

20. Recreation Zone

20.1 Introduction

Public reserve and recreational areas are interspersed among other environments within the city. The protection and provision of these areas and facilities is important for the health and well-being of the community and to contribute to amenity values.

- Activities and developments in recreation areas can have adverse effects on the surrounding environment. For example, large scale buildings and structures, parking and traffic effects, and nuisance-related effects such as noise or glare from lighting can impact on the amenity of surrounding residential properties.
- Many recreation areas provide important green space for the city. Limiting the types and scale of activities and development that occurs on them is necessary to ensure that they are available for a range of uses (including casual public use), and that green space is not consumed by inappropriate activities or development.
- Commercial food, beverage, and retail activities provided in association with recreation facilities could threaten the vitality of centres if provided in a way or at a scale that would compete with activities in the centres. Such activities occurring outside of a commercial centre also have the potential to impact on neighbours.

The areas covered by the zone are primarily sports fields, large urban bush reserves, and coastal reserves.

Other recreation areas not incorporated in this zone are:

- a-** • Small pocket parks, such as neighbourhood playgrounds, and small reserve areas in a commercial centre or the inner city, which retain the zoning of the surrounding environment.
- b-** • Areas that are managed as major facility zones, including, but not limited to, Moana Pool, Dunedin Botanic Garden, Edgar Centre, Otago Museum, or Stadium.
- c-** • Open space and recreation areas in the rural environment, which are generally zoned the same as the surrounding environment (i.e. rural zones). These areas are primarily used for conservation, protection of biodiversity and landscapes, and to provide for walking and biking tracks.

20.2 Objectives and Policies

Objective 20.2.1

The Recreation Zone provides opportunities for a wide range of recreational, sporting, community, and cultural activities.

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| Policy 20.2.1.1 | Enable sport and recreation, community and leisure, and restaurant and retail ancillary to sport and recreation. |
| Policy 20.2.1.2 | Enable rural activities in the form of grazing and forestry. |
| Policy 20.2.1.3 | Provide for a wide range of community activities, cemeteries, and campgrounds, where these activities are designed and operated to meet Objective 20.2.2 and its policies. |
| Policy 20.2.1.4 | Avoid industrial, residential, commercial, rural, and major facility activities, unless otherwise provided for in the Recreation Zone. |

Objective 20.2.2

Land use, development and subdivision activities: support the efficient and effective operation of the recreation area; maintain a high standard of on-site amenity for users of the recreation area; and maintain or enhance neighbourhood amenity and the amenity of any surrounding residential properties.

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| Policy 20.2.2.1 | Require development to maintain or enhance on-site amenity for recreation area users, neighbourhood amenity, and the amenity of any surrounding residential properties by ensuring: <ul style="list-style-type: none"> a. there are adequate areas free from buildings or hard surfacing; b. the height, boundary setbacks, height in relation to boundary, and scale of buildings and structures is appropriate to the recreation area and in keeping with the scale of buildings in surrounding residential environments; c. service areas for campgrounds or restaurants ancillary to sport and recreation are not visible from ground level from outside the site; d. communal outdoor gathering areas are designed and located to avoid overlooking and disturbing surrounding residential properties; e. parking areas are designed or located to minimise, as far as practicable, light spill from vehicles using the parking area on surrounding residential properties; and f. outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or nuisance effects. |
| Policy 20.2.2.2 | Require boundary fences to be of a height and design that contributes positively to streetscape amenity and character of the neighbourhood and recreation area. |
| Policy 20.2.2.3 | Require ancillary signs to be located and designed to maintain on-site amenity, and surrounding streetscape and residential amenity by: <ul style="list-style-type: none"> a. being of an appropriate size, design, and number to convey information about the name and nature of the club, organisation, or reserve, and not oversized or too numerous than what is necessary for that purpose; and b. limiting commercial sponsorship signs ancillary to sport and recreation to be temporary or enclosed within the site. |
| Policy 20.2.2.4 | Require forestry and shelterbelts and small woodlots to be set back an adequate distance to avoid significant effects from shading on residential buildings on adjacent properties. |

Objective 20.2.2

Land use, development and subdivision activities: support the efficient and effective operation of the recreation area; maintain a high standard of on-site amenity for users of the recreation area; and maintain or enhance neighbourhood amenity and the amenity of any surrounding residential properties.

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| Policy 20.2.2.5 | Require retail and restaurants ancillary to sport and recreation, and ancillary licensed premises, to operate in a way (including hours of operation) that avoids or, if avoidance is not practicable, adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties. |
| Policy 20.2.2.6 | Only allow sport and recreation that involves motor vehicles, where there will be no, or only minimal, adverse effects on: <ul style="list-style-type: none"> a. any surrounding residential properties; and b. other recreation area users. |
| Policy 20.2.2.7 | Only allow campgrounds where any adverse effects, including from noise, dust or loss of privacy, on surrounding residential properties and other recreation area users, will be avoided or, if avoidance is not practicable, are adequately mitigated. |
| Policy 20.2.2.8 | Only allow cemeteries, where they are designed and located: <ul style="list-style-type: none"> a. to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the amenity of surrounding residential properties; and b. to minimise, as far as practicable, the potential for reverse sensitivity. |
| Policy 20.2.2.9 | Only allow mining where: <ul style="list-style-type: none"> a. there is a reasonable certainty that land will be restored or rehabilitated to a standard that will minimise, as far as practicable, the long term visual effects; and b. any adverse effects, including from noise or dust, on surrounding residential properties or other recreation area users will be avoided or, if avoidance is not practicable, adequately mitigated. |
| Policy 20.2.2.10 | Only allow new buildings or additions and alterations to buildings that will result in gross floor area greater than 350m ² and / or have any wall longer than 20m, where any adverse effects on on-site amenity, surrounding properties, and neighbourhood amenity, will be avoided or, if avoidance is not practicable, adequately mitigated. |
| Policy 20.2.2.11 | Only allow subdivision activities where the subdivision does not adversely affect the efficient and effective operation of the recreation area. |
| Policy 20.2.2.12 | Only allow early childhood education or conference, meeting and function where they are designed, located, and operated to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on: <ul style="list-style-type: none"> a. the amenity of surrounding residential properties; and b. other recreation area users. |
| Policy 20.2.2.13 | Only allow stand-alone car parking where it is the secondary use of a car parking area required for an activity provided for in the recreation area, at times when that parking is not needed for that activity or otherwise needed to facilitate public use of the recreation area. |

Rules

Rule 20.3 Activity Status

20.3.1 Rule Location

The activity status tables in rules 20.3.3 to 20.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the Recreation Zone and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

1. Public Amenities (Section 3)
2. Temporary Activities (Section 4) - 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)

20.3.2 Activity Status Introduction

1. The activity status tables in rules 20.3.3 - 20.3.5 show the activity status of activities in the Recreation Zone and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 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 1 (flood) Overlay Zone or Hazard 2 (flood) Overlay Zone, the activity statuses in Rule 20.3.6 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 20.3.6 differs from that in rules 20.3.3 - 20.3.5, the most restrictive activity

status always applies.

10. In addition to the rules in Rule 20.3.6, performance standards for development activities within hazard overlay zones are included in rules 20.3.3 - 20.3.5.
11. Activities in a hazard overlay zone must comply with rules 20.3.3 - 20.3.5.

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 controlled or restricted discretionary activity does not meet one or more performance standards, then the activity status is restricted discretionary, unless otherwise indicated in the performance standard.

Note 20.3.2A – 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 |
|---------|---|
| + | Additional provisions apply (assessment criteria for activities in the overlay need to be viewed) |
| N/A | Not Applicable |
| P | Permitted Activity |
| C | Controlled Activity |
| RD | Restricted Discretionary Activity |
| D | Discretionary Activity |
| NC | Non-complying Activity |
| Rec | Recreation Zone |
| NCC | Natural Coastal Character Overlay Zone |
| ASBV | Areas of Significant Biodiversity Value |
| UBMA | Urban Biodiversity Mapped Area |
| SHS | Scheduled Heritage Site |
| Haz1 | Hazard 1 Overlay Zones |
| Haz2 | Hazard 2 Overlay Zones |
| Haz3 | Hazard 3 Overlay Zones |

20.3.3 Land Use Activity Status Table

| 1. | Performance standards that apply to all land use activities | | | | a. Acoustic insulation (noise sensitive activities only) b. NA c. b. Light spill d. c. Noise e. d. Setback from National Grid (National Grid sensitive activities only) |
|-----------------------|--|-----------------|--------|---------|---|
| Community activities | | Activity status | | | Performance standards |
| | | a. Rec | b. NCC | c. ASBV | |
| X. 2. | Community and leisure within a hazard facility mapped area | NC | N/A | N/A | |
| 2. 3. | Community and leisure - small scale outside a hazard facility mapped area | P | P | P | i. Minimum mobility car parking |
| 3. 4. | Community and leisure - large scale outside a hazard facility mapped area | RD | RD | RD | i. Minimum mobility car parking |
| 4. 5. | Conservation | P | P | P | |
| Y. 6. | Early childhood education within a hazard facility mapped area | NC | N/A | N/A | |
| 5. 7. | Early childhood education - small scale outside a hazard facility mapped area | RD | RD | RD | |
| 6. 8. | Early childhood education - large scale outside a hazard facility mapped area | D | D | D | |
| 7. 9. | Sport and recreation that involves motor vehicles | D | D | D+ | |
| 8. 10. | All other sport and recreation | P | P | D | i. Hours of operation ii. Minimum mobility car parking |
| Commercial activities | | a. Rec | b. NCC | c. ASBV | Performance standards |
| 9. 11. | Ancillary licensed premises | RD | RD | RD | i. Hours of operation |
| 10. 12. | Conference, meeting and function | D | D | D | |
| 11. 13. | Campgrounds outside a hazard facility mapped area | RD | RD | NC | i. Minimum mobility car parking |

| | | | | | |
|---------------------------|--|--------|--------|---------|--|
| Z. 14. | Campgrounds within a hazard facility mapped area | NC | N/A | N/A | |
| 42. 15. | Restaurants ancillary to sport and recreation | P | P | D | i. Hours of operation |
| 43. 16. | Retail activity ancillary to sport and recreation | P | P | D | i. Hours of operation |
| 44. 17. | Stand-alone car parking | RD | RD | NC | |
| 45. 18. | All other activities in the commercial activities category | NC | NC | NC+ | |
| Rural activities | | a. Rec | b. NCC | c. ASBV | Performance standards |
| 46. 19. | Forestry | P | RD | NC | i. Forestry and shelterbelts and small woodlots setbacks ii. Tree species |
| 47. 20. | Grazing | P | P | NC | |
| 48. 21. | Mining | D | D+ | NC | |
| 49. 22. | Scheduled mining activity | P | P | N/A | i. Scheduled mining activity |
| AB. 23. | Expansion of scheduled mining activity | D | D+ | NC | |
| 20. 24. | All other activities in the rural activities category | NC | NC | NC+ | |
| Industrial activities | | a. Rec | b. NCC | c. ASBV | Performance standards |
| 24. 25. | All activities in the industrial activities category | NC | NC | NC+ | |
| Residential activities | | a. Rec | b. NCC | c. ASBV | Performance standards |
| 22. 26. | All activities in the residential activities category | NC | NC | NC+ | |
| Major facility activities | | a. Rec | b. NCC | c. ASBV | Performance standards |
| 23. 27. | Cemeteries outside a hazard facility mapped area | RD | RD | NC | |
| AA. 28. | Cemeteries within a hazard facility mapped area | NC | N/A | N/A | |
| 24. 29. | All other activities in the major facility activities category | NC | NC | NC+ | |

Note 20.3.3A – Other requirements outside of the District Plan

- Activities that involve the sale, consumption, or provision of alcohol, may require a licence. Contact the DCC's Alcohol

Licensing Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

2. Permission from the Dunedin City Council (DCC) must be obtained for activities or development on recreation areas in addition to any permission or consent granted under the District Plan. Additional controls may apply under the Reserves Act 1977 or any management plan made under the Reserves Act. Please contact the Parks and Recreation Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz to ensure all appropriate permissions are received.
3. Plantation forestry and associated activities are addressed by the NESPF rather than Rule ~~20.3.3.16~~ **20.3.3.19** for the Rural Residential 1 Zone at 50 Three Mile Hill Road, although the NESPF does not apply to any vegetation clearance prior to afforestation and the rules in Section 10 Natural Environment apply.

Note ~~20.3.3X~~ **20.3.3B - Other requirements outside of the District Plan**

1. 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.

20.3.4 Development Activity Status Table

| | | | | | |
|---|--|-----------------|--------|---------|--|
| 1. | Performance standards that apply to all development activities | | | | a. Natural Hazards Performance Standards b. Setback from scheduled tree |
| 2. | Performance standards that apply to all buildings and structures activities | | | | a. Boundary setbacks b. Height in relation to boundary c. Maximum height 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 a scheduled heritage structure. See rows 8 - 15) | | Activity status | | | Performance standards |
| | | a. Rec | b. NCC | c. ASBV | |
| 5. | New buildings or additions and alterations (excluding fences) | P | P | P | i. Area, number and location of buildings |
| 6. | Fences | P | P | P | i. Fence height and design |
| 7. | All other buildings and structures activities | P | P | P | |
| Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure | | a. Rec | b. NCC | c. ASBV | Performance standards |
| 8. | Repairs and maintenance | P | P | P | |
| 9. | Restoration of a building or structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) | C | C | C | |
| 10. | Restoration of all other scheduled heritage buildings and structures | P | P | P | |

| | | | | | |
|--|--|--------|--------|---------|---|
| 11. | Earthquake strengthening where external features only are protected | C | C | C | i. Materials and design |
| 12. | Signs attached to buildings and structures | P | P | P | |
| 13. | All other additions and alterations | RD | RD | RD | |
| 14. | Demolition | NC | NC | NC | |
| 15. | Removal for relocation | RD | 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. Rec | b. NCC | c. ASBV | Performance standards |
| 16. | New structures that are no more than 2.5m high or that have no more than a 2m ² footprint | P | P | P | |
| 17. | All other new structures | RD | RD | RD | |
| 18. | New buildings | RD | RD | RD | |
| 19. | Parking, loading and access | RD | RD | RD | i. Parking, loading and access standards ii. Location and screening of car parking |
| Site development activities in all areas (except as covered by rows 16 - 19 above) | | a. Rec | b. NCC | c. ASBV | Performance standards |
| 20. | Outdoor storage | P | P | P | i. Location and screening of outdoor storage |
| 21. | Indigenous vegetation clearance - small scale | P | P | P | i. Vegetation clearance standards |
| 22. | Indigenous vegetation clearance - large scale | N/A | RD+ | NC | i. Vegetation clearance standards |
| 23. | All other vegetation clearance | P | P | P | i. Vegetation clearance standards |
| 24. | Parking, loading and access | P | P | P | i. Parking, loading and access standards ii. Location and screening of car parking |

| | | | | | |
|-----|---|----|----|----|---|
| 25. | New or additions to parking areas that result in 50 or more new parking spaces. | RD | RD | RD | i. Parking, loading and access standards ii. Location and screening of car parking |
| 26. | Storage and use of hazardous substances | P | P | P | i. Hazardous substances quantity limits and storage requirements ii. Setback from coast and water bodies |
| 27. | Shelterbelts and small woodlots | P | P | RD | i. Tree species ii. Forestry and shelterbelts and small woodlots setbacks |
| 28. | All other site development activities | P | P | RD | |

Note 20.3.4A - 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.
5. Freedom camping is managed by Council's Camping Control Bylaw 2015. Bylaws are available at www.dunedin.govt.nz.
6. Dunedin City Council Bylaws may apply to some activities in the Recreation Zone. Please refer to the bylaws for more detail. Bylaws are available at www.dunedin.govt.nz.

20.3.5 Subdivision Activity Status Table

| Subdivision activities | Activity status | | | Performance standards |
|------------------------|-----------------|--------|---------|-----------------------|
| | a. Rec | b. NCC | c. ASBV | |

| | | | | | |
|----|---|----|-----|-----|---|
| 1. | General subdivision | RD | RD+ | RD+ | i. Access ii. Esplanade reserves and strips iii. Firefighting iv. Service connections v. Shape ✕ vi. Setback from National Grid (subdivision activities) |
| 2. | Cross lease, company lease and unit title subdivision | NC | NC | NC | |

Note 20.3.5A - Other RMA considerations

- 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 ~~20.3.5X~~ **20.3.5B - Other relevant District Plan provisions**

- 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 20.10.5.
- Additional matters of discretion apply to the subdivision of land within a **National Grid Subdivision Corridor mapped area**. These are set out in Rule 20.10.5.

20.3.6 Activity Status in Hazard 1 (Flood) Overlay Zone and Hazard 2 (Flood) Overlay Zone

| Activity | | Activity status | |
|------------------------|--|-----------------|-----------------|
| | | a. Haz1 (flood) | b. Haz2 (flood) |
| Land Use Activities | | | |
| 1. | Natural hazards sensitive activities | NC | RD |
| 2. | Natural hazards potentially sensitive activities | NC | RD |
| 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 | RD |

Note 20.3.6A - 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 20.3.6. 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 20.3.6B - 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 20.4 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. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A of the RMA, unless Council considers special circumstances exist in relation to the application:
 1. all commercial activities (including commercial advertising); and
 2. all industrial activities.
4. 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. cemeteries;
 2. all restricted discretionary activities that list effect 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.
5. With respect to resource consent applications for the following activities, the Department of Conservation will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided:
 1. indigenous vegetation clearance - large scale in a scheduled Area of Significant Biodiversity Value; or
 2. indigenous vegetation clearance - large scale or any discretionary or non-complying activity in a Natural Coastal Character Overlay Zone.
6. With respect to resource consent applications for the following activities, 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:
 1. activities in the hazard 1 (flood) or hazard 1A (flood) overlay zones; and
 2. activities in swale mapped areas.
7. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 20.5 Land Use Performance Standards

20.5.1 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 20m of an industrial zone; and
 - d. within 70m of a railway line.

20.5.3 Hours of Operation

1. Sport and recreation, restaurants ancillary to sport and recreation, retail ancillary to sport and recreation, and ancillary licensed premises must operate within the following hours:

| Days of week | | Hours of operation |
|--------------|-------------------|-----------------------------|
| a. | Sunday - Thursday | 7.00am - 10.30pm |
| b. | Friday - Saturday | 7.00am - 12.00am (midnight) |

2. Sportsfield lighting on sites adjacent to a residential zone must not operate within the hours of 10.00pm - 7.00am.
3. Activities that contravene this performance standard are restricted discretionary activities.

Note 20.5.3A - Other requirements outside of the District Plan

1. Activities that involve the sale or provision of alcohol, or contain a social area that could be used for this purpose, may require a licence. Contact the DCC's Alcohol Licensing Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Land owner consent from the DCC's Parks, Recreation and Aquatic Group Department is required for activities or development on recreation areas in addition to any permission or consent granted under the District Plan. Additional controls may apply under the Reserves Act 1977 or any Management Plan for the Area. Please contact customer services on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

20.5.4 Light Spill

Land use activities must comply with Rule 9.3.5.

20.5.5 Minimum Mobility Car Parking

1. ~~NA~~

| Activity | Minimum car parking rate |
|---|--------------------------|
| a. 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 |

d. 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 |

e. ~~NA~~

f. 2. Parking spaces may be shared between land use activities (i.e. the same parking spaces may be used to fulfil the minimum mobility car parking requirement for more than one land use activity), as long as the hours of operation of the land use activities do not overlap.

g. ~~NA~~

2. 3. Activities that contravene this performance standard are restricted discretionary activities.

Note 20.5.5A - Other relevant District Plan provisions

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

20.5.6 Noise

Land use activities must comply with Rule 9.3.6.

20.5.7 Setback from National Grid

National Grid sensitive activities must comply with Rule 5.6.1.

20.5.8 Tree Species

Forestry and shelterbelts and small woodlots must comply with Rule 10.3.4.

20.5.10 Scheduled Mining Activity

20.5.10.1

Waldronville Gun Club Sand Pit must meet the performance standards listed below.

20.5.10.2

If Waldronville Gun Club Sand Pit contravenes any of these standards it will be considered expansion of scheduled mining activity and will be subject to the rules that apply to that activity in Rule 20.3.

20.5.10.3 Operating limits

- a. Waldronville Gun Club Sand Pit:
 - i. may only operate: Monday to Saturday 6.00am to 10.00pm;
 - ii. must not use blasting; and
 - iii. must not undertake aggregate processing.

20.5.10.4 Noise

- a. Waldronville Gun Club Sand Pit must comply with Rule 9.3.6, subject to the following:
 - i. An adjustment of minus 5 dBA for noise emissions having special audible characteristics.
 - ii. Noise level readings for the purpose of determining compliance with the noise conditions must be provided by the quarry operator for two hours, at times representative of the operation and at which maximum noise levels can be assessed. For continuous operations, readings must take place at 12 monthly intervals. For intermittent operations, readings must be provided at the time of every subsequent operation of the site.

20.5.10.5 Landscaping and rehabilitation

- a. Waldronville Gun Club Sand Pit must undertake a programme of landscaping to encourage the revegetation of areas that are no longer being mined. The landscaping programme must ensure that:
 - i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect;
 - ii. all vegetation established as part of this programme is maintained in a healthy state at all times; and
 - iii. the site is rehabilitated to an appearance and character similar to that of the surrounding environment.
- b. Prior to removing sand from undisturbed areas, the DCC will be contacted to allow the removal of any pingao growing in the area.

Rule 20.6 Development Performance Standards

20.6.1 Fence Height and Design

20.6.1.1 Maximum height

- a. The maximum height of fences along boundaries (including within the boundary setbacks required by Rule 20.6.10) is 2m.
- b. For the purposes of calculating maximum height, where a fence is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence.
- c. Activities that contravene this performance standard are restricted discretionary activities.

20.6.1.2 Visual permeability

- a. Fences along road boundaries (or within the boundary setbacks required by Rule 20.6.10), or along a side or rear boundary with a residential zone, must be constructed to a length and/or height that maintains visual permeability for 50% of the length of the boundary measured at a height of 1.4m above ground level (see Figure 15.6.2.2A).
- b. The following fences are exempt from this requirement:
 - i. fences along the road boundary of a state highway;
 - ii. fences required to meet Rule 20.6.6 (Location and Screening of Outdoor Storage); and
 - iii. fences required to meet Rule 20.6.5 (Location and Screening of Car Parking).
- c. Fences that contravene this performance standard are restricted discretionary activities.

20.6.2 Natural Hazards Performance Standards

20.6.2.1 Hazard exclusion areas

- a. New buildings, new structures, and additions and alterations located in a **swale mapped area** must comply with Rule 11.3.1.1.
- b. New buildings, new structures, and additions and alterations located in a **dune system mapped area** must comply with Rule 11.3.1.2.

20.6.2.2 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 1 (land instability) Overlay Zone, Hazard 2 (land instability) Overlay Zone, or in a **dune system mapped area**, must comply with Rule 11.3.2.

20.6.2.3 Outdoor storage

Outdoor storage in the Hazard 1 (flood) Overlay Zone must comply with Rule 11.3.4.

20.6.3 Hazardous Substances Quantity Limits and Storage Requirements

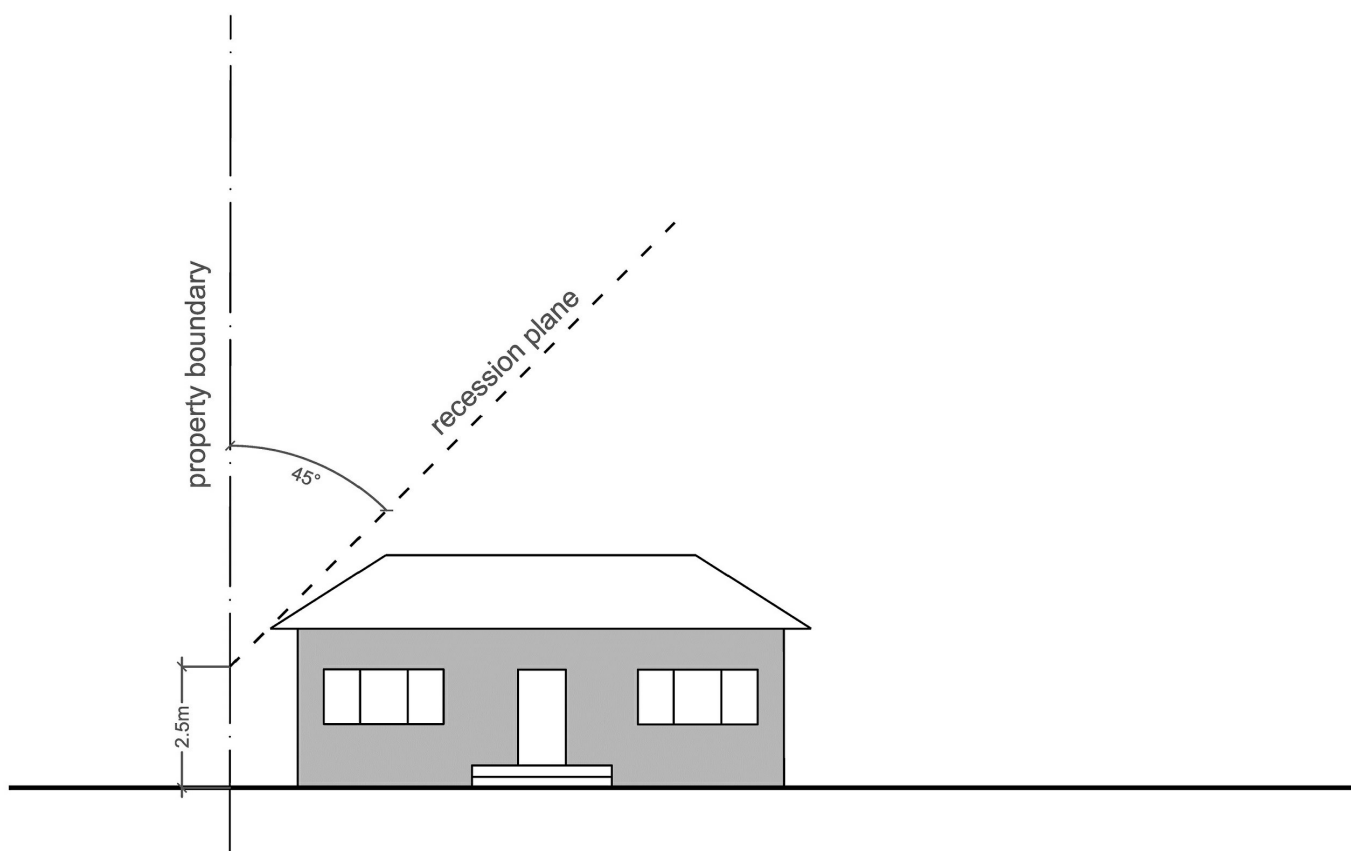
The storage and use of hazardous substances must comply with Rule 9.3.4.

20.6.4 Height

20.6.4.1 Height in relation to boundary

- a. New buildings and additions and alterations to buildings must not protrude through a plane (see Figure 20.6.4.1A) rising at an angle of 45 degrees measured from a point 2.5m above ground level at the boundary of the Recreation Zone, except:
 - b.** **i.** sports field fences which are 100% permeable and required to be tall for the purposes of public safety (e.g. wire netting fences around softball fields), sports field lighting, and goal posts.
 - e.** **b.** Rooftop structures are exempt from the performance standard for height in relation to boundary.
 - d.** **c.** Activities that contravene this performance standard are restricted discretionary activities.

Figure 20.6.4.1A: Height in relation to boundary



20.6.4.2 Maximum height

- a. The maximum height for new buildings, new structures, and additions and alterations, must not exceed the following above ground level:

| Activity | | 1. Recreation Zone | 2. Natural Coastal Character Overlay Zone (NCC) |
|----------|--------------------------------------|--------------------|---|
| i. | Goal posts and sports field lighting | 22m | 22m |
| ii. | All other buildings and structures | 9m | 5m |

- b. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit.
- c. Activities that contravene this performance standard are restricted discretionary activities.

20.6.5 Location and Screening of Car Parking

1. Parking areas adjacent to boundaries of sites that are in a residential zone must, on that boundary, have a solid fence or dense landscaping at least 1.4m high that is capable of blocking light from headlights of motor vehicles.
2. Activities that contravene this performance standard are restricted discretionary activities.

20.6.6 Location and Screening of Outdoor Storage

1. Service areas must be located or screened so that they are not visible at ground level from adjacent residential zoned sites or roads.
2. Outdoor storage, including service areas, must not encroach into required parking, loading and access areas.
3. Outdoor storage must be managed in a way that does not result in unreasonable visual amenity effects or nuisance effects.
4. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
5. Activities that contravene this performance standard are restricted discretionary activities.

20.6.7 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

~~20.6.X Area, Number and Location of Buildings~~ **{Moved to end - renumbered as Rule 20.6.12}**

~~20.6.X.1 Area, number and location of buildings – NCC and ASBV's~~

- ~~a. In the Natural Coastal Character (NCC) overlay zones and scheduled Areas of Significant Biodiversity Value (ASBVs), all new buildings and additions and alterations must comply with Rule 10.3.5.~~

~~20.6.X.2 Area and length of buildings~~

- ~~a. New buildings must not exceed 350m² footprint, and additions and alterations must not result in a building that is greater than 350m² footprint.~~
- ~~b. New buildings must not have any wall longer than 20m, and additions and alterations must not result in any wall longer than 20m.~~
- ~~c. Activities that contravene this performance standard are restricted discretionary activities.~~

20.6.8 Number, Location and Design of Ancillary Signs

20.6.8.1 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 must not be illuminated or digital.
- d. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

20.6.8.2 Performance standards that apply to all ancillary signs, except commercial sponsorship signs

- a. Ancillary signs must only display the name, and logo of the relevant land use activity or organisation (e.g. DCC), locational, directional or informative information relevant to the area, or rules of the area or use of the

area.

- b. Ancillary signs that promote or advertise retail, restaurants, or conference, meeting and function ancillary to sport and recreation must not be visible from a public place outside the recreation area.

20.6.8.3 Signs attached to buildings

- a. Any signs displaying the club(s) name on clubrooms must not exceed a maximum total area of 5m² per building face.
- b. The maximum number of permanent commercial sponsorship signs is one sign for the naming rights sponsor of the sport and recreation activity (club), with a maximum area of 3m², except: for clubs that operate in an enclosed area that is only open to members, apart from during events, there is no maximum number of commercial sponsorship signs, provided those signs are not visible from outside of the enclosed area.
- c. Other signs must not exceed a total maximum area of 1m² per building face.
- d. Signs must remain entirely within the visual profile of the building or structure.
- e. Signs must not project higher than the lowest point of the roof, except as mounted flat against a parapet or gable end.

20.6.8.4 Freestanding signs

- a. Freestanding signs:
 - i. must not exceed a maximum total area of all display faces of 3m²; and each display face must not exceed 1.5m² in area;
 - ii. must not exceed a maximum height above ground level of 4m;
 - iii. must not obstruct parking, loading and access areas; and
 - iv. must be positioned entirely within the site boundaries.

20.6.8.5 Portable freestanding signs

- a. Commercial sponsorship signs erected for matches, competitions, or events must not be displayed for more than one day before the competition/event, and must be removed within one day of completion of the competition/event.
- b. Any other portable signs must not exceed one sign per activity, and 0.9m in height and 0.6m in width.
- c. Signs must be positioned within site boundaries.

Note 20.6.8A - 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 Roadway Bylaw.
 - d. Dunedin City Council Traffic and Parking Bylaw.

20.6.9 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

20.6.10 Setbacks

20.6.10.1 Boundary setbacks

- a. New buildings, new structures, and additions and alterations, except for the site at 50 Three Mile Hill Road, must be set back from boundaries as follows:

- i. 4.5m from the road boundary; and
- ii. 2m from side and rear boundaries.

~~iii.~~ **b.** New buildings, new structures, and additions and alterations at the site at 50 Three Mile Hill Road must be set back from boundaries as follows:

- i.** 12m from the road boundary; and *(moved from iii above)*
- ii.** 6m from side and rear boundaries. *(moved from iii above)*

~~iv.~~ **c.** Jetties, boat ramps, wharves, fences, and ancillary signs are exempt from rules 20.6.10.1.a and 20.6.10.1.b.

~~b.~~ **d.** Communal outdoor gathering areas, including decks at or above ground level, must be set back 10m from a residential zone.

~~e.~~ **e.** Activities that contravene this performance standard are restricted discretionary activities.

20.6.10.2 Forestry and shelterbelts and small woodlots setbacks

- a. Trees associated with forestry activity:
 - i. must not be planted within 30m of the boundary of any residential zone or rural residential zone;
 - ii. must not be planted within 40m of a residential building where the building exists at the time of planting;
 - iii. must not shade a motorway or a strategic road, arterial road, or collector road between 10.00am and 2.00pm on the shortest day of the year;
 - iv. must not be planted within 10m of the boundary of the designated rail corridor; and
 - ~~x.~~ **v.** must not be planted within the **Critical Electricity Distribution Infrastructure Corridor mapped area.**
- b. Trees associated with shelterbelts and small woodlots:
 - i. must be set back, or managed so that they maintain, a minimum distance of their own height from any residential building on an adjacent site, where the building exists at the time of planting;
 - ii. must not shade a motorway, strategic road, arterial road, or collector road between 10.00am and 2.00pm on the shortest day of the year; and
 - iii. must not be planted within 10m of the boundary of the designated rail corridor.
- c. Activities that contravene this performance standard are restricted discretionary activities.

20.6.10.3 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.

20.6.10.4 Setback from National Grid

New buildings, new structures, and additions and alterations must comply with Rule 5.6.1.

~~20.6.10.5~~ **20.6.10.5** 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.

~~20.6.10.6~~ **20.6.10.6** Setback from designated rail corridor

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

~~20.6.10.7~~ **20.6.10.7** Setback from Critical Electricity Distribution Infrastructure

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

Note ~~20.6.10.YA~~ 20.6.10.7A - General advice

1. The **Critical Electricity Distribution Infrastructure Corridor mapped area** is measured either side of the centreline of above ground Critical Electricity Distribution Infrastructure (except in the case of designated zone substations where the measurement is taken from the designation boundary), as follows:
 - a. 5m from the centreline of a 11kV line;
 - b. 8.5m from the centreline of a 33kV line;
 - c. 8.5m from designated zone substations; and
 - d. 9.5m from the centreline of a 66kV or a 110kV line.
2. Work near Aurora Energy's overhead lines and power poles requires Close Approach consent. For more information contact Aurora Energy.
3. Vegetation to be planted near Critical Electricity Distribution Infrastructure should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

20.6.11 Vegetation Clearance Standards

20.6.11.1 Indigenous vegetation clearance - small scale thresholds

Indigenous vegetation clearance - small scale must comply with Rule 10.3.2.1.

20.6.11.2 Maximum area of vegetation clearance (UBMA)

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

20.6.11.3 Protected areas (vegetation clearance)

Vegetation clearance and indigenous vegetation clearance must comply with Rule 10.3.2.2.

20.6.11.4 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.3.

20.6.11.5 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 1 (land instability) Overlay Zone, Hazard 2 (land instability) Overlay Zone, or in a **dune system mapped area**, must comply with Rule 11.3.2.

~~20.6.X~~ 20.6.12 Area, Number and Location of Buildings {Moved from above to minimise renumbering}

~~20.6.X.1~~ 20.6.12.1 Area, number and location of buildings - NCC and ASBVs

- a. In the Natural Coastal Character (NCC) overlay zones and scheduled Areas of Significant Biodiversity Value (ASBVs), all new buildings and additions and alterations must comply with Rule 10.3.5.

~~20.6.X.2~~ 20.6.12.2 Area and length of buildings

- a. New buildings must not exceed 350m² footprint, and additions and alterations must not result in a building that is greater than 350m² footprint.
- b. New buildings must not have any wall longer than 20m, and additions and alterations must not result in any wall longer than 20m.
- c. Activities that contravene this performance standard are restricted discretionary activities.

Rule 20.7 Subdivision Performance Standards

20.7.1 Access

General subdivision must comply with Rule 6.8.1.

20.7.2 Esplanade Reserves and Strips

General subdivision must comply with Rule 10.3.1.

20.7.3 Firefighting

General subdivision must comply with Rule 9.3.3.

20.7.4 Service Connections

General subdivision must comply with Rule 9.3.2.

20.7.5 Shape

1. Each resultant site must be of a size and shape that is large enough to allow for:
 - a. setbacks from boundaries, water bodies, scheduled trees; and
 - b. esplanade reserve or strip areas.

~~2. NA.~~

- ~~3.~~ **2.** Resultant 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 utilities activities; or
 - e. road.

4. **3.** Activities that contravene this performance standard are restricted discretionary activities.

~~20.7.X~~ **20.7.6** Setback from National Grid (Subdivision Activities)

Subdivision activities must comply with Rule 5.6.1.X.

Rule 20.8 Assessment of Controlled Activities

Rule 20.8.1 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 20.8.2:
 - 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 20.9; 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 20.11; 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 20.12; and
 - iii. the assessment guidance in this section will also be considered.



20.8.2 Assessment of controlled 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 20.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 20.9.1 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 20.9.2 - 20.9.6:
 - 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 20.9.2 - 20.9.6 apply as follows:
 - a. Rule 20.9.2 applies to all performance standard contraventions;
 - b. Rule 20.9.3 applies to land use performance standard contraventions;
 - c. Rule 20.9.4 applies to development performance standard contraventions;
 - d. Rule 20.9.5 applies to subdivision performance standard contraventions; and
 - e. Rule 20.9.6 applies to performance standard contraventions in an overlay zone, mapped area, or affecting a scheduled item.

20.9.2 Assessment of all performance standard contraventions

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



20.9.3 Assessment of land use performance standard contraventions

| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
|----------------------|------------------------------|--|---|
| 4. 1. | Tree species | a. Effects on biodiversity values | See Rule 10.5 {Moved from below to minimise renumbering} |
| | | b. Effects on natural character of the coast | |
| | | c. Effects on landscape values | |
| 2. | Hours of operation | a. Effects on amenity of surrounding sites | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Retail and restaurant activities ancillary to sport and recreation operate in a way that avoids or, if avoidance is not practicable, adequately mitigates adverse effects on surrounding properties (Policy 20.2.2.5). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. In assessing effects on amenity, Council will consider the location of the building on the site in relation to adjacent residential buildings, and the location of the site and access in the context of the wider environment, considering effects of vehicle movements, vehicle headlights and noise. |
| 3. | Minimum mobility car parking | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| | | b. Effects on accessibility | |
| 4. | Tree species | a. Effects on biodiversity values | See Rule 10.5 {Moved above – renumbered as 20.9.3.1} |
| | | b. Effects on natural character of the coast | |
| | | c. Effects on landscape values | |

20.9.4 Assessment of development performance standard contraventions

| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
|----------------------|-------------------------|--|---|
| 1. | Boundary setbacks | a. Effects on on-site amenity | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Development maintains or enhances on-site amenity for recreation area users (Policy 20.2.2.1.b). |
| | | b. Effects on amenity of surrounding sites | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Development maintains or enhances neighbourhood amenity, and the amenity of any surrounding residential properties (Policy 20.2.2.1.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential buildings is maintained or any reduction is minor. |
| 2. | Fence height and design | a. Effects on neighbourhood amenity | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Boundary fences are of a height and design that contributes positively to the amenity and character of the neighbourhood and recreation area (Policy 20.2.2.2). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The increased height or reduced visual permeability is necessary to meet protection requirements, to provide security, minimise noise effects from a busy road or activity, or for public well-being. iv. Existing vegetation or proposed landscaping will screen fences from public places. v. For side and rear boundaries, the fence is on a boundary that is not generally accessible or visible from open areas of the recreation area, e.g. on a boundary in a dense bush area. |
| | | b. Effects on health and safety | See Rule 9.5 |

20.9.4 Assessment of development performance standard contraventions

| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
|----------------------|---|--|---|
| 3. | Forestry and shelterbelts and small woodlots setbacks | a. Effects on amenity of surrounding sites | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Forestry and shelterbelts and small woodlots are set back an adequate distance to avoid significant effects from shading on residential buildings on adjacent properties (Policy 20.2.2.4). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The area to be planted is to the south of any adjacent residential or rural residential zone. iv. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of a residential building on an adjoining site. |
| | | b. Effects on health and safety | See Rule 9.5 |
| | | c. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 4. | Hazardous substances quantity limits and storage requirements | a. Effects on health and safety | See Rule 9.5 |
| 5. | Height in relation to boundary | a. Effects on amenity of surrounding sites | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Development maintains or enhances neighbourhood amenity, and the amenity of any surrounding residential properties (Policy 20.2.2.1.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential buildings is maintained or any reduction is minor. |

20.9.4 Assessment of development performance standard contraventions

| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
|----------------------|---------------------------------------|--|---|
| 6. | Maximum height | a. Effects on on-site amenity | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Development maintains or enhances on-site amenity for recreation area users (Policy 20.2.2.1.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Better use of public space and retention of open space within the site can be achieved. iv. Greater height is required to meet specialised recreational needs. |
| | | b. Effects on amenity of surrounding sites | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Development maintains or enhances neighbourhood amenity, and the amenity of any surrounding residential properties and is in keeping with the scale of buildings in the surrounding residential environment (Policy 20.2.2.1.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of adjacent residential buildings is maintained or any reduction is minor. iv. Landscaping or fences screen or soften the visual effects of buildings. v. Natural landforms or topography (e.g. cliffs or tall trees) provide a backdrop to the building. |
| 7. | Location and screening of car parking | a. Effects on amenity of surrounding sites | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Parking areas are designed or located to minimise, as far as practicable, light spill from vehicles using the parking area on surrounding residential properties (Policy 20.2.2.1.e). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Landscaping to minimise adverse visual and nuisance effects from lighting, vehicle headlights, or car parking areas on surrounding properties. |

20.9.4 Assessment of development performance standard contraventions

| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
|----------------------|---|-------------------------------------|---|
| 8. | Location and screening of outdoor storage | a. Effects on neighbourhood amenity | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Service areas for campgrounds or restaurants ancillary to sport and recreation are not visible from ground level from outside the site (Policy 20.2.2.1.c). iii. Outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or nuisance effects (Policy 20.2.2.1.f). <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iv. Landscaping requirements. |

20.9.4 Assessment of development performance standard contraventions

| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
|----------------------|------------------------------|---|---|
| Y. | Area and length of buildings | a. Effects on on-site amenity | <i>Relevant objectives and policies:</i> i. Objective 20.2.2 |
| | | b. Effects on amenity of surrounding sites | ii. New buildings or additions and alterations to buildings avoid adverse effects on on-site amenity, or if avoidance is not practicable, effects are adequately mitigated (Policy 20.2.2.10). |
| | | c. Effects on neighbourhood amenity | iii. Development maintains or enhances on-site amenity for recreation area users, neighbourhood amenity and the amenity of any surrounding residential properties by ensuring the scale of buildings and structures is appropriate to the recreation area and in keeping with the scale of buildings in surrounding residential environments (Policy 20.2.2.1.b). <i>Potential circumstances that may support a consent application include:</i> iv. The visual effect of the building length is screened and softened by landscaping, fencing, or other screening. v. The building is set back from boundaries an adequate distance to avoid shading or visual effects on adjacent residential properties or public places. vi. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places. vii. The building will not result in removal of important trees or other vegetation. viii. The building will not visually dominate the site or result in unacceptable loss of open space available for users of the recreation area. ix. The building enhances opportunities for use of the recreation area for its purpose. x. The building is attractive and has appropriate building modulation such as through: 1. varying building elevations; 2. setting parts of the building back; 3. using different textures; 4. architectural features; or 5. other forms of building modulation. {Moved to end – renumbered as 20.9.4.16} |

20.9.4 Assessment of development performance standard contraventions

| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
|----------------------|--|--|---|
| 9. | Number, location and design of ancillary signs | a. Effects on on-site amenity | <p><i>Relevant objectives and policies:</i></p> <p>i. Objective 20.2.2</p> <p>ii. Ancillary signs are located and designed to maintain on-site amenity and surrounding streetscape and residential amenity, by being of an appropriate size, design, and number to convey information about the name and nature of the club, organisation, or reserve, and not oversized or too numerous than what is necessary for that purpose (Policy 20.2.2.3.a).</p> <p>iii. Commercial sponsorship signs ancillary to sport and recreation are temporary in nature or are enclosed within a site to maintain on-site amenity and surrounding streetscape and residential amenity (Policy 20.2.2.3.b).</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>iv. The number and location of signs will not result in more than minor cumulative visual effects.</p> |
| | | b. Effects on surrounding streetscape and residential amenity | |
| | | c. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 10. | Parking, loading and access standards | a. Effects on the safety and efficiency of the transport network | See Rule 6.10 |
| 11. | Setback from coast and water bodies | a. Effects on biodiversity values and natural character values of riparian margins and the coast | See Rule 10.5 |
| | | b. Effects on public access | See Rule 10.5 |
| | | c. Risk from natural hazards | See Rule 11.4 |
| 12. | Setback from scheduled tree | a. Effects on long term health of tree | See Rule 7.6 |
| 13. | Vegetation clearance standards: <ul style="list-style-type: none"> Protected areas (vegetation clearance) | a. Effects on biodiversity values and natural character values of riparian margins and the coast | See Rule 10.5 |

20.9.4 Assessment of development performance standard contraventions

| Performance standard | | Matters of discretion | Guidance on the assessment of resource consents |
|----------------------|--|--|---|
| 14. | Vegetation clearance standards: • Protected species (indigenous vegetation clearance) | a. Effects on biodiversity values | See Rule 10.5 |
| X- 15. | Setback from designated rail corridor | a. Effects on the safety and efficiency of the transport network | See Rule 6.10.6 |
| Y- 16. | Area and length of buildings | a. Effects on on-site amenity b. Effects on amenity of surrounding sites c. Effects on neighbourhood amenity | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. New buildings or additions and alterations to buildings avoid adverse effects on on-site amenity, or if avoidance is not practicable, effects are adequately mitigated (Policy 20.2.2.10). iii. Development maintains or enhances on-site amenity for recreation area users, neighbourhood amenity and the amenity of any surrounding residential properties by ensuring the scale of buildings and structures is appropriate to the recreation area and in keeping with the scale of buildings in surrounding residential environments (Policy 20.2.2.1.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. The visual effect of the building length is screened and softened by landscaping, fencing, or other screening. v. The building is set back from boundaries an adequate distance to avoid shading or visual effects on adjacent residential properties or public places. vi. Topography of the site mitigates the effects of the building scale on adjacent residential properties or public places. vii. The building will not result in removal of important trees or other vegetation. viii. The building will not visually dominate the site or result in unacceptable loss of open space available for users of the recreation area. ix. The building enhances opportunities for use of the recreation area for its purpose. x. The building is attractive and has appropriate building modulation such as through: <ul style="list-style-type: none"> 1. varying building elevations; 2. setting parts of the building back; 3. using different textures; 4. architectural features; or 5. other forms of building modulation. <p>{Moved from above to minimise renumbering}</p> |

20.9.5 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 |
| | | b. Effects on the safety and efficiency of the transport network | |
| 2. | Esplanade reserves and strips | a. Effects on biodiversity values and natural character values of riparian margins and coast | 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 |

20.9.5 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 or QEII covenant; 2. reserve; 3. access; 4. network utility activities; 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 coast and water bodies; and iii. setback from scheduled tree. iv. NA. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> d. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. e. A building platform may be required to be registered against the title by way of consent notice. | |

20.9.6 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 |
|----------------------------|--|--|---|
| 1. | <p>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 and in a dune system mapped area) Outdoor Storage (Hazard 1 (flood) Overlay Zone) Hazardous substances quantity limits and storage requirements | a. Risk from natural hazards | See Rule 11.4 |
| 2. | <p>In the NCC Overlay Zone:</p> <ul style="list-style-type: none"> Maximum height Reflectivity Area, number and location of buildings and structures | a. Effects on natural character of the coast | See Rule 10.5 |
| X. | <p>In an ASBV:</p> <ul style="list-style-type: none"> Area of buildings and structures | a. Effects on biodiversity values | See Rule 10.5. {Moved to end – renumbered as 20.9.6.8} |
| 3. | <p>On a scheduled heritage building or scheduled heritage structure:</p> <ul style="list-style-type: none"> Materials and design | a. Effects on heritage values | See Rule 13.5 |
| 4. | <p>In an urban biodiversity mapped area:</p> <ul style="list-style-type: none"> Vegetation clearance standards: Maximum area of vegetation clearance (UBMA) | a. Effects on biodiversity values | See Rule 10.5 |
| 5. | <p>In a wāhi tūpuna mapped area:</p> <ul style="list-style-type: none"> Setback from coast and water bodies Esplanade reserves and strips Vegetation clearance standards: Maximum area of vegetation clearance (UBMA) Protected areas Protected species | a. Effects on cultural values of Manawhenua | See Rule 14.3 |
| Y. 6. | <p>In the Critical Electricity Distribution Infrastructure Corridor mapped area:</p> <ul style="list-style-type: none"> Setback from Critical Electricity Distribution Infrastructure (forestry setbacks) | a. Effects on the safety and efficiency of network utilities | See Rule 5.7 |



20.9.6 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 |
|----------------------------|--|---|--|
| Z. 7. | In the Critical Electricity Distribution Infrastructure Corridor mapped area : <ul style="list-style-type: none">Setback from Critical Electricity Distribution Infrastructure (buildings, structures and city-wide activities) | a. Effects on health and safety b. Effects on efficient and effective operation of network utilities | See Rule 5.7 |
| X. 8. | In an ASBV : <ul style="list-style-type: none">Area of buildings and structures | a. Effects on biodiversity values | See Rule 10.5 {Moved from above to minimise renumbering} |

Rule 20.10 Assessment of Restricted Discretionary Activities

Rule 20.10.1 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 20.10.2 - 20.10.5:
 - 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 20.10.2 - 20.10.5 apply as follows:
 - a. Rule 20.20.2 applies to restricted discretionary land use activities;
 - b. Rule 20.10.3 applies to restricted discretionary development activities;
 - c. Rule 20.20.4 applies to restricted discretionary subdivision activities; and
 - d. Rule 20.20.5 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 20.9; 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 20.11; 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 20.12; and
 - iii. the assessment guidance in this section will also be considered.

20.10.2 Assessment of restricted discretionary land use activities

| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
|----------|---|---|--|
| 1. | All restricted discretionary land use activities, including but not limited to the activities below | a. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| 2. | All high trip generators, which include: <ul style="list-style-type: none"> any activities that generate 250 or more vehicle movements a day | a. Effects on accessibility b. Effects on the safety and efficiency of the transport network | See Rule 6.11 |
| 3. | Campgrounds outside a hazard facility mapped area | a. Effects on amenity of surrounding sites | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Campgrounds are designed so any adverse effects, including from noise or dust, or loss of privacy, on surrounding residential properties and other recreation area users, will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 20.2.2.7). iii. Campgrounds are designed so service areas are not visible from ground level from outside the site (Policy 20.2.2.1.c). iv. Outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or create nuisance effects (Policy 20.2.2.1.f). <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> v. Limits on the scale of the activity. vi. Location of dump stations (for disposal of waste from motor homes) away from boundaries with residential properties. vii. Restrictions on location and hours of operation of generators to minimise any effects from noise on neighbours. viii. Road upgrades necessary to handle the amount and type of vehicles anticipated. ix. Location, screening, or acoustic fencing of communal outdoor gathering areas. |

20.10.2 Assessment of restricted discretionary land use activities

| Activity | Matters of discretion | Guidance on the assessment of resource consents |
|--|--|---|
| 4. Cemeteries outside a hazard facility mapped area | <p>a. Effects on cultural values of Manawhenua</p> <p>b. Effects on amenity of surrounding sites</p> | <p>See Rule 14.4</p> <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Cemeteries are designed and located to: <ul style="list-style-type: none"> 1. avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on the amenity of surrounding residential properties; and 2. minimise, as far as practicable, the potential for reverse sensitivity (Policy 20.2.2.8). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. In assessing the effects on amenity, Council will consider whether the location of graves is a suitable distance away from boundaries and any screening or landscaping proposed will be adequate. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iv. Conditions on the distance of graves from boundaries or requirements for screening or landscaping. |

20.10.2 Assessment of restricted discretionary land use activities

| Activity | Matters of discretion | Guidance on the assessment of resource consents |
|---|--|--|
| 5. Early childhood education - small scale outside a hazard facility mapped area | a. Effects on amenity of surrounding sites | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Early childhood education facilities are designed, located, and operated to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the amenity of surrounding residential properties (Policy 20.2.2.12.a). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. In assessing the effects on amenity, Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iv. Delivery time restrictions. v. Landscaping to minimise amenity effects of parking areas or lighting on surrounding properties. Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments. vi. A noise management plan may be required. |
| | b. Effects on on-site amenity | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Early childhood education facilities are designed, located, and operated to avoid or, if avoidance is not practicable, adequately mitigate adverse effects for other recreation area users (Policy 20.2.2.12.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Any loss of open space that would otherwise be available to the public is minimal. iv. The activity will support a recreation activity on the site. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> v. In assessing the effects on amenity, Council will consider whether: <ul style="list-style-type: none"> 1. noise emissions reduction measures should be required; and 2. the scale of the activity is suitable for the site. |

20.10.2 Assessment of restricted discretionary land use activities

| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
|----------|-----------------------------|--|--|
| 6. | Stand-alone car parking | a. Effects on on-site amenity | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Stand-alone car parking is only allowed where it is the secondary use of a parking area required for an activity provided for in the recreation area, when not required for the primary purpose of the area, and where that parking is not needed to facilitate public use of the recreation area (Policy 20.2.2.13). <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iii. Limits on the number of parking spaces that can be used for stand-alone car parking to ensure car parks are still available for public use. iv. Limits on the hours parking spaces can be used for stand-alone car parking to ensure conflicts with the primary use of the site do not occur. |
| 7. | Ancillary licensed premises | a. Effects on amenity of surrounding sites | <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 20.2.2 ii. Ancillary licensed premises operate in a way that avoids or, if avoidance is not practicable, adequately mitigates, noise or other adverse effects on the amenity of surrounding residential properties (Policy 20.2.2.5). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The intensity and scale of the activity will not result in increased vehicle or pedestrian movement at unreasonable hours or undesirable activities that would create a disturbance for surrounding residential properties. iv. Effects of the activity will be contained within the recreation area. |

20.10.4 Assessment of restricted discretionary subdivision activities

| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
|----------|---------------------|--|--|
| 1. | General subdivision | a. Effects on the efficient and effective operation of the recreation area | <i>Relevant objectives and policies:</i> i. Objective 20.2.2. ii. The subdivision does not adversely affect the efficient and effective operation of the recreation area (Policy 20.2.2.11). |
| | | b. Effects on the safety and efficiency of the transport network | See Rule 6.11. |
| | | c. NA | NA |
| | | d. c. Effects on biodiversity values and natural character of riparian margins and the coast | See Rule 10.6. |
| | | e. d. Effects on public access | |
| | | f. e. Risk from natural hazards | See Rule 11.5. |

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

| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
|----------|--|--|---|
| 1. | In all hazard overlay zones, swale mapped areas and dune system mapped areas: • General subdivision | a. Risk from natural hazards | See Rule 11.5 |
| 2. | In a Hazard 1 (flood) or Hazard 2 (flood) Overlay Zone (see Rule 20.3.6): • 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 | a. Risk from natural hazards | See Rule 11.5 |
| 3. | In the NCC Overlay Zone: • Forestry • Indigenous vegetation clearance - large scale • General subdivision | a. Effects on natural character of the coast | See Rule 10.6 |

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

| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
|----------|--|---|---|
| 4. | In an ASBV : <ul style="list-style-type: none"> • General subdivision • Shelterbelts and small woodlots • Site development activities (except for outdoor storage, parking, loading and access, vegetation clearance, storage and use of hazardous substances) | a. Effects on biodiversity values | See Rule 10.6 |
| 5. | 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 |
| 6. | 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 |
| 7. | In a wāhi tūpuna mapped area where activity is identified as a threat, including: <ul style="list-style-type: none"> • All RD forestry • All RD buildings and structures, additions and alterations up to 60m² • Indigenous vegetation clearance - large scale • General subdivision activities | a. Effects on cultural values of Manawhenua | See Rule 14.4 |
| 8. | 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 |

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

| Activity | | Matters of discretion | Guidance on the assessment of resource consents |
|-----------------------------|---|---|---|
| 9. | In the National Grid Subdivision Corridor mapped area : • All subdivision activities | a. Risks to the safety of people and property | See Rule 5.8 |
| | | b. Reverse sensitivity effects | |
| | | c. Effects on efficient and effective operation of the National Grid and access to it | |
| X. 10. | In the Critical Electricity Distribution Infrastructure Corridor mapped area : • All subdivision activities | a. Effects on health and safety | See Rule 5.8 |
| | | b. Reverse sensitivity effects | |
| | | c. Effects on efficient and effective operation of network utilities | |

Rule 20.11 Assessment of Discretionary Activities

Rule 20.11.1 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. Rules 20.11.2 and 20.11.3 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.
3. Rules 20.11.2 and 20.11.3 apply as follows:
 - a. Rule 20.11.2 applies to discretionary land use activities; and
 - b. Rule 20.11.3 applies to discretionary performance standard contraventions.
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 this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

20.11.2 Assessment of discretionary land use activities

| Activity | Guidance on the assessment of resource consents |
|--|---|
| <p>1. All discretionary land use activities listed below</p> | <p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 20.2.1 and 20.2.2</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>b. For discretionary land use activities, whether any associated development activities meet relevant performance standards, or are otherwise consistent with relevant objectives and policies for development (see Rule 20.9 for performance standard contraventions).</p> <p>c. For discretionary land use activities, whether relevant land use performance standards are met, including noise and light spill standards.</p> <p><i>General assessment guidance:</i></p> <p>d. 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. <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>e. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.</p> <p>f. For activities that may have effects on biodiversity values, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1.</p> <p>g. For activities adjacent to water bodies and the coast, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.2.</p> <p>h. See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua.</p> |

20.11.2 Assessment of discretionary land use activities

| Activity | Guidance on the assessment of resource consents |
|--|--|
| <p>2. Early childhood education - large scale outside a hazard facility mapped area</p> | <p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 20.2.2 b. Early childhood education facilities are designed, located, and operated to avoid or, if avoidance is not practicable, adequately mitigates adverse effects on the amenity of surrounding residential properties or other recreation area users (Policy 20.2.2.12). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> c. The activity will not result in a loss of open space that would otherwise be available to the public. d. The activity is provided to support a recreation activity on the site. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> e. In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions. f. The scale of the activity is suitable for the site. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> g. Delivery time restrictions. h. Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties. i. Mitigation measures to minimise noise such as insulation, acoustic fencing, low noise surfaces for play areas, or other such treatments. j. A noise management plan. <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> k. See Section 6.12 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. |

20.11.2 Assessment of discretionary land use activities

| Activity | Guidance on the assessment of resource consents |
|-----------|--|
| 3. Mining | <p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 20.2.2 b. Mining is only allowed where there is reasonable certainty that land will be restored or rehabilitated to a standard that will minimise, as far as practicable, the long term visual effects (Policy 20.2.2.9.a). c. Any adverse effects on the amenity of the site for recreation users or on surrounding residential properties from noise or dust can be avoided or, if avoidance is not practicable, adequately mitigated (Policy 20.2.2.9.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> d. The site will be restored or rehabilitated to the satisfaction of the landowner. e. The site will be restored or rehabilitated to its original or better condition at the completion of the activity or, for mining sand from dunes or beaches, there will be no significant effect on the look of the area. f. The activity will not result in the creation of significant dust and noise. g. The stability of the area or surrounding areas will not be undermined or affected. <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> h. See Section 6.12 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. i. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. j. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects on biodiversity values. k. Where in the NCC Overlay Zone, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast. l. Where in a wāhi tūpuna mapped area, see Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua. |

20.11.2 Assessment of discretionary land use activities

| Activity | Guidance on the assessment of resource consents |
|---|---|
| <p>4. Sport and recreation that involves motor vehicles</p> | <p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 20.2.2 b. Sport and recreation that involves motor vehicles has no, or only minimal, adverse effects on: <ul style="list-style-type: none"> i. surrounding residential properties; and ii. other recreation area users (Policy 20.2.2.6). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. There is sensitivity to the ecological values, scale, character, and use of the recreation area. d. Existing trees and desirable vegetation is retained. e. Activities support the continued operation of railway activities at 3 John Wilson Drive, Ocean Beach. <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> f. See Section 6.12 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. g. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values. |

20.11.2 Assessment of discretionary land use activities

| Activity | Guidance on the assessment of resource consents |
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| <p>5. Conference, meeting and function</p> | <p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objectives 20.2.1 and 20.2.2 b. Conference, meeting and function is designed, located and operated to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on surrounding residential properties amenity. (Policy 20.2.2.12.a) c. Conference, meeting and function is designed, located, and operated to avoid or, if avoidance is not practicable, adequately mitigate, adverse effects on other reserve area users. (Policy 20.2.2.12.b) <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> d. The activity will not result in a loss of open space that would otherwise be available to the public. e. The activity is provided to support a recreation activity on the site. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> f. In assessing the effects on amenity Council will consider whether buildings and outdoor areas are designed and located to reduce noise emissions. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> g. Restrictions on the hours, days or frequency of operation, or maximum number of participants for events. h. Delivery time restrictions. i. Landscaping to minimise amenity effects of lighting, vehicle headlights or parking areas on surrounding properties. j. Mitigation measures to minimise noise such as insulation, acoustic fencing, or other such treatments. <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> k. See Section 6.12 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. |
| <p>6. In an ASBV:</p> <ul style="list-style-type: none"> • Sport and recreation (excluding sport and recreation that involves motor vehicles) • Restaurants and retail ancillary to sport and recreation. | <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> a. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values. |

20.11.3 Assessment of discretionary performance standard contraventions

| Activity | Guidance on the assessment of resource consents |
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| <p>1.</p> <ul style="list-style-type: none"> • Acoustic insulation • Noise - where the limit is exceeded by less than 5 dB LAeq (15 min) • 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 effects related to public health and safety.</p> |
| <p>X. 2. In the NCC Overlay Zone:</p> <ul style="list-style-type: none"> • Area of buildings and structures (Rule 10.3.5.X.b.ii) | <p>See Rule 10.7.</p> |

Rule 20.12 Assessment of Non-complying Activities

Rule 20.12.1 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. Rules 20.12.2 - 20.12.6 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. Rules 20.12.2 - 20.12.5 apply as follows:
 - a. Rule 20.12.2 applies to all non-complying activities;
 - b. Rule 20.12.3 applies to non-complying land use activities;
 - c. Rule 20.12.4 applies to non-complying development activities;
 - d. Rule 20.12.5 applies to non-complying subdivision activities; and
 - e. Rule 20.12.6 applies to non-complying performance standard contraventions.
 - f. 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.

20.12.2 Assessment of all non-complying activities

| Activity | Guidance on the assessment of resource consents |
|--|---|
| <p>1. All non-complying 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 direction objectives, including, but not limited to, those related to: <ul style="list-style-type: none"> i. Objectives 2.3.3 and 2.4.1 b. The activity supports the purpose of the zone as outlined in Objective 20.2.1. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. In assessing the significance of effects, consideration will be given to: <ul style="list-style-type: none"> i. both short and long term effects, including effects in combination with other activities; 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; and iii. any effects otherwise managed through performance standards and consistent with all relevant objectives and policies for the zone. d. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> e. 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. f. 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. g. For activities that may have effects on biodiversity values, see Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1. h. For activities adjacent to water bodies and the coast, see Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.2. i. 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. |

20.12.3 Assessment of non-complying land use activities

| Activity | Guidance on the assessment of resource consents |
|---|---|
| 1. Commercial advertising | <p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 2.4.1 b. Policy 2.4.1.6.c |
| 2. <ul style="list-style-type: none"> • Commercial activities (except commercial advertising, campgrounds) • Industrial activities • Major facility activities (except cemeteries) • Rural activities (except grazing, forestry, mining, and scheduled mining activity) | <p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 2.3.2 and Policy 2.3.2.2 b. Objective 2.4.3 and Policy 2.4.3.4 c. Objective 20.2.1 d. Policy 20.2.1.4 |
| 3. Residential | <p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 20.2.1 b. Policy 20.2.1.4 <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> c. An on-site residence is essential for management of the recreation area and approval has been granted under the Reserves Act 1977. d. The location, design, and scale of the residence is appropriate to minimise effects on the recreation area, recreation users, surrounding sites, and neighbourhood amenity. |
| 4. In the Hazard 1 (flood) Overlay Zone (see Rule 20.3.6): <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> <ul style="list-style-type: none"> 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. |
| 5. In an ASBV : <ul style="list-style-type: none"> • Commercial activities (except ancillary licensed premises, conference, meeting and function, restaurants or retail activities ancillary to sport and recreation) • Rural activities • Industrial activities • Residential activities • Major facility activities | <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values. |

20.12.3 Assessment of non-complying land use activities

| Activity | Guidance on the assessment of resource consents |
|--|---|
| 6. 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> |

20.12.4 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 the effects on heritage values.</p> |
| 2. In an ASBV : <ul style="list-style-type: none"> Indigenous vegetation clearance - large scale | <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values.</p> |

20.12.5 Assessment of non-complying subdivision activities

| Activity | Guidance on the assessment of resource consents |
|--|---|
| 1. Cross lease, company lease and unit title subdivision | <p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 20.2.2</p> <p>b. Policy 20.2.2.11</p> |

20.12.6 Assessment of non-complying performance standard contraventions

| Performance standard | Guidance on the assessment of resource consents |
|--|---|
| <p>1. • Light spill - where the limit is exceeded by greater than 25%</p> <p>• Noise - where the limit is exceeded by 5 dB LAeq (15 min) or more</p> <p>• Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)</p> | <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 effects related to public health and safety.</p> |
| <p>2. • Setback from National Grid (buildings, structures, city-wide activities, and National Grid sensitive activities) (Rule 5.6.1.1)</p> <p>• Setback from National Grid (subdivision activities) (Rule 20.7.X 20.7.6)</p> | <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> |
| <p>3. Hazard overlay zones development standards:</p> <p>• Hazard exclusion areas</p> | <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> |
| <p>5. 4. In an ASBV:</p> <p>• Tree species</p> | <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values.</p> |
| <p>6. 5. In the NCC Overlay Zone:</p> <p>• Tree species</p> | <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and the effects related to natural character of the coast.</p> |