

19. Industrial Zones

19.1 Introduction

Industrial activities make an important contribution to the economic well-being of Dunedin. In order to be able to operate effectively, industrial activities have particular requirements including adequate land and access to raw materials and markets. However, these activities can create off-site effects such as noise, smell, and heavy traffic movements that need to be managed under the RMA.

Industrial zoned land is spread throughout the city, including in the following areas:

- Ravensbourne Road;
- State Highway 88;
- Dunedin Wharf (inner city Port);
- Strathallan Street, Portobello Road, Portsmouth Drive;
- Hillside Road;
- Kaikorai Valley Road and Donald Street;
- Burnside Corner;
- Fairfield;
- Abbotsford; and
- Mosgiel.

The inner city Port area, like Port Chalmers, is recognised as an important city gateway. As a key transportation route, the inner city Port is important for both economic and social prosperity. The inner city Port area has been included in the Industrial Port Zone. The intent of the Industrial Port Zone is to specifically recognise and provide for the needs of the inner city Port and its associated activities.

The key resource management issues that are being experienced or are anticipated in industrial zones are:

- Reverse sensitivity due to off-site effects such as noise, odour (managed by Otago Regional Council), heavy traffic movements, and the interaction between industrial activities and adjacent activities also needs to be managed under the RMA. Often the extent of these effects is such that physical separation is required between industrial activities and more sensitive activities.
- Threats to the availability and affordability of industrial land from the encroachment of non industrial activities (particularly retail and residential activities) into industrial zoned land. An example of this is the development of the former industrial zoned land adjoining Andersons Bay Road into large format retail, car yards and other commercial activities. The use of industrial zoned land for retail and residential activities reduces the availability, and increases the value, of industrial zoned land and consequently reduces the potential for industrial activities to be able to successfully operate in these locations. Such encroachment also exacerbates potential reverse sensitivity issues. For this reason, one of the primary focusses of the Industrial Zone is the protection of industrial zoned land for industrial activities.

In response to these issues, the Plan provisions propose to protect the existing clusters of industrial zoning, including areas near the centre city in order to take advantage of economies of scale and connectivity, while identifying new industrial land in strategic locations.

The Plan provides for all industrial activities to occur in the Industrial Zone and Industrial Port Zone, including industry, industrial ancillary tourism, rural contractor and transport depots and rural industry. A range of activities that are unlikely to create reverse sensitivity issues or compete with industrial activities for land are also provided for in the

Industrial Zone. These activities include port, yard based retail, retail ancillary to industry (with maximum gross floor area requirement), and stand-alone car parking activities. Industry is also broadly defined and includes service activity (repairs and maintenance), transport depots, and laboratories.

Lastly, land that is currently zoned rural but is suitable for future industrial development has been identified and a rule included that will trigger a change from rural to industrial applied to this land.

19.2 Objectives and Policies

| Objective 19.2.1 | |
|--|--|
| The industrial zones enable and protect industrial and port activities by: | |
| a. only providing for a very limited range of specified non-industrial or non-port activities; and | |
| b. ensuring the potential for reverse sensitivity is insignificant. | |
| Policy 19.2.1.1 | Provide for industrial and port activities, and retail ancillary to industry in the industrial zones. |
| Policy 19.2.1.2 | Enable farming and grazing in the Dukes Road North mapped area . |
| Policy 19.2.1.3 | Avoid the establishment of non-industrial or non-port activities, other than those expressly provided for in the industrial zones, unless they would have significant positive effects on the successful operation of surrounding industrial or port activities. |
| Policy 19.2.1.4 | Provide for yard based retail, service stations and emergency services to locate in the industrial zones in recognition that: <ul style="list-style-type: none"> a. these activities often require a built form that cannot meet the requirements within the CBD and centres; b. they are unlikely to be incompatible with industrial or port activities due to reverse sensitivity; and c. they are unlikely to be significant competing uses of land in an Industrial and Industrial Port zoned area. |
| Policy 19.2.1.5 | Only allow retail ancillary to industry where it is of a size that: <ul style="list-style-type: none"> a. is clearly subordinate to and part of the operation of the primary industry activity; and b. does not conflict with objectives 2.3.1, 2.3.2 and 2.4.3; and c. does not create adverse effects on other industrial activities, for example from traffic, parking or reverse sensitivity. |
| Policy 19.2.1.6 | Only allow restaurants and ancillary licensed premises which are designed and operated to service the workers engaged in or associated with industrial or port activities in the area, and are unlikely to attract significant patronage outside of this purpose. |
| Policy 19.2.1.7 | Only allow community and leisure, and sport and recreation, to locate in the industrial zones where these activities have specific operational requirements that mean it is not practical to locate in a recreation, residential or commercial and mixed use zone. |
| Policy 19.2.1.8 | Provide for crematoriums to locate in the industrial zones due to the high degree of cultural and social sensitivity to their operation, and the lack of residential activity in these zones. |
| Policy 19.2.1.9 | Avoid retail activity (excluding retail ancillary to industry and yard based retail activities) due to its high potential to be a significant competing use of land primarily zoned for industrial or port uses, unless it would have significant positive effects on the successful operation of surrounding industrial or port activities. |
| Policy 19.2.1.10 | Only allow industrial ancillary tourism and activities other than industrial activities in the industrial zones where the potential for reverse sensitivity is insignificant. |

Objective 19.2.2

Activities are designed and operated so that:

- a. a reasonable level of amenity is maintained within the industrial zones;
- b. adverse effects on the amenity of adjoining residential, school or recreation zones are minimised as far as practicable; and
- c. a high standard of amenity along identified amenity route mapped areas is maintained.

| | |
|-----------------|--|
| Policy 19.2.2.1 | Require buildings to be set back an adequate distance from boundaries which adjoin residential, school or recreation zoned sites to maintain adequate sunlight access to these sites. |
| Policy 19.2.2.2 | Require development along an amenity route mapped area to provide a high level of streetscape amenity by: <ol style="list-style-type: none"> a. providing landscaping of a height and density adequate to maintain or enhance the amenity of the route and to mitigate the visual impact of industrial activities and development; and b. setting back buildings an adequate distance to allow this landscaping. |
| Policy 19.2.2.3 | Require fencing along boundaries that adjoin residential or school zoned sites to be of an adequate height and design to provide screening and security. |
| Policy 19.2.2.4 | Require materials stored outside, including those which may become airborne due to wind, to be stored in a way that prevents materials escaping and contaminating any off-site area. |
| Policy 19.2.2.5 | Require buildings and structures to be of a height that: <ol style="list-style-type: none"> a. avoids or minimises, as far as practicable, significant adverse effects on views from the central city and Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula; and b. avoids or, if avoidance is not practicable, ensures adverse effects from shading and wind tunnelling effects on school, residential, and recreation zoned sites are no more than minor. |
| Policy 19.2.2.6 | Only allow buildings and structures to exceed the maximum height limit where: <ol style="list-style-type: none"> a. the height is essential to the operation of the industry activity; and b. the visual effects of the height limit exceedance have been minimised as far as practicable. |
| Policy 19.2.2.7 | Require ancillary signs to be of an appropriate size and number to convey information about the name, location and nature of the business to passing vehicles or pedestrians, and not oversized or too numerous for that purpose. |
| Policy 19.2.2.8 | Only allow crematoriums where they are located to avoid or minimise, as far as practicable, significant adverse effects on the amenity of surrounding residential, school and recreation zoned sites. |

Rules

Rule 19.3 Activity Status

19.3.1 Rule Location

The activity status tables in rules 19.3.3 to 19.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the industrial zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public Amenities (Section 3)
2. Temporary Activities (Section 4) - note that this section includes provisions that apply to construction
3. Network Utilities (Section 5)
4. Transportation (Section 6)
5. Scheduled Trees (Section 7)
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A)

19.3.2 Activity Status Introduction

1. The tables in rules 19.3.3 to 19.3.5 show the activity status of activities in the industrial zones 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 1.3 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. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

Additional activity status rules in hazard overlay zones

7. For the purpose of the hazards provisions, activities are categorised as natural hazards sensitive activities, natural hazards potentially sensitive activities or natural hazards least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
8. In the Hazard 2 (flood) Overlay Zone, the activity statuses in Rule 19.3.6 apply to the following activities:
 - a. natural hazards sensitive activities;
 - b. natural hazards potentially sensitive activities; and
 - c. new buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area.
9. Where the activity status in Rule 19.3.6 differs from that in rules 19.3.3 - 19.3.5, the most restrictive activity status always applies.

10. In addition to the rules in Rule 19.3.6, performance standards for development activities within hazard overlay zones are included in rules 19.3.3 - 19.3.5.
11. Activities in a hazard overlay zone must comply with rules 19.3.3 - 19.3.6.

Performance Standards

12. Performance standards are listed in the far right column of the activity status tables.
13. Performance standards apply to permitted, controlled, and restricted discretionary activities.
14. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
15. 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.

Note 19.3.2A – Other relevant District Plan provisions

1. Activities that are not managed by the District Plan are listed in the introduction to Section 1.3. Activities that are not managed by the District Plan are not subject to any rules within the Plan.

Legend

| Acronym | Meaning |
|----------------|-----------------------------------|
| N/A | Not Applicable |
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |
| Ind | Industrial Zone |
| IndPort | Industrial Port Zone |
| Haz1 | Hazard 1 Overlay Zones |
| Haz2 | Hazard 2 Overlay Zones |
| Haz3 | Hazard 3 Overlay Zones |

19.3.3 Land Use Activity Status Table

| | | | | |
|---------------------------|---|-----------------|------------|---|
| 1. | Performance standards that apply to all land use activities | | | a. Acoustic insulation b. NA c. Light spill d. Noise e. d. Setback from National Grid (National Grid sensitive activities only) |
| Industrial activities | | Activity status | | Performance standards |
| | | a. Ind | b. IndPort | |
| 2. | Industrial ancillary tourism | RD | RD | i. Minimum mobility car parking ii. Minimum vehicle loading |
| 3. | All other activities in the Industrial activities category | P | P | i. Minimum mobility car parking ii. Minimum vehicle loading |
| Major facility activities | | a. Ind | b. IndPort | Performance standards |
| 4. | Crematoriums outside a hazard facility mapped area | RD | RD | i. Minimum mobility car parking |
| 5. 5. | Crematoriums within a hazard facility mapped area | NC | NC | |
| 6. 6. | Emergency services outside a hazard facility mapped area | P | P | i. Minimum mobility car parking |
| 7. 7. | Emergency services within a hazard facility mapped area | NC | NC | |
| 8. 8. | Port | P | P | |
| 9. 9. | All other activities in the major facility activities category | NC | NC | |
| Commercial activities | | a. Ind | b. IndPort | Performance standards |
| 10. 10. | Ancillary licensed premises | RD | RD | |
| 11. 11. | Yard based retail | P | P | i. Minimum mobility car parking |
| 12. 12. | Retail ancillary to industry | P | P | i. Maximum gross floor area ii. Minimum mobility car parking |
| 13. 13. | Service stations other than self-service fuel stations | RD | RD | i. Service station standards ii. Minimum mobility car parking |
| 14. 14. | Self-service fuel stations | P | P | i. Service station standards ii. Minimum mobility car parking |

| | | | | |
|------------------------|--|--------|------------|--|
| 13. 15. | Restaurants | P | P | i. Hours of operation ii. Maximum gross floor area iii. Minimum mobility car parking |
| 14. 16. | Stand-alone car parking | P | P | |
| 15. 17. | Commercial advertising | NC | NC | |
| 16. 18. | All other activities in the commercial activities category | NC | NC | |
| Community activities | | a. Ind | b. IndPort | Performance standards |
| 17. 19. | Community and leisure | NC | NC | |
| 18. 20. | Sport and recreation | RD | RD | |
| 19. 21. | Conservation | P | P | |
| 20. 22. | Early childhood education | NC | NC | |
| Rural activities | | a. Ind | b. IndPort | Performance standards |
| 21. 23. | Farming in Dukes Road North mapped area | P | N/A | |
| 22. 24. | Farming in all other areas | NC | NC | |
| 23. 25. | Grazing in Dukes Road North mapped area | P | N/A | |
| 24. 26. | All other activities in the rural activities category | NC | NC | |
| Residential activities | | a. Ind | b. IndPort | Performance standards |
| 25. 27. | All activities in the residential activities category | NC | NC | |

Note ~~19.3.3X~~ 19.3.3A - Other requirements outside of the District Plan

- Any electrical equipment used for an activity must be designed to meet the New Zealand electromagnetic compatibility (EMC) standards, to ensure there are no effects from electrical interference on surrounding sites. The Radio Spectrum Management (RSM) is the governing body which regulates EMC products in New Zealand and investigates interference to safety services, radiocommunication systems and broadcast services such as radio and television reception.

19.3.4 Development Activity Status Table

| | | |
|----|--|--|
| 1. | Performance standards that apply to all development activities | a. Boundary treatments b. Setback from scheduled tree c. Natural Hazards Performance Standards |
|----|--|--|

| | | | | |
|---|--|-----------------|------------|--|
| 2. | Performance standards that apply to all buildings and structures activities | | | <ul style="list-style-type: none"> a. Boundary setbacks b. Maximum height c. Height in relation to boundary d. Number, location and design of ancillary signs e. Setback from coast and water bodies f. Setback from National Grid g. g. Setback from Critical Electricity Distribution Infrastructure h. h. Setback from designated rail corridor |
| Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 4 - 11) | | Activity status | | Performance standards |
| | | a. Ind | b. IndPort | |
| 3. | Buildings and structures activities | P | P | |
| Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure | | a. Ind | b. IndPort | Performance standards |
| 4. | Repairs and maintenance | P | P | |
| 5. | Restoration of a building or structure that has a Heritage New Zealand Category 1 listing as detailed in Appendix A1.1 | C | C | |
| 6. | Restoration of all other scheduled heritage buildings and structures | P | P | |
| 7. | Earthquake strengthening where external features only are protected | C | C | i. Materials and design |
| 8. | Signs attached to buildings and structures | P | P | |
| 9. | All other additions and alterations | RD | RD | |
| 10. | Demolition | NC | NC | |
| 11. | Removal for relocation | RD | RD | |
| Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site | | a. Ind | b. IndPort | Performance standards |
| 12. | New structures no more than 2.5m high or 2m ² footprint | P | P | |
| 13. | All other new structures | RD | RD | |
| 14. | New buildings | RD | RD | |
| 15. | Parking, loading and access | RD | RD | i. Parking, loading and access standards |

| Site development activities in all areas (except as covered by rows 12 - 15 above) | | a. Ind | b. IndPort | Performance standards |
|--|---|--------|------------|---|
| 16. | Parking, loading and access | P | P | i. Parking, loading and access standards |
| 17. | New or additions to parking areas that result in 50 or more new parking spaces. | RD | RD | i. Parking, loading and access standards |
| 18. | Outdoor storage | P | P | i. Maximum height ii. Location of outdoor storage |
| 19. | Storage and use of hazardous substances | P | P | i. Hazardous substances quantity limits and storage requirements ii. Setback from coast and water bodies |
| 20. | Vegetation clearance | P | P | i. Vegetation clearance standards |
| 21. | All other site development activities | P | P | |

Note 19.3.4A - General advice

1. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand Pouhere Taonga. This is the case regardless of whether the site 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 the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

19.3.5 Subdivision Activity Status Table

| Subdivision activities | | Activity status | | Performance standards |
|------------------------|------------------------|-----------------|------------|---|
| | | a. Ind | b. IndPort | |
| 1. | Subdivision activities | RD | RD | i. Access ii. Esplanade reserves and strips iii. Firefighting iv. Service connections v. Shape ✕ vi. Setback from National Grid (subdivision activities) |

Note 19.3.5A - Other RMA considerations

1. Under Section 226(1)(e)(ii) of the Resource Management Act 1991, where an existing allotment shown on a survey plan meets all relevant provisions of the district plan and any proposed district plan, the Dunedin City Council must issue a certificate to that effect to enable the Registrar-General of Land to issue a certificate of title for that separate allotment.

Note ~~19.3.5A~~ 19.3.5B - Other relevant District Plan provisions

1. Additional matters of discretion apply to the subdivision of land within a **Critical Electricity Distribution Infrastructure Corridor mapped area**. These are set out in Rule 19.10.6.
2. Additional matters of discretion apply to the subdivision of land within a **National Grid Subdivision Corridor mapped area**. These are set out in Rule 19.10.6.

19.3.6 Activity Status in the Hazard 2 (flood) Overlay Zone

| Activity | Activity status |
|---|-----------------|
| Land Use Activities | |
| 1. Natural hazards sensitive activities | RD |
| 2. Natural hazards potentially sensitive activities | RD |

| Activity | Activity status |
|---|-----------------|
| Development Activities | |
| 3. New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m ² of new ground floor area | RD |

Note 19.3.6A - Other RMA considerations

- ✘ **1.** Section 10 of the RMA (existing use rights) provides for land to be used in a manner that contravenes a rule in a district plan if the use was lawfully established before the rule became operative or the proposed plan was notified, and the effects of the use are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified.
- 2. Accordingly, activities that are shown to have effects that are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 19.3.6. However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of effects from the land use activity.

Note 19.3.6B - Other requirements outside the District Plan

1. Clause E1 – Surface water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework (including earthworks) in relation to managing surface water and effects on other property.
2. Buildings and structures that will divert water may require resource consent under the Otago Regional Plan: Water.
3. If buildings and structures affect the flow of water, this effect is also subject to the common law principle of natural servitude.

Rule 19.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand Pouhere Taonga; and
 2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand Pouhere Taonga.
2. With respect to resource consent applications, Heritage New Zealand Pouhere Taonga will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided for the following:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand Pouhere Taonga;
 2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is listed by Heritage New Zealand Pouhere Taonga; and
 3. contravention of the archaeological sites performance standard (Rule 13.3.3).
3. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. crematoriums;
 2. all restricted discretionary activities that list 'effects on cultural values of Manawhenua' as a matter for discretion; and
 3. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
4. With respect to sections 95D(b) and 95E(2)(a), Council will not use the performance standard for maximum height as a permitted baseline in considering the effects of any development activity associated with a discretionary or non-complying activity in the industrial zones.
5. With respect to resource consent applications for activities in swale mapped areas, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided.
6. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 19.5 Land Use Performance Standards

19.5.1 Acoustic Insulation

1. Noise sensitive activities in the following areas must comply with Rule 9.3.1:
 - a. port noise control mapped area;
 - b. within 40m of a state highway;
 - c. within 40m of the Taieri Aerodrome Zone; and
 - d. within 70m of a railway line.

~~19.5.10~~ 19.5.2 Setback from National Grid {Moved from below to minimise renumbering}

National Grid sensitive activities must comply with Rule 5.6.1.1.

19.5.3 Hours of Operation

1. Restaurants must not be open before 6.00am or after 6.00pm.
2. Activities that contravene this performance standard are restricted discretionary activities.

19.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

19.5.5 Maximum Gross Floor Area

1. The gross floor area used for retail ancillary to industry activity must not exceed 10% of the gross floor area of the premises.
2. The maximum gross floor area for restaurants is 50m².
3. Any retail ancillary to industry activity that contravenes the performance standard for maximum gross floor area is a non-complying activity.
4. Any restaurants that contravene the performance standard for maximum gross floor area are a restricted discretionary activity.

19.5.6 Minimum Mobility Car Parking

- ~~1. NA.~~

| Activity | Minimum car parking rate |
|---|--------------------------|
| a. h. Removed to comply with the National Policy Statement on Urban Development 2020 requirement to remove minimum car parking requirements. Rule numbering to be corrected at a later date. | TO BE REMOVED |

2. **1.** Land use activities must provide on-site mobility parking spaces as follows:

| Total number of parking spaces provided | Minimum number of these that must be mobility parking spaces |
|---|--|
| i. a. 1 - 20 | 1 parking space |
| ii. b. 21 - 50 | 2 parking spaces |

| | | |
|------------|--|----------------------------|
| iii. c. | For every additional 50 parking spaces | 1 additional parking space |
|------------|--|----------------------------|

3. **2.** Required parking spaces must be designed and constructed to comply with Rule 6.6.1.1.e.iii.
4. **NA.**
5. **3.** Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum mobility parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.
6. **NA.**
7. **NA.**
8. **4.** Activities that contravene this performance standard are restricted discretionary activities.

Note 19.5.6A - Other relevant District Plan provisions

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

19.5.7 Minimum Vehicle Loading

1. Land use activities must provide on-site vehicle loading and manoeuvring as follows:

| Activity | Minimum vehicle loading |
|---------------------------------|---|
| a. Industry | 1 loading space to accommodate an 8m rigid truck (see Appendix 6B, Figure 6B.10). |
| b. Industrial ancillary tourism | 1 loading space to accommodate a coach on any site greater than 400m ² which has a vehicle crossing onto a rural highway or urban connector (see Appendix 6B, Figure 6B.12). |

2. Required vehicle loading must be designed and constructed to comply with Rule 6.6.2.
3. Activities that contravene this performance standard are restricted discretionary activities.

19.5.8 Noise

Land use activities must comply with Rule 9.3.6.

19.5.9 Service Station Standards

Service stations must comply with Rule 6.7.1.

~~19.5.10 Setback from National Grid~~ {Moved to position above and renumbered as 19.5.2}

~~National Grid sensitive activities must comply with Rule 5.6.1.1.~~

Rule 19.6 Development Performance Standards

19.6.1 Boundary Treatments and Other Landscaping

1. New buildings, additions and alterations that increase the gross floor area of a building, demolition or removal for relocation of buildings and new or additions to parking areas must provide a landscaping area with a minimum width of 3m along the full length of any road frontage that is identified as an **amenity route mapped area** (except for where existing or permitted vehicle access is provided), except that this standard does not apply where:
 - a. the building subject to demolition or removal for relocation is not visible from the street frontage.
2. 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 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 minimum height of 5m within 10 years of planting;
 - g. be planted prior to occupation of any relevant building(s) or upon completion of site development activities; 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.
3. Any road boundary fences provided must be placed on the property side of any required road frontage landscaping required by this rule.
4. Fencing must be provided along any boundaries which adjoin a residential or school zoned property. Fencing must:
 - a. be constructed from solid timber paling;
 - b. have vertical palings which are butted together;
 - c. only have palings visible from the residential zone (have posts and rails on the Industrial Zone side); and
 - d. be a minimum of 1.8m high.
5. Activities that contravene this performance standard are restricted discretionary activities.

Note 19.6.1A - Other requirements outside of the District Plan

1. The Dunedin City Council Commercial Use of Footpaths Policy applies to all objects placed on the footpath or suspended over it up to a height of 2.6m. Contact customer services on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

19.6.2 Natural Hazards Performance Standards

19.6.2.1 Hazard exclusion areas

New buildings, new structures, and additions and alterations located in a **swale mapped area** must comply with Rule 11.3.1.1.

19.6.2.2 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 2 (land instability) Overlay Zone must comply with Rule 11.3.2.

19.6.2.3 Relocatable buildings

New buildings containing residential activity on the ground floor in the Hazard 3 (coastal) Overlay Zone must comply with Rule 11.3.3.

19.6.3 Hazardous Substances Quantity Limits and Storage Requirements

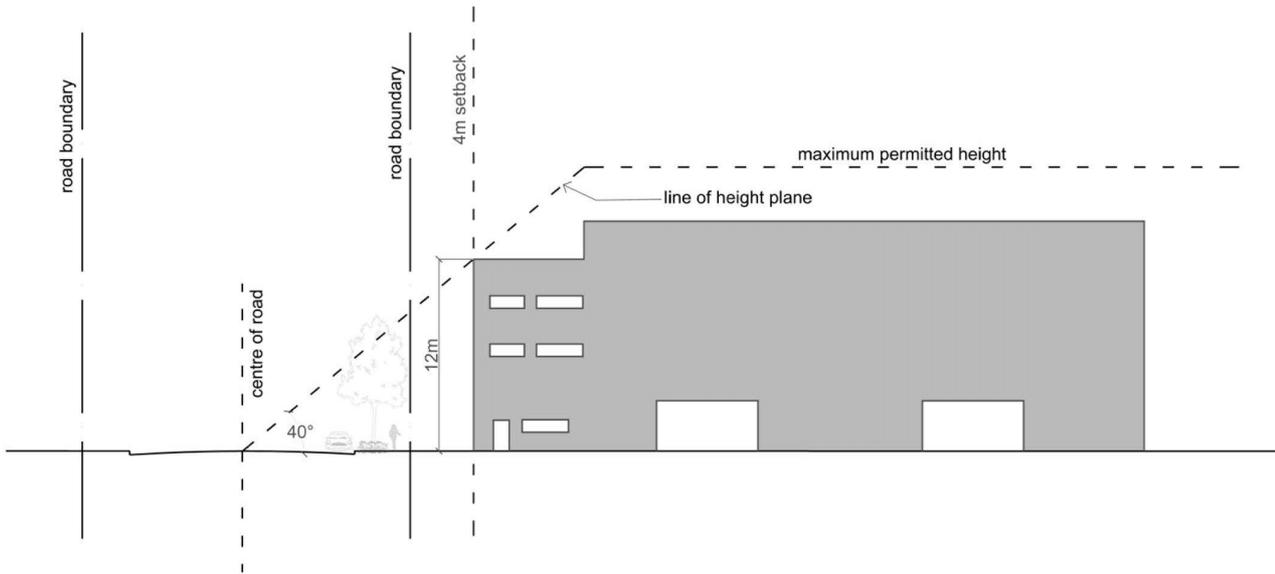
The storage and use of hazardous substances must comply with Rule 9.3.4.

19.6.4 Height

19.6.4.1 Height in relation to boundary

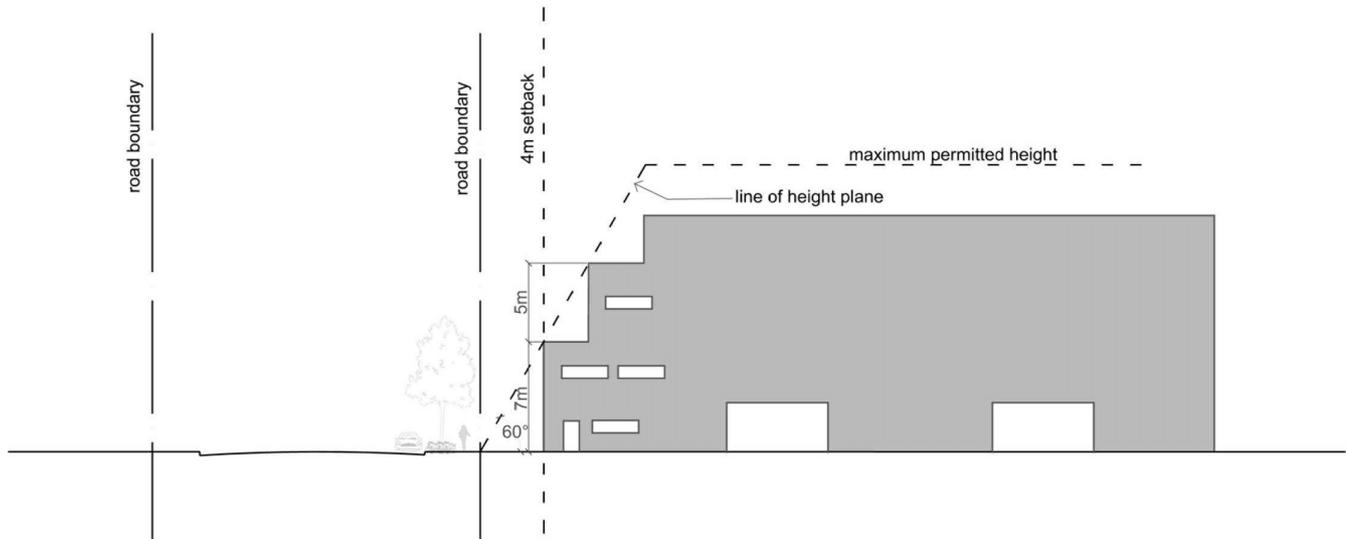
- a. New buildings and additions and alterations to buildings on sites that adjoin a residential zone along their side or rear boundary must comply with the height in relation to boundary performance standard of that residential zone, along the adjoining boundary (see Rule 15.6.6.1).
- b. New buildings and additions and alterations to buildings on sites that adjoin the Recreation Zone along their side or rear boundary must comply with the height in relation to boundary performance standard of the Recreation Zone, along the adjoining boundary (see Rule 20.6.4.1).
- c. New buildings and additions and alterations to buildings along the **amenity route mapped area** on Burns Street must not protrude through a plane rising at an angle of 40 degrees measured from ground level at the centreline of the road (see Figure 19.6.4.1A).
- d. New buildings and additions and alterations to buildings along the **amenity route mapped area** in all other locations must not protrude through a plane rising at an angle of 60 degrees measured from ground level along the road boundary (see Figure 19.6.4.1B).
- e. Rooftop structures are exempt from the performance standard for height in relation to boundary.
- f. Activities that contravene this performance standard are restricted discretionary activities.

Figure 19.6.4.1A: Height in relation to boundary



Example 1. 40 degree height plane measured from the road centre.

Figure 19.6.4.1B: Height in relation to boundary



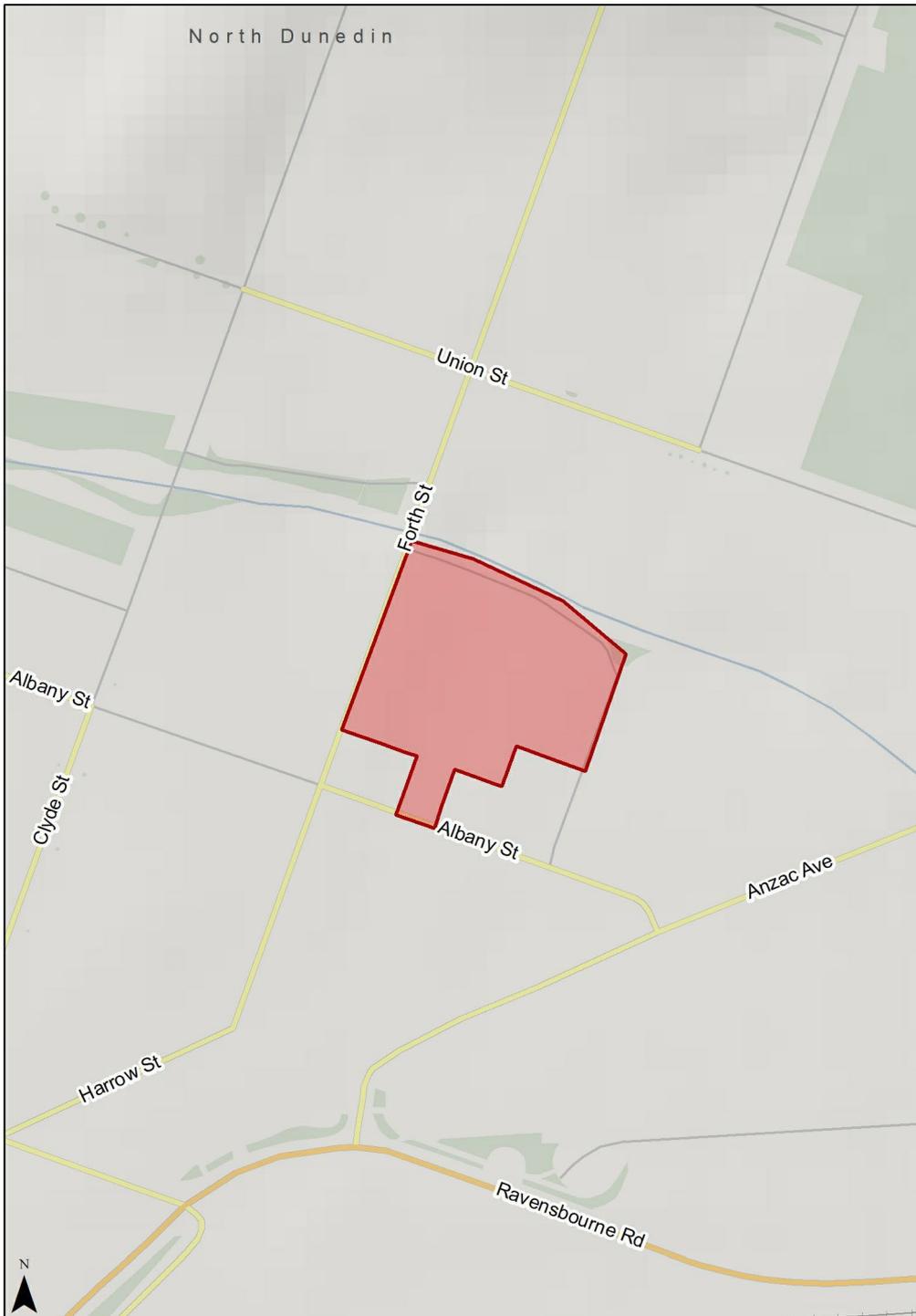
Example 2. 60 degree height plane measured from the property road boundary.

19.6.4.2 Maximum height

- a. The maximum height of new buildings, new structures, additions and alterations, and outdoor storage, including the temporary storage of shipping containers must not exceed the following above ground level:

| Height area | | Maximum height |
|-------------|--|----------------|
| i. | Industrial Port Zone | 25m |
| ii. | Ravensbourne height mapped area (see Figure 19.6.4.2A) | 20m |
| iii. | Cerebos Greggs height mapped area (see Figure 19.6.4.2B) | 33m |
| iv. | Parry Street East height mapped area (see Figure 19.6.4.2A) | 25m |
| v. | All other areas in the Industrial Zone | 18m |

- vi. except, rooftop structures and freestanding chimneys as part of industry activity are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other building and structures by 5m; and
- vii. new buildings, new structures, and additions and alterations must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the **Taieri Aerodrome flight fan mapped area**.
- b. Activities that contravene this performance standard are restricted discretionary activities.



19.6.5 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

19.6.6 Number, Location and Design of Ancillary Signs

19.6.6.1 General

- a. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards.
- b. Signs must also comply with:

- i. Rule 6.7.2 where located on or above the footpath; and
 - ii. Rule 6.7.3 where visible from a road.
- c. Signs higher than 4m above ground level must only display the business name.
 - d. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

19.6.6.2 Signs attached to buildings

- a. The height, above ground level, at the highest point of any sign attached to a building is 8m.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted against a parapet or gable end.
- d. Signs attached flat against a building:
 - i. must not cumulatively exceed 15% of the total wall area (excluding windows) that faces the street frontage, or 8m², whichever is lesser; and
 - ii. if attached to a verandah fascia, must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.
- e. If attached on the underside of a verandah or protruding from a building façade, signs must:
 - i. where attached to the façade of a building, not protrude more than 1.5m from the façade;
 - ii. have a maximum area per display face of 2m²;
 - iii. have a maximum of 2 display faces;
 - iv. not exceed 1 sign per 15m of street frontage, for a site with a single premise, or 1 per 7.5m, for a site with multiple premises; and
 - v. not exceed a total of 3 signs per building.

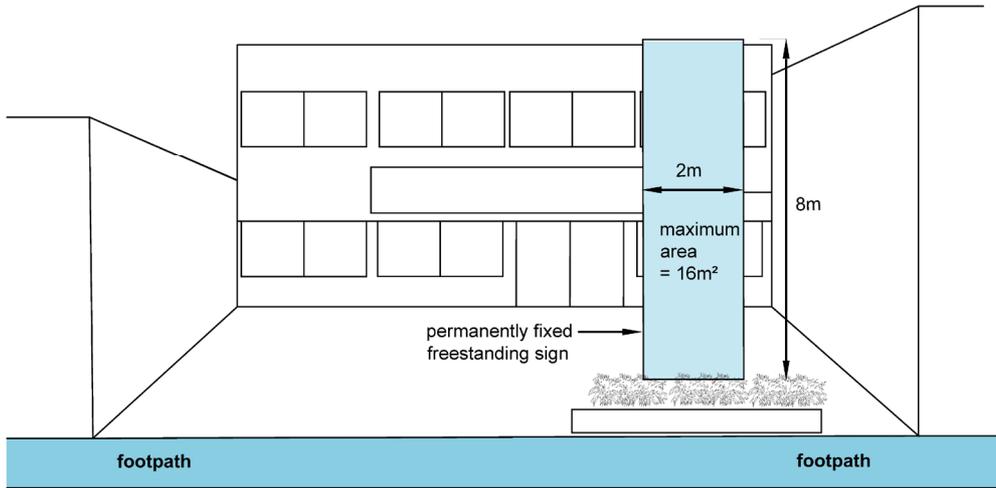
19.6.6.3 Freestanding signs

- a. The maximum number of freestanding signs is:
 - i. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for permanently fixed freestanding signs; and
 - ii. 1 per 15m of street frontage for portable freestanding signs.
- b. The maximum dimensions of freestanding signs are:
 - i. maximum height of 8m for permanently fixed freestanding signs;
 - ii. maximum height of 4m for portable freestanding signs;
 - iii. maximum area of 16m² per display face for permanently fixed freestanding signs;
 - iv. maximum area of 8m² per display face for portable freestanding signs;
 - v. maximum width of 2m; and
 - vi. maximum depth of 400mm.
- c. Portable freestanding signs must not be located on the road reserve.
- d. Freestanding signs must:
 - i. not obstruct driveways, parking or loading areas; and
 - ii. be positioned entirely within site boundaries, except:
 - 1. a flag sign may project a maximum of 1.5m over a footpath if the flag sign is located at least 2.5m, at its lowest point, above the footpath.

Note 19.6.6A - Other requirements outside of the District Plan

1. For additional restrictions that may apply to signs, see also:
 - a. NZ Transport Agency *Traffic Control Devices Manual, Part 3, Advertising Signs and Signs on State Highways Bylaw*.
 - b. Dunedin City Council Commercial use of Footpaths Policy
 - c. Dunedin City Council Roading Bylaw
 - d. Dunedin City Council Traffic and Parking Bylaw

Figure 19.6.6.3A: Signs in industrial zones



19.6.7 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

19.6.8 Location of Outdoor Storage

1. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
2. Outdoor storage must not encroach into required parking, loading or landscaping areas.
3. Activities that contravene this performance standard are restricted discretionary activities.

19.6.9 Setbacks

19.6.9.1 Boundary setbacks

- a. New buildings, new structures, and additions and alterations must have a minimum setback as follows:

| Location | | Setback distance |
|----------|--|------------------|
| i. | From a site boundary that adjoins a residential, school or recreation zone | 5m |
| ii. | From a boundary along the Burns Street amenity route mapped area | 3m |
| iii. | From a boundary along all other amenity route mapped areas | 4m |

- iv. except, fences and ancillary signs are exempt from this standard.

- b. Activities that contravene this performance standard are restricted discretionary activities.

19.6.9.2 Setback from scheduled tree

New buildings, new structures, additions and alterations, and any site development activities that involve the installation of impermeable surfacing must comply with Rule 7.5.2.

19.6.9.3 Setback from National Grid

New buildings, new structures, and additions and alterations must comply with Rule 5.6.1.1.

19.6.9.4 Setback from coast and water bodies

New buildings, new structures, additions and alterations, and storage and use of hazardous substances must comply with Rule 10.3.3.

~~19.6.9.X~~ 19.6.9.5 Setback from designated rail corridor

New buildings, new structures, and additions and alterations must comply with Rule 6.7.4.

~~19.6.9.Y~~ 19.6.9.6 Setback from Critical Electricity Distribution Infrastructure

New buildings, new structures, and additions and alterations must comply with Rule 5.6.X.1.

19.6.10 Vegetation Clearance Standards

19.6.10.1 Maximum area of vegetation clearance (UBMA)

Vegetation clearance in an **urban biodiversity mapped area** (UBMA) must comply with Rule 10.3.2.4.

19.6.10.2 Maximum area of vegetation clearance in a hazard overlay zone

Vegetation clearance in the Hazard 2 (land instability) Overlay Zone must comply with Rule 11.3.2.

Rule 19.7 Subdivision Performance Standards

19.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

19.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

19.7.3 Firefighting

Subdivision activities must comply with Rule 9.3.3.

19.7.4 Service Connections

Subdivision activities must comply with Rule 9.3.2.

19.7.5 Shape

1. Each resultant site must be of a size that is large enough to ensure the following performance standards can be met:
 - a. ~~NA;~~
 - b. **a** setbacks from boundaries, water bodies, scheduled trees; and
 - c. **b** esplanade reserves or strips.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must:
 - a. not contain scheduled heritage buildings or scheduled heritage structures; or
 - b. not contain right-of-way easements.
 - c. ~~NA.~~
3. For unreticulated areas, resultant sites must provide for a wastewater disposal area to be located at least 50m from any water body and mean high water springs.
4. Sites created and used solely for the following purposes are exempt from the shape standard:
 - a. scheduled ASBV or QEII covenant;
 - b. reserve;
 - c. access;
 - d. network utility; or
 - e. road.
5. Subdivision activities that do not meet this standard are restricted discretionary activities.

~~19.7.X~~ **19.7.6 Setback from National Grid (Subdivision Activities)**

Subdivision activities must comply with Rule 5.6.1.X.

Rule 19.8 Assessment of Controlled Activities

Rule 19.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 19.8.2:
 - a. lists the matters over which Council has reserved its control; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard, the following apply as relevant:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**;
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard;
 - iii. the performance standard contravention will be assessed as indicated in Section 19.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section;
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**;
 - ii. the performance standard contravention will be assessed as indicated in Section 19.11; and
 - iii. the assessment guidance in this section will also be considered; or
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**;
 - ii. the performance standard contravention will be assessed as indicated in Section 19.12; and
 - iii. the assessment guidance in this section will also be considered.

19.8.2 Assessment of controlled development activities

| Activity | Matters of control | Guidance on the assessment of resource consents |
|--|-------------------------------|---|
| 1. Affecting a scheduled heritage building or a scheduled heritage structure: <ul style="list-style-type: none"> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected. • Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) | a. Effects on heritage values | See Rule 13.4 |

Rule 19.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 19.9.1 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 19.9.2 - 19.9.6:
 - a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
 - b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 19.9.2 - 19.9.6 apply as follows:
 - a. Rule 19.9.2 applies to all performance standard contraventions;
 - b. Rule 19.9.3 applies to land use performance standards;
 - c. Rule 19.9.4 applies to development performance standards;
 - d. Rule 19.9.5 applies to subdivision performance standard contraventions; and
 - e. Rule 19.9.6 applies to performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item.

19.9.2 Assessment of all performance standard contraventions

| Performance standard | Guidance on the assessment of resource consents |
|---|---|
| <p>1. All performance standard contraventions</p> | <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> a. The degree of non-compliance with the performance standard is minor. b. Compliance with the performance standard would be impracticable or create health and safety issues. c. The need to meet other performance standards, or other site specific factors including topography, make meeting the standard impracticable. d. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. e. Non-compliance with the development performance standard would improve the design of the development in a way that would result in positive effects and better achieve identified objectives and policies of the Plan. f. The contravention is necessary for the industry activity to operate or would have significant positive effects on its operation. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> g. Where more than one standard is contravened, the combined effects of the contraventions should be considered. |

19.9.3 Assessment of land use performance standards

| Performance standard | Matters of discretion | Guidance on the assessment of resource consents |
|--|--|--|
| 2. 1. <ul style="list-style-type: none"> Hours of operation Maximum gross floor area (restaurants) | a. Reverse sensitivity effects | <i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> Objective 19.2.1 The restaurant is designed and operated to service workers engaged in or associated with industrial activities in the area, and is unlikely to attract significant patronage outside of this purpose (Policy 19.2.1.6). |
| 3. 2. <ul style="list-style-type: none"> Minimum vehicle loading Service station standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 4. 3. <ul style="list-style-type: none"> Minimum mobility car parking | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| | b. Effects on accessibility | |

19.9.4 Assessment of development performance standards

| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
|----------------------|--|--|--|
| 1. | Boundary setbacks (boundaries adjoining residential, school or recreation zoned sites) | a. Effects on the character and amenity of sensitive surrounding sites | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. Buildings are set back an adequate distance from boundaries which adjoin residential, school or recreation zoned sites to maintain adequate sunlight access to these sites (Policy 19.2.2.1). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The topography of the area means adequate sunlight access will be maintained to the adjacent sites. iv. The affected part of the adjacent site is not utilised by, and will not be used in the future for, a sensitive use. |
| 2. | Boundary treatments (fencing) | a. Effects on the character and amenity of sensitive surrounding sites | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. Fencing along boundaries that adjoin residential sites in the residential zones or sites in the Schools Zone is of an adequate height and design so that it provides screening and security (Policy 19.2.2.3). |
| 3. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |

19.9.4 Assessment of development performance standards

| Performance standard | Matters of discretion | Guidance on the assessment of resource consents |
|----------------------|--|--|
| 4. Height | a. Effects on views across Otago Harbour | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 2.4.1, Policy 2.4.1.4 ii. Objective 19.2.2 iii. Buildings and structures are of a height that avoids or minimises, as far as practicable, significant adverse effects on views from the central city and Dunedin's inner hill suburbs, across the upper harbour toward the Otago Peninsula (Policy 19.2.2.5.a). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. Adverse effects are adequately mitigated by: <ul style="list-style-type: none"> 1. natural landforms and features (e.g. cliffs, tall trees on adjacent reserves) that provide a backdrop to the building; 2. the topography of the site; 3. building design; or 4. other neighbouring buildings. |
| | b. Effects on neighbourhood amenity | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. Buildings and structures are of a height that avoids or, if avoidance is not practicable, ensures adverse effects from shading and wind tunnelling effects on school, residential, and recreation zoned sites are no more than minor (Policy 19.2.2.5.b). |
| | c. Reverse sensitivity effects | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. The height is essential to the operation of the industry activity (Policy 19.2.2.6.a); and the visual effects of the height limit exceedance have been minimised as far as practicable. (Policy 19.2.2.6.b). |
| | d. Effects on health and safety | See Rule 9.5 |

19.9.4 Assessment of development performance standards

| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
|----------------------|--|---|--|
| 5. | Number, location and design of ancillary signs | a. Effects on character and streetscape amenity | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. Signs are of an appropriate size and number to convey information about the name, location and nature of the business to passing vehicles or pedestrians, and are not oversized or too numerous for that purpose (Policy 19.2.2.7). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Signs will not be visible from outside the zone. |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 6. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 7. | Location of outdoor storage | a. Effects on amenity of surrounding sites | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. Materials stored outside, including those which may become airborne due to wind, are stored in way that prevents materials escaping and contaminating any off-site area (Policy 19.2.2.4). |
| 8. | Setback from coast and water bodies | a. Effects on biodiversity values and natural character of the coast and riparian margins | See Rule 10.5 |
| | | b. Effects on public access | See Rule 10.5 |
| | | c. Risk from natural hazards | See Rule 11.4 |
| 9. | Setback from scheduled tree | a. Effects on long term health of tree | See Rule 7.6 |
| 9. 10. | Setback from designated rail corridor | a. Effects on the safety and efficiency of the transport network | See Rule 6.10.6 |

19.9.5 Assessment of subdivision performance standard contraventions

| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
|----------------------|-------------------------------|---|---|
| 1. | Access | a. Effects on accessibility | See Rule 6.10 |
| 2. | Esplanade reserves and strips | a. Effects on biodiversity values and natural character of the coast and riparian margins | See Rule 10.5 |
| | | b. Effects on public access | |
| 3. | Firefighting | a. Effects on health and safety | See Rule 9.5 |
| 4. | Service connections | a. Effects on efficiency and affordability of infrastructure | See Rule 9.5 |

19.9.5 Assessment of subdivision performance standard contraventions

| Performance standard | Matters of discretion | Guidance on the assessment of resource consents |
|----------------------|-----------------------|--|
| 5. Shape | | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> a. Objective 2.4.1 b. Subdivisions are designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a structure plan mapped area, reflects the requirements of the structure plan mapped area performance standards, unless: <ul style="list-style-type: none"> i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or ii. the resultant site is required for: <ul style="list-style-type: none"> 1. scheduled ASBV; QEII covenant; or 2. reserve; or 3. access; or 4. utility; or 5. road (Policy 2.4.1.8). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: <ul style="list-style-type: none"> i. boundary setbacks; ii. setbacks from water bodies; and iii. setback from scheduled trees. iv. NA. d. For contravention of the building platform slope part of the shape performance standard (Rule 19.7.5.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1). <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> e. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. f. A building platform may be required to be registered against the title by way of consent notice. |

19.9.6 Assessment of performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item

| Performance standard | Matters of discretion | Guidance on the assessment of resource consents |
|--|--|---|
| <p>1. In an amenity route mapped area:</p> <ul style="list-style-type: none"> • Boundary setbacks • Boundary treatments - landscaping | <p>a. Effects on streetscape amenity</p> | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.2 ii. Development along an amenity route mapped area provides a high level of streetscape amenity by: <ul style="list-style-type: none"> 1. providing landscaping of a height and density adequate to maintain or enhance the amenity of the route and to mitigate the visual impact of industrial activities and development; and 2. setting back buildings an adequate distance to allow this landscaping (Policy 19.2.2.2). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. There are positive effects on streetscape amenity from better building or site design outcomes achieved through not meeting the performance standard. These include the use of building treatments such as murals, green walls, or activation treatments. iv. The alternative boundary treatment proposed is necessary to address traffic safety issues that could arise if the standard was complied with, and is necessary to achieve Objective 6.2.3. v. v. The alternative boundary treatment is necessary to allow for the redevelopment of, or additions and alterations to, existing buildings. |
| <p>2. In a hazard overlay zone:</p> <ul style="list-style-type: none"> • Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones) • Relocatable buildings (Hazard 3 (coastal) Overlay Zone) • Hazardous substances quantity limits and storage requirements | <p>a. Risk from natural hazards</p> | <p>See Rule 11.4</p> |

19.9.6 Assessment of performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item

| Performance standard | Matters of discretion | Guidance on the assessment of resource consents |
|--|---|---|
| 3. Affecting a scheduled heritage building or scheduled heritage structure : <ul style="list-style-type: none"> • Materials and design | a. Effects on heritage values | See Rule 13.5 |
| 4. In the Taiari Aerodrome flight fan mapped area : <ul style="list-style-type: none"> • Maximum height (Rule 19.6.4.2.a.vii) | a. Effects on health and safety | See Rule 9.5 |
| 5. In a wāhi tūpuna mapped area : <ul style="list-style-type: none"> • Setback from coast and water bodies • Esplanade reserves and strips | a. Effects on cultural values of Manawhenua | See Rule 14.3 |
| 6. In an urban biodiversity mapped area : <ul style="list-style-type: none"> • Vegetation clearance standards: Maximum area of vegetation clearance (UBMA) | a. Effects on biodiversity values | See Rule 10.5 |

19.9.6 Assessment of performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item

| Performance standard | Matters of discretion | Guidance on the assessment of resource consents |
|---|--|---|
| <p>X. Z. In the Critical Electricity Distribution Infrastructure Corridor mapped area:</p> <ul style="list-style-type: none"> • Setback from Critical Electricity Distribution Infrastructure (buildings, structures, city-wide activities) | <p>a. Effects on health and safety</p> <hr/> <p>b. Effects on efficient and effective operation of network utilities</p> | <p>See Rule 5.7</p> |

Rule 19.10 Assessment of Restricted Discretionary Activities

Rule 19.10.1 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 19.10.2 - 19.10.6:
 - a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
 - b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 19.10.2 - 19.10.6 apply as follows:
 - a. Rule 19.10.2 applies to all restricted discretionary activities;
 - b. Rule 19.10.3 applies to restricted discretionary land use activities;
 - c. Rule 19.10.4 applies to restricted discretionary development activities;
 - d. Rule 19.10.5 applies to restricted discretionary subdivision activities; and
 - e. Rule 19.10.6 applies to restricted discretionary activities in an overlay zone, mapped area, or affecting a scheduled item.
4. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.
5. Where a restricted discretionary activity does not meet a performance standard, the following apply as relevant:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**;
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard;
 - iii. the performance standard contravention will be assessed as indicated in Section 19.9; 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**;
 - ii. the performance standard contravention will be assessed as indicated in Section 19.11; and
 - iii. the assessment guidance in this section will also be considered; or
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**;



- ii. the performance standard contravention will be assessed as indicated in Section 19.12; and
- iii. the assessment guidance in this section will also be considered.

19.10.2 Assessment of all restricted discretionary activities

| Activity | Guidance on the assessment of resource consents |
|--|---|
| <p>1. All restricted discretionary activities listed below</p> | <p><i>Potential circumstances that may support a consent application include:</i></p> <p>a. For restricted discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards.</p> <p><i>General assessment guidance:</i></p> <p>b. 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.</p> |

19.10.3 Assessment of restricted discretionary land use activities

| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
|----------|--|--|--|
| 1. | All high trip generators, which include any activities that generate 250 or more vehicle movements a day | a. Effects on accessibility | See Rule 6.11 |
| | | b. Effects on the safety and efficiency of the transport network | |
| 2. | Service stations (except self-service fuel stations) | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| 3. | Crematoriums outside a hazard facility mapped area | a. Effects on cultural values of Manawhenua | See Rule 14.4 |
| | | b. Reverse sensitivity effects | <i>Relevant objectives and policies:</i> i. Objective 19.2.1 ii. The potential for reverse sensitivity is insignificant (Policy 19.2.1.10). |
| | | c. Effects on amenity of surrounding sites | <i>Relevant objectives and policies:</i> i. Objective 19.2.2 ii. Crematoriums are located to avoid or minimise, as far as practicable, significant adverse effects on the amenity of surrounding residential, school and recreation zoned sites (Policy 19.2.2.8). |

19.10.3 Assessment of restricted discretionary land use activities

| Activity | Matters of discretion | Guidance on the assessment of resource consents |
|---|--------------------------------|---|
| 4. <ul style="list-style-type: none"> • Sport and recreation • Industrial ancillary tourism | a. Reverse sensitivity effects | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.1 ii. The potential for reverse sensitivity is insignificant (Policy 19.2.1.10). iii. Sport and recreation activities have specific operational requirements when located in the industrial zones that mean it is not practical to locate in a recreation, residential or commercial and mixed use zone (Policy 19.2.1.7). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The scale of the activity is such that it will not result in a more than minor long term loss of land for industrial or port activities within a particular area, either on its own, or cumulatively with other non-industrial or port activities in that area. v. The number of people involved in the activity, hours of operation, and noise is such that the activity will not have significant adverse effects on the amenity of surrounding residential, school and recreation zones. |
| 5. Ancillary licensed premises | a. Reverse sensitivity effects | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 19.2.1 ii. Ancillary licensed premises are designed and operated to service the workers engaged in or associated with industrial or port activities in the area, and are unlikely to attract significant patronage outside of this purpose (Policy 19.2.1.6). iii. The potential for reverse sensitivity is insignificant (Policy 19.2.1.10). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The number of people involved in the activity, hours of operation and noise is such that the activity will not have significant adverse effects on the amenity of surrounding residential, school and recreation zones. |

19.10.4 Assessment of restricted discretionary development activities

| Activity | Matters of discretion | Guidance on the assessment of resource consents |
|---|---|---|
| 1. High trip generators: <ul style="list-style-type: none"> • New or additions to parking areas that result in 50 or more new parking spaces | a. Effects on the safety and efficiency of the transport network b. Effects on accessibility | See Rule 6.11 |

19.10.5 Assessment of restricted discretionary subdivision activities

| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
|----------|------------------------|---|---|
| 1. | Subdivision activities | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| | | b. NA | NA |
| | | e. b. Effects on efficiency and affordability of infrastructure | See Rule 9.6 |
| | | d. c. Risk from natural hazards | See Rule 11.5 |

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

| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
|----------|--|-------------------------------|---|
| 1. | In all hazard overlay zones, swale mapped areas and dune system mapped areas : <ul style="list-style-type: none"> • Subdivision activities | a. Risk from natural hazards | See Rule 11.5 |
| 2. | In the Hazard 2 (flood) Overlay Zone (see Rule 19.3.6): <ul style="list-style-type: none"> • New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area | a. Risk from natural hazards | See Rule 11.5 |
| 3. | Activities affecting a scheduled heritage building or scheduled heritage structure: <ul style="list-style-type: none"> • Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure • Removal for relocation • All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure | a. Effects on heritage values | See Rule 13.6 |
| 4. | Activities affecting a scheduled heritage site: <ul style="list-style-type: none"> • New buildings and structures on a scheduled heritage site, where visible from an adjoining public place or a publicly accessible place within the site • Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site • All subdivision activities | a. Effects on heritage values | See Rule 13.6 |

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

| Activity | Matters of discretion | Guidance on the assessment of resource consents |
|---|---|---|
| 5. In the Hazard 2 (flood) Overlay Zone : <ul style="list-style-type: none"> Natural hazards sensitive activities Natural hazards potentially sensitive activities | a. Risk from natural hazards | See Rule 11.5 |
| 6. In the National Grid Subdivision Corridor mapped area : <ul style="list-style-type: none"> All subdivision activities | a. Risk to the safety of people and property b. Reverse sensitivity effects c. Effects on efficient and effective operation of the National Grid and access to it | See Rule 5.8 |
| 7. 7. In the Critical Electricity Distribution Infrastructure Corridor mapped area : <ul style="list-style-type: none"> All subdivision activities | a. Effects on health and safety b. Reverse sensitivity effects c. Effects on efficient and effective operation of network utilities | See Rule 5.8 |
| 8. 8. In a Harbourside Edge Transition Overlay Zone (HETZ) (prior to release): <ul style="list-style-type: none"> Subdivision activities | a. Effects on future urban development | See Rule 12.X |

Rule 19.11 Assessment of Discretionary Activities

Rule 19.11.1 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. With respect to section 104(2) of the RMA, Council will not consider the performance standard for maximum height in the industrial zones as part of the permitted baseline in considering the effects of discretionary activities.
3. Rules 19.11.2 and 19.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
4. Rules 19.11.2 and 19.11.3 apply as follows:
 - a. Rule 19.11.2 applies to all discretionary activities; and
 - b. Rule 19.11.3 applies to discretionary performance standard contraventions.
5. 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.

19.11.2 Assessment of all discretionary activities

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

19.11.3 Assessment of discretionary performance standard contraventions

| Performance standard | Guidance on the assessment of resource consents |
|--|--|
| 1. <ul style="list-style-type: none"> • Acoustic insulation • Noise - where the limit is exceeded by less than 5 dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less | <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects on public health and safety.</p> |

Rule 19.12 Assessment of Non-complying Activities

Rule 19.12.1 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. With respect to section 104(2) of the RMA, Council will not consider the maximum height performance standard in the industrial zones as part of the permitted baseline in considering the effects of non-complying activities.
3. Rules 19.12.2 - 19.12.4 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.
4. Rules 19.12.2 - 19.12.4 apply as follows:
 - a. Rule 19.12.2 applies to non-complying land use activities;
 - b. Rule 19.12.3 applies to non-complying development activities; and
 - c. Rule 19.12.4 applies to non-complying performance standard contraventions.
5. 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.

19.12.2 Assessment of non-complying land use activities

| Activity | Guidance on the assessment of resource consents |
|---|--|
| <p>1. All non-complying land use activities, including but not limited to the activities listed below</p> | <p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to Objective 2.3.1. b. Objective 2.3.2 and Policy 2.3.2.2. c. Objective 2.4.3 and Policy 2.4.3.4. d. The activity supports the purpose of the zone as outlined in (objectives 2.3.1 and 19.2.1). e. The activity would have significant positive effects on the successful operation of surrounding industrial or port activities (Policy 19.2.1.3). f. The potential for reverse sensitivity is insignificant (Policy 19.2.1.10). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> g. In assessing the significance of effects, consideration will be given to: <ul style="list-style-type: none"> i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. h. 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, and that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> i. A requirement for noise sensitive activity establishing in an industrial zone to comply with the acoustic insulation requirements in Rule 9.3.1 <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> j. See Section 6.13 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. k. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety. l. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua. |
| <p>2. Commercial advertising</p> | <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 |

19.12.2 Assessment of non-complying land use activities

| Activity | Guidance on the assessment of resource consents |
|---|--|
| 3. Community and leisure | <p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. The activity has specific operational requirements that mean it is not practical to locate in a recreation, residential or commercial and mixed use zone (Policy 19.2.1.7).</p> <p>b. The potential for reverse sensitivity is insignificant (Policy 19.2.1.10).</p> |
| 4. <ul style="list-style-type: none"> • Cemeteries • Landfills | <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.</p> |
| 5. Retail (excluding retail ancillary to industry and yard based retail) | <p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Retail activity (excluding retail ancillary to industry and yard based retail activities) is avoided due to its high potential to be a significant competing use of land primarily zoned for industrial or port uses, unless it has significant positive effects on the successful operation of surrounding industrial or port activities (Policy 19.2.1.9).</p> |
| 6. In the hazard 1 (flood) overlay zones (see Rule 19.3.6): <ul style="list-style-type: none"> • Natural hazards potentially sensitive activities • Natural hazards sensitive activities | <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and the effects related to the risk from natural hazards.</p> |
| 7. In a hazard facility mapped area , bulk fuel storage facilities sensitive activities | <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.13 and the risks to people from an emergency event occurring at a hazard facility.</p> |

19.12.3 Assessment of non-complying development activities

| Activity | Guidance on the assessment of resource consents |
|--|---|
| 1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure | <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values.</p> |

19.12.4 Assessment of non-complying performance standard contraventions

| Performance standard | Guidance on the assessment of resource consents |
|---|--|
| 1. <ul style="list-style-type: none"> • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5 dB LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) | <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and the effects related to public health and safety.</p> |
| 2. <ul style="list-style-type: none"> • Setback from National Grid (buildings, structures, city-wide activities, and National Grid sensitive activities (Rule 5.6.1.1)) • Setback from National Grid (subdivision activities) (Rule 19.7.X 19.7.6) | <p><i>Relevant guidance from other sections:</i></p> <p>a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.X and effects related to the operation, maintenance, upgrading and development of the National Grid.</p> |
| 3. Hazard exclusion areas | <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.</p> |
| 4. Maximum gross floor area (retail ancillary to industry) | <p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 2.3.1 and 19.2.1</p> <p>b. Retail ancillary to industry is of a size that is clearly subordinate to and part of the operation of the primary industry activity; and does not conflict with objectives 2.3.1, 2.3.2 and 2.4.3; and does not create adverse effects on other industrial activities, for example from traffic, parking or reverse sensitivity (Policy 19.2.1.5).</p> |