventions

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

9.4.3 Assessment of performance standard contraventions

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

9.4.3 Assessment of performance standard contraventions

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

Rule 9.5 Assessment of Restricted Discretionary Activities

Rule 9.5.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 9.5.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

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

9.5.2 Assessment of restricted discretionary activities

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

9.5.2 Assessment of restricted discretionary activities

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

Rule 9.6 Assessment of Discretionary Activities

Rule 9.6.1 Introduction

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

9.6.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities	<p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> a. In assessing the significance of effects, consideration will be given to: <ol style="list-style-type: none"> i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent.

9.6.3 Assessment of discretionary activities

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

9.6.4 Assessment of discretionary performance standard contraventions

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

9.6.4 Assessment of discretionary performance standard contraventions

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

9.6.4 Assessment of discretionary performance standard contraventions

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

Rule 9.7 Assessment of Non-complying Activities

Rule 9.7.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 9.7.2 provides guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent applications;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

9.7.2 Assessment of non-complying performance standard contraventions	
Performance standard	Guidance on the assessment of resource consents
1. All non-complying activities	<p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> a. In assessing the significance of effects, consideration will be given to: <ol style="list-style-type: none"> i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent.
2. Density	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objective 9.2.1, Policy 9.2.1.1
3. Hazardous substances quantity limits and storage requirements - Rule 9.3.4.2	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objective 2.7.1, Policies 2.7.1.1, 2.7.1.3 b. See Rule 5.10
4. Light spill - where the limit is exceeded by greater than 25%	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objective 9.2.2, Policy 9.2.2.4 b. Objective 2.2.6, Policy 2.2.6.2 <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> c. The exceedence will be infrequent and/or short term. d. Sufficient ambient levels of light exist such that the exceedence will be insignificant in the circumstances.
5. Minimum site size	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objective 9.2.1, Policy 9.2.1.1 b. Objective 2.7.1, Policies 2.7.1.1 and 2.7.1.3

9.7.2 Assessment of non-complying performance standard contraventions

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

Rule 9.8 Special Information Requirements

9.8.1 Site management and emergency response plans

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

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

Appendices

Appendix 9A. Acoustic Insulation Requirements

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

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

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

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

