

29 November 2019

[REDACTED]

Dear [REDACTED]

Local Government Official Information and Meetings Act 1987 (LGOIMA) request for the 2GP signage rules

I am writing in response to your request made on 29 August 2019 asking for the following:

“any records we hold concerning the rule in the 2GP which relates to election signs. This to include inter alia please any notes or advice between council staff and or any others advising that the rules should be changed, any notification of these rules, any submissions received on them, any section 32 analysis, any advice given to the commissioners and the decisions made by the commissioners. Also, any record of anyone raising any issues around whether any of the commissioners were/are interested more than members of the public in these decisions and what the results of raising such issues was if any.”

Please accept my apology for the time taken to respond to you.

Please find attached the information you have requested. The Senior Planner, City Development, Paul Freeland, advised that the 2GP election sign rules were deemed operative and had full legal effect when the Temporary Activities decision report was publicly notified on 7 November 2018.

You are advised that pursuant to section 7(2)(a) of the LGOIMA to protect the privacy of natural persons, that we have redacted the name and contact details in an email.

You are advised that as some information has been withheld you are entitled to seek a review by the Office of the Ombudsman (0800 802 602) or info@ombudsman.parliament.nz

Yours faithfully



Rebecca Murray
Governance Support Officer

2GP - Hearing Minutes



Hearing Information			
Topic Name	Temporary Activities		
Topic Number	H090-2016-06-24		
Meeting Details			
Governance Support Officer	Andrea Barker	Location	2GP Hearings Room
Date	24 June 2016	Opening Time	Morning:9.00am – adjourned at 10.20 am
Appearances	Brian Ellis on behalf David Clark's Campaign Rachael Bird on behalf New Zealand National Party		
Members	David Collins (Chairperson),David Benson-Pope,Aaron Hawkins, Kate Wilson		
Apologies/Absent	Gary Rae (Deputy Chairperson), Jinty McTavish		
Staff in Attendance	Paul Freeland (Senior Officer), Jacinda Baker (Reporting Officer)		

Directions issued by the 2GP Hearings Panel	
Procedure	There were no procedural issues raised. Direction: Panel accepted their evidence to be tabled •
Jurisdiction	There were no jurisdiction issues raised.
Other	Letters were tabled from the Defence Force and the University of Otago as they were unable to attend the hearing. The Panel accepted the tabled evidence.

Documents/Evidence/Exhibits List					
Submitter Number/Name	Document Description	Time:		Number:	
583 NZDF	Tabled letter-not attending	9.00		1	
308 University Otago	Tabled letter-unable to attend	9.00		2	

RESOLUTION TO EXCLUDE THE PUBLIC

It was moved (Collins/Hawkins):

"That the public be excluded from the following parts of the proceedings of this meeting, namely, Item 1.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under Section 48 (1) for the passing of this resolution.
1	2GP – Temporary Activities	That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. (That a right of appeal lies to any court or Tribunal against the Dunedin City Council in these proceedings).	Section 48(1)(d)

Motion carried

The meeting went into non-public at 10.20 am



1.4.1 City-wide Activities

Public Amenities Category

Activities	Sub-activities
Public amenities	Public toilets
	Public artworks - small scale
	Public artworks - large scale
	Public display boards

Temporary Activities Category

Activities	Sub-activities
Construction	
Filming	Filming - small scale
	Filming - large scale
Mobile trading	
Military exercises	
Temporary disaster management accommodation	
Temporary events	Temporary events - small scale
	Temporary events - large scale
Temporary signs	Election signs
	Event promotion signs
	Temporary public notices
	Construction signs
	Real estate signs
Helicopter landings <u>movements</u> {TA 917.13}	

Earthworks are an activity in the earthworks activities category. *{PO cl.16}*

Earthworks Activities {Confirmed for addition - EW cl.16}

The category of activities that consists of earthworks (including earthworks - large scale and earthworks - small scale, which are sub-activities of earthworks. *{EW cl.16}*

Earthworks ancillary to forestry

Earthworks, including those associated with the construction and maintenance of roads, firebreaks, processing areas, landings, tracks, and quarries, undertaken within a part of a site that is or will be planted in trees as part of a lawfully established forestry activity, or that are directly adjacent (within 20 metres) to the areas planted in trees: *{EW cl.16}*¹

This definition does not include earthworks associated with forestry that are not within these areas, including roads leading to and from forests: *{EW cl.16}*¹

¹ **EW cl.16:** Earthworks ancillary to forestry has been incorporated in the definition of 'Forestry' as these earthworks are now a permitted activity under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Earthworks ancillary to network utilities activities {Confirmed for deletion - NU 576.9}

Earthworks required for the operation, repair and maintenance of existing network utilities activities, or the construction of new network utilities. This activity does not include earthworks associated with roading leading to and from utilities *{NU 576.9}*

Earthworks - large scale

Earthworks that ~~exceed do not meet~~ *{PO cl.16}* the ~~scale thresholds for earthworks - small scale thresholds~~ performance standards as set out in management and major facilities zones' earthworks performance standards *{PO cl.16}*.

Earthworks – large scale are a sub-activity of earthworks. *{EW cl.16}*

Earthworks - small scale

Include:

- ~~Post holes for the erection of fences~~ *{EW cl.16}*
- ~~Post holes for permitted or approved buildings or signs~~ *{EW cl.16}*
- ~~Driving of piles for building foundations; and~~ *{EW cl.16}*

Earthworks that meet the ~~scale thresholds for earthworks - small scale thresholds~~ performance standards as set out in the earthworks performance standards in the management and major facilities zones *{EW cl.16}*.

Earthworks – small scale are a sub-activity of earthworks. *{PO cl.16}*

¹ **EW cl.16:** Moved to Rule 8A.5.1.1 Earthworks – small scale thresholds. Any amendments to provisions as a result of submissions are shown there.

Election Signs

A sign erected for a local body election by a candidate or group of candidates, or for parliamentary elections by any

registered political party, independent or non-party affiliated candidate contesting a general election, by-election, or referendum.

Election signs are a sub-activity of temporary signs. {PO cl.16}

Electrical distribution structures {NU 915.17}

Cabinets or other structures containing equipment for the control and/or transformation of electricity, which have a maximum nominal operating voltage and energy transfer of 22kV and 3MVA respectively. {NU 915.17}

Elevated Features

Architectural elements of a building that project above the roofline independent of the main structure of the building. Examples include are {PO cl.16}: parapets, chimneys and finials.

Emergency Natural Hazard Mitigation

Temporary emergency defences against an imminent risk from a natural hazard that is a threat to safety or property undertaken during a natural hazard event, which include Examples are {PO cl.16}:

- sand bagging; and
- beach sand replenishment.

Emergency natural hazard mitigation is an activity in the natural hazard mitigation activities category. {PO cl.16}

Emergency Services

The use of land and buildings by those authorities responsible for the safety and welfare of people and property in the community.

Including Examples are {PO cl.16}:

- fire stations
- ambulance stations
- police stations
- civil defence; and
- search and rescue.

Emergency services are an activity in the major facility activities category. {PO cl.16}

Energy Resource Investigation Devices

A device required to investigate the extent of an energy resource and/or to assess the suitability of a site for the generation of electricity from an energy resource.

Energy resource investigation devices are a sub-activity of small scale network utilities. {NU 576.4}

Entertainment and Exhibition

The use of land and buildings for the primary purpose of cultural, entertainment, or exhibition activities, including. For the sake of clarity, this includes {PO cl.16} ancillary office facilities, ticket sales, retail, and restaurants activities {PO cl.16}.

Examples are:

Temporary Signs

A sign that is displayed for a period of time and is then removed.

The following activities are managed as sub-activities of temporary signs. Temporary signs include {PO cl.16}:

- construction signs
- election signs
- event promotion signs
- real estate signs; and
- temporary public notices.

Temporary signs are an activity in the temporary activities category. {PO cl.16}

Tohu

Symbol.

Tourism Advertising

A sign that advertises a tourism facility or activity that operates within Otago or Southland and is undertaken by a tourism organisation that is a member of a regional tourism organisation {PO cl.16} (RTO), New Zealand Māori Tourism Council or Tourism Industry Association of New Zealand (TIA).

Tourism advertising is a sub-activity of commercial advertising. {PO cl.16}

Trade Related Retail

Retail where the predominant goods or services sold are:

- goods and materials used for the construction, repair, alteration and renovation of buildings (including building materials, painting, lighting, electrical and plumbing supplies)
- motorised-vehicle repairs
- landscaping; marine equipment
- motorised vehicles; and
- farm equipment or supplies.

~~To be included in this definition, at least 90% of product display floor area must be in these categories. {CMU 489.1}~~ This definition excludes Trade {CMU cl.16} related retail where more than 70% or more {CMU cl.16} of the areas devoted to the sales or display of good is an open or semi-covered yard, as distinct from a secure and weatherproof building, which {CMU cl.16} is defined as yard based retail.

Trade related retail is a sub-activity of retail.

Training and Education

The use of land or buildings for the purpose of teaching and/or learning {MF 308.11} a vocation, skill, or subject of interest. This definition includes tertiary education carried out by the University of Otago or Otago Polytechnic outside of the Campus Zone.

Examples are:

4. Temporary Activities

4.1 Introduction

Temporary events, and uses such as concerts, festivals, parades, and market days, occur on a regular basis throughout the city, and primarily in public places. The Plan needs to provide for such activities and recognise the contribution that they make to the social and cultural well-being of communities and to the vitality of the city.

In addition to community focused events, military training exercises, filming, construction, temporary helicopter landings, mobile trading, temporary signage, and temporary disaster management accommodation are also provided for within the Plan with a clear set of parameters to ensure any adverse effects arising from the activities are avoided, remedied or mitigated. Temporary activities incorporate both the activities and structures to facilitate the activities.

~~While they make a positive contribution,~~ **{TA cl.16}** Temporary activities can also generate adverse effects on surrounding environments, particularly in the form of noise, increased traffic movements and parking requirements. ~~That said,~~ **{TA cl.16}** The temporary nature of such activities generally minimises these adverse effects and consequently many events of short duration are tolerated by parts of the community, while other members enjoy what the event has to offer.

~~To address these issues, the Second Generation Plan proposes to include objectives, policies and rules to ensure the number, scale and intensity of temporary events and uses does not increase to a level beyond which the effects of the event are more than of a temporary and do not have more than a minor effect.~~ **{TA cl.16}**

4.2 Objectives and Policies

Objective 4.2.1	
Temporary activities are enabled while:	
a. minimising, as far as practicable, any adverse effects on the amenity and character of the zone; and {TA 583.7}	
b. ensuring any adverse effects on people's health and safety are minimised <u>as far as practicable.</u> ; and {PO 906.34 and 308.497}	
c. meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which it is located. {TA 583.7}	
Policy 4.2.1.1	Require temporary activities to be designed and operated to minimise, <u>as far as practicable.</u> {PO 906.34 and 308.497} adverse effects on: <ul style="list-style-type: none"> a. the amenity of surrounding properties; b. people's health and safety; and c. the safety and efficiency of the transport network. {TA cl.16}
Policy 4.2.1.2	Require temporary signs to be located and designed to minimise, <u>as far as practicable.</u> {PO 906.34 and 308.497} adverse effects on: <ul style="list-style-type: none"> a. streetscape <u>streetscape</u> {PO cl.16} amenity; and b. the safety and efficiency of the transport network.
Policy 4.2.1.3	Only allow temporary events - large scale and filming - large scale where they are located and operated to ensure adverse effects on amenity and the transport network can will {PO cl.16} be avoided or, if avoidance is not possible <u>practicable</u> {PO 908.3 and others} , adequately mitigated.

¹ **TA cl.16:** The only temporary activities that require consent are covered by Policy 4.2.1.3, which relates to effects on the transportation network and none of the RD performance standard contraventions have effects on transportation as a matter of discretion so this part of the policy is redundant.

Rules

Rule 4.3 Activity Status

4.3.1 Activity status introduction

1. The activity status table in Rule 4.3.2 shows the activity status of temporary activities across all zones, provided any performance standards shown in the far right column are met. The activities in the temporary activities category are listed in the Nested Table in Section 1.36 **{PO cl.16}**.
2. Performance standards apply to permitted and restricted discretionary activities.
3. If a permitted activity does not meet one or more performance standards, then the activity status of the activity ~~will become restricted discretionary, unless otherwise indicated by the relevant performance standard~~ is indicated in the relevant performance standard rule. **{PO cl.16}**.
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.
5. Any site development activities associated with an activity provided for in the activity status table in Rule 4.3.2 are subject to the provisions of the relevant management zone section. **{PO cl.16}**
6. Any earthworks associated with an activity provided for in the activity status table in Rule 4.3.2 are subject to the provisions in Section 8A. **{PO cl.16}**

Legend

Acronym	Activity-status Meaning {PO cl.16}
P	Permitted Activity
RD	Restricted Discretionary Activity

4.3.2 Activity status table - temporary activities

1.	Performance standards that apply to all temporary activities		a. Development standards b. Light spill c. Hazard overlay zones development standards {TA 583.9}
Activity		Activity status	Performance standards
2.	Construction	P	a. Noise
3.	Filming - small scale	P	a. Maximum duration and site restoration Maximum Duration, Frequency, and Site Restoration {TA cl.16} b. Hours of operation c. Noise

4.	Filming - large scale	RD	<ul style="list-style-type: none"> a. Maximum duration and site restoration Maximum Duration, Frequency, and Site Restoration {TA cl.16} b. Hours of operation c. Noise
5.	Temporary {TA cl.16} Helicopter landings <u>movements</u> {TA 917.13}	P	<ul style="list-style-type: none"> a. Maximum duration and site restoration Maximum Duration, Frequency, and Site Restoration {TA cl.16} b. <u>Noise</u>
6.	Military exercises	P	<ul style="list-style-type: none"> a. Notice to DCC (military exercises) b. Setbacks (military exercises) c. Noise
7.	Mobile trading of readily consumable foods in a public place	P	<ul style="list-style-type: none"> a. Maximum duration and site restoration Maximum Duration, Frequency, and Site Restoration {TA cl.16}
8.	Temporary disaster management accommodation	P	
9.	Temporary events - small scale	P	<ul style="list-style-type: none"> a. Maximum duration and site restoration Maximum Duration, Frequency, and Site Restoration {TA cl.16} b. Hours of operation c. Noise
10.	Temporary events - large scale	RD	<ul style="list-style-type: none"> a. Maximum duration and site restoration Maximum Duration, Frequency, and Site Restoration {TA cl.16} b. Hours of operation c. Noise
11.	Temporary signs	P	<ul style="list-style-type: none"> a. Number, design and location of temporary signs

Note 4.3.2A - Other requirements outside of the District Plan

1. Permission from the Dunedin City Council (DCC) must be obtained for all temporary activities on DCC land including reserves and roads. Please contact the DCC's Transportation Group or Parks and Recreation Department on 03 477 4000 and ensure all appropriate permissions are received including for:
 - a. temporary road closures; and
 - b. use of reserves or open space.
2. If food will be sold at an event, it is the responsibility of the event organiser to ensure all food operators have approval from the DCC's Environmental Health Department. Please contact Environmental Health Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
3. Activities that involve the sale or provision of alcohol may require a licence. Please contact the DCC's Alcohol Licensing Department on 03 477 4000 for more information.
4. Building consent may be required for some temporary structures. These must be obtained from DCC. Please contact Council's Building Services Department on 03 477 4000 for more information.
5. A licence is required under the Mobile Trading and Temporary Stall Bylaw 2014 to carry out mobile trading. Permission from the DCC must be obtained for all mobile trading activities on DCC land including reserves and roads. Please contact the DCC's Environmental Health Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
6. In addition to the noise limits specified in this section, noise emissions from temporary events will be subject to complaint based Excessive Noise provisions (sections 326-328) of the Resource Management Act 1991. The DCC's Environmental Health Department or their contractors will be responsible for responding to any noise complaints received by the DCC in relation to an event. To ensure there are no surprises on the day of the event it is recommended you liaise with the Environmental Health Department prior to the event, provide contact details for key personnel and agree on a protocol for responding to noise complaints should they arise. For more information, please contact the DCC on 03 477 4000 or visit the DCC website at www.dunedin.govt.nz.
7. Permission must be obtained from the NZ Transport Agency for all temporary activities on state highway road reserve. {TA 881.46}

Note 4.3.2B - Other relevant District Plan provisions

1. Mobile trading, other than as provided for in Rule 4.3.2.7 is managed as if it were not operating from mobile premises (i.e. the activity status and land use performance standards of the zone in which it is occurring apply)
 2. ~~Earthworks are managed through the management and major facilities zone sections. {PO cl.16}~~
- ¹ **PO cl.16:** moved from Note 4.3A to Rule 4.3.1 and minor amendments to clarify new location of earthworks provisions.

Note 4.3C - Other relevant District Plan provisions {PO cl.16¹}

1. ~~Earthworks are managed through the management and major facilities zone sections. {PO cl.16}~~
- ¹ **PO cl.16:** moved from Note 4.3C to Rule 4.3.1 and minor amendments to wording to clarify new location of earthworks provisions.

Rule 4.4 Notification

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

Rule 4.5 Performance Standards

4.5.1 Development Standards

- Temporary buildings, structures, earthworks, **{TA cl.16}** and site development activities associated with temporary activities must meet the maximum height, height in relation to boundaries, setbacks, hazard exclusion areas, vegetation clearance standards, and earthworks performance standards of the zone in which they are located, except:
 - temporary signs (see Rule 4.5.7);
 - setbacks from coast and water bodies, provided buildings and structures are set back from the coast or water bodies a minimum of 5m; and
 - temporary buildings and structures associated with construction are exempt from meeting performance standards for maximum height, height in relation to boundary, and boundary setbacks provided they are erected for no more than 90 days.
- Temporary buildings and structures associated with temporary activities may be located on parking areas required to meet the performance standard for minimum car parking for up to 90 days.
- Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

¹ **TA cl.16:** Earthworks is specifically mentioned in this rule as it is now a citywide activity and therefore no longer included within 'site development activities'.

4.5.2 Hours of Operation

- Temporary events and filming must not exceed the following hours of operation:

Activity		i. Hours of operation within residential zones or within 100m of a residential zone	ii. Hours of operation within all other zones
a.	Temporary events that do not involve amplified noise	All days: 8.00am - 9.00pm	Sunday - Thursday: 6.00am - 10.00pm Friday and Saturday: 6.00am - 11.00pm (or 11.30pm in the CBD Zone)
b.	Temporary events that involve the operation of amplified sound equipment	Sunday - Thursday: 10.00am - 7.00pm Friday and Saturday: 10.00am - 9.00pm	Sunday - Thursday: 10.00am - 9.00pm Friday and Saturday: 10.00am - 10.00pm (or 11.30pm in the CBD Zone)
c.	Filming	All days: 8.00am - 7.00pm	All days: 7.00am - 9.00pm (or 12.00am midnight in an industrial zone)

- Except in all zones the hours of operation for New Years Eve celebrations, including those that involve the operation of amplified sound equipment, is extended until 1.00am the following morning.
- Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

4.5.3 Maximum Duration, Frequency, and Site Restoration

Rule 4.5.3.1 Temporary events and filming

- a. Temporary events must not exceed the following maximum durations:

Location	Maximum duration of event
i. The Oval (Town Belt (The Oval) Town of Dunedin SO 14526) {TA cl.16}	10 consecutive days
ii. The Octagon (Sec 1 Reserve No 2 SO 12279 Town of Dunedin) {TA cl.16} and Museum Reserve (363 and 381 Great King Street) {TA cl.16}	5 consecutive days
iii. All other locations	3 consecutive days

- iv. Except, site preparation, which must not occur more than two days before an event; and site clean-up and restoration, which must be completed within two days of the completion of the event.
- b. No more than five temporary events may occur on a site within any calendar year, except, temporary events in public places, churches, and community halls.
- c. Filming and temporary events must return sites to their original condition after filming or the temporary event is finished.
- d. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

Rule 4.5.3.2 Mobile Trading

- a. Mobile trading must not operate in any location for a cumulative period exceeding four hours in any 24 hour period, except:
- if the activity would otherwise be permitted in the zone;
 - if the mobile trading is associated with a temporary event; or
 - if the mobile trading is associated with an event occurring as part of a sport and recreation activity or an event occurring in the Recreation Zone or at major facilities, in which case the maximum duration is for a period starting 2 hours before the start of the event until two hours after the completion of the **{TA cl.16}** event.
- b. Activities that contravene this performance standard are restricted discretionary activities. **{PO cl.16}**

Rule 4.5.3.3 Helicopter Landings Movements **{TA 917.13}**

- a. ~~Helicopter landings must not exceed 10 landings on the same site within any calendar year, except two days of unlimited landings on the same site are allowed within any calendar year.~~ **{TA 583.11 and others}**
- b. ~~Helicopter landings must only occur during daylight hours.~~ **{TA 583.11 and others}**
- c. ~~The following activities are exempt from this standard:~~ **{TA 583.11 and others}**
- ~~helicopter landings for emergencies by police, fire service, ambulance, or for search and rescue; and~~ **{TA 583.11 and others}**
 - ~~helicopter landings that meet the noise performance standards for the relevant zone.~~ **{TA 583.11 and others}**
- a. Helicopter movements must not exceed twenty flight movements (a take-off or landing) per calendar month per site. **{TA 583.11}**

- b. Helicopter landings for emergency services are exempt from this standard {TA 583.11}
- c. Activities that contravene this performance standard are restricted discretionary activities. {PO cl.16}

Note 4.5.3.3A - Copyright information

1. The limits on helicopter movements in Rule 4.5.3.3 are from NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. {TA 583.11}

4.5.4 Noise

4.5.4.1 Construction

- a. Construction activity **{TA cl.16}** must not exceed the following limits and will be measured and assessed in accordance with NZS6803:1999 Acoustics – Construction Noise {TA 917.11}:

Noise limits as measured at: the boundary of any property in residential zones, the notional boundary of any residential building in a rural residential zone, or from 6pm to 7.30am within the notional boundary of any building housing any noise sensitive activities in any other zone		Noise limits		
		1. For no more than 14 days of a single construction project	2. For no more than a further 18 weeks of a single construction project	For all other times
i.	Weekdays 6.30 to 7.30am	a. 65-dB LAeq b. 75-dB Lmax	a. 60-dB LAeq b. 75-dB Lmax	a. 55-dB LAeq b. 75-dB Lmax
ii.	Weekdays 7.30am to 6pm and Saturdays 7.30am to 6pm	a. 80-dB LAeq b. 95-dB Lmax	a. 75-dB LAeq b. 90-dB Lmax	a. 70-dB LAeq b. 85-dB Lmax
iii.	Weekdays 6 to 8pm	a. 75-dB LAeq b. 90-dB Lmax	a. 70-dB LAeq b. 85-dB Lmax	a. 65-dB LAeq b. 80-dB Lmax
iv.	Sundays and public holidays 7.30am to 6pm	a. 55-dB LAeq b. 85-dB Lmax	a. 55-dB LAeq b. 85-dB Lmax	a. 55-dB LAeq b. 85-dB Lmax
v.	All other periods not specified above	a. 45-dB LAeq b. 75-dB Lmax	a. 45-dB LAeq b. 75-dB Lmax	a. 45-dB LAeq b. 75-dB Lm
Time period		1. For no more than 14 days of a single construction project	2. For no more than a further 18 weeks of a single construction project	3. Long-term duration (greater than 20 weeks)
vi.	All days 7.30am to 6pm	80-dB LAeq	75-dB LAeq	70-dB LAeq
vii.	All days 6pm to 7.30am	85-dB LAeq	80-dB LAeq	75-dB LAeq

- i. **Construction noise received in residential zones and dwellings in rural and rural residential zones, and buildings housing any noise sensitive activities in any other zone {TA 917.11}**

Time of Week	Time Period	Duration of work
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		1. Typical Duration (dBA)		2. Short-term Duration (dBA)		3. Long-term Duration (dBA)	
		LAeq	Lmax	LAeq	Lmax	LAeq	Lmax
<u>Weekdays</u>	1. 6.30am - 7.30am	60	75	65	75	55	75
	2. 7.30am - 6.00pm	75	90	80	95	70	85
	3. 6.00pm - 8.00pm	70	85	75	90	65	80
	4. 8.00pm - 6.30am	45	75	45	75	45	75
<u>Saturdays</u>	5. 7.30am - 6.00pm	75	90	80	95	70	85
	6. 6.00pm - 7.30am	45	75	45	75	45	75
<u>Sundays and Public Holidays</u>	7. 7.30am - 6.00pm	55	85	55	85	55	85
	8. 6.00pm - 7.30am	45	75	45	75	45	75

ii. **Construction noise received in industrial, Port and commercial mixe use zones for all days of the year {TA 917.11}**

<u>Time Period</u>	<u>Duration of Work</u>		
	<u>1. Typical Duration</u>	<u>2. Short-Term Duration</u>	<u>3. Long-Term Duration</u>
	<u>LAeq (dBA)</u>	<u>LAeq (dBA)</u>	<u>LAeq (dBA)</u>
1. 7.30am - 6.00pm	75	80	70
2. 6.00pm - 7.30am	80	85	75

- b. Vibration from construction must not exceed a maximum particle velocity measured on any foundation of an adjacent building on another site, or the same site if different ownership, of 25mm/second for commercial buildings or 10mm/second for buildings housing noise sensitive activities.
- c. Activities that contravene this performance standard by less than 5dB LAeq (15 min) are discretionary activities.
- d. Activities that contravene this performance standard by 5dB LAeq (15 min) or more are non-complying activities.
- e. For the purposes of Rule 4.5.4.1 "short-term duration" means construction work at any one location for up to 14 calendar days per project; "typical duration" means construction work at any one location for more than 14 calendar days but less than 20 weeks per project; and "long-term duration" means construction work at any one location with a duration exceeding 20 weeks per project {TA 917.11}

Note 4.5.4.1A - Copyright information {TA cl.16}

1. For Rule 4.5.4.1: {TA cl.16}
 - a. The provisions in Rule 4.5.4.1 are from {TA cl.16} NSZ 6803:1999 Acoustics Construction Noise by permission of Standards New Zealand under licence 001161.

4.5.4.2 Temporary events

- a. Temporary events must comply with the performance standard for noise of the zone in which they are located (see Rule 9.3.6). or for
- b. Temporary events in the CBD Zone; must comply with the following noise limits: {TA cl.16}

Time period		Noise limit
i.	Sunday - Thursday: 10.00am - 10.00pm	1. 60dB LAeq (15 min) 2. 75dB LMax
ii.	Friday and Saturday: 10.00am - 11:30pm	1. 75dB LAeq (15 min) 2. 85dB LMax

- c. Pyrotechnics and firing of a ceremonial cannon are exempt from the performance standards for noise.
- d. Noise will be measured in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustics - Environmental Noise. {TA 917.11 and others}
- e. Activities that contravene this performance standard by less than 5 dB LAeq (15 min) are discretionary activities. {TA cl.16}
- f. Activities that contravene this performance standard by 5 dB LAeq (15 min) or more are non-complying activities. {TA cl.16}

¹ TA cl.16: Rules giving activity status for contravention of this standard omitted in error and added to reflect the related content in rules 4.9.2.1, 4.10.2.1 and linked rules in 9.6 and 9.7.

4.5.4.3 Filming (small and large scale)

Filming activities {TA cl.16} must comply with the performance standard for noise of the zone in which they are located (see Rule 9.3.6) {TA cl.16}.

4.5.4.4 Military exercises

- a. Noise from military exercises must not exceed the following limits:
 - i. for mobile noise sources, the noise limits for construction activities {TA cl.16} set out in Rule 4.5.4.1 apply.
 - ii. for fixed (stationary) noise sources, the following limits as measured at the notional boundary of a building housing any noise sensitive activities apply:

Time (Monday to Sunday)		Noise level at the notional boundary of a building housing any noise sensitive activities
1.	7.00am - 7.00pm	55 dB LAeq (15 min)
2.	7.00pm - 10.00pm	50 dB LAeq (15 min)
3.	10.00pm - 7.00am	45 dB LAeq (15 min) and 75 dB LAFmax

- b. Noise will be measured in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound

and assessed in accordance with NZS 6802:2008 Acoustics - Environmental Noise. **{TA 917.11 and others}**

- c. The live firing of weapons and explosive events and the firing of blank ammunition are exempt from this performance standard (see Rule 4.5.6).
- d. Military exercises that contravene this performance standard are a controlled activity.

Rule 4.5.4.5 Helicopter Movements {TA 917.11 and others}

- a. Helicopter movements must not result in a maximum sound level (LAFMax) exceeding 70 dB at night time (10.00pm - 7.00am) or 90 dB during daytime (7.00am - 10.00pm) within any site in a residential zone or within the notional boundary to any noise sensitive activity in rural zones, rural residential zones or the Ashburn Clinic Zone.
- b. Helicopter noise will be measured and assessed in accordance with NZS6807:1994 Noise Management & Land Use Planning For Helicopter Landing Areas.
- c. Helicopter movements for emergency services are exempt from this standard
- d. Activities that contravene this performance standard by less than 5dB LAeq (15 min) are discretionary activities.
- e. Activities that contravene this performance standard by 5dB LAeq (15 min) or more are non-complying activities.

4.5.5 Notice to DCC (Military Exercises)

1. A noise management plan must be provided to the DCC's Environmental Health Department at least 48 hours prior to the commencement of a military exercise involving weapons firing and/or the use of explosives, detailing:
 - a. whether the activity involves live firing and/or the use of explosives, or the firing of blank ammunition;
 - b. the location of the activity and the boundaries within which the activity will take place;
 - c. the timing and duration of the activity; and
 - d. distances to buildings housing noise sensitive activities, the potential effect on these activities, and where there is a potential effect, how property occupants will be notified of the military exercise (e.g. leaflet drop, letters, notice in newspaper).
2. Military exercises that contravene this performance standard are a controlled activity.

4.5.6 Setbacks (Military Exercises)

1. Military exercises involving weapons firing and/or the use of explosives must be set back from the notional boundary of any building housing noise sensitive activities as follows:

Activity type		i. Time (Monday to Sunday)	ii. Minimum setback distance
a.	Live firing of weapons or explosives	7.00am - 7.00pm	1500m
b.	Live firing of weapons or explosives	7.00pm - 7.00am	4500m
c.	Firing of blank ammunition	7.00am - 7.00pm	750m
d.	Firing of blank ammunition	7.00pm - 7.00am	2250m

- e. Except where:
 - i. peak sound pressure level is below 120 dBC between the hours of 7am and 7pm; and
 - ii. peak sound pressure level is below 90 dBC between the hours of 7pm and 7am.

- f. Activities that contravene this performance standard are controlled activities.

4.5.7 Number, Location and Design of Temporary Signs

4.5.7.1 General

- a. Temporary signs visible from a public place must meet all of the following performance standards;
- b. Temporary signs must not be illuminated (internally or externally), digital, or projected; and
- c. Signs must also comply with:
 - i. Rule 6.7.2 where located on or above public footpaths {TA cl.16}; and
 - ii. Rule 6.7.3, where visible from the road.
- d. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities. {PO cl.16}

4.5.7.2 Election signs

- a. Signs must be erected no more than two months prior to election or polling {TA cl.16} day and must be removed by midnight prior to election or polling {TA cl.16} day.
- b. Signs on a site {TA cl.16} must not exceed a maximum number of:
 - i. one per site for any {TA cl.16} candidate or group of candidates for local authority elections and referenda: {TA cl.16} and
 - ii. one per site for any {TA cl.16} registered political party, independent or non-party affiliated candidate, for parliamentary general {TA cl.16} elections; and
- c. Signs must not exceed:
 - i. a maximum height of 2m above ground level; and
 - ii. a maximum area of 3m² on DCC or New Zealand Transport Agency land within the road reserve; or {TA 881.48 and others}
 - iii. 1m² on all other sites: {TA 881.48 and 1083.1}
- d. For the purpose of Rule 4.5.7.2 'local election' refers to elections for City or Regional Council, District Health Board or a community board; and 'general election' refers to elections for the New Zealand Government. {TA cl.16}

4.5.7.3 Temporary eEvent promotion {TA cl.16} signs

- a. Signs must not be erected more than 21 days before an event and must be removed within 3 days of the completion of the event;
- b. Signs must be designed such that any names of sponsoring businesses are no more than 50% of the size of the font used for advertising the event;
- c. Signs must not exceed:
 - i. a maximum height of 2m above ground level;
 - ii. a maximum area of:
 1. 3m² on DCC or New Zealand NZ {Trans 881.17} Transport Agency land within the road reserve; or
 2. 1m² on all other sites; and
 - iii. for signs outside the road reserve:

1. only one sign is allowed to be displayed on a property site **{TA cl.16}** at a time; and
 2. the total display time of all signs must not exceed 30 days in any calendar year.
- d. Event promotion signs on lawfully established public display boards are exempt from these standards. **{TA cl.16}**

4.5.7.4 Real estate signs

- a. Signs must not exceed the following maximum numbers **{TA cl.16}**:
 - i. ~~one per property, or a maximum of one sign per site; **{TA cl.16}**~~
 - ii. on sites with a street frontage greater than 500m, a maximum of **{TA cl.16}** one sign for every 500m of frontage; and
 - iii. in the CBD, real estate signs in windows and below verandas (including in windows), ~~must not exceed a maximum of **{TA cl.16}**~~ one sign **{TA cl.16}** per real estate agent/company.
- b. Open home signs and auction signs are exempt from the maximum number of signs.
- c. The maximum display time for real estate signs is:
 - i. open home signs must only be displayed for the duration of the open home;
 - ii. auction signs must be displayed for no more than 14 days before the auction and 3 days after the auction; or
 - iii. all real estate signs must be removed within three days after the sale of the property.
- d. The maximum size and location of signs is:
 - i. auction signs must not exceed 2m² per display face;
 - ii. all other signs must not exceed a maximum area of 1m² per display face and a maximum of two display faces
- e. All real estate signs must be located on, or adjacent to, the property site **{TA cl.16}** to which they relate.

¹ **TA cl.16:** Amended to improve clarity.

4.5.7.5 Construction signs

1. Construction signs: **{TA cl.16}**
 - a. must not exceed a total area for all signs of 4m² per site;
 - b. must not be displayed for more than 10 days before commencement of construction and must be removed within three days after the completion of construction; and
 - c. must be located on the site where the construction activity is occurring.

Note 4.5B.7A - Other requirements outside of the District Plan

1. Permission must be obtained from the Dunedin City Council (DCC) for the erection of temporary signs (except real estate signs) on DCC land, including reserves and roads, please contact 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Permission must be obtained from the New Zealand NZ **{Trans 881.17}** Transport Agency for erection of temporary signs within state highway road reserve.
3. Approved election sign sites where the DCC give approval for the erection of signs are published on the DCC website www.dunedin.govt.nz.

4.5.8 Light Spill

Temporary activities must comply with Rule 9.3.5.

4.5.9 Hazard Overlay Zones Development Standards {Confirmed for deletion - TA 583.9}

~~4.9.5.1 Hazard exclusion areas (swale mapped area)~~

~~Buildings and structures associated with temporary activities must comply with Rule 11.3.1.1. {TA 583.9}~~

Rule 4.6 Assessment of Controlled Activities (Performance standard contraventions)

Rule 4.6.1 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 4.6.2:
 - 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 occurs: {TA cl.16¹}~~
 - a. ~~if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) then:~~
 - i. ~~the activity, as a whole, will be treated as **restricted discretionary**;~~
 - 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 4.7; 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 4.9; and~~
 - iii. ~~the assessment guidance in this section will also be considered.~~
 - c. ~~if the contravention of the performance standard defaults to **non-complying** then:~~
 - i. ~~the activity, as a whole, will be **non-complying**;~~
 - ii. ~~the performance standard contravention will be assessed as indicated in Section 4.10; and~~
 - iii. ~~the assessment guidance in this section will also be considered.~~

¹ **TA cl.16:** There are no controlled activity status temporary activities.

4.6.2 Assessment of controlled performance standard contraventions

Performance standard	Matters of control	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> Noise (military exercises) Notice to DCC (military exercises) Setbacks (military exercises) 	a. Effects on <u>amenity</u> of surrounding sites' <u>amenity</u> {TA cl.16} b. Effects {TA cl.16} on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 4.2.1 ii. Temporary activities are designed and operated in a way that minimises <u>as far as practicable</u> {PO 906.34 and 308.497} effects on: <ul style="list-style-type: none"> 1. the amenity of surrounding properties; and 2. the health and safety of people (Policy 4.2.1.1a and b). <p><i>Conditions that may be imposed to ensure these outcomes include, but are not limited to:</i></p> <ul style="list-style-type: none"> iii. Higher noise levels may be restricted to short durations during daytime hours, or hours agreed with affected neighbours. iv. Potentially affected neighbours to be advised and consulted with prior to the activity taking place. {TA cl.16} <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> v. The assessment of an application for military exercises that contravenes the noise (military exercises) performance standard Rule 4.5.4.4 will consider the findings of a noise management plan (see Special Information Requirements - Rule 4.11.1).

Rule 4.7 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 4.7.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 4.7.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

4.7.2 Assessment of all performance standard contraventions			
Performance standard		Matters of discretion	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"> i. The degree of non-compliance with the performance standard is minor. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> ii. Where more than one standard is contravened, the combined effects of the contraventions should be considered. iii. In assessing performance standard contraventions, consideration will be given to all relevant assessment guidance in the underlying zone.
2.	Development standards	See relevant zone for assessment of restricted discretionary activities (performance standard contraventions).	
3.	Hours of operation	<ol style="list-style-type: none"> a. Effects on <u>amenity of surrounding sites</u> amenity {TA cl.16} b. Effects on health and safety 	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 4.2.1 ii. Temporary activities are designed and operated in a way that minimises, <u>as far as practicable</u>, {PO 906.34 and 308.497} effects on: <ol style="list-style-type: none"> 1. the amenity of surrounding properties; and 2. people's health and safety (Policy 4.2.1.1a and b {TA cl.16}). <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> iii. The extension of hours will not result in unreasonable disturbance from vehicle headlights, vehicle movements, or noise.

4.7.2 Assessment of all performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. Maximum duration, frequency, and site restoration	<p>a. Effects on <u>amenity of surrounding sites</u> amenity {TA cl.16}</p> <p>b. Effects on health and safety</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 4.2.1 ii. Temporary activities are designed and operated in a way that minimises, <u>as far as practicable</u>, {PO 906.34 and 308.497} effects on: <ul style="list-style-type: none"> 1. the amenity of surrounding properties; and 2. people's health and safety (Policy 4.2.1.1). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The extension of duration or frequency will not result in unreasonable disturbance from extended periods of noise or vehicle movements. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iv. Council will assess the noise effects of helicopter movements in accordance with the standards set out in NZS6807:1994 <i>Noise Management and Land Use Planning for Helicopter Landing Areas</i> {TA 917.11 and others}
5. Number, location, and design of temporary signs	<p>a. Effects on neighbourhood character and <u>streetscape</u> {TA cl.16} amenity</p> <p>b. Effects on the safety and efficiency of the transport network</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 4.2.1 ii. Temporary signs are located and designed to minimise <u>as far as practicable</u> {PO 906.34 and 308.497} adverse effects on streetscape amenity (Policy 4.2.1.2.a). <p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 4.2.1 ii. Temporary signs are located and designed to minimise <u>as far as practicable</u> {PO 906.34 and 308.497} adverse effects on the safety and efficiency of the transport network (Policy 4.2.1.2.b). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The location of the sign will not obscure sightlines, pedestrians, and cyclists or vehicle access. iv. The relevant road controlling authority has provided approval for the proposed design and location of the sign.
6. In a swale mapped area: hazard exclusion areas {TA 583.9}	a. Risk from natural hazards	See Rule 11.4

Rule 4.8 Assessment of Restricted Discretionary Activities

Rule 4.8.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 4.8.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** ~~(which is the case, unless otherwise indicated in the performance standard)~~ **{PO cl.16}** 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 4.7; 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 4.9;
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**;
 - ii. the performance standard contravention will be assessed as indicated in Section 4.10; and
 - iii. the assessment guidance in this section will also be considered.

4.8.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> Filming - large scale Temporary events - large scale 	a. Effects on amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 4.2.1 ii. <u>Temporary events - large scale and filming - large scale are located and operated to ensure Any {PO cl.16} adverse effects on the transport network amenity {TA cl.16} can will {PO cl.16} be avoided or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigated (Policy 4.2.1.3).</u> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. A traffic management plan has been approved by the DCC (or New Zealand <u>NZ</u> {Trans 881.17} Transport Agency where relevant).
	b. Effects on the safety and efficiency of the transport network	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 4.2.1 ii. <u>Temporary events - large scale and filming - large scale are located and operated to ensure Any {PO cl.16} adverse effects on the transport network can will {PO cl.16} be avoided or, if avoidance is not possible practicable {PO 908.3 and others}, adequately mitigated (Policy 4.2.1.3).</u>

TA cl.16: As a clause 16 amendment this corrects errors and aligns with the matter of discretion with the correct policy wording.

Rule 4.9 Assessment of Discretionary Activities

Rule 4.9.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 4.9.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

4.9.2 Assessment of all discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> • Noise - where the noise limit is exceeded by less than 5dB LAeq (15 min) • Light spill - where the limit is exceeded by 25% or less 	<i>Relevant guidance from other sections (priority considerations):</i> <ol style="list-style-type: none"> a. See Section 9.6 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.

Rule 4.10 Assessment of Non-complying Activities

Rule 4.10.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 4.10.2 provides guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.

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

Rule 4.11 Special Information Requirements

4.11.1 Noise management plan

All resource consent applications for military exercises which do not comply with Rule ~~4.5.4.4~~ 4.5.6 **{TA 917.12}** must be accompanied by a noise management plan prepared by a suitably qualified expert. The noise management plan must contain:

1. a description of the site and activity including times, dates, nature and location of the proposed training activities;
2. a map showing potentially affected noise sensitive activities and predicted LCpeak **{TA 917.12}** sound pressure levels for each of these receiver **{TA 917.12}** locations and a programme for notification and communication with the occupiers of those sites prior to the activities commencing, including updates during the event;
3. methods to minimise the noise disturbance at sites housing noise sensitive activities; and
4. the method for following up any complaints received during or after the event, and any proposed debriefing meetings with the DCC.



**SECOND
GENERATION
DISTRICT PLAN**

Temporary Activities Section 42A Report

**Proposed Second Generation Dunedin City
District Plan (2GP)**

24 June 2016

Author

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Qualifications: I have a Bachelor of Science majoring in zoology and botany from Canterbury University, and a Diploma in Resource Management Law from Lincoln University.

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Code of Conduct

I confirm that I have read, and agree to comply with, the Environment Court Code of Conduct for Expert Witnesses (Consolidated Practice Note 2014).

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1.0 Introduction

1.1 Purpose of the s42A Report

1. This report is prepared under the provisions of section 42A of the Resource Management Act 1991 (RMA) to:
 - assist the Hearing Panel in making their decisions on the submissions and further submissions on the 2GP; and
 - provide submitters with information about how their submissions have been evaluated and the recommendations being made by the DCC Reporting Officer, prior to the hearing.
2. The evaluations and recommendations presented in this report are based on the information available prior to the hearing, including information contained in submissions.
3. In evaluating the submissions and further submissions, the matters considered include:
 - whether a decision requested falls within the functions of Dunedin City Council (DCC) under section 31 of the RMA
 - the matters to be considered in the preparation of District Plan as outlined in section 74, including:
 - the matters outlined in section 32 of the RMA
 - the provisions of Part 2 of the RMA
 - having regard to the proposed Regional Policy Statement
 - having regard to the Dunedin Spatial Plan
 - the required content of district plans as outlined in section 75, including giving effect to the operative regional policy statement and any national policy statements
 - any restrictions on rules as outlined in section 76.

1.2 Scope of report/section

4. This report discusses 35 original submission points and 9 further submission points received relating to the temporary activities provisions of the Proposed Second Generation Dunedin City District Plan (2GP), and related definitions.
5. Temporary activities are defined in Section 1.5.1 of the activity definitions as: "The category of land use activities that includes the following activities: construction; filming; military exercises; mobile trading; temporary disaster management accommodation; helicopter landings; temporary events; temporary signs." Each of these activities referred to are further defined, except for helicopter landings.
6. The objectives, policies and rules in relation to temporary activities are contained in Part B, City-wide Activities, Section 4 of the 2GP. Temporary activities are different to other activities due to their temporary nature, which requires different types of performance standards. Their brief and infrequent nature also means that the effects generated by these activities are predictable and short-lasting, allowing a broad management approach to be taken, instead of a specific tailoring to each zone. Where a bespoke management approach is required for a particular zone, this is reflected in the performance standards. For some activities they are also only undertaken by a small number of people/organisations. These factors provide the rationale for containing the temporary activities provisions in the city wide activities part of the plan.
7. The s42A report on the Recreation Zone is of relevance to this report as many temporary activities take place in these public places managed by the zone.

8. The Plan provisions and topics covered in this report are listed in Table 1 below.

Table 1: Number and type of submission points on Temporary Activities categories

Report Section	2GP Section/Topic	Number of original submission points (OS) and Further submission points (FS)	Recommended amendment?
Definitions			
4.3.1	Military Exercises	1 OS Retain	No
4.3.2	Temporary Activities	1 OS Retain	No
4.3.3	Temporary Events	1 OS Retain 1 OS Amend	Yes
4.3.4	Temporary Events – small scale	1 OS Retain	No
4.3.5	Mobile Noise Sources	1 OS Retain	No
Objective and Policies			
4.3.6	Objective 4.2.1 and related policies	2 OS Amend 3 OS Retain	Yes
Rules			
4.3.7	4.3 Temporary Activities Rules	1 OS Amend 1 FS	Yes
4.3.8	4.3.1 Activity Status	1 OS Retain	No
4.3.9	4.3.2 Activity Status Table	3 OS Retain	No
4.3.10	Note 4.5B - Other Requirements outside of the District Plan	1 OS Amend	Yes
4.3.11	4.5.3.3 Helicopter Landings Performance standard	3 OS Amend 4 FS	Yes
4.3.12	4.5.4 Noise Performance Standard	3 OS Retain 1 OS Amend 1 FS	Yes
4.3.13	4.5.5 Notice to DCC (Military Exercises) Performance Standard	1 OS Retain	No
4.3.14	4.5.6 Setbacks (military Exercises) performance standard	1 OS Retain	No
4.3.15	4.5.7 Number, Location and Design of Temporary Signs Performance Standards	1 OS Amend	No
4.3.16	4.5.7.2 Election Signs performance standard	2 OS Amend 1 OS Oppose 2 FS	Yes
4.3.17	4.5.7.3 Temporary Events Signs performance standard	1 OS Oppose	Yes
Assessment			
4.3.18	Assessment of Controlled activities (performance standard contraventions)	1 OS Retain	No
4.3.19	Assessment of restricted discretionary activities (performance standard contraventions)	1 OS Retain	No

4.3.20	Assessment of Restricted Discretionary Activities	1 OS Retain	No
4.3.21	Special Information Requirements - Noise Management Plan	1 OS Amend 1 FS	Yes

2.0 Background

2.1 Introduction

9. The Temporary Activities section is a new Citywide Activities section in the 2GP. It was created to provide an improved resource management approach for activities occurring on a temporary basis, by better recognising the values of these activities and addressing the effects of the activities. This section applies to these activities across the city.
10. Temporary events and uses such as concerts, festivals, parades, and market days occur on a regular basis throughout the city, though primarily in public places. The 2GP needs to provide for such activities and recognise the contribution that they make to the social and cultural well-being of communities and to the vitality of the city.
11. In addition to community focused events, military training exercises, filming, construction, temporary helicopter landings, mobile trading, temporary signage, and temporary disaster management accommodation are also provided for within the 2GP with provisions to ensure any adverse effects arising from the activities are avoided, remedied or mitigated. Temporary activities incorporate both the land use and development component of these activities.
12. Temporary activities are:

"The category of land use activities that includes the following activities:

- construction
- filming
- military exercises;
- mobile trading
- temporary disaster management accommodation
- helicopter landings
- temporary events
- temporary signs."

2.2 Key Resource Management Issues

13. Temporary activities provide a wide range of benefits to communities across Dunedin. They contribute to the social and cultural well-being of these communities and to the vibrancy of Dunedin.
14. However, temporary activities also have the potential to generate adverse effects on surrounding environments, including from noise, increased traffic movements and parking requirements. These effects can impact on amenity, health and safety, and the safety and efficiency of the transport network. That said, the temporary nature of such activities generally minimises these adverse effects and consequently, many activities of short duration are tolerated by parts of the community, while other members enjoy the positive benefits that temporary activities, such as events, have to offer.
15. The operative District Plan does not define temporary activities or, in most cases, provide any standards or guidance about when resource consent is required or how to manage the adverse effects of these activities. Where applied for, consents for these activities are considered on a case-by-case basis. This results in a lack of clarity for

applicants and decision makers and could result in an inconsistent approach to temporary activities.

2.3 Consultation

16. The consultation process for developing the 2GP has been extensive and was undertaken over a number of years. Community engagement on the 2GP development was undertaken through two key phases: issues and options, and preferred options phase. However, consultation with key stakeholders and individual landowners has been on-going throughout the process. For more detail about the consultation processes please refer to the Plan Overview section 42A report.
17. The Issues and Options (I&O) consultation phase was undertaken from November 2012 to March 2013. The Issues and Options consultation sought feedback on the range of issues that had been identified and potential options (or alternative approaches) that had been identified. Respondents provided feedback on which management approach for temporary activities was preferable based on 3 alternative options as well as the operative Plan's approach. Three respondents preferred Alternative 3 – providing for temporary activities in public areas and all non-residential private spaces. No preference was given to providing for temporary activities only in public places (Alternative 1), providing for temporary activities in public areas and on some private property (churches, schools, halls) (Alternative 2), or the operative Plan's approach.
18. A Preferred Options consultation phase was undertaken from August to September 2013. The purpose of the preferred options phase was to collect feedback on the goals and proposed changes for the reviewed sections of the 2GP. Six respondents provided feedback, primarily in favour of the amendments proposed in the draft 2GP. They also suggested additional provisions and raised some queries or concerns. Unlike in the operative District Plan, temporary activities in the 2GP were proposed to be defined and made permitted activities on reserves and roads and where performance standards were met. One respondent was supportive and another found certain draft provisions to be too restrictive. A 3-day time limit on temporary events was criticised by one respondent as well as the restricted timeframes for noise provisions for temporary events. The respondent noted the Caledonian Sports Ground events started earlier than the time proposed. The University supported the inclusion of temporary events such as markets and fairs in the 2GP.

2.4 Expert advice

19. Expert advice has been provided by Malcolm Hunt (Noise and Vibration Review, September 2014). He has reviewed some submissions and recommendations (Noise and Vibration Review – Review of submissions and recommendations, May 2016), and this advice has been incorporated into the discussions on noise and helicopter movements and assisted with the recommendations in relation to these topics. Mr Hunt is the Principal Engineer of Malcolm Hunt Associates, an environmental consultancy firm specialising in environmental noise and vibration. These reports are available on the 2GP website.

3.0 Statutory Context

3.1 Resource Management Act 1991 (RMA)

20. As temporary activities can affect amenity values (both positively and adversely), the management of them is in accordance with Part 2 of the Act, specifically the section 7 matter "the maintenance and enhancement of amenity values".

3.2 Dunedin's Spatial Plan

21. The Dunedin Spatial Plan provides a strategic direction for DCC and contains objectives, policies relevant to the Temporary Activities Section as set out in Table 2 below.
22. I have had regard to the following objectives and policies of the Spatial Plan in developing the provisions of the 2GP.

Table 2: Relevant Provisions within the Dunedin Spatial Plan

Objectives	Policies
<i>VIB1. Dunedin is nationally and internationally well known for its diverse and vibrant arts and culture scene, facilities and activities, which are accessible to all.</i>	<p>(a) Support and encourage the location of high quality arts and culture infrastructure in the city, including second tier institutions such as community halls and small venues, in appropriate locations.</p> <p>(b) ..</p> <p>(c) Create a network of well-designed public spaces that support participation in arts and cultural events.</p>
<i>LIV6. Dunedin citizens have access to, and actively participate, in sporting, recreational and leisure activities throughout the city</i>	<p>(e) Dunedin's key open spaces and recreational spaces, including the Town Belt and the Otago harbour, are protected and enhanced to create a broad range of multi-purpose spaces for cultural, social, recreation and leisure activities</p>

3.3 National Policy Statements (NPS) and National Environment Standards (NES)

23. There are no NES or NPS directly relevant to this particular topic.

3.4 Operative and Proposed Regional Policy Statement

24. The Operative and Proposed Regional Policy Statement (RPS) highlight the resource management issues of the region, and clarify roles and responsibilities of the Otago Regional Council (ORC) and territorial authorities. Section 75(3)(c) of the RMA provides that a District Plan must give effect to any Regional Policy Statement. Relevant provisions from the Operative Otago Regional Policy Statement are included in Table 3 below.

Table 3: Relevant Operative Otago Regional Policy Statement Policies

Issues:	9.3.1 The adverse effects of urban development and settlement can impact upon the quality of the built environment and on the use of natural and physical resources.
Objectives:	<p>9.4.1 To promote the sustainable management of Otago's built environment in order to:</p> <p>(a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and</p> <p>(b) Provide for amenity values; and</p> <p>(c)</p> <p>9.4.3 To avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources.</p>
Policies:	9.5.5 To maintain and, where practicable, enhance the quality of life

	<p>for people and communities within Otago's built environment through:</p> <ul style="list-style-type: none"> (a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and (b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and (c) ...
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25. The provisions in the RPS encourage councils to maintain and enhance people's experience of the built environment through promoting amenity values and avoiding adverse effects of activities on the quality of the urban environment.

4.0 Submission Analysis

4.1 Overview of submissions received

26. Overall 43 submission points were received on this topic from 11 submitters. This includes 35 original submissions and 9 further submissions. Of the original submissions, over 50% are in support of 2GP provisions in this section as notified. Twelve sought to amend the provisions and three are in opposition to the provisions. The primary submitter on this section is the New Zealand Defence Force (NZDF), providing over a third of the original submission points and further submission points. Other key submitters include the New Zealand Fire Commission (NZFC), Kiwirail and the New Zealand Transport Agency.

4.2 Overall recommendations on submissions

27. Eight individual amendments (some with consequential changes) are recommended to the provisions of this section. Of these, four relate to the clarification of provisions and do not propose to change the status quo of the notified section. These include clarifying that military exercises are not a sub-activity of temporary events (see section 4.3.3). Also, amending the Note to plan users, and temporary signs provisions, to clarify that permission is required to be obtained from NZTA for temporary activities in the state highway road reserve (see section 4.3.11) and for signs on NZTA land (see sections 4.3.17 and 4.3.18), as supplementary to the requirements contained in the District Plan.
28. Four substantive changes to provisions are recommended.
29. The first, discussed under section 4.3.11 of this report, relates to Rule 4.5.3.3, which regulates the frequency of helicopter landings and time of day they can occur. As a result of submissions on these provisions and expert evidence from Malcolm Hunt recommending managing noise from helicopter landing areas in accordance with guidance contained in NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*, this performance standard is recommended to change substantially. This guidance represents best practice, and adoption of it would be consistent with district plans across the country. The limit on helicopter flight movements is recommended to change from a maximum of 10 landings per year to 10 per month. Landings are also no longer recommended to only occur during daylight hours.
30. Similarly, under section 4.3.12 of this report, the noise performance standard is recommended to change to align the construction activity noise limits table with those contained in the NZ Standard NZS6807:1994. Noise limits are proposed in this performance standard for helicopter noise.

31. The third substantive change recommended, discussed under section 4.3.16, includes increasing the maximum size of election signs on sites outside of the road reserve. The 2GP currently proposes election signs within the road reserve to be permitted up to 3m², and outside of the road reserve (such as on private residential land), up to 1m². The recommended amendment is to permit election signs on all sites up to 3m². The rationale for permitting a smaller size of 1m² for signs outside of the road reserve was to minimise the effects of large signs on neighbourhood character and amenity. Character and amenity can be adversely affected by large signs distributed along the streetscape, usually in intense and eye-catching colours. Another reason is to minimise any adverse effects on the safety and efficiency of the transport network, as arguably the larger the sign, the more it is a distraction to road-users. David Clark's Campaign (OS1083.1) however submitted that these considerations do not sufficiently outweigh one's right to exercise freedom of speech through displaying large election signs and represents an unjustified limitation on private property rights. The National Party further submitted (FS2340.3) in support of this submission to increase the maximum size to 3m², but opposed the suggestion in David Clark's Campaign's submission to maintain a variation in maximum size but only have the more restrictive limitations apply to state highways, and high-speed roads rather than urban or suburban areas.
32. The fourth substantive recommended change (discussed in section 4.3.21) relates to special information requirement provisions, , which require a noise management plan to be prepared with a resource consent application for non-compliance with the noise performance standard for military exercises. The recommended change relates to using the correct unit of measurement for the noise limits and referring to the correct performance standard. It is recommended changing the reference to the performance standard in Rule 4.11.1 from Rule 4.5.4.4 (Noise – Military exercises) to Rule 4.5.6 Setbacks (military exercises) performance standard. This performance standard regulates military exercises using explosives or the live firing of weapons and requires setbacks from buildings housing noise sensitive activities. It is recommended that a noise management plan is required where this performance standard is contravened.

5.0 Provision by Provision assessment and recommendations

4.3.1 Definition - Military Exercises

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS583.2	New Zealand Defence Force	I support the provision	Retain definition of Military Exercise.	Accept	Retain definition of military exercise without amendment.
<p>Discussion:</p> <p>Military Exercises are an activity definition in Section 1.5.1 of the 2GP. They are defined as: "The temporary use of land and buildings for military training activities carried out pursuant to the Defence Act 1990". They fall into the temporary activities category in the nested tables.</p> <p>The New Zealand Defence Force (OS583.2) supports this definition because it identifies military training activities as separate from other temporary activities, and is consistent with the definition included in many other District Plans. This support is noted and I recommend that the definition is retained as notified.</p> <p>Recommended amendment: None.</p>					

4.3.2 Definition - Temporary Activities

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS945.4	New Zealand Fire Service Commission	I support the provision	Retain definition of temporary activities.	Accept in Part	Retain definition subject to any changes made in response to OS457.9 which is being considered under Network Utilities and

					seeks addition of temporary utilities to the list of temporary activities.
Discussion: The New Zealand Fire Service Commission (OS945.4) supports the definition of temporary activities, which includes 'temporary events' as a sub-activity, because it includes 'emergency response organisation training'. Emergency response organisation training is a sub-activity of temporary events, which is included under the temporary activities category. This support is noted and I recommend that the definition is retained as notified.					
Recommended amendment: N one.					

4.3.3 Definition - Temporary Events

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS583.4	New Zealand Defence Force	I seek to have the above provision amended	Amend definition of Temporary Events to add military exercises to the list of activities excluded from this definition.	Accept	Amend the definition as shown below.
OS945.3	New Zealand Fire Service Commission	I support the provision	Retain definition of temporary events.	Accept in Part	Retain definition of temporary event subject to any changes made in response to OS583.4 which seeks the addition of military exercises to the list of activities excluded from this definition.
Discussion:					

Background

Temporary events are a sub-activity of temporary activities in the 2GP and defined as:

"An event of limited duration occurring on a site where it is not part of the day-to-day purpose and function of the site.

This definition includes temporary buildings and structures associated with the temporary event, including any ancillary mobile trading.

Examples are: galas, carnivals, market days, fairs; concerts, entertainment events; trade fairs or displays; pyrotechnics; fundraisers; promotional, community, recreation, or ceremonial events; A & P shows; emergency response; and organisation training.

This definition excludes activities defined as sport and recreation, conference meeting and function, and entertainment and exhibition".

Temporary events are managed at two different scales - small and large scale.

Submissions

The New Zealand Defence Force (NZDF) (OS583.4) requests that the definition of temporary events is amended to exclude military exercises. NZDF consider that it is appropriate to exclude military exercises from this definition as military exercises are materially different from the example of events listed under this definition.

I note that military exercises and temporary events are both sub-activities of temporary activities, as outlined in in section 2.1 of this report. Military exercises are therefore not included in the definition of temporary events and have their own definition. I consider that amending the definition of temporary events to expressly exclude military exercises would be consistent with the approach taken in the 2GP and may provide additional clarity. For these reason I recommend that the definition of temporary events is amended as shown below.

The New Zealand Fire Service Commission (OS945.3) support the definition of temporary events as notified. They support the definition because of the inclusion of emergency response organisation training in the activity category and the separation of small and large scale temporary events to manage the anticipated level of effects. These aspects of the definition would not change with the amendment suggested by the New Zealand Defence Force (OS583.4). I recommend that the New Zealand Fire Service Commission is accepted in part, subject only to the amendment for clarification discussed above.

Recommended definition amendment:**Temporary Events**

An event of limited duration occurring on a site where it is not part of the day-to-day purpose and function of the site.

This definition includes temporary buildings and structures associated with the temporary event, including any ancillary mobile trading.

Examples are:

- galas, carnivals, market days, fairs
- concerts, entertainment events
- trade fairs or displays

- pyrotechnics
- fundraisers
- promotional, community, recreation, or ceremonial events;
- A & P shows
- emergency response organisation training.

This definition excludes activities defined as military exercises, sport and recreation, conference meeting and function, and entertainment and exhibition.

Temporary events are managed at two different scales - small and large scale.

4.3.4 Definitions - Temporary Events - Small Scale

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS945.6	New Zealand Fire Service Commission	I support the provision	Retain definition of Temporary events - small scale.	Accept	Retain definition of temporary events - small scale without amendment.
<p>Discussion:</p> <p>Background Temporary events are divided into large scale and small scale, according to the maximum attendance of people.</p> <p>Temporary events – small scale are defined in Section 1.5.1 of the 2GP as follows: “Temporary events with a maximum daily attendance of no more than 1500 people”.</p> <p>Submissions The New Zealand Fire Service Commission (OS945.6) support the definition of temporary events – small scale as notified. They support the definition because of the inclusion of emergency response organisation training activities by the Fire Service would fall into this category and consider the separation of small and large scale temporary events to manage the anticipated level of effects appropriate. I recommend that the definition of temporary events - small scale is retained as notified.</p> <p>Recommended amendment: None.</p>					

4.3.5 Definitions - Mobile Noise Sources

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS583.3	New Zealand Defence Force	I support the provision	Retain definition of Mobile Noise Sources.	Accept	Retain definition of mobile noise sources without amendment.
<p>Discussion:</p> <p>Background Mobile noise sources are defined in Section 1.5.1 of the other definitions as follows:</p> <p>"For the purpose of military exercises, includes noise from sources such as:</p> <ul style="list-style-type: none"> • personnel • light and heavy vehicles; • self-propelled equipment • earthmoving equipment. <p>This definition excludes firing of weapons and use of explosives".</p> <p>Submissions The New Zealand Defence Force (OS583.3) supports this definition because they consider it reflects the national approach to temporary military training activities. The submitters support is noted and I recommend that this definition is retained as notified.</p> <p>Recommended amendment: None</p>					

4.3.6 Objective 4.2.1 and related policies

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
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OS308.113	University of Otago	I seek to have the above provision amended	Amend Objective 4.2.1 to enable temporary activities and explicitly recognise the benefits of them.	Reject	Do not amend Objective 4.2.1 as requested.
OS583.7	New Zealand Defence Force	I seek to have the above provision amended	Amend Objective 4.2.1 to remove or rephrase clause (c) as it is not appropriate for consideration to be given to zone or overlays.	Reject	Amend Objective 4.2.1 as shown below.
OS945.13	New Zealand Fire Service Commission	I support the provision	Retain Objective 4.2.1.	Accept in part	Amend Objective 4.2.1 as shown below.
OS583.6	New Zealand Defence Force	I support the provision	Retain Policy 4.2.1.1.	Accept	Retain Policy 4.2.1.1 without amendment.
OS322.65	KiwiRail Holdings Limited	I support the provision	Retain Policy 4.2.1.1	Accept	Retain Policy 4.2.1.1 without amendment.

Discussion:

Background

Objective 4.2.1 is the sole objective in the Temporary Activities Section. It states:

"Temporary activities are enabled while:

- (a) minimising, as far as practicable, any adverse effects on the amenity and character of the zone;
- (b) ensuring any adverse effects on people's health and safety are minimised; and
- (c) meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which it is located."

It contains three related policies, as follows:

Policy 4.2.1.1: "Require temporary activities to be designed and operated to minimise adverse effects on: the amenity of surrounding properties; people's health and safety; and the safety and efficiency of the transport network."

Policy 4.2.1.2: "Require temporary signs to be located and designed to minimise adverse effects on: streetscape amenity; and the safety and efficiency of the transport network."

Policy 4.2.1.3: "Only allow temporary events - large scale and filming - large scale where they are located and operated to ensure adverse

effects on amenity and the transport network can be avoided or, if avoidance is not possible, adequately mitigated."

Submissions

Submitter OS308.113

The University of Otago (OS308.113) seeks to amend Objective 4.2.1 and associated policies to enable temporary activities and explicitly recognise the benefits temporary activities can provide. They reason that while Objective 4.2.1 states this section is enabling, the policies are restrictive.

The objective, however, will not be considered in isolation of its policies. When assessing all activities and performance standard contraventions in the assessment sections, explicit reference is always made to the objective and one of its policies. As per the 2GP drafting protocol, the objective is intended as the desired end-state, while the relevant policies outline the 'course of action' or most appropriate implementation of achieving this end-state (or objective). In this instance, the 'end-state' is that temporary activities are enabled, while the policies outline the most appropriate way to achieve this – by minimising and mitigating adverse effects on specific environments that may be affected. The Plan Overview Report (Section 4.8) discusses the objectives and policies drafting protocol used. I consider that while the policies may not list the specific positive contribution of temporary activities, the ultimate end-state (the objective) is positive and the policies are interpreted and considered in light of this. Some positive effects of temporary activities are also referred to in the introduction to the Temporary Activities section. I therefore do not recommend any amendment to Objective 4.2.1 or its policies in response to this submission.

Submitter OS945.13

The New Zealand Defence Force (NZDF) (OS583.7) requests the deletion of clause (c) of Objective 4.2.1. The submitter reasons that clause (c) requires consideration of the relevant overlay, scheduled site or mapped area, which they believe is of little relevance to temporary military training activities.

The majority of activities in this section are permitted activities and no assessment criteria is provided for permitted activities (except where rules are contravened), therefore no reference to Objective 4.2.1 is made. I consider it therefore may not be necessary to include reference to provisions in these areas and therefore recommend amending the objective as requested.

Submitter OS945.13

The New Zealand Fire Service Commission (OS945.13) supports Objective 4.2.1, in particular, the requirement that adverse effects are minimised when undertaking temporary activities. The submitter's support is noted and I recommend that the objective is retained as notified.

Policy 4.2.1.1

Both the New Zealand Defence Force (OS583.6) and KiwiRail Holdings Limited (OS322.65) support Policy 4.2.1.1. Their support is noted, no amendment is required.

Recommended amendment:

Objective 4.2.1

Temporary activities are enabled while:

- a. minimising, as far as practicable, any adverse effects on the amenity and character of the zone;
- b. ensuring any adverse effects on people's health and safety are minimised; and
- c. ~~meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which it is located.~~

4.3.7 Temporary Activities Rules

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS308.495	University of Otago	I seek to have the above provision amended	Clarify that Campus activities within the Campus Zone are not required to meet Rules 4.3 - 4.11.	Accept in part	Do not amend rules as requested. Amend Campus definition.
-- FS2448.27	Otago Polytechnic	I support the submission	Support OS308.495. Allow submission.	Accept in part	Do not amend rules as requested. Amend Campus definition.

Discussion:

Background

The major facility zones sections contain rules, objectives and policies tailored to the major facility activities that take place in these zones. Campus activities are defined widely to cover the broad range of activities undertaken by the University of Otago and Otago Polytechnic. They are defined as follows: "The use of land and buildings by the University of Otago or the Otago Polytechnic, in the Campus Zone, for the provision of teaching, training, learning, and research; and any ancillary activities associated with the functioning of these institutions, including: laboratories; libraries; joint venture facilities; administrative service; staff and student facilities, including student and staff employment, health and well-being support services, student union offices, student and staff clubs and organisations".

This Campus Activities definition does not exclude activities that are otherwise defined as temporary activities, thus the intention is it includes temporary activities for the purposes stated in the definition. Activities that do not meet the definition of Campus Activities, that is, activities that

are not for the provision of teaching, training, learning, research or any ancillary activities associated with the functioning of these institutions, are intended to be captured by the temporary activities rules and will be required to comply with the rules contained in the temporary activities section.

Submissions

The University of Otago (OS308.495) requests that it is clarified that Campus activities are not required to meet the Temporary Activities rules. They reason that the operation of the University involves many temporary activities and events, and the controls contained in the temporary activities section would be unwarranted if applicable to them. The Otago Polytechnic (FS2448.27) supports this submission as the Otago Polytechnic operations also involve temporary activities and events. They consider that any potential associated adverse effects can be adequately managed without a requirement for planning regulation where temporary activities are contained to the Campus Zone.

I consider it inappropriate to more broadly exempt temporary activities (not associated with campus activity) from the temporary activities if they occur in the Campus zone as requested by these submitters. The rules in this section are unlikely to apply to many activities on Campus, as most events would fall into the Campus activities definition, and this was certainly the intention of the Campus definition. Where they do not, such as where the use of land and buildings by the University of Otago or the Otago Polytechnic, in the Campus Zone, is not for the provision of the types of activities listed in the Campus Activities definition, I consider it appropriate that they are subject to the same rules temporary activities outside of the Campus Zone are subject to.

If the Panel wishes to make it clearer in the 2GP that Campus-related temporary activities are covered by the definition of Campus as outlined above, the definition of Campus Activities could specify that the activity includes any temporary activities that otherwise meet the definition of campus activities. The suggested amendment is shown below.

Recommended amendment:

Campus

The use of land and buildings by the University of Otago or the Otago Polytechnic, in the Campus Zone, for the provision of teaching, training, learning, and research; and any ancillary activities associated with the functioning of these institutions, including:

- laboratories
- libraries
- joint venture facilities
- administrative services
- staff and student facilities, including student and staff employment, health and well-being support services, student union offices, student and staff clubs and organisations; and
- any temporary activities that otherwise meet this definition.

4.3.8 Rule 4.3 Activity Status

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS583.8	New Zealand Defence Force	I support the provision	Retain Rule 4.3.1.1.	Accept	Retain Rule 4.3.1.1 without amendment
Discussion: The New Zealand Defence Force's (OS583.8) support is noted. No amendment is required.					
Recommended amendment: None.					

4.3.9 Rule 4.3.2 Activity status table - temporary activities

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS322.66	KiwiRail Holdings Limited	I support the provision	Retain Rule 4.3.2.2 (Construction) as a permitted activity.	Accept	Retain Rule 4.3.2.2 without amendment
OS583.10	New Zealand Defence Force	I support the provision	Retain Rule 4.3.2.6 (Military exercises) as a Permitted activity.	Accept	Retain Rule 4.3.2.6 without amendment
OS945.14	New Zealand Fire Service Commission	I support the provision	Retain Rule 4.3.2.9 (Temporary events - small scale) as a permitted activity	Accept	Retain Rule 4.3.2.9 without amendment
Discussion: KiwiRail Holdings Limited (OS322.66) and the New Zealand Defence Force's (OS583.10) support is noted. No amendment is required.					
Recommended amendment:					

None.

4.3.10 Rule 4.3 Activity Status > Note 4.3A - Other requirements outside the District Plan

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS881.46	New Zealand Transport Agency (NZTA)	I seek to have the above provision amended	Amend Rule 4.3, Note 4.3A Other Requirements outside the District Plan by adding a new note as follows: <u>7. Permission must be obtained from the NZ Transport Agency for all temporary activities on State highway road reserve.</u>	Accept	Amend Rule 4.3, Note 4.3A as shown below
<p>Discussion:</p> <p>Background Note 4.3A specifies other requirements outside the District Plan, such as where permission of other organisations or departments of DCC may be required, or where bylaws or Acts may apply, in addition to any resource consent requirements.</p> <p>Submission The New Zealand Transport Agency (OS881.46) seeks the inclusion of a note indicating their permission must be obtained for all temporary activities on state highway road reserve as they are the road controlling authority. I recommend that this amendment be made.</p> <p>Recommended amendment: Amend Rule 4.3, Note 4.3A as follows: <u>7. Permission must be obtained from the NZ Transport Agency for all temporary activities on state highway road reserve.</u></p>					

4.3.11 Rule 4.5.3 Maximum Duration, Frequency, and Site Restoration Performance Standard > Rule 4.5.3.3 Helicopter Landings

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS583.11	New Zealand Defence Force	I seek to have the above provision amended	Amend Rule 4.5.3.3 (duration and frequency of helicopter landings) to exclude helicopter landings associated with temporary military training activities. Alternatively, if this is not done, reference standard NZS6807: 1994 Noise Management and Land Use Planning for Helicopter Landing Areas.	Accept in part	Amend Rule 4.5.4.5 as shown below.
OS881.47	New Zealand Transport Agency (NZTA)	I seek to have the above provision amended	Amend Rule 4.5.3.3 Helicopter Landings by adding additional criteria as follows: <u>d. Where helicopter landing sites are visible from State Highways: (i) they shall be no closer than 500 metres from the edge line of the highway. (ii) helicopters shall achieve a minimum altitude of 150 metres when crossing air space that is within the road reserve.</u> Make any other consequential amendments as required.	Reject	Do not amend Rule 4.5.3.3 as requested.
--FS2287.4	New Zealand Defence Force	I oppose the submission	Oppose OS881.47. Disallow submission and in addition exempt helicopters for temporary military training activity under Rule 4.5.3.3.c and refer to NZS6807: 1994 Noise Management and Land Use Planning for Helicopter Landing	Accept in part	Amend Rule 4.5.4.5 as shown below.

			Areas.		
OS917.13	Southern District Health Board	I seek to have the above provision amended	Amend Rule 4.5.3.3 by change the heading to ' <u>Helicopter movements</u> '; by in paras a to c replace 'landings' with ' <u>movements</u> '; by amending para a: '10 landings <u>20 movements</u> ' (if the number of flights is un-amended); and by in para c inserting: 'rescue <u>other than at permanent bases or landing areas</u> '.	Accept in part	Amend Rule 4.5.3.3 as shown below.
--FS2287.3	New Zealand Defence Force	I support the submission	Support OS917.13 (in part). Allow submission in regards to changing 'landing' to 'movement'.	Accept	Amend Rule 4.5.3.3 as shown below.
--FS2287.7	New Zealand Defence Force	I oppose the submission	Oppose OS917.13 (in part). Disallow submission in regards to amendments sought to Rule 4.5.3.3.c.	Accept	Amend Rule 4.5.3.3 as shown below.
--FS2378.8	Port Otago Limited	I support the submission	Support OS917.13 (in part). Allow submission in regards to requests to change 2GP provisions to ensure that New Zealand Noise Standards are correctly referred to.	Accept	Amend Rule 4.5.4.5 as shown below.

Discussion:

Background

Rule 4.5.3.3 includes the performance standards for helicopter landings. Helicopter landings associated with temporary activities have restrictions on the time and frequency of landings in order to minimise effects on the amenity of the surrounding sites and on health and safety, with rules that are still flexible enough to allow one off events or occurrences. Helicopter landings for emergencies, associated

with emergency services, or if meeting the noise standards of the zone, are exempt from complying with the rules.

Permanent landing sites (heliports) are managed as discretionary activities within the Transportation section of the 2GP.

Expert advice from Malcolm Hunt on the submissions (Noise and Vibration Review, May 2016) has been incorporated into the discussions and assisted with the recommendations below.

Submissions

Inclusion of NZ standards for helicopter noise

The New Zealand Defence Force (NZDF) (OS583.11) seeks exemption from Rule 4.5.3.3 as they consider the proposed limits are arbitrary and not effects-based, or alternatively request reference to NZS 6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*. The NZDF consider helicopter landings may take place in association with temporary military training activities, and it is appropriate that these activities be provided for consistently with temporary military training activities provisions.

Expert advice from Malcolm Hunt recommends managing noise from helicopter landing areas in accordance with the guidance set out within NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*. This standard represents best practice being the culmination of work by experts in the areas of noise effects and in the use of helicopters and aviation matters and has been adopted widely within other district plans in New Zealand. Rule 4.5.3.3(a) allows for a limited number of movements at a site, however Mr Hunt recommend inclusion of noise restrictions on helicopter movements based on the wording of clause 1.1.1 of NZS6807:1994. I recommend these changes be made in a new helicopter rule as shown below.

As a consequence of referring to NZS6807:1994, Mr Hunt recommends deleting Rule 4.5.3.3(c)(ii) which refers to noise standards in the relevant zone where the temporary activity is occurring. This is because NZ Standard NZS6802:2008, which is proposed as a basis of assessing compliance with noise performance standards applying in each zone, does not apply to the assessment of sound where the source is within the scope of, and subject to, the application of other New Zealand acoustical standards. In particular, assessment of specific sources of sound including road or rail transport, flight operations of fixed or rotary winged aircraft associated with airports or helicopter landing areas. Mr Hunt, therefore, recommends deleting Rule 4.5.3.3(c)(ii) as this would contravene the recommendations of NZS6802:2008. As the recommendation for inclusion of reference to NZS6807:1994 in Rule 4.5.4.5 applies, an appropriate LAFMax decibel noise limits for daytime and night time, Mr Hunt also considers noise effects of helicopter movements would be adequately controlled and recommends Rule 4.5.3.3(c)(ii) and Rule 4.5.3.3(b) be deleted.

I, therefore, recommend amending the 2GP as suggested as the alternative option in the submission.

Helicopters in proximity to state highways

The New Zealand Transport Agency (NZTA) (OS881.47) seeks to have rules restricting the proximity of helicopter movements and landings to the state highway for safety reasons. NZTA considers helicopters have the potential to distract state highway motorists, thereby, affecting the

safety and efficiency of the state highway. The main causes of distraction are the proximity and visibility of the landing site to the state highway, and the flight path and altitude of the aircraft when they cross the state highway. This potential effect can be minimised by requiring such activities to achieve a minimum setback from the road and a minimum altitude when crossing the state highway.

The New Zealand Defence Force (FS2287.4) oppose this submission and in addition seeks exemption from Rule 4.5.3.3 and reference to NZS 6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*. These additional aspects requested are addressed in their original submission (OS583.11).

While the 2GP can control helicopter movements (landings and departures) for amenity (noise) reasons, I do not consider it is the place of the 2GP to manage helicopter movements purely for safety reasons, as this would be a factor that the Civil Aviation Authority of New Zealand are responsible for. I, therefore, do not recommend any amendments in response to NZTA (OS881.47).

Helicopter movements and exclusions from rules

The Southern District Health Board (OS917.13) request amendments in the terminology in Rule 4.5.3.3 to refer to helicopter movements rather than landings, and request amendment of Rule 4.5.3.3.c so permanent helicopter bases or landing areas are required to meet these rules (i.e. specifically excluded from exemption rules). The Southern District Health Board are concerned about permanent landing sites not being able to meet noise standards in various zones and how helicopter noise will be measured, and suggests including references to the relevant New Zealand standards. The New Zealand Defence Force (FS2287.3) support the change in terminology but oppose (FS2287.7) the change to Rule 4.5.3.3.c.

The use of the term movements makes the terminology consistent with the relevant New Zealand standards and Environment Court decisions. I consider excluding permanent landing sites from the exemption to comply with Rule 4.5.3.3 would effectively require permanent landing sites to meet the temporary activity rules. Permanent landing sites are considered to be heliports and are managed in the Transport section of the 2GP. Heliports are a discretionary activity and there is no requirement for them to meet noise performance standards as these would be addressed in the resource consent. I, therefore, recommend that changes be made to the terminology and not be made to Rule 5.4.3.3.c as requested by the Southern District Health Board (OS917.13). This results in the recommendation to accept the New Zealand Defence Force submissions (FS2287.3 and FS2287.7).

Port Otago Limited (FS2378.8) support the Southern District Health Boards submission (OS917.13) in regards to ensuring New Zealand noise standards are correctly referred to. The changes recommended below incorporate the relevant standards into the 2GP.

The recommendations below incorporate requests from submissions, expert advice, and detail contained in NZ6807:1994.

Recommended amendment:

Amend Rule 4.5.3.3. as follows:

Rule 4.5.3.3 Helicopter ~~Landings~~ Movements

- ~~a. Helicopter landings must not exceed 10 landings on the same site within any calendar year, except two days of unlimited landings on the same site are allowed within any calendar year.~~
- ~~b. Helicopter landings must only occur during daylight hours.~~
- ~~c. The following activities are exempt from this standard:~~
 - ~~i. helicopter landings for emergencies by police, fire service, ambulance, or for search and rescue; and~~
 - ~~ii. helicopter landings that meet the noise performance standards for the relevant zone.~~

- a Sites may be used as helicopter landing areas for up to ten (10) flight movements in any month.
- b Helicopter landings for emergencies by police, fire service, ambulance, or for search and rescue are exempt from this standard

Add new Rule 4.5.4.5 as follows:

Rule 4.5.4.5 Helicopters

- a. The use of helicopter landing sites must not result in a maximum sound level (LAFMax) exceeding 70 dB at night time (10pm to 7 am) or 90 dB during daytime (7am to 10 pm) within any site in a residential zone or within the notional boundary to any noise sensitive activity in the rural zone, rural residential zone or Ashburn Clinic zone.
- b. Helicopter noise will be measured and assessed in accordance with NZS6807:1994 Noise Management & Land Use Planning For Helicopter Landing Areas.
- c. Helicopter landings for emergencies by police, fire service, ambulance, or for search and rescue are exempt from this standard

Add new note under Rule 4.5.4.5 Helicopter landings as follows:

Note 4.5A– Copyright information

For Rule 4.5.4.5

- a. From NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas by permission of Standards New Zealand under licence XX

Add new note under Rule 4.5.4 Noise as follows:

Note 4.5C – Other relevant District Plan provisions

- 1. Rule 4.5.3.3 Helicopter movements - contains noise provisions relevant to temporary helicopter movements.

Consequential changes
Change label of existing Note ~~4.5A~~ in Rule 4.5.4 to read 4.5B

4.3.12 Rule 4.5.4 Noise Performance Standard

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS322.67	KiwiRail Holdings Limited	I support the provision	Retain Rule 4.5.4.1.	Accept in part	Retain Rule 4.5.4.1 subject to amendments requested in OS917.11 to make it more consistent with the NZ standards.
OS583.12	New Zealand Defence Force	I support the provision	Retain Rule 4.5.4.4.	Accept	Retain Rule 4.5.4.4 without amendment.
OS583.15	New Zealand Defence Force	I support the provision	Retain Rule 4.5.4.2.	Accept	Retain Rule 4.5.4.2 without amendment.
OS917.11	Southern District Health Board	I seek to have the above provision amended	Amend Rule 4.5.4 (noise) as follows: Insert para: <ul style="list-style-type: none"> '<u>Sound in this section shall unless stated otherwise be measured in accordance with NZS 6801:2008 and assessed in accordance with ... NZS 6802:2008 Acoustics – Environmental Noise</u>' 	Accept in part	See discussion below.

			<ul style="list-style-type: none"> • After the heading 'Noise' on a new line insert: <u>'In this section shall unless stated otherwise be measured in accordance with NZS 6801:2008 and shall be assessed in accordance with NZS 6802:2008.'</u> • Remove 4.5.4.1 a (including the table) and insert <u>'4.5.4.1 Construction a. Construction activity must not exceed the limits in Table 1 when measured and assessed in accordance with NZS6803:1999 Acoustics —Construction noise.'</u> Insert table from NZS6803:1999 as per Table 1 on page 12 of Public Health South's submission. • Add a new para: Helicopter noise: <u>'Helicopter noise shall be measured and assessed in accordance with NZS 6807:1994. Sound measurement systems for long term monitoring must conform with parts 2 and 3 of NZS 6805:1992, and all instrumentation and methods of measurement must comply with NZS</u> 		
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			<u>6801:2008 substituted in both NZS 6805 and NZS 6807 for NZS 6801:1991.'</u>		
--FS2378.7	Port Otago Limited	I support the submission	Support OS917.11 (in part). Allow submission in regards to requests to change 2GP provisions to ensure that New Zealand Noise Standards are correctly referred to.	Accept	See discussion below.

Discussion:

Background

Rule 4.5.4 contains noise standards that apply to temporary activities, including construction, temporary events, filming, and military exercises.

Expert advice from Malcolm Hunt on the submissions (Noise and Vibration Review, May 2016) has been incorporated into the discussions and assisted with the recommendations below.

Submissions

The New Zealand Defence Force's (OS583.12 and OS583.15) support is noted. No amendments to Rule 4.5.4.4 – Military Exercises and Rule 4.5.4.2 – Temporary Events are required.

Referencing NZ standards

The Southern District Health Board (OS917.11) requests:

- in bullet points 1 and 2: the addition of reference to relevant New Zealand Standards in regards to the measurement of sound;
- in point 3: the deletion and replacement of construction noise tables in accordance with a New Zealand Standard on Construction Noise; and
- in point 4: a new performance standard regarding measurement of helicopter noise.

Port Otago Ltd (FS2378.7) supports this submission to the extent that New Zealand noise standards are correctly referred to.

Based on the expert advice, I recommend that the amendment requested by the Southern District Health Board (OS917.11) to reference NZS6801.2008 *Acoustics – Measurement of Environmental Sound* and NZS 6802.2008 *Acoustics – Environmental Noise* be made.

The third point in this submission requests replacement of the table in Rule 4.5.4.1, which I recommend be accepted as it will be clearer and more consistent to use the tables straight from the standards.

With regard to the 4th point in the submission, amendments recommended above in relation to Rule 4.5.3.3 specify noise limits for temporary

helicopter movements that reflect NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas* are considered to be the most appropriate way to address helicopter noise. Expert advice received from Malcolm Hunt advises that temporary helicopter movements do not need to comply with the other standards suggested in the submission. In cases where Rule 4.5.3.3 cannot be complied with, resource consent will need to be applied for. Mr Hunt recommends Council adopt the guidance provided for within NZS6807:1994 for assessing these resource consents. I, therefore, suggest amendments to Rule 4.7.2.4 to incorporate the standard as an assessment matter. I also recommend applying the same assessment to Heliports, and therefore recommend amending Rule 6.11.3.4, which may also deal with some of the concerns raised by the Southern District Health Board (OS917.13) in Section 4.3.11 of this report.

Recommended amendment:

Amend Rule 4.5.4 as follows:

4.5.4 Noise

Sound in this section will, unless stated otherwise, be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

Amend Rule 4.5.4.1 as follows:

a. Construction activity must not exceed the following limits and will be measured and assessed in accordance with NZS6803:1999 Acoustics – construction noise:

Delete table in Rule 4.5.4.1 and replace with the tables 2 and 3 from NZS6803:1999. (see attached marked up section of 2GP)

e. For the purposes of Rule 4.5.4.1 "short-term duration" means construction work at any one location for up to 14 calendar days per project; "typical duration" means construction work at any one location for more than 14 calendar days but less than 20 weeks per project; and "long-term duration" means construction work at any one location with a duration exceeding 20 weeks per project.

Add new Rule 4.5.4.5

See amendments suggested in Section 4.3.11 above.

Amend Rule 4.7.2.4 as follows:

Relevant objectives and policies:

i.	Objective 4.2.1
ii.	Temporary activities are designed and operated in a way that minimises effects on: <ol style="list-style-type: none"> 1. the amenity of surrounding properties; and 2. people's health and safety (Policy 4.2.1.1).
Potential circumstances that may support a consent application include:	
iii.	The extension of duration or frequency will not result in unreasonable disturbance from extended periods of noise or vehicle movements.
<u>General assessment guidance:</u>	
iv.	<u>Helicopter movements will be assessed in accordance with the standards set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas</u>
Amend Rule 6.11.3.4 Assessment of discretionary transportation activities as follows:	
Heliports are located and designed to:	
a.	ensure the safety of users;
b.	maintain the amenity of the surrounding environment; and
c.	maintain or enhance the safety and efficiency of the overall transport network (Policy 6.2.1.5).
<u>Helicopter movements will be assessed in accordance with the standards set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.</u>	

4.3.13 Rule 4.5.5 Notice to DCC (Military Exercises)

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS583.13	New Zealand Defence Force	I support the provision	Retain Rule 4.5.5.	Accept	Retain Rule 4.5.5 without amendment
Discussion: The New Zealand Defence Force's (OS583.13) support is noted. No amendment is required.					
Recommended amendment: None.					

4.3.14 Rule 4.5.6 Setbacks (Military Exercises)

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS583.14	New Zealand Defence Force	I support the provision	Retain Rule 4.5.6.	Accept	Retain Rule 4.5.6 without amendment
Discussion: The New Zealand Defence Force's (OS583.14) support is noted. No amendment is required.					
Recommended amendment: None.					

4.3.15 Rule 4.5.7 Number, Location and Design of Temporary Signs

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS375.1	Regent Theatre	I seek to have the above provision amended	Amend Rule 4.5.7 (temporary signs) to strengthen the wording to ensure that publicly visible event promotion can enhance the city's vibrancy.	Reject	Retain Rule 4.5.7 without amendment.
Discussion: Background Rule 4.5.7 outlines the performance standards for the number, location and design of temporary signs. The performance standards include rules on the size of signs, maximum height, period of time a sign may be erected, and that signs are not to be illuminated, digital, or projected. Rules are provided for general signs, election signs, temporary event signs, real estate signs, and construction signs, to maintain amenity and safety. The Regent Theatre (OS375.1) seeks to strengthen Rule 4.5.7 to ensure that event promotion signs can enhance the city's vibrancy. It appears that the Regent Theatre wants the 2GP to encourage advertising /promotional signage for events and shows throughout the city. Rule 4.5.7 specifies requirements that signage must comply with in order to be a permitted activity. Rule 4.5.7.3 relates specifically to temporary event signs. The requirements in this rule include time limits and maximum areas for signs as well as restrictions on the font size of the names of sponsoring businesses. The Regent Theatre does not mention any aspect of these standards that they find to be onerous or overly restrictive and					

that could prevent temporary event signs from enhancing the city's vibrancy. Of the examples of event signs given by the Regent Theatre in their reasoning, the majority would be permitted in Dunedin under these proposed rules.

I do not consider it appropriate to amend Rule 4.5.7 to require signs to enhance the city's vibrancy. Vibrancy is not easy to measure, and as a result rules requiring vibrancy would be difficult to enforce. The Regent Theatre has not suggested a way in which the rules would specifically prevent vibrancy and I, therefore, recommend that the submission be rejected.

Recommended amendment:

None.

4.3.16 Rule 4.5.7 Number, Location and Design of Temporary Signs > 4.5.7.2 Election signs

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS881.48	New Zealand Transport Agency (NZTA)	I oppose the provision	Amend Rule 4.5.7.2.c.ii (Election signs) as follows: 'Signs must not exceed: A maximum area of 3m ² on DCC or New Zealand Transport Agency land within the road reserve'.	Accept	Amend Rule 4.5.7.2.c.ii, as shown below.
OS1083.1	David Clark's Campaign	I seek to have the above provision amended	Amend Rule 4.5.7.2.c.iii to make the size of election signs on private sites a maximum of 3m ² , or at the most, only have the restrictions in the 2GP apply to state highways, high-speed roads rather than urban or suburban areas.	Accept	Amend Rule 4.5.7.2.c.iii as shown below
--FS2340.2	New Zealand National Party	I oppose the submission	Oppose OS1083.1 (in part). Disallow submission in regards to suggestion in submission to restrict any limit on the size of election signs (if restrictions of	Accept	No amendment is required.

			1m ² retained in 2GP), to urban or suburban areas.		
--FS2340.3	New Zealand National Party	I support the submission	Support OS1083.1 (in part). Allow submission in part and make the election signs on private property a maximum of 3m ² .	Accept	Amend Rule 4.5.7.2.c.iii as shown below
OS1083.2	David Clark's Campaign	I seek to have the above provision amended	Amend Rule 4.5.7.2 (election signs) to limit commercially purchased election-advertising space.	Reject	No amendment is recommended.

Discussion:

Background

Election signs are defined in the 2GP as follows:

"A sign erected for a local body election by a candidate or group of candidates, or for parliamentary elections by any registered political party, independent or non-party affiliated candidate contesting a general election, by-election, or referendum".

Rule 4.5.7.2 contains performance standards to be met by election signage, including: the period signs may be erected (no more than 2 months prior to election day and must be removed by midnight prior to election day), height (2 metres above ground level), size (3m² on DCC or NZTA land within the road reserve and 1m² on all other sites), and number of signs on a site (maximum of one sign per site). The size limits for election signs as notified are consistent with the size limits for temporary event signage in Rule 4.5.7.3. A Note to plan-user has also been included in the 2GP specifying that landowner permission has to be sought for signs on DCC or New Zealand Transport Agency land.

Election signs are subject to the Electoral Act 1993 and the Electoral (Advertisements of a Specified Kind) Regulations 2005 ('the regulations'). The regulations contain rules about the shape, colour and size of 'advertisements of a specified kind'. These regulations capture advertisements of a specified kind up to 3m² in size as per their definition in clause 3 of the regulations.

The sizing limits contained in these regulations are found in clause 8 and apply to the letter sizing for roads controlled by NZTA only (clause 8(1)). They override the provisions of any other enactment or bylaw (clause 4 of the regulations).

Local authorities are responsible for regulating when, where, and how election signs can be displayed, but cannot contain provisions more restrictive or less restrictive than those contained in the regulations. The provisions contained in the 2GP are consistent with these regulations, except where an area on a site may be visible from a state highway, in which case, election signs may need to be larger than 1m² in order to comply with the regulations.

Reference to NZTA land

The New Zealand Transport Agency (OS881.48) seeks the deletion of the reference to signs on New Zealand Transport Agency Land within the road reserve. They oppose permitting signs up to 3m² in state highway road reserves. They note that while there are defined locations where signs may have little effect on the safety and efficiency of the roading network, they think that the blanket permission contained in this standard will confuse plan users in respect of having to obtain their consent.

Compliance with Rule 4.5.7.2 makes election signs a permitted activity across all zones. There is a risk that plan users will miss the Note to plan user and perceive that in complying with the District Plan, they do not have to meet any other requirements for permission to erect signage. The permitted activity status means there will be no opportunity for Council to reiterate this requirement through the resource consent process (if complying with the performance standards). I consider it appropriate to remove the reference to New Zealand Transport Agency land and rely on the Note to plan user to avoid any potential misinterpretation.

Increasing size of election signs outside the road reserve

David Clark's Campaign (OS1083.1) requests an increase in the size of election signs permitted to 3m², and suggests that if this increase in size was not to be applied to all areas, then a variation between urban and high speed areas may be acceptable. They argue that a reduction from 3m² for election signs on DCC land to 1m² on private property is an incursion of private property rights and is without sufficient justification. They also suggest that election signage on private property is consistent with one's democratic right to exercise freedom of speech.

The New Zealand National Party (NZNP) (OS2340.3) supports the increase in size suggested by David Clark's Campaign (FS2340.3) but opposes (FS2340.2) the suggestion of the increase in size only applying to some environments, such as high speed environments in the interest of public safety. They suggest that the maximum size proposed by the 2GP provisions may in fact hinder public safety. They conclude this because the font size required for public safety by the Electoral (Advertisements of a Specific Kind) Regulations 2005 (pursuant to the Electoral Act 1993) could not feasibly be met within the proposed 1m² maximum size.

The font size required by these regulations is only applicable to advertisements of a special kind on any road controlled by NZTA. NZTA only control state highways, therefore the font size requirements would only need to be met for areas where a state highway is visible (cl.8(1)(a), cl.8(1)(b) of the regulations). Furthermore, these regulations have only been made for the purpose of ensuring that an advertisement of a specific kind does not endanger the safety of road users, as per s267A(2)(a) of the Electoral Act 1993.

The principal issues with election signs is the proliferation of them on residential sites, which detracts from residential amenity, and the fact that, overall, they can be a distraction for road users, adversely impacting public safety. These adverse effects are, however, mitigated by the short and infrequent period for which they are erected (only once every three years for national government and local government elections). The operative District Plan allows for election signs up to 3m² on all sites across Dunedin. The DCC has specific sites advertised on the website where permission can be obtained to display a number of signs during the designated election advertising periods. These DCC sites have been deemed to be safe spaces to display a number of signs.

Taking these factors into account and the arguments submitted by David Clark's Campaign (OS1083.1) and the NZNP (OS2340.3), I consider it appropriate to amend the elections signs rules to allow for 3m² signs on all sites across Dunedin, as requested. Road user safety as raised in

David Clark's Campaign (OS1083.1) can be addressed by clarifying that Rule 4.5.7.2.b, allowing for one election sign per site, does not apply to the DCC or NZTA road reserve as this would be in conflict with the sites deemed to be safe areas for the proliferation of signs discussed above. I recommend that this rule is clarified to apply to residential sites that are not visible from state highways only, aligning the provisions with the existing permissions issued by the DCC for these sites.

Commercial advertising space

David Clark's Campaign (OS1083.2) requests that the amount of commercial advertising space that can be purchased should be aligned with the limits proposed in Rule 4.5.7.2 – Election signs. They are concerned that better resourced campaigners will be able to purchase more advertising spaces, such as billboards, subverting the 2GP provisions and "buying greater levels of free speech". Rule 4.5.7.2 applies to all election signs, including those on commercially purchased spaces (such as billboards). Resource consent would be needed for election signs that do not meet the dimensions and limits outlined in Rule 4.5.7.2. I do not consider it appropriate that the District Plan manages effects related to levelling the playing field for election campaigners in terms of advertising expenses. The rules apply to everyone; an attempt to undermine these rules would be an enforcement matter. Furthermore, the Electoral Act 1993 manages aspects of advertising expenses for election advertisements in order to keep this process transparent. I therefore do not recommend any amendment is made in response to this submission.

Recommended amendment:

Amend Rule 4.5.7.2 as follows:

4.5.7.2 Election signs

- a. Signs must be erected no more than two months prior to election day and must be removed by midnight prior to election day;
- b. Signs must not exceed a maximum number of one per site for any candidate or group of candidates for local authority elections, and one per site for any registered political party, independent or non-party affiliated candidate, for parliamentary elections; ~~and~~
- c. Signs must not exceed:
 - i. a maximum height of 2m above ground level; and
 - ii. maximum area of 3m² ~~on DCC or New Zealand Transport Agency land within the road reserve; or~~
 - iii. ~~1m² on all other sites.~~

4.3.17 Rule 4.5.7 Number, Location and Design of Temporary Signs > 4.5.7.3 Temporary event signs

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS881.49	New Zealand Transport Agency (NZTA)	I oppose the provision	Amend Rule 4.5.7.3.c.ii (Temporary events signs) as follows: A maximum area of: 1. 3m ² on DCC or New Zealand Transport Agency land within the road reserve.	Accept	Amend Rule 4.5.7.3.c.ii as shown below
<p>Discussion:</p> <p>Background Rule 4.5.7.3 contains the performance standards for temporary event signs, including: the time periods that signs may be displayed for, the permitted commercial component of signs, their maximum height and size, and the number of signs that can be displayed on a site. These rules were formulated in conjunction with relevant DCC departments with consideration of the effects on the safety of the transport network, and particularly road users.</p> <p>Submissions The New Zealand Transport Agency (NZTA) (OS881.49) seeks the removal of the reference to New Zealand Transport Agency land because NZTA opposes the proposal to permit temporary event signs of up to 3m² on state highway road reserve. While there are defined locations where such signs may have little effect on the safety and efficiency of the operation of the highway, it is for the NZTA to determine where these locations are, and it is not appropriate to have blanket permission across the City. While Note 4.5B does indicate that NZTA approval will be required separate to the consenting process, NZTA are concerned the inconsistency of messaging will lead to incorrect expectations for plan users and this should be addressed.</p> <p>I agree with the NZTA, that some confusion could occur, however, removing reference to NZTA as requested, would mean they are no longer able to give permission for this size sign, should they wish to do so. I consider that a better approach may be to provide additional clarity in the rule, in conjunction with the existing Note to plan user, and recommend the amendment as shown below.</p>					
<p>Recommended amendment:</p> <p>4.5.7.3 Temporary event signs</p> <ol style="list-style-type: none"> Signs must not be erected more than 21 days before an event and must be removed within 3 days of the completion of the event; Signs must be designed such that any names of sponsoring businesses are no more than 50% of the size of the font used for advertising the event; Signs must not exceed: 					

- i. a maximum height of 2m above ground level;
- ii. a maximum area of:
 - 1. 3m² on DCC or New Zealand Transport Agency land within the road reserve¹ or
 - 2. 1m² on all other sites; and
- iii. for signs outside the road reserve:
 - 3. only one sign is allowed to be displayed on a property at a time; and
 - 4. the total display time of all signs must not exceed 30 days in any calendar year.

¹ see Note 4.5B in relation to additional permissions required for the erection of signs on the road reserve.

4.3.18 Rule 4.6 Assessment of Controlled Activities (Performance standard contraventions)

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS583.26	New Zealand Defence Force	I support the provision	Retain Rule 4.6.2.	Accept	Retain Rule 4.6.2 without amendment
Discussion: The New Zealand Defence Force's (OS583.26) support is noted. No amendment is required.					
Recommended amendment: None					

4.3.19 4.7.2 Assessment of all performance standard contraventions

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS881.50	New Zealand Transport Agency (NZTA)	I support the provision	Retain Rule 4.7.2.5.b.iv	Accept	Retain Rule 4.7.2.5.b.iv without amendment
Discussion: The New Zealand Defence Force's (OS583.50) support is noted. No amendment is required.					
Recommended amendment: None					

4.3.20 4.8.2 Assessment of restricted discretionary activities

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS881.51	New Zealand Transport Agency (NZTA)	I support the provision	Retain Rule 4.8.2.1.a.iii	Accept	Retain Rule 4.8.2.1.a.iii without amendment
Discussion: The New Zealand Defence Force's (OS583.51) support is noted. No amendment is required.					
Recommended amendment: None					

4.3.21 Rule 4.11 Special Information Requirements > Rule 4.11.1 Noise management plan

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission	Accept/Reject/Accept in part	Staff Recommendation
OS917.12	Southern District Health Board	I seek to have the above provision amended	Amend Rule 4.11.1 as follows: 'All resource consent applications for military exercises which do not comply with Rule 4.5.4.4 must be accompanied by a noise management plan... The noise management plan must contain:... 2. a map showing potentially affected noise sensitive activities and predicted peak <u>LAeq(15 minute)</u> and <u>LAFmax</u> sound pressure levels for each of these locations...'	Reject	Do not amend Rule 4.11.1 as requested.
--FS2287.2	New Zealand Defence Force	I oppose the submission	Oppose OS917.12. Disallow submission and in addition amend Rule 4.11.1 to refer to Rule 4.5.6 instead of Rule 4.5.4.4 and	Accept in part	Amend Rule 4.11.1 as shown below.

			amend Rule 4.11.1.2 to read 'a map showing potentially affected noise sensitive activities and predicted <u>dBC</u> peak sound pressure levels for each of these locations and a programme for notification and communication with the occupiers of those sites prior to the activities commencing, including updates during the event'.		
<p>Discussion:</p> <p>Background</p> <p>Rule 4.11.1 sets out the special information requirements for resource consent applications where the noise performance standards for military exercises in Rule 4.5.4.4 are not met and states:</p> <p><i>"All resource consent applications for military exercises which do not comply with Rule 4.5.4.4 must be accompanied by a noise management plan prepared by a suitably qualified expert. The noise management plan must contain:</i></p> <ol style="list-style-type: none"> <i>1. description of the site and activity including times, dates, nature and location of the proposed training activities;</i> <i>2. a map showing potentially affected noise sensitive activities and predicted peak sound pressure levels for each of these locations and a programme for notification and communication with the occupiers of those sites prior to the activities commencing, including updates during the event;</i> <i>3. methods to minimise the noise disturbance at sites housing noise sensitive activities; and</i> <i>4. the method for following up any complaints received during or after the event, and any proposed debriefing meetings with the DCC."</i> <p>In paragraph (b) of the noise performance standard for military exercises (Rule 4.5.4.4.b), to which this special information requirement applies, the live firing of weapons, explosive events and the firing of blank ammunition are exempted. This is because a noise management plan must be provided to the DCC for these activities in all instances and this requirement is contained in Rule 4.5.5 Notice to DCC (Military Exercises) performance standard.</p> <p>Expert advice from Malcolm Hunt on the submissions (Noise and Vibration Review, May 2016) has been incorporated into the discussions and assisted with the recommendations below.</p> <p>Submissions</p> <p>The Southern District Health Board (SDHB) (OS917.12) requests amendment to Rule 4.11.1.2 to change the reference to sound levels terminology to be LAeq(15 minute) and LAFmax. The SDHB suggest that the terminology used is inconsistent with the metrics utilised. They</p>					

state that the phrase "peak sound pressure levels" referred to are appropriate for impulsive noise and LCpeak noise limits but inappropriate for noise limits.

Equivalent Continuous Sound Levels (LAeqs) are referred to, which are the preferred method to describe sound levels that vary over time. They request that the Maximum Peak Sound Level is referred to (LAFmax), as well as the LAeqs, which is the highest time-weighted sound level measured using a fast time constant and an A-weighted frequency.

The New Zealand Defence Force (NZDF) (FS2287.2) opposes the submission by the SDHB's (OS917.12). They suggest there is an inconsistency in the reference to Rule 4.5.4.4 regarding mobile noise sources, instead of Rule 4.5.6, which is the setback performance standard for military exercises involving weapons firing and/or the use of explosives from any building with noise sensitive activities. They suggest the noise management plans relates solely to weapons firing and/or use of explosives, where the required setback distances cannot be met and it is not appropriate for a noise management plan to be provided under Rule 4.5.4.4 (mobile noise sources) and therefore Rule 4.11 requires amendment to refer to Rule 4.5.6. The NZDF does not object to inserting units into Rule 4.11.1.2. however, the units must be the appropriate units for the type of noise occurring, in this case the appropriate unit is dBC as this unit is sensitive to both low-frequency rumble effects and high pressure peaks associated with detonations and weapons firing. The dBA frequency is more appropriate when measuring general noise.

I consider the NZDF (FS2287.2) is correct in the suggestion that applying the rule to activities that contravene Rule 4.5.6 is more appropriate than referring to Rule 4.5.4.4, as the mobile and fixed noise sources managed under Rule 4.5.4.4 are limited to levels just above the normal residential noise limits required in Rule 9.3.6, and requirements for a noise management plan are more appropriately applied to contravention of weapon firing and/or use of explosives levels managed under Rule 4.5.6. I therefore recommend amendments to change the reference from Rule 4.5.4.4 to Rule 4.5.6.

The submitters have requested inclusion of different abbreviations of noise level terms. Expert advice has been received from Malcom Hunt to assist in determining the appropriate terminology. Subsequent to publication of his report (Noise and Vibration Review, May 2016) and following his discussions with other experts and myself (providing clarification about other rules in the 2GP and the changes requested by NZDF (FS2287.2) to which section to reference in Rule 4.11.1), Mr Hunt suggests the changes outlined below, as he considers this to be the most appropriate terminology to use for the limits of weapons firing and use of explosives noise. Although these changes differ to that provided in Mr Hunt's report, based on his expert advice I recommend that Rule 4.11.1 be amended to refer to LCpeak sound pressure levels, and receiver locations.

Recommended amendment:

Amend Rule 4.11.1 as follows:

All resource consent applications for military exercises which do not comply with Rule ~~4.5.4.4~~ 4.5.6 must be accompanied by a noise management plan prepared by a suitably qualified expert. The noise management plan must contain:

1. description of the site and activity including times, dates, nature and location of the proposed training activities;
2. a map showing potentially affected noise sensitive activities and predicted LCpeak sound pressure levels for each of these receiver

locations and a programme for notification and communication with the occupiers of those sites prior to the activities commencing, including updates during the event;

3. methods to minimise the noise disturbance at sites housing noise sensitive activities; and

4. the method for following up any complaints received during or after the event, and any proposed debriefing meetings with the DCC.

6.0 Minor and inconsequential amendments

33. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
34. The following minor and inconsequential amendments relevant to this report are identified below and will be corrected.

Plan Section	Reason for amendment	Proposed amendment
1.5.1 – Activity definition of Temporary Events	A bulleted list does not need semi-colons.	Remove the semi-colons from the list at the end of each item.
1.5.1 – Activity definition of Temporary Activities	A bulleted list does not need semi-colons.	Remove the semi-colons from the list at the end of each item.
1.5.2 – Other definition of Mobile Noise Sources	A bulleted list does not need semi-colons.	Remove the semi-colons from the list at the end of each item.
4.3.2 – Activity status table	Incorrect reference to performance standard.	Change all references to “Maximum duration and site restoration” to “Maximum duration, frequency, and site restoration”

7.0 Index by submitter

David Clark's Campaign	32, 33
KiwiRail Holdings Limited	15, 19, 26
New Zealand Defence Force.....	8, 10, 11, 14, 15, 19, 21, 22, 26, 28, 30, 31, 37, 38, 39
New Zealand Fire Service Commission	10, 11, 13, 15, 19
New Zealand National Party.....	32, 33
New Zealand Transport Agency (NZTA)	20, 21, 22, 32, 36, 37, 38
Otago Polytechnic	17, 18
Port Otago Limited	22, 28
Regent Theatre.....	31
Southern District Health Board.....	22, 26, 28, 38, 39
University of Otago	15, 17, 18

8.0 Sections attached to report:

Report Section	2GP Section/Topic	Number of original submission points (OS) and Further submission points (FS)	Recommended amendment?	Marked up in Recommendation version of Eplan	In sections (s) attached to report
Definitions					
4.3.1	Military Exercises	1 OS Retain	No	N/A	N/A
4.3.2	Temporary Activities	1 OS Retain	No	N/A	N/A
4.3.3	Temporary Events	1 OS Retain 1 OS Amend	Yes	Yes	No
4.3.4	Temporary Events – small scale	1 OS Retain	No	N/A	N/A
4.3.5	Mobile Noise Sources	1 OS Retain	No	N/A	N/A
Objective and Policies					
4.3.6	Objective 4.2.1 and related policies	2 OS Amend 3 OS Retain	Yes	Yes	Yes
Rules					
4.3.7	4.3 Temporary Activities Rules	1 OS Amend 1 FS	Yes	Yes	No
4.3.8	4.3.1 Activity Status	1 OS Retain	No	N/A	N/A
4.3.9	4.3.2 Activity Status Table	3 OS Retain	No	N/A	N/A
4.3.10	Note 4.5B - Other Requirements outside of the District Plan	1 OS Amend	Yes	Yes	Yes
4.3.11	4.5.3.3 Helicopter Landings Performance standard	3 OS Amend 4 FS	Yes	Yes	Yes
4.3.12	4.5.4 Noise Performance Standard	3 OS Retain 1 OS Amend 1 FS	Yes	Yes	Yes
4.3.13	4.5.5 Notice to DCC (Military Exercises) Performance Standard	1 OS Retain	No	N/A	N/A
4.3.14	4.5.6 Setbacks (military Exercises) performance standard	1 OS Retain	No	N/A	N/A
4.3.15	4.5.7 Number, Location and Design of Temporary Signs Performance Standards	1 OS Amend	No	N/A	N/A
4.3.16	4.5.7.2 Election Signs performance standard	2 OS Amend 1 OS Oppose 2 FS	Yes	Yes	Yes
4.3.17	4.5.7.3 Temporary	1 OS	Yes	Yes	Yes

	Events Signs performance standard	Oppose			
Assessment					
4.3.18	Assessment of Controlled activities (performance standard contraventions)	1 OS Retain	No	N/A	N/A
4.3.19	Assessment of restricted discretionary activities (performance standard contraventions)	1 OS Retain	No	N/A	N/A
4.3.20	Assessment of Restricted Discretionary Activities	1 OS Retain	No	N/A	N/A
4.3.21	Special Information Requirements - Noise Management Plan	1 OS Amend 1 FS	Yes	Yes	Yes

Appendix One – Temporary Activities 2GP Section 4

3. Public Amenities

3.1 Introduction

Public amenities are structures and facilities established for the convenience, enjoyment, or amenity of the public, such as seating, barbecues, play equipment, and toilets. Public amenities also encompass other features that contribute to our experience or understanding of the environment or events in the area, such as artworks, monuments, memorials, and interpretation panels. They provide for community needs and contribute positively to streetscape amenity and public places, enhancing the use and attractiveness of these areas.

Public amenities have the potential to adversely effect amenity if they are of an inappropriate scale, and in some cases may be slightly controversial by their very nature.

In response to these issues the rules proposed in the Second Generation Plan (2GP) impose limits on scale or requiring consent. In order to enable public amenities to occur while managing effects on the amenity of surrounding sites and other users of public places.

3.2 Objectives and Policies

Objective 3.2.1	
Public amenities contribute positively to community well-being and streetscape amenity, while:	
a. minimising, as far as practicable, any adverse effects on the amenity of surrounding sites; and	
b. meeting the relevant objectives and policies for any overlay zone, scheduled site, or mapped area in which they are located.	
Policy 3.2.1.1	Provide for public amenities throughout the city.
Policy 3.2.1.2	Require public amenities to be designed and located to avoid significant adverse effects on the amenity of surrounding sites and streetscape amenity <u>so any adverse effects on the amenity of the surrounding area are avoided or, if avoidance is not possible, minimised as far as practicable {OS308.101}.</u>
Policy 3.2.1.3	Only allow public toilets and public display boards where significant adverse effects on surrounding sites will be avoided <u>any adverse effects on the amenity of the surrounding area are avoided or, if avoidance is not possible, minimised as far as practicable {OS308.101}.</u>
Policy 3.2.1.4	Only allow public artworks - large scale where:
a. it has positive effects for streetscape amenity; and	
b. significant adverse effects on surrounding sites will be avoided <u>any adverse effects on the amenity of the surrounding area are avoided or, if avoidance is not possible, minimised as far as practicable {OS308.101}.</u>	

Rules

Rule 3.3 Activity Status

3.3.1 Activity status introduction

1. The activity status table in Rule 3.3.2 shows the activity status of public amenities activities across all zones, provided any performance standards shown in the far right column are met. The activities in the public amenities category are listed in the nested table in Section 1.6.
2. Performance standards apply to permitted, and restricted discretionary activities.
3. If a permitted activity does not meet one or more performance standards, then the activity status of the activity will become restricted discretionary, unless otherwise indicated by the relevant performance standard.
4. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.

Legend

Acronym	Activity status
—	No additional provisions apply or not relevant
P	Permitted activity
RD	Restricted discretionary activity
Zone key	Zone/overlay name
Res	Residential Zone

3.3.2 Activity status table - public amenities activities

1.	Performance standards that apply to all public amenities activities			a. Buildings and structures located on or above the footpath b. Height in relation to boundary c. Light spill d. Setback from scheduled trees e. Noise f. Hazard overlay zones development standards g. <u>Signs on public amenities {OS908.87}</u>	
Public amenities activities		Activity status			Performance standards
		a. Res	b. All other zones	c. In a heritage precinct or on a scheduled heritage site	

2.	Public artworks - small scale painted on network utilities structures or bus shelters	P	P	—	
3.	All other public artworks - small scale	RD	P	RD (in Residential Heritage Precincts)	
4.	Public artworks - large scale	RD	RD	RD	
5.	Public display boards	RD	RD	RD	i. Maximum dimensions
6.	Public toilets	RD	RD	RD	i. Maximum height
7.	All other public amenities	P	P	—	i. Maximum height ii. Setback from national grid iii. Maximum dimensions

Note 3.3A - Other relevant District Plan provisions

1. Painting of unpainted scheduled heritage buildings and structures, and character-contributing buildings, is defined as additions and alterations to the building, and consent is required. See the additions and alterations rules within each zone.
2. Rule 11.3.1.1 restricts all buildings and structures in a **swale mapped area**.

Note 3.3B - Other requirements outside of the District Plan

1. Permission must be obtained for any public amenities on Dunedin City Council (DCC) land including reserves and roads, please contact 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. Permission must be obtained from the New Zealand Transport Agency for the erection of any public amenities within the state highway road reserve.

Note 3.3C - Other requirements outside of the District Plan

1. The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.
2. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites which may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites.

Note 3.3D - Other relevant District Plan provisions

1. Earthworks are managed through the management and major facilities zone sections.

Rule 3.4 Notification

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

Rule 3.5 Performance Standards

3.5.1 Buildings and Structures Located on or Above the Footpath

Public amenities must comply with Rule 6.7.2.

3.5.2 Height

3.5.2.1 Height in relation to boundary

Public amenities must comply with the performance standard for height in relation to boundary of the zone in which they are located.

3.5.2.2 Maximum height

The maximum height of public amenities must not exceed the following above ground level:

Public amenity	Maximum height
a. Public play equipment	9m
b. Freestanding flagpoles	9m
c. Public display boards	2m
d. Monuments and memorials	5m
e. All other public amenities	3m

3.5.3 Light Spill

Public amenities must comply with Rule 9.3.5.

3.5.4 Maximum Dimensions

1. For flat public display boards, the maximum area of all display faces is 3m², with no single display face exceeding 1.5m² in area.
2. The maximum diameter for bollards is 1m.
3. For place name signs, the maximum area of the display face is 2m².

3.5.5 Setback from National Grid

Public play equipment and freestanding flagpoles must comply with Rule 5.6.1.1.

3.5.6 Setback from Scheduled Tree

Public amenities must comply with Rule 7.5.2.

3.5.7 Noise

Public amenities must comply with Rule 9.3.6.

3.5.8 Hazard Overlay Zones Development Standards

3.5.8.1 Hazard exclusion area (swale mapped area)

Public amenities must comply with Rule 11.3.1.1.

3.5.9 Signs on Public Amenities {OS908.87}

1. Signs on public amenities are limited to signs containing information directly relevant to the purpose of the public amenity, including signs on bus shelters or stands that display information related to public transport products, services, and service changes.{OS908.87}

Rule 3.6 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 3.6.1 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 3.6.2 - 3.6.3:
 - a. list the matters Council will restrict its discretion to; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.

3.6.2 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, <u>site</u> specific factors including topography, make meeting the standard impracticable. c. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> d. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

3.6.3 Assessment of public amenities performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Buildings and structures located on or above the footpath	a. Effects on safety and efficiency of the transport network a. Effects on health and safety	See Rule 6.9 See Rule 9.4.3.1
2. <ul style="list-style-type: none"> Height in relation to boundary Maximum dimensions Maximum height 	a. Effects on amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 3.2.1 ii. Public amenities are designed and located to avoid significant effects on the amenity of surrounding sites and streetscape amenity <u>any adverse effects on the amenity of the surrounding area are avoided or, if avoidance is not possible, minimised as far as practicable {OS308.101}</u> (Policy 3.2.1.2). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. The public amenity must be designed or located to not impede pedestrian movement, distract drivers, or obstruct sightlines.
3. Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

Rule 3.7 Assessment of Restricted Discretionary Activities

Rule 3.7.1 Introduction

- 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.
- Rules 3.7.2 - 3.7.3:
 - list the matters Council will restrict its discretion to; and
 - provide guidance on how a consent application will be assessed, including:
 - relevant objectives and policies, with respect to s104(1)(b)(vi);
 - potential circumstances that may support a consent application;
 - general assessment guidance; and
 - conditions that may be imposed.
- Where a restricted discretionary activity does not meet a performance standard the following occurs:
 - if the contravention of the performance standard defaults to **restricted discretionary** (which is the case, unless otherwise indicated in the performance standard) then:
 - the activity, as a whole, will be treated as **restricted discretionary**;
 - the matters of discretion are expanded to include the areas of non-compliance with the performance standard;
 - the performance standard contravention will be assessed as indicated in Section 3.6; 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; and
 - iii. the assessment guidance in this section will also be considered.
- c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**;
 - ii. the performance standard contravention will be assessed as indicated in Section 3.8; and
 - iii. the assessment guidance in this section will also be considered.

3.7.2 Assessment of all public amenities activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
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1.	<ul style="list-style-type: none"> Public artworks - large scale Public artworks - small scale (residential zones only) 	a. Effects on amenity, and use and enjoyment of public spaces	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 3.2.1 ii. Public artwork has positive effects for streetscape amenity (Policy 3.2.1.4.a). iii. Significant aAdverse effects of public artworks on surrounding sites will be <u>are avoided or, if avoidance is not possible, minimised as far as practicable {OS308.101}</u> (Policy 3.2.1.4.b). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iv. In assessing the effects on amenity, Council will consider the appropriateness of the location and design, and in particular consider the following matters: <ul style="list-style-type: none"> 1. Artworks should not overly dominate a public space. 2. Artworks must use colours that are appropriate to the location and purpose of the artwork, with consideration of the context of the artwork. 3. The artworks must be made of robust materials and constructed to meet environmental conditions so they will maintain their physical integrity for the life of the artwork. 4. The artwork must be designed and located to not impede pedestrian movement or create concealment places, or significantly obstruct clear sightlines through public spaces. 5. Artworks must be culturally and socially sensitive so as to be inclusive of the wider community, and not present material that would be offensive or inappropriate. 6. Artworks must be located to avoid creating clutter in public spaces. 7. Illuminated artworks must not distract drivers or create nuisance effects for surrounding sites or other activities on the same <u>site</u> by having appropriate direction, movement, and intensity of light. 8. Artworks must not create sound that would be a nuisance to users of a public space, surrounding sites, or other activities on the same site. 9. Kinetic artworks must not distract drivers or be a nuisance to users of a public space, to surrounding sites, or other activities on the same site, as a result of movement or sound.
2.	Public display boards	a. Effects on amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 3.2.1 ii. Significant aAdverse effects of public display boards on surrounding sites are avoided <u>or, if avoidance is not possible, minimised as far as practicable {OS308.101}</u> (Policy 3.2.1.3).

3.7.2 Assessment of all public amenities activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. Public toilets	a. Effects on amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 3.2.1 ii. Significant Adverse effects of public toilets on surrounding sites are avoided <u>or, if avoidance is not possible, minimised as far as practicable {OS308.101}</u> (Policy 3.2.1.3). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Toilets are set back from side and rear boundaries with residential properties by an adequate distance to avoid effects on surrounding sites.

3.7.3 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 the ONF, ONL or SNL overlay zones: <ul style="list-style-type: none"> • Public artworks - large scale 	a. Effects on landscape values	See Rule 10.5
2. In the ONCC, HNCC or NCC overlay zones: <ul style="list-style-type: none"> • Public artworks - large scale 	b. Effects on natural character of the coast	See Rule 10.5
3. In a heritage precinct or on a scheduled heritage site: <ul style="list-style-type: none"> • Public artworks - large scale • Public display boards • Public toilets • Public artworks - small scale in a residential heritage precinct 	a. Effects on heritage streetscape and character	See Rule 13.6
4. In a wāhi tūpuna mapped area: <ul style="list-style-type: none"> • <u>Public artworks - large scale</u> • <u>Public display boards</u> • <u>Public toilets</u> 	a. Effects on <u>cultural values of Manawhenua.</u>	<u>See Rule 14.4 {OS1071.3}</u>

Rule 3.8 Assessment of Discretionary Activities

Rule 3.8.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 3.8.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent applications;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

3.8.2 Assessment of discretionary performance standards

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

Rule 3.9 Assessment of Non-complying Activities

Rule 3.9.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 3.9.2 provides guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.

3.9.2 Assessment of non-complying performance standards

Performance standard	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5dB LAeq (15 min) or more 	See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2. Setback from national grid	See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.1 and effects related to the efficient and effective operation of network utilities and public health and safety.

3.9.2 Assessment of non-complying performance standards

Performance standard	Guidance on the assessment of resource consents
3. In a swale mapped area : hazard exclusion areas	See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to risk from natural hazards.



**SECOND
GENERATION
DISTRICT PLAN**

Signs Section 32 Report

**Proposed Second Generation Dunedin City
District Plan**

September 2015

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1.0 Introduction

This report provides a summary of the evaluation undertaken by Dunedin City Council (DCC) in the preparation of planning provisions for signs in the Proposed Second Generation Dunedin City District Plan (2GP). This assessment is required by section 32 (s32) of the Resource Management Act 1991 (RMA). For further information on the RMA, requirements of s32, or for general background information on the preparation of the 2GP, see *Introduction to Section 32 Reports*.

The signs provisions of the 2GP relates to ancillary signs and commercial advertising signs. Ancillary signs are defined in the Plan and relate to a sign which is located on a site where a permitted or lawfully established land use activity is taking place. Different ancillary sign provisions apply depending on the management zone or major facility zone where they are located and the location within these zones. These provisions apply to signs attached to buildings or structures and free standing signs. Commercial advertising signs are non-complying in all zones except the Airport Zone.

Provisions relating to temporary signs are evaluated in the *Temporary Activities Section 32 Report*.

1.1 Key resource management issues

There are a number of key resource management issues that will be managed through the proposed provisions for ancillary signs and commercial advertising signs in Dunedin.

Signs are both important and necessary to convey information to pedestrians and motorists about the nature of a business or a service, which can contribute to the Dunedin community and businesses' social and economic well-being. Businesses and service providers expect to be able to advertise goods and services in a way that both informs the public and attracts potential customers.

However, signs also have the potential to adversely affect streetscape amenity and the amenity and character of different management zones and major facilities where they are of a large size or there are many in number. In particular, signs are more likely to have an adverse effect on urban character and visual amenity in heritage precincts, if they are located on heritage or character contributing buildings or if they are within outstanding natural landscapes

A further issue is that signs can be designed or located in a manner that affects traffic safety, which can have adverse effects on the health and safety of people.

2.0 Evaluation of proposed objectives

2.1 Strategic Directions Objective

Objective 2.4.1: Form and structure of the urban environment

The elements of the urban environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected and enhanced. These include:

- a. important green and other open spaces;*
- b. trees that make a significant contribution to the visual landscape and history of neighbourhoods;*
- c. built heritage;*
- d. important visual landscapes and vistas;*
- e. the amenity and aesthetic coherence of different urban environments; and*

f. the compact and accessible form of Dunedin.

This objective promotes the purpose of the RMA by seeking to protect and enhance built heritage, important visual landscapes and the amenity and aesthetic coherence of different urban environments amongst other aspects of the urban environment. Provisions for the management of the effects of signs in the urban landscape are an effective way of meeting this objective.

2.2 Other objectives

There are a number of objectives relating to transportation, zone management and major facilities zones that together direct the management of the use of signs in Dunedin. Some of these objectives are derived from Strategic Direction Objective 2.4.1, to protect and enhance the visual landscapes of the urban environment, while the transport objective noted below addresses the safety and efficiency of all modes of travel. As each of these objectives are evaluated in other s32 reports, they are summarised together below to avoid repetition, focusing specifically on how they relate to the management of signs.

Transportation Section - Objective 6.2.3

Land use activities and development and subdivision maintain the safety and efficiency of the transportation network for all travel methods.

Residential zones - Objective 15.2.4

Subdivision and development maintains or enhances the amenity of the streetscape, and reflects the current or intended future character of the neighbourhood.

Rural zones - Objective 16.2.3

The rural character values and amenity of the rural zones are maintained or enhanced, elements of which include:

- a) predominance of natural features over human made features;*
- b) a high ratio of open space and a low density of buildings and structures;*
- c) buildings that are rural in nature, scale and design, such as barns and sheds;*
- d) a low density of residential activity, which is associated with rural activities;*
- e) a high proportion of land containing farmed animals, pasture, crops, and forestry;*
- f) significant areas of indigenous vegetation and habitats for indigenous fauna; and*
- g) other elements as described in the character descriptions of each rural zone located in Appendix A7.*

Rural Residential zones - Objective 17.2.3

The character and amenity of the rural residential zones is maintained, elements of which include:

- a. a high presence of natural features such as trees, bush, gully systems and water bodies;*
- b. a semi-rural level of development, with a higher proportion of open space and lower density of buildings than in urban areas;*
- c. land maintained and managed for farming, grazing, conservation and rural residential activities; and*
- d. other elements as described in the description of the rural residential zones.*

Commercial and Mixed Use zones - Objective 18.2.3

Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified pedestrian street frontages.

Industrial zones - Objective 19.2.2

Development and activities are designed and operated so that:

- a. *a reasonable level of amenity is maintained within the industrial zones; and*
- b. *any adverse effects on the amenity of adjoining residential, school or recreation zones are minimised; and*
- c. *a high standard of amenity along identified amenity routes is maintained; and*
- d. *the potential for reverse sensitivity effects on industrial and port activities, from activities that are provided for within the industrial zones, is minimised.*

Recreation Zone - Objective 20.2.2

Land use and development activities maintain a high standard of on-site amenity for users of the recreation area, and maintains or enhances neighbourhood amenity and the amenity of any surrounding residential properties.

Major Facilities Zones Objectives

The objectives of the major facilities zones¹ relating to signs are similar to each other, and relate to enabling land use, development and subdivision activity necessary for the continued operation of the major facility while ensuring a high, good or reasonable standard of on-site amenity for people within the facility. The objectives also seek to maintain or enhance the amenity of surrounding areas, maintain health and safety (for Port Chalmers) or avoid adverse effects on people's health and safety (Stadium). Refer to the major facilities s32 reports² for details of these objectives.

In summary, the transportation, management and major facilities zones objectives relating to ancillary signs and commercial advertising signs are appropriate and help to achieve the purpose of the Act through establishing a framework for enabling appropriate signage, while mitigating adverse effects on streetscape amenity, traffic safety or the amenity of surrounding sites through rules in management zones and major facilities.

Residential Objective 15.2.4, rural Objective 16.2.3 and rural residential Objective 17.2.3, commercial and mixed use zone Objective 18.2.3, industrial zone objective 19.2.2, recreation objective 20.2.2 and the major facilities objectives ensure that signage is located and designed to be of an appropriate size and number to convey information about the name, location and nature of the activity on site to passing pedestrians and vehicles and not being oversized or too numerous for what is necessary for that purpose. Specifically in regards to the different amenity values of the various zones and major facilities, the objectives will ensure signs are designed and located to:

- Maintain residential amenity while providing for limited opportunity for businesses to attract customers;

¹ There are 15 major facilities within the major facilities zones. These are Ashburn Clinic, Campus, Dunedin Botanic Garden, Dunedin hospital, Dunedin International Airport, Edgar Centre, Invermay / Hercus, Mercy Hospital, Moana Pool, Otago Museum, Port, Schools, Stadium, Taieri Aerodrome and Wakari Hospital.

² There are 4 separate major facilities section 32 reports. These are, Port and Airport Section 32 Report; Recreation and Major Facilities Zones Section 32 Report; Dunedin Botanic Garden, Edgar Centre, Moana Pool, Otago Museum, Stadium, and Taieri Aerodrome Section 32 Report; Schools, Dunedin Hospital, Wakari Hospital, Ashburn Clinic, Mercy Hospital and Invermay and Hercus Zones Section 32 Report; and Campus Section 32 Report.

- Maintain rural and rural residential character values and amenity of the various rural and rural residential zones (elements of which are contained within the objectives) while providing for the opportunity for businesses to attract customers;
- Maintain the streetscape amenity of the commercial and mixed use zones (recognising that the highest streetscape amenity is within pedestrian street frontages and heritage precincts). These areas include the CBD, centres and Warehouse Precinct (within pedestrian street frontages and heritage precincts) and the Harbourside Edge Zone. Signage in these locations has a primary purpose of attracting pedestrians rather than motorists;
- Allow a more lenient approach to be applied for signs located outside pedestrian street frontages, heritage precincts and the Harbourside Edge Zone. This is to recognise that these areas are more vehicle rather than pedestrian focussed, and therefore use larger signs to attract motorists. It recognises the different levels of streetscape amenity between different zones and within zones (which contain pedestrian street frontages or heritage precincts);
- Provide a reasonable level of amenity within the industrial zones. It recognises the lower amenity expectations of the zone compared to other zones (except along identified amenity routes) and provides opportunity for businesses to attract customers;
- Maintain on-site amenity of the recreation area within the Recreation Zone, and in the surrounding streetscape or residential area. This includes the limitation of commercial sponsorship signs ancillary to sport and recreation to temporary signs or those enclosed within the site;
- Provide for the operational needs of a major facility while ensuring on-site and surrounding amenity is maintained or enhanced.

Collectively this will reinforce or help to create a sense of place and social and cultural wellbeing, while providing for businesses to attract customers, which in turn contributes to the economic wellbeing of Dunedin.


2.3 Other Objectives relevant to this Section 32 evaluation

Other specific objectives relating to transportation and within the relevant management and major facilities zones are also relevant and provide a strategic basis for the decisions reached in this report. For more information on these matters, please see the following separate s32 reports:

- *Transportation Section 32 Report*
- *Residential Zones Section 32 Report*
- *Rural Zones Section 32 Report*
- *Rural Residential Zones Section 32 Report*
- *Commercial and Mixed Use Zones Section 32 Report*
- *Industrial Zones Section 32 Report*
- *Recreation and Major Facilities Zones Section 32 Report*
- *Major Facilities Zones Section 32 Report*
- *Port and Airport Zones Section 32 Report*

3.0 Scale and significance of the proposed signs provisions

In order to ensure that this evaluation is undertaken to the appropriate level of detail, the following matrix assesses the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from implementing the proposed provisions.

Low significance						Higher significance	Explanation
Does not affect matters of national importance	X					Affects matters of national importance	
Does not affect groups with specific interests		X				Affects groups with specific interests (e.g. Tangata whenua)	
Not a major change from current Plan		X				Major change from current Plan	In general the sign provisions are fairly consistent with the current plan approach, although there have been some notable exceptions, which include: <ul style="list-style-type: none"> Applying sign provisions in Campus zone (currently none exist) Where portable signs on footpaths are provided for (which include sandwich boards) only allow them for premises that do not have ground floor street frontage. By comparison in the current plan 1 sandwich board per site is permitted on footpaths in the Central Activity, Large Scale Retail, Local Activity 1 and Harbourside Zone.
Consistent practice across NZ/ established best practice				X		Highly variable practice across NZ/ No established best practice	Some Councils manage signs entirely through bylaws (for example Auckland Council). Other Councils manage some types of signs through bylaw (for example sandwich boards) and some through the district plan. Some Council also manage signs through both bylaws and the district plan.
Does not affect many people				X		Affects many people	There are signs provisions in all proposed zones in the district, which has the potential to affect many people.
Unlikely to significantly reduce land use options (within context of higher order spatial planning provisions)	X					Could significantly reduce/constrain land use options (within context of higher order spatial planning provisions)	
Unlikely to be controversial, high degree of agreement on and/or low interest in issues			X			Likely to be controversial, disparate opinions and/or high interest in issues	There are a wide range of views on the appropriate method for managing signs and a relatively degree of interest so there is some potential for

						controversy.
Unlikely to have major financial impact on land owners/ developers/ businesses due to compliance and/or administrative costs		X				Likely to have a major financial impact due to compliance and/or administrative costs
Clear legislative or higher order policy guidance/ restrictions on the issue				X		No clear legislative or higher order policy guidance/ restrictions on
Low consequences in terms of environmental, social or economic effects if proposed provisions are ineffective		X				High consequences in terms of environmental, social or economic effects if provisions are ineffective

Having considered the above matters, it is concluded that, as a whole, the proposed signs provisions are of medium significance but that the following specific provisions are of particular significance and require detailed/ specific analysis in terms of Section 32 of the RMA:

- Minimum letter size of signs and illuminated and digital signs
- Portable signs on footpaths (includes sandwich board)
- Portable freestanding within sites (including flag signs) and permanently fixed freestanding signs
- Height of signs
- Commercial advertising (refer section 4.4).

4.0 Evaluation of proposed provisions (s 32(1)(b))

Section 4.1 to 4.3 of this report relates to the evaluation of proposed ancillary sign provisions only and section 4.4 relates to the evaluation of the proposed commercial advertising provisions.

4.1 Objective 6.2.3

Land use activities and development and subdivision maintain the safety and efficiency of the transportation network for all travel methods.

4.1.1 Preferred Provisions

Policy: 6.2.3.1

Performance standards rule: 6.7.2 (Buildings and structures located on or above the footpath) 6.7.3 (Signs visible from roads)

Assessment matters: 6.9.3.2 (Number, location and design of ancillary signs)

In summary, these provisions provide for ancillary signs as permitted activities with performance standards primarily focusing on managing visual and obstructive effects associated with signs in the transportation network, for all travel methods. 6.7.2 'Buildings and structures located on or

above the footpath' requires buildings and structures (including signs) where located on a footpath to be positioned to have a minimum width of unobstructed footpath for pedestrian movement and to be positioned so as not to cause an impediment or a distraction for pedestrians and motorists.

Performance standard 6.7.3 'Signs visible from roads' is in two distinct parts. In summary, Rule 6.7.3.1 requires a minimum letter height of signs to be read by passing motorists. The minimum letter size increases based on the speed limit of the road from a minimum of 75mm where the speed limit is less than 60km per hour to a minimum of 150mm where the speed limit is 90km per hour or more. Rule 6.7.3.2 imposes standards on the illumination of signs which include maximum luminance (cd/m^2) and minimum display time of images of 10 seconds per image.

4.1.2 Principal reasons for deciding the preferred provisions

1. The main **benefits** of the provisions are that:
 - a. The provisions are derived from the New Zealand Transport Agency – *Traffic control devices manual – Part 3 Advertising Signs* and are therefore consistent with national best practice in regards to designing signs for the purposes of traffic safety. The NZTA have also been consulted on these proposed provisions.
 - b. Controls on the positioning of signs ensures that there is sufficient unobstructed footpath for pedestrian movement and ensures signs on or above footpaths do not cause an unsafe distraction or impediment to pedestrians and motorists.
 - c. Minimum letter size improves the legibility and readability of signs when viewed by motorists, reduces the potential for unsafe distraction and therefore increases traffic safety.
 - d. Rules which control the illumination of signs also reduce the potential for motorists being distracted in an unsafe manner and also increases traffic safety.
2. The main **costs** of the provisions are that:
 - a. Limitations on the positioning of signs on or above footpaths, illumination of signs and restrictions on the minimum size of letters on signs may impose restrictions on the location, type and design of signage that can be established, which may impose a cost on businesses.

Summary: Efficiency and effectiveness

In summary, the approach to restrict the location of signs on or above footpaths, the illumination of signs to certain levels and requiring a minimum size of letters on signs will efficiently and effectively achieve the objective. The approach enables appropriate signage to be established (in accordance with national standards), which provides for the advertising needs of businesses, while avoiding signs which have are located, illuminated at such a level, or have an inappropriate letter size, which could cause an unsafe distraction to users of the transportation network.

4.1.3 Other reasonably practicable options for achieving the Objectives

Option 1 - Status quo – For management of signs

A number of the provisions in Rule 6.7.2 'Buildings and structures located on or above the footpath' are similar to the provisions in Rule 19.5.10 'Conditions on all permitted activities' in the existing plan. Some of the provisions are also consistent with the signs permitted in specific zones.

The existing plan does not contain rules which require maximum illumination levels or a minimum size of letters on signs. Following the current plan approach would be inappropriate as it would be inconsistent with best practice guidance as outlined in the New Zealand Transport Agency – *Traffic control devices manual – Part 3 Advertising Signs* and signs which do not comply with these standards may lead to driver distraction with potential adverse effects on traffic safety.

4.2 Management Zone Objectives

Objective 15.2.4 (residential zones), Objective 16.2.3 (rural zones), Objective 17.2.3 (rural residential zones), Objective 18.2.3 (commercial and mixed use zones), Objective 19.2.2 (industrial zones) and Objective 20.2.2 (recreation zone). Refer 2.0 above for these objectives.

4.2.1 Preferred Provisions

Policy: 15.2.4.5 (residential zones), 16.2.3.7 (rural zones), 17.2.3.4 (rural residential zones), 18.2.3.7 (commercial mixed use zones), 19.2.2.7 (industrial zones) and 20.2.2.3 (Recreation Zone)

Performance standards rule: 15.6.12 (residential zones), 16.6.8 (rural zones), 17.6.7 (rural residential zones), 18.6.14 (commercial mixed use zones), 19.6.9 (industrial zones) and 20.6.10 (Recreation Zone)

Assessment matters: 15.9.4.7 (residential zones), 16.9.4.14 (rural zones), 17.9.4.13 (rural residential zones), 18.9.4.18 (commercial mixed use zones), 19.9.4.13 (industrial zones) and 20.9.4.15 (Recreation Zone)

Definitions: Ancillary Sign, Signs

In summary, these policies, performance standards and assessment matters control the number, location and design of ancillary signs within the residential, rural, rural residential, commercial mixed use, industrial and recreation zones. Different standards are applied based on the characteristics and amenity values of the respective zones.

Table 1 below provides a summary of the performance standards for the size of signs within the different management zones in the current compared to the 2GP. These are not a comprehensive list of the performance standards related to the size of signs. Refer to chapter 19 of the current plan and the relevant sign provisions in the respective management and major facilities zones of the 2GP for this information.

Table 1: Summary of performance standards for signs

Zone	Maximum Area Current Plan	Maximum Area 2GP
Residential	0.5m ² No maximum height	0.6m ² (where ancillary to residential activities) 2m ² (where ancillary to dairy activities) 1.5m ² (where ancillary to other commercial or community activities) 2m maximum height of freestanding signs
Commercial mixed use	<ul style="list-style-type: none"> 2.16m² – in Central Activity, Large Scale Retail and Local Activity 1 Zones and Harbourside zones 2m² in Local Activity 2 Zone No maximum height – except signs may not project above the height of a parapet or eave line 	Pedestrian street frontages, heritage precincts and Harbourside Edge zone: <ul style="list-style-type: none"> where attached flat against a building - maximum 50% of the wall area facing the street up to 4m in height or the bottom of a verandah Where attached at right angle to a building – 1.5m² Where a freestanding sign maximum 3m² and 4m height
	Industrial 1 zone (Proposed Trade Related Zone): <ul style="list-style-type: none"> where attached flat against a building - 5% of the wall area facing the street or 8m² 	In all other CMU locations <ul style="list-style-type: none"> where attached flat against a building - 15% of the wall area facing the street or 8m² (whichever is less) - up to 8m in height

Zone	Maximum Area Current Plan	Maximum Area 2GP
	(whichever is less) <ul style="list-style-type: none"> • where at right angles 3m² • Where a freestanding sign 4m² area and 6m height 	<ul style="list-style-type: none"> • Where attached at right angle to a building – 2m² • A freestanding sign in Trade Related Zone - maximum 16m² area and 8m height • A freestanding sign in all other CMU zones - maximum 12m² area and 6m height
Rural (outside ONF, ONL, SNL, ONCC, HNCC and NCC overlay zones)	1m ² No maximum height	Maximum 4m height and 2m ² area when attached to a building or freestanding
Rural (within ONF, ONL, SNL, ONCC, HNCC and NCC overlay zones)		Maximum 2m height and 0.6m ² or 1m ² area when attached to a building or freestanding
Rural Residential (outside ONF, SNL, HNCC and NCC overlay zones)	1m ² No maximum height	Maximum 4m height when attached to a building or freestanding. Maximum area: - 1m ² where attached to a building - 2m ² where freestanding
Rural Residential (within ONF, SNL, HNCC and NCC overlay zones)		Maximum 2m height and 0.6m ² or 1m ² area when attached to a building or freestanding
Recreation	None	Signs attached to buildings: <ul style="list-style-type: none"> • 5m² where displaying the club/s name on clubrooms • 3m² for permanent commercial sponsorship signs • 1m² for all other signs attached to buildings Freestanding signs 1.5m ²
Industrial	Industrial 1 zone: <ul style="list-style-type: none"> • where attached flat against a building - 5% of the wall area facing the street or 8m² (whichever is less) • where at right angles 3m² • Where a freestanding sign 4m² area and 6m height • Industrial 2 zone where attached flat against a building - 5% of the wall area facing the street or 4m² (whichever is less) • No maximum height 	<ul style="list-style-type: none"> • where attached flat against a building - 15% of the wall area facing the street or 8m² (whichever is less) - up to 8m in height • where attached at right angle to a building – 2m² • where a freestanding sign - 16m² maximum height 8m

Further changes to the signs performance standards include the following:

- Freestanding signs of different sizes are provided for in all management zones
- Portable freestanding signs (which include flag signs) are included within the definition of freestanding signs. In some of the commercial and mixed use zones and in the industrial

zones there are different size requirements for permanently fixed freestanding signs compared with portable freestanding signs. In the Trade Related Zone and the Industrial Zone the maximum area of portable freestanding signs is 8m² and the maximum area of permanently fixed freestanding signs is 16m². This compares with in the CBD and centres (outside PPF, SPF and heritage precincts) and in the Princes Parry and Harrow Street Zone and CBD Edge Commercial Zone the maximum area of portable freestanding signs is 8m² and the maximum area of permanently fixed freestanding signs is 12m². In other zones there is no difference in the size of portable or permanently fixed freestanding signs and therefore the standard relates to only freestanding signs.

- The height of signs above ground level (whether attached to a building or freestanding) is managed by rules within all management zones. This compares with the current District Plan where there is a varied level of control on the height of signs above ground level. In the 2GP it is proposed that the maximum height above ground level at the highest point of any sign is in:
 - residential zones where ancillary to a residential activity, or commercial and community activities (except dairies) – 4m where attached to a building and 2m where attached to a fence, retaining wall or freestanding
 - residential zones where ancillary to a dairy – 6m
 - rural and rural residential zones – 4m
 - commercial and mixed use zones – 4m in pedestrian street frontages, heritage precincts and Harbourside Edge zone and 8m in all other locations.
 - industrial zones – 8m
 - recreation zone – 4m
- In addition, illuminated and digital signs are only provided for in commercial mixed use (outside pedestrian street frontages, Heritage Precincts and the Harbourside Edge Zone) and industrial zones.

4.2.2 Principal reasons for deciding the preferred provisions

1. The main **benefits** of the provisions are that:

General

- a. It provides greater detail than in the current plan about the signage provisions applying to different areas and therefore provides greater certainty to landowners about what is required.

Residential

- b. It provides for a very limited amount of signage for residential activities (consistent with the provisions of the existing plan) which will not have adverse effects on the amenity of the residential streetscape, and reflects the current or intended future character of the residential zones
- c. It provides for limited signage for commercial (including dairies) and community activities provided for in the residential zones which is sufficient for their requirements for advertising, without being too large or numerous to adversely affect streetscape character.

Rural and Rural Residential

- d. It provides for limited signage for rural activities (including for rural ancillary retail, rural tourism and rural industry) which are included in the definition of rural activities, sufficient for their needs for advertising without being too large or numerous to adversely affect the character and amenity values of these zones.
- e. More limited signage is provided within Outstanding Natural Landscapes, Outstanding Natural Features, Significant Natural Landscapes, Outstanding Natural Coastal

Character, High Natural Coastal Character and Natural Coastal Character overlay areas in recognition of the higher character and amenity landscape values of these areas.

Commercial Mixed Use Zone

- f. The sign provisions in the commercial mixed use zone follow an approach of the highest level of control applying to areas with high streetscape amenity and high pedestrian volumes. These areas include the CBD, centres and Warehouse precinct (within pedestrian street frontages and heritage precincts) and the Harbourside edge zone. Signage in these locations has a primary purpose of attracting pedestrians rather than motorists.
- g. The advertising needs of businesses are well provided for in these locations by allowing a range of different types of signage attached to buildings in these locations. This includes signage attached to verandah fascias, underneath verandahs, attached perpendicular to buildings and attached to the façade of buildings and freestanding. Although the maximum allowable height, above ground level, at the highest point of any sign, is 4m.
- h. In addition, clause 3 of rule 18.6.12 Minimum glazing and building modulation states:

Ground floor glazing within the primary pedestrian street frontage must be clear (unobstructed from signage, glass frosting or other materials attached to the glazing that prevents glazing being visually permeable) for a minimum of 50% of the glazed area.

This means that half of ground floor glazing (between ground level and 4m in height) within the primary pedestrian street frontage may also contain signs.
- i. Only allowing for premises that do not have ground floor street frontage, to have portable signs on footpaths, gives opportunities for these commercial occupants to advertise their products, and recognises that there is sufficient opportunity for businesses that have ground floor street frontage to advertise their products through signs attached to buildings or freestanding signs (within sites). It will help to reduce the number of portable signs on footpaths, which can create visual clutter and create an impediment to pedestrian traffic.
- j. Providing for illuminated or digital signs in areas outside pedestrian street frontages, heritage precincts and the Harbourside Edge Zone gives additional options for businesses to advertise goods and services in areas which have a lower streetscape amenity.
- k. Not allowing illuminated or digital signs within pedestrian street frontages, heritage precincts and the Harbourside Edge Zone recognises the high existing streetscape amenity values (or in the case of the Harbourside Edge Zone the anticipated high values) of these areas and the potential for illuminated or digital signs to have adverse effects on these amenity values.
- l. Not allowing portable signs on footpaths in the Trade Related Zone recognises that this area has very limited pedestrian traffic and significant opportunity to cater for their advertising needs through signs attached to building and freestanding signs.
- m. A more lenient approach is applied for signs located in areas outside pedestrian street frontages, heritage precincts and the Harbourside edge zone. This is to recognise that these areas are more vehicle rather than pedestrian focussed, and therefore use larger signs to attract motorists.

- n. The signs provided for in the commercial and mixed use zone also generally reflect the existing consented and otherwise lawfully established signage in these zones.
- o. Overall, the signage provisions in the commercial mixed use zones provides for a range of signage options for the commercial and community activities provided for in the zone which is sufficient for their requirements for advertising without being too large or numerous to adversely affect streetscape character of the different commercial areas.

Industrial Zone

- p. The signage provisions within the industrial zones recognise the lower streetscape amenity value of most of the zone and its vehicle focussed nature.
- q. It provides for a range of signage options which is sufficient for the advertising requirements of industrial activities within the zone without being too large or numerous to adversely affect streetscape character or the character of adjoining zones. The signage provisions also generally reflect the existing consented and otherwise lawfully established signage in this zone.
- r. Providing for illuminated or digital signs gives additional options for businesses to advertise goods and services.

Recreational Zone

- s. The provisions within the Recreation Zone provides for sufficient signage for sport and recreation, community and leisure and other activities provided for in the zone to advertise the activities occurring within the sports grounds or reserves without being too numerous or of a size which has adverse effects on users of the reserve or adjoining residential neighbourhoods.
- t. This includes allowing for signage which displays the club/s name on clubrooms and permanent commercial sponsorship signs

2. The main **costs** of the provisions are that:

All management zones

- a. Limitations on the size, number, location and height of signs may impose restrictions on the location, type and design of signage that can be established, which may impose a cost on businesses.
- b. Acceptance of some degree of adverse effects on amenity values as a result of signage provisions, although any such effects are minor.
- c. Additional consent requirements for some landowners if they propose to exceed the provisions, which are likely to impose additional time and financial costs. However, it is considered as appropriate that infringing signage provisions requires consent to ensure they are only granted where truly appropriate and the effects on the character and amenity of adjoining sites can be fully considered.

Summary: Efficiency and effectiveness

In summary, it is considered that the proposed provisions will ensure that the provision of ancillary signage occurs in a manner that effectively and efficiently achieves the relevant strategic directions and the specific objectives of the different management zones because it will provided for the advertising needs of the different businesses operating within the zones, without being too numerous, located inappropriately, or of a size which will adversely affect the amenity and character values of the different zones.

4.2.3 Other reasonably practicable options for achieving the Objectives

Consideration was given to a number of other options. This analysis is broken down into the following key areas:

- Options regarding controlling signage through a bylaw
- Options regarding height of signs
- Options regarding portable signs on footpaths
- Options regarding freestanding signs

1. Options regarding controlling signage through a bylaw or policy

Option 1.1 Manage signs entirely through bylaws (and not through the district plan)

The Local Government Act 2002 gives Council power pursuant to Section 145 to make bylaws to protect the public from nuisance and to protect, promote and maintain public safety and to protect their land and infrastructure.

Some Councils for example Auckland Council have used this power to make a signs bylaw.

This option is considered inappropriate, compared with the preferred option, as it would separate signs from the requirements of the Resource Management Act for Council to prepare a district plan to manage the effects of land use, development and subdivision. Signs, buildings and other structures all have effects which need to be managed in the district plan.

This option would require a new bylaw to be developed which determines the appropriate number, size and location of signs, which would be an unnecessary duplication. People undertaking development would have to adhere to provisions both within a bylaw (for signs) and within a district plan (for other types of development), which would also involve unnecessary duplication and will be inefficient and ineffective.

2. Options regarding height of signs

Option 2.1 – Status quo – Current District Plan

There is no restriction on the maximum height of signs attached to buildings in the current plan (except in the Local activity 2 zone, where the maximum height is 4m). In some zones, there are restrictions on the size and number of signs above verandahs and signs that project above a parapet of a building are not allowed.

This option is considered inappropriate, compared with the preferred option, as the current plan is inconsistent in how it deals with sign height and does not give clear direction on what the maximum appropriate height of signs above ground level is. This could lead to signs being located at heights which have adverse effects on the character and amenity of relevant management zones.

Option 2.2 – Consistent height of signs (either 4m or 8m) in all management zones

This option is considered inappropriate, compared with the preferred option, as it does not take into account the widely varied character and amenity values of the different management zones, the different types of businesses provided for and the varied needs for advertising of these businesses.

Higher sign heights would have adverse effects on areas with high character and amenity and lower heights would not provide for the needs of businesses in zones such as Trade Related and Industrial, which attract business predominately through passing motorists instead of pedestrians.

3. Options regarding portable signs on footpaths

Option 3.1 – Status quo – One sandwich board sign outside each site

This option is considered inappropriate, compared with the preferred option, as it does not provide clarity for sites with multiple tenancies (which is common in the CBD zone and other commercial mixed use zones) regarding which tenancy it applies to.

Option 3.2 – Status quo – Maximum height of 800mm and maximum width of 600mm of portable signs

The current plan restricts the size of portable signs to a maximum 800mm height and a maximum width of 600mm. This compares with the 2GP where it is proposed to be a 900mm maximum height and a 600mm maximum width.

Consultation with the New Zealand Sign and Display Association in March 2014 established that the current height of 800mm for a portable sign does not meet national standards or manufacturing realities. The 900mm maximum height is a readily available portable sign size and is of a height which is unlikely to affect the visibility of pedestrians (especially children). As a consequence, the existing option of 800mm maximum height is considered inappropriate, compared with the preferred option.

Option 3.3 – One portable sign per business tenancy

This option is considered inappropriate, compared with the preferred option, as it would allow ground floor and upper floor street frontage tenancies (and tenancies with no street frontage) to have portable signs. This has the potential to create visual clutter on footpaths and impediments for pedestrians.

4. Options regarding freestanding signs

Option 4.1 – Status quo – Current District Plan

In the Local Activity 1 and 2, Large Scale Retail, Central Activity and Harbourside zones the current plan only references signs attached to buildings (and does not reference freestanding signs). In addition, in the Rural, Rural Residential and Residential zones there is no reference to where signage is located. In the Airport, Industrial 1, Port 1 and 2 and Stadium zones freestanding signs are specifically provided for.

The status quo option is considered inappropriate, compared with the preferred option, as it creates confusion about whether freestanding signage is provided for in some zones, or does not provide for freestanding signs at all where they may be appropriate.

Option 4.2 – Only allowing freestanding signs outside high streetscape amenity areas (pedestrian street frontages and heritage precincts)

The status quo option is considered inappropriate, compared with the preferred option, because the size of freestanding signs provided for in pedestrian street frontages and heritage precincts is small (maximum height 4m maximum area 3m²) and other proposed district requirements will restrict where such signs can be located.

The setback from road boundaries rule (clause 18.6.17.1) requires new buildings and additions and alterations to buildings to be built within 400mm of the road boundary that is a primary pedestrian street frontage, for the entire length of the street frontage (except for pedestrian entrances or accessways). This rule also requires new buildings and additions and alterations to

buildings to be built within 400mm of the road boundary that is a secondary pedestrian street frontage, for 60% of the entire length of the street frontage.

This rule effectively disallows freestanding signs along primary pedestrian street frontages and restricts where they can be placed in secondary pedestrian street frontages.

Option 4.3 – Size of freestanding signs

The size of freestanding signs within management zones varies widely depending on the zone, as outlined in Table 1 above. The intent of this variation is to take into account the widely varied character and amenity values of the different management zones, the different types of businesses provided for and the varied needs for advertising of these businesses.

Having a different size and height of freestanding signs is considered inappropriate, compared with the preferred option. Larger signs and higher freestanding sign heights would have adverse effects on areas with high character and amenity, and smaller sign sizes and lower heights would not provide for the needs of businesses in zones such as Trade Related and Industrial which attract business predominately through passing motorists instead of pedestrians.

4.3 Major Facilities Objectives

Refer to explanation given above and the *Major Facilities Zone Section 32 Report*. The objectives relate to enabling land use, development and subdivision activity necessary for the continued operation of the major facility while ensuring a high, good or reasonable standard of on-site amenity for people within the facility while maintaining or enhancing the amenity of surrounding areas, or maintaining health and safety.

4.3.1 Preferred Provisions

Policy: 21.2.2.5 (Ashburn Clinic), 22.2.2.5 (Dunedin Botanic Gardens), 23.2.2.6 (Dunedin Hospital), 24.2.2.4 (Dunedin International Airport – ancillary signs), 24.2.2.6 (Dunedin International Airport – tourism advertising signs), 25.2.2.4 (Edgar Centre), 26.2.2.4 (Invermay and Hercus), 27.2.2.5 (Mercy Hospital), 28.2.2.5 (Moana Pool), 29.2.2.3 (Otago Museum), 30.2.2.3 (Port), 31.2.2.4 (Schools), 32.2.2.4 (Stadium), 33.2.2.3 (Taieri Aerodrome), 34.2.2.6 (Campus), 35.2.2.5 (Wakari Hospital).

Rule:

21.6.7 (Ashburn Clinic), 22.6.10 (Dunedin Botanic Gardens), 23.6.8 (Dunedin Hospital), 24.6.9 (Dunedin International Airport – ancillary signs), 24.5.9 (Dunedin International Airport – tourism advertising signs), 25.6.7 (Edgar Centre), 26.6.7 (Invermay and Hercus), 27.6.9 (Mercy Hospital), 28.6.9 (Moana Pool), 29.6.8 (Otago Museum), 30.6.5 (Port), 31.6.9 (Schools), 32.6.7 (Stadium), 33.6.8 (Taieri Aerodrome), 34.6.10 (Campus), 35.6.8 (Wakari Hospital).

Assessment matters:

21.8.4.10 (Ashburn Clinic), 22.9.4.12 (Dunedin Botanic Gardens), 23.8.4.11 (Dunedin Hospital), 24.8.4.11 (Dunedin International Airport – ancillary signs), 24.8.4.4 (Dunedin International Airport – tourism advertising signs), 25.8.4.10 (Edgar Centre), 26.9.4.10 (Invermay and Hercus), 27.9.4.14 (Mercy Hospital), 28.8.4.12 (Moana Pool), 29.9.4.11 (Otago Museum), 30.8.4.8 (Port), 31.9.4.12 (Schools), 32.8.4.10 (Stadium), 33.9.4.11 (Taieri Aerodrome), 34.9.4.14 (Campus), 35.8.4.11 (Wakari Hospital).

Definitions: Tourism Advertising

In summary, these policies, performance standards and assessment matters control the number, location and design of ancillary signs within the 15 major facilities within the major facilities zones. It also provides for tourism advertising at Dunedin International Airport. Different standards are applied based on the characteristics and amenity values of the respective major facilities zones.

Outlined below is a summary of the performance standards for the size and height of signs within the different major facilities zones in the proposed 2GP.

The Ashburn Clinic, Campus, Invermay and Hercus, Tairei Aerodrome, Dunedin Botanic Gardens, Mercy Hospital, Moana Pool, Schools and Wakari Hospital have similar rules applying to them which include requiring a maximum height of 4m and maximum area of 2m² where signs are attached to buildings.

All freestanding signs in these zones are required to be no more than 4m in height, with Dunedin Botanic Garden and Moana Pool requiring a maximum height of 3m. The maximum area of freestanding signs vary somewhat more, with Ashburn Clinic, Invermay and Hercus, Tairei Aerodrome and Wakari Hospital requiring a maximum area of 8m², while Moana Pool, Mercy Hospital and Schools require a maximum area of 4m², Campus require a maximum area of 3m² and Dunedin Botanic Garden requires a maximum area of 2m².

Within the Dunedin Hospital, Dunedin International Airport, Edgar Centre, Otago Museum, Port, and Stadium major facilities larger signs are provided for, although the maximum height of all signs attached to a building is proposed to be 8m above ground level.

Within these major facilities the maximum size of signs attached flat to buildings are 160m² in the Stadium Zone (same as in current plan), a variable maximum cumulative area of sign(s) dependant on the which road frontage the sign faces in the Edgar Zone, and 15% of the total wall area that faces the road (or 8m²), whichever is less in Dunedin Hospital, Dunedin International Airport, Otago Museum and Port zones.

The maximum height of permanently fixed and portable freestanding signs in the Stadium Zone is 8m. The maximum height of permanently fixed freestanding signs is 8m in the Dunedin International Airport and Port, 6m in the Dunedin Hospital and Otago Museum zones and 4m in the Edgar Zone. Portable freestanding signs are also required to have a maximum height of 4m in these zones (except in Stadium). The maximum area of these signs varies based on the height with a consistent maximum width of 2m.

Portable signs on footpaths are only provided for in the Otago Museum and in the Campus major facilities. In the Otago Museum major facility a maximum of 2 portable signs can be established and they are required to be in the Otago Museum Reserve. In the Campus major facility they must only be located on a footpath outside non-campus activities where a premise is located on the upper floor and does not have ground floor street frontage.

In addition, there is an allowance for a total maximum sign area of 200m² for tourism advertising, at a maximum height of 8m at the Dunedin International Airport. This advertising must not be visible from outside the Dunedin International Airport Zone.

Finally, illuminated and digital signs are provided for in the Dunedin Hospital, Dunedin International Airport, Edgar Centre and Stadium major facilities zones.

4.3.2 Principal reasons for deciding the preferred provisions

1. The main **benefits** of the provisions are that:

- a. In the Ashburn Clinic, Campus, Invermay and Hercus, Tairei Aerodrome, Dunedin Botanic Garden, Mercy Hospital, Moana Pool, Schools and Wakari Hospital major facilities the signs provisions recognise the smaller size (except Campus) of these major facilities and provide for the advertising requirements of their operators to attract visitors, patients or customers, while being of a size and number where they do not adversely affect the rural or residential zoned land which adjoins these major facilities.
- b. Dunedin Hospital, Dunedin International Airport, Edgar Centre, Otago Museum, Port, and Stadium major facility sign provisions recognise the larger scale of these major facilities, their local and regional significance and their location in the case of the Dunedin Hospital, Edgar Centre, Otago Museum and Stadium zone adjoining industrial or commercial mixed use zones.
- c. These provisions will also provide for the advertising requirements of their operators to attract visitors, patients or customers while being of a size and number where they do not adversely affect the character and amenity of adjoining areas.
- d. The drafting of signage provisions in the Campus Zone will correct an error in the current plan which does not have any signage provisions for this zone and will mean that the University and Polytechnic will not have to rely on the resource consent process to establish signage.
- e. Providing for illuminated and digital signs in the Dunedin Hospital, Dunedin International Airport, Edgar Centre and Stadium major facilities gives the operators of these facilities additional flexibility in how they undertake their advertising.
- f. Providing for tourism advertising at the Dunedin International Airport recognises the importance of the Airport as a gateway to Dunedin, Otago and Southland and encourages customers to attend tourism facilities within these areas, which has the potential to enhance the economic wellbeing of Dunedin and the wider Otago and Southland regions.

2. The main **costs** of the provisions are:

- a. Limitations on the size, number, location and height of signs may impose restrictions on the location, type and design of signage that can be established in the major facilities, which may impose a cost on the operators of the major facilities.
- b. Acceptance of some degree of adverse effects on amenity values as a result of signage provisions, although any such effects are minor.
- c. Additional consent requirements for some major facility operators if they propose to exceed the provisions, which are likely to impose additional time and financial costs. However, it is considered as appropriate that infringing signage provisions require consent to ensure they are only granted where truly appropriate and the effects on the character and amenity of adjoining zoned areas can be fully considered.

Summary: Efficiency and effectiveness

In summary, it is considered that the proposed provisions will ensure that the provision of signage occurs in a manner that effectively and efficiently achieves the relevant strategic directions and the specific objectives of the different major facilities zones because it will provided for the advertising needs of the different businesses operating within these zones, without being too numerous, located inappropriately or of a size which will adversely affect the amenity and character values of adjoining areas.

4.3.3 Other reasonably practicable options for achieving objectives

Consideration was given to a number of other options. This analysis is broken down into the following key areas:

- Options regarding height of signs
- Options regarding portable signs on footpaths
- Options regarding freestanding signs

1. Options regarding height of signs

Option 1.1 – Status quo – Current District Plan

In the current plan a number of the major facilities are zoned under a more generic zone. For example Dunedin Hospital and Otago Museum are zoned Campus, Moana Pool and Dunedin Botanic Gardens is zoned Residential 1, Edgar Centre is zoned Industrial 1, schools are generally zoned Residential 1 or Residential 2 and Invermay and Hercus and the Momona Garage part of the Airport major facility are zoned rural.

There is no restriction on the maximum height of signs attached to buildings in the current plan (except in the Local activity 2 zone, where the maximum height is 4m). In some zones, there are restrictions on the size and number of signs above verandahs and signs that project above a parapet of a building are not allowed.

This option is considered inappropriate, compared with the preferred option, as the current plan is inconsistent in how it deals with sign height and does not give clear direction on what the maximum appropriate height of signs above ground level is. This could lead to signs being located at heights which have adverse effects on the character and amenity of relevant major facilities and adjoining areas.

Option 1.2 – Consistent height of signs (either 4m or 8m) in all major facilities zones

This option is considered inappropriate, compared with the preferred option, as it does not take into account the widely varied character and amenity values of the different major facilities, the different types of businesses provided for and the varied needs for advertising of these businesses.

Higher sign heights would have adverse effects on areas with high character and amenity and lower heights would not provide for the needs of businesses in major facilities zones such as Dunedin International Airport and Edgar Centre, which attract business predominately through motorists instead of pedestrians.

2. Options regarding portable signs on footpaths

Option 2.1 – Providing for portable signs on footpaths outside other major facilities

The 2GP proposes that portable signs on footpaths are only provided for in the Otago Museum and in the Campus major facilities. This alternative option relates to providing for portable signs in other major facilities, in particular Moana Pool, Dunedin Hospital, Dunedin Botanic Gardens and Dunedin International Airport.

This option is considered inappropriate, compared with the preferred option, because adequate requirements for signage in terms of signs attached to buildings and freestanding signs are provided for to meet the business needs of these major facilities, and providing for portable signs

on footpaths has the potential to create visual clutter and be an impediment to pedestrians in these locations.

Option 2.2 – Status quo – Maximum height of 800mm and maximum width of 600mm of portable signs

The current plan restricts the size of portable signs to a maximum 800mm high and a maximum width of 600mm. This compares with the 2GP where it is proposed to be a 900mm maximum height and a 600mm maximum width.

Consultation with the NZ Sign Writers Association in March 2014 established that the current height of 800mm for a portable sign does not meet national standards or manufacturing realities. The 900mm maximum height is a readily available portable sign size and is of a height which is unlikely to affect the visibility of pedestrians (especially children). As a consequence the existing option of an 800mm height is considered inappropriate, compared with the preferred option.

Option 2.3 – One portable sign per business tenancy in Campus zone

This option is considered inappropriate, compared with the preferred option, as it would allow ground floor and upper floor street frontage tenancies, tenancies with no street frontage and also campus activities to have portable signs. This has the potential to create visual clutter on footpaths and impediments for pedestrians in the Campus major facility.

3. Options regarding freestanding signs

Option 3.1 – Status quo – Current District Plan

In the current plan, in the Rural, Rural Residential and Residential zones there is no reference to where signage is located and in the Campus Zone there are no sign provisions at all. While in the Airport, Industrial 1, Port 1 and 2 and Stadium zones freestanding signs are specifically provided for.

The status quo option is considered inappropriate, compared with the preferred option, as it creates confusion about whether freestanding signage is provided for in some major facilities zones and does not provide for freestanding signs at all (in the Campus Zone), where they may be appropriate.

Option 3.2 – Consistent size of freestanding signs

The size of freestanding signs within major facilities zones varies depending on the characteristics of the zone, as outlined above. The maximum size of freestanding signs varies from a maximum of 3m height and 2m² area in the Botanic Gardens to 8m height and 16m² area in the Stadium, Dunedin International Airport and Port zones.

The intent of this variation is to take into account the widely varied character and amenity values of the different management zones, the different types of businesses provided for and the varied needs for advertising of these businesses.

Having a consistent size and height of freestanding signs is considered inappropriate, compared with the preferred option, as would be contrary to the widely varied character and amenity values of the different major facilities zones, the different types of businesses provided for and the varied needs for advertising of these businesses.

Larger signs and higher freestanding sign heights would have adverse effects on areas with high character and amenity, and smaller sign sizes and lower heights would not provide for the needs of businesses in zones such as Airport, Stadium and Port, whose business is predominately through motorists instead of pedestrians.

4.4 Objective related to Commercial Advertising

Strategic Directions - Objective 2.4.1: Form and structure of the urban environment

The elements of the urban environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected and enhanced.

These include:

- d. important green and other open spaces;*
- e. trees that make a significant contribution to the visual landscape and history of neighbourhoods;*
- f. built heritage;*
- g. important visual landscapes and vistas;*
- h. the amenity and aesthetic coherence of different urban environments; and*
- i. the compact and accessible form of Dunedin.*

4.4.1 Preferred provisions related to commercial advertising

It is proposed that new commercial advertising (hoardings) sites be a non-complying activity throughout the 2GP.

Commercial advertising is one of a range of commercial activities in the 2GP. Commercial advertising is either specifically listed as non-complying in the activity tables of the relevant zone (in the commercial mixed use and industrial zones), or listed as non-complying under the catch-all statement 'all other activities in the commercial activities category' (in the residential, rural, rural residential, recreation and all major facilities zones).

4.4.2 Principal reasons for deciding the preferred provisions

1. The main **benefits** of the provisions are that:
 - a. Avoiding new commercial advertising (hoardings) sites throughout Dunedin will avoid unnecessary visual clutter, which will contribute to the protection and enhancement of residents' and visitors' aesthetic appreciation for, and enjoyment of, the urban environment of the city.
 - b. There are a number of existing commercial advertising (hoardings) signs throughout the city. These include temporary and permanent hoardings. These existing signs are sufficient to cater for any need for commercial advertising signs.
 - c. The ancillary sign provisions for management and major facilities zones will be sufficient to provide for the needs of businesses to attract customers to their sites.
 - d. In addition, there is now a wide range of other advertising options available, which can be directed to a far greater number and range of people. In particular, advertising through the internet has become increasingly important.
 - e. Provision has been made for tourism advertising in the Dunedin International Airport Major Facility Zone, which will allow for the advertising of tourism facilities or activities that operate in Otago or Southland at the airport. Refer section 4.3 above for more information on tourism advertising at the airport.
2. The main **costs** of the provisions are that:
 - a. There may be a loss in revenue from landowners who wish to establish commercial advertising and are not able to. On balance however this loss in revenue to landowners is outweighed by the positive contribution to amenity provided by not having this commercial advertising throughout the city.
 - b. In addition, in the current plan commercial advertising (hoardings) are non-complying activities apart from in the Airport Zone where a maximum of 200m² of total advertising

signage is permitted. Similar provisions are proposed for tourism advertising in the Dunedin International Airport Major Facility Zone of the 2GP.

4.4.3 Other reasonably practicable options for achieving objectives

1. Options regarding management of commercial advertising (hoardings)

Option 1.1 Status quo – Current Plan – Provide for commercial advertising at Airport

As outlined above in the current plan commercial advertising (hoardings) are non-complying activities apart from in the Airport Zone where a maximum of 200m² of total advertising signage is permitted. In addition, feedback provided from consultation with the Airport requested that provision be made for commercial advertising at the Airport.

This option is considered as inappropriate compared to the preferred option because sufficient signage is provided for in the ancillary sign provisions (rule 24.6.9) in the Dunedin International Airport Zone of the 2GP to provide for the needs of the airport to advertise products sold at the airport to visitors.

This includes allowing for signs whether attached to buildings or freestanding to be a maximum of 8m high above ground level and if attached to a building a maximum area of 15% of the total wall area (excluding windows) that face the road frontage, or 8m², whichever is lesser. In addition, permanently fixed freestanding signs can have a maximum area of 16m² per display face.

Further, the tourism advertising provisions outlined above will allow for tourism operators to advertise their facilities and activities and is in addition to the ancillary sign provisions.

Option 1.2 Provide for commercial advertising (hoardings) at Edgar Centre

The Edgar Centre has requested that commercial advertising (hoardings) be provided for in this major facility.

This option is considered as inappropriate compared to the preferred option because sufficient signage is provided for in the ancillary sign provisions (rule 25.6.7) in the Edgar Centre Zone of the 2GP, to provide for the needs of the Edgar Centre to advertise products sold at the Edgar Centre to visitors.

This includes allowing for signs attached to buildings to be a maximum of 8m high above ground level, and where:

- facing Portsmouth Drive, maximum of 5 signs with a maximum cumulative area of 75m²
- facing Midland Street, maximum of 3 signs with a maximum cumulative area of 56m²
- facing Teviot Street, maximum of 2 signs with a maximum cumulative area of 26.5m²

Freestanding signs can have a maximum height above ground level of 4m and a maximum area of 8m² per display face.

4.5 Risk of acting or not acting

The key risks associated with not adopting the preferred suite of provisions include that:

- for the Campus major facility, because there are no sign provisions in the current plan for this facility, it will require reliance on the resource consent process or plan change process for the establishment of signage. This is an inefficient and ineffective way to operate.
- uncertainty would remain as to the appropriate height of signs (in the management zones and major facilities where a maximum height is not referenced) and may result in signs

being established at a height which would have adverse effects on the character and amenity of adjoining areas.

- opportunities to protect areas with high streetscape amenity and high pedestrian volumes (for example in pedestrian street frontages and heritage precincts) through appropriate signage provisions could be missed.

The key risks associated with adopting the preferred suite of provisions include that:

- In the areas where larger signs are proposed than in the current plan (for example rural and rural residential zones outside outstanding natural features and landscapes) there may be adverse effects on the character and amenity. However, any such adverse effects will be no more than minor in nature.

Generally the level of information relied on in coming to the conclusions reached in this evaluation is good. Consultation has been undertaken with the NZ Sign Writers Association, NZTA on sign provisions in transportation section of the 2GP and the resource consents team of Council on core issues in recent years and a review of best practise around the country has also been undertaken. Consultation with a number of the major facility operators have also been undertaken on these proposed sign provisions.

5.0 Background

5.1 Statutory content

The following section discusses statutory considerations that are relevant to this section. For a general discussion of the Resource Management Act 1991 and statutory consideration see Introduction to s32 Reports.

5.1.1 Resource Management Act 1991

Under section 74(1) of the RMA, district plans must be prepared in accordance with the provisions of Part 2 of the Act. The purpose of the RMA, as stated in section 5, is the sustainable management of natural and physical resources to meet the reasonably foreseeable needs of future generations. Such management should enable people and communities to provide for their social, economic, and cultural well-being while safeguarding the environment.

Section 7 of the RMA lists other matters to which local authorities should have particular regard, including:

- b) the efficient use and development of natural and physical resources:
- ba) the efficiency of the end use of energy:
- c) the maintenance and enhancement of amenity values:
- f) maintenance and enhancement of the quality of the environment:

Objectives and policies that provide for signs within management zones and major facilities are consistent with the RMA's policy direction, particularly Sections 7c and 7f. A pleasant living, working and recreation environment can also help people and communities provide for their health and physical and social wellbeing. In addition, providing for appropriate signage provides an opportunity for businesses to attract customers, which in turn contributes to the economic wellbeing of Dunedin, consistent with the purpose of the Act.

5.1.2 National Policy Statements (NPS) or National Environmental Standards (NES)

When preparing district plans, district councils must also have regard to any National Policy Statements (NPS) or National Environmental Standards (NES). There are, however, no NES or NPS directly relevant to this particular topic.

5.1.3 Operative and Proposed Otago Regional Policy Statement

The Otago Regional Policy Statement (1998) (RPS) directs strategic planning directions at a regional level. Relevant provisions are included in Table 2 below:

Table 2: Relevant Otago Regional Policy Statement Policies

9. Built Environment	
Issues:	9.3.1 <i>The adverse effects of urban development and settlement can impact upon the quality of the built environment and on the use of natural and physical resources.</i>
Objectives:	9.4.1 <i>To promote the sustainable management of Otago's built environment in order to:</i> <i>(a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and</i> <i>(b) Provide for amenity values, and</i> <i>(c) Conserve and enhance environmental and landscape quality; and</i> <i>(d) Recognise and protect heritage values.</i>
Policies:	9.5.3 <i>To promote and encourage the sustainable management of Otago's transport network through:</i> <i>(a) Promoting the use of fuel efficient modes of transport; and</i> <i>(b) Encouraging a reduction in the use of fuels which produce emissions harmful to the environment; and</i> <i>(c) Promoting a safer transport system; and</i> <i>(d) Promoting the protection of transport infrastructure from the adverse effects of landuse activities and natural hazards.</i> 9.5.5 <i>To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through:</i> <i>(a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and</i> <i>(b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and</i> <i>(c) Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.</i>

The provisions in the RPS encourage councils to manage signs in order avoid significant adverse effects on amenity and the quality of the urban environment.

The Proposed RPS was notified in May 2015, however, there are no provisions in the proposed RPS which are directly relevant to this particular topic.

5.1.4 Dunedin Spatial Plan (2012)

Also of relevance is the Dunedin Spatial Plan, which provides a strategic direction for Dunedin City Council. Table 3 below contains relevant provisions from the Spatial Plan.

Table 3: Relevant Provisions within the Dunedin Spatial Plan

Objectives	Policies
MEM 1: <i>The diverse character of Dunedin's rural and coastal environment is maintained and enhanced.</i>	<i>c. Manage the location and design of development in the rural environment to protect character and landscape values of the rural environment.</i>
MEM 2: <i>Dunedin is recognised as a beautiful place, enhanced by quality architectural, urban and</i>	<i>a. Apply best practice design principles to the management of all development in the central city</i>

<i>landscape design.</i>	<i>and other centres to ensure a good public-private interface (e.g. to the location and design of parking, verandahs and façades).</i>
<i>MEM 3: The identity, character, and history of the diverse communities that make up Dunedin are protected and celebrated.</i>	<i>a. Ensure all new development respects and enhances the distinct built and natural environmental context in which it is located, including land form, natural features, local character and identity.</i>
<i>VIB 2: The central city remains a vibrant centre for activity and the focal point for urban life in the city, supported by a hierarchy of successful suburban and rural centres that are social and economic hubs for local communities with a range of community facilities, spaces and activities and shops that provide for day-to-day needs and some specialised shopping.</i>	<i>f. Provide a high quality public realm designed for people in the central city and suburban and rural centres.</i>

The Spatial Plan gives clear direction with regard to managing the character and amenity of the streetscape and surrounding areas, which contributes to the social and cultural and economic wellbeing and the health and safety of Dunedin's population.

5.1.5 Commercial Use of Footpaths Policy (2005)

Councils *Commercial Use of Footpaths Policy (2005)* requires businesses who wish to place portable signs on footpaths to gain approval from Council as landowner to do this. The objective of this policy is to allow the use of Dunedin's footpaths for commercial purposes while maintaining a safe and unobstructed passage for pedestrians.

This policy applies throughout the Council region wherever a formed, sealed footpath or road exists and should be read alongside the Roading Bylaw. It applies to all objects placed on the footpath or suspended over it up to a height of 2.6 metres.

This policy applies in tandem with the proposed District Plan provisions for portable signs on footpaths.

Given the statutory content outlined above in Section 5.1, the policy direction for the signs provisions is consistent with the RMA, the RPS, the Spatial Plan and the Commercial Use of Footpaths Policy.

5.2 Consultation

Extensive consultation has been undertaken on the 2GP. See *Introduction to Section 32 Report* for details on the methods that were used to engage with the public and key stakeholders and the key feedback received during the Issues and Options and Preferred Options phases of consultation. In addition, more targeted consultation on signs is summarised below.

5.2.1 Key stakeholder consultation

Issues and options have been discussed with local sign writers and the New Zealand Sign and Display Association. Specific consultation on the signs provisions was also undertaken with NZTA on the transportation sign provision and the major facilities zones.

5.2.2 Internal consultation

As part of the options assessment, internal consultation was undertaken with key Council stakeholders, including Transportation (on the signs provisions in the Transportation Section of the 2GP), Events, and Parks and Recreation (on the signs provisions for the Recreation Zone and Otago Museum major facility) and Resource Consents teams. The resource consents team were also closely involved in the development of the signs provisions.

5.2.3 Summary of findings from consultation

The summary of finding from research and consultation include:

- Whether there should be controls on signs outside/just inside/inside windows.
- Within current District Plan - signs only permitted in association with permitted activities, there is a lack of clarity over which signs are permitted by the Townscape Section, free standing signs are not provided in the Activity zones and no signs are provided for within the Campus Zone
- Size of standard panel of plywood or signbond used to make signs
- Whether any signs should be permitted on the exterior of scheduled heritage buildings (currently none are permitted).
- Management of portable signs (including flag signs).

5.3 Summary of background documents and research

The following reports provide for the evidential basis for the proposed provisions:

- *Traffic control devices manual, part 2, direction, service and general guide signs, NZ Transport Agency (2011)*
- *Traffic control devices manual, part 3, advertising signs, NZ Transport Agency (2011)*
- *Commercial use of footpaths policy, Dunedin City Council (2005)*
- *Roading bylaw, Dunedin City Council (2008)*
- *Traffic and parking bylaw, Dunedin City Council (2010)*

5.4 Review and evaluation of current plan provisions – summary of findings

Refer summary of findings from consultation (clause 5.2.3) above.

Kelly Taylor

From: Alan Worthington
Sent: Friday, 16 August 2019 01:16 p.m.
To: Sandy Graham
Subject: RE: Signs and elections

No. Just checked with the compliance team.

-----Original Message-----

From: Sandy Graham
Sent: Friday, 16 August 2019 12:44 p.m.
To: Alan Worthington
Subject: Signs and elections

Afternoon.

Have we removed any election signs yet?

Sx

General Manager City Services
Dunedin City Council

Kelly Taylor

From: Paul Freeland
Sent: Friday, 23 August 2019 04:26 p.m.
To: Sandy Graham
Subject: FW: Election Signs decision
Attachments: Agenda .pdf; Temporary-Activities-Decision-Report.pdf

Actually my hearing notes show the Panel as being: Aaron Hawkins, David Benson-Pope, David Collins and Kate Wilson.

So Gary Rae and Jinty MacTavish were absent....

From: Paul Freeland
Sent: Friday, 23 August 2019 4:20 p.m.
To: Sandy Graham <Sandy.Graham@dcc.govt.nz>
Subject: Election Signs decision

Hi,

Looks like the whole Panel was present, and that is my general recollection.

Cheers

Paul Freeland
SENIOR PLANNER
CITY DEVELOPMENT

P 03 477 4000 | DD 03 474 3325 | M 021 806 578 | E Paul.Freeland@dcc.govt.nz
Dunedin City Council, 50 The Octagon, Dunedin
PO Box 5045, Dunedin 9054
New Zealand
www.dunedin.govt.nz



THE PROPOSED
**SECOND
GENERATION
DISTRICT PLAN**

Dunedin City Council, 50 The Octagon, Dunedin 9016
PO Box 5045, Moray Place, Dunedin 9058

REFERENCE NUMBER: HO90-2016-06-24

**AGENDA FOR A MEETING OF THE DUNEDIN 2GP
HEARINGS PANEL – TE PAEPAE KAIWAWAO
MOTUHAKE O TE 2GP, TO BE HELD IN THE 2GP
HEARINGS CENTRE, 11 GEORGE STREET, ON
FRIDAY 24 JUNE 2016 COMMENCING AT 9.00 AM**

MEMBERSHIP: Commissioners David Collins (Chairperson) and Gary Rae (Deputy Chairperson), Councillors David Benson-Pope, Aaron Hawkins, Jinty MacTavish and Kate Wilson

IN ATTENDANCE: Paul Freeland (Senior Planner), Jacinda Baker (Reporting Officer) and Jennifer Lapham (Governance Support Officer)

APOLOGY(IES): Gary Rae (Deputy Chairperson)

PART A:

1. PROPOSED SECOND GENERATION DISTRICT PLAN – TEMPORARY ACTIVITIES

Presentation of Section 42A Report from the Reporting Officer.

Procedural Issues/Jurisdiction Issues

Any matters to be raised.

Submissions – To be heard in the following order:

Submitters calling expert evidence
Submitters representing organisations
Individual submitters
Expert rebuttal evidence (if requested)

Further Advice from Reporting Officer

PLEASE NOTE: The **only** section of the hearing which is not open to the public is the Committee's final consideration of its decision, which is undertaken in private. Following completion of hearing, the Hearings Panel will make the following resolution to exclude the public. All those present at the hearing will be asked to leave the meeting at this point.

RESOLUTION TO EXCLUDE THE PUBLIC

To be moved:

"That the public be excluded from the following parts of the proceedings of this meeting, namely, Item 1.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:



THE PROPOSED
**SECOND
GENERATION
DISTRICT PLAN**

Dunedin City Council, 50 The Octagon, Dunedin 9016
PO Box 5045, Moray Place, Dunedin 9058

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under Section 48 (1) for the passing of this resolution.
1	2GP – Temporary Activities	That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. (That a right of appeal lies to any court or Tribunal against the Dunedin City Council in these proceedings).	Section 48(1)(d)



**SECOND
GENERATION
DISTRICT PLAN**

**Temporary Activities
Decision of Hearings Panel**

**Proposed Second Generation Dunedin City
District Plan (2GP)**

7 November 2018



User guide to the decision reports and the marked-up decisions version of the 2GP

The decisions of the 2GP Hearings Panel are presented in 29 decision reports (one report per hearing topic).

The reports include the Panel's decisions and reasons and incorporate the requirements under s32AA.

At the end of each report a table has been included summarising all the decisions on provisions (Plan text) in that decision report.

Marked-up version of the Notified 2GP (2015)

The decisions include a marked-up version of the notified 2GP, which shows the amendments made to the notified plan in ~~strike-through~~ and underline. Each amendment has a submission point reference(s) or a reference to 'cl.16' if the amendment has been made in accordance with Schedule 1, clause 16(2) of the Resource Management Act. Schedule 1, clause 16(2), allows minor and inconsequential amendments to be made to the Plan.

Amendments to the Schedules below are not marked up as in other sections of the plan as they are drawn from a different source. Any changes to Schedules are detailed in the decision report for the relevant section.

Some very minor clause 16 changes such as typographical errors or missing punctuation have not been marked up with underline or strikethrough. More significant cl. 16 changes (such as where provisions have been moved) are explained using footnotes, and in some cases are also discussed in the decision.

Hearing codes and submission point references

As part of the requirement of the DCC to summarise all original submissions, all submission points were given a submission point reference, these references started with 'OS'. Further submissions were also summarised and given a submission point that started with 'FS'.

The submission points are made up of two numbers the first is the submitter number, which is followed by a full stop, the second part is the submission point number for that submitter.

For example, OS360.01 is submitter 360 and their first submission point.

The 2GP Hearings Panel has used these same submission point references to show which submission points different amendments were attributed to. However, to enable these changes to be linked to different decision reports, the reference code was changed to start with a decision report code, e.g. Her 308.244.

A list of hearing codes can be found on the following page.

It should be noted that in some cases where several submitters sought a similar change, the submission point reference may not include all of these submission points but rather include only one or say, for instance, "PO 908.3 and others".

Master summary table of all decisions

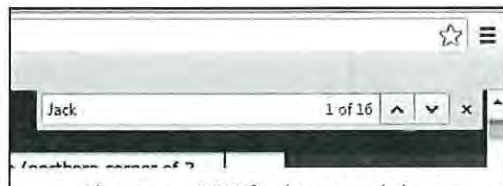
In addition to the summary table at the end of each decision report there is a master summary table that lists all decisions on provisions (Plan text), across all hearing topics, including details of the section(s) of the decision report in which that decision is discussed, and the relevant section(s) of the s42A reports. The s42A report sections will be helpful for appellants needing to identify which other parties have submitted on that provision, as notices of the appeal must be served on every person who made a submission on the provision or matter to which the appeal relates. The master summary table of decisions can be found on the decisions webpage of the 2GP website (2gp.dunedin.govt.nz).

List of hearing codes

Hearing topic	Code
Commercial Advertising (cross plan hearing topic)	CP
Commercial and Mixed Use Zones	CMU
Community Correction Facilities (cross plan hearing topic)	CP
Defence Facilities and Emergency Services (cross plan hearing topic)	CP
Designations	Des
Earthworks	EW
Heritage	Her
Industrial Zones	Ind
Major Facilities (without Port and Mercy Hospital)	MF
Manawhenua	MW
Mercy Hospital	Mer
Natural Environment	NatEnv
Natural Hazards	NatHaz
Natural Hazard Mitigation	HazMit
Network Utilities	NU
Plan Overview and Structure	PO
Port Zone	Port
Public Amenities	PA
Public Health and Safety (PHS)	PHS
Quarries and Mining Activities (cross plan hearing topic)	CP
Recreation Zone	Rec
Residential Zones	Res
Rural Zones	RU
Rural Residential Zones	RR
Scheduled Trees	ST
Service Stations (cross plan hearing topic)	CP
Temporary Activities	TA
Transportation	Trans
Urban Land Supply	ULS

How to search the document for a submitter number or name

1. If you want to search for particular submitter name, submission point or Plan provision in any of the reports (decision report, marked-up version of the Plan, or s42A report) the easiest way to do this is to use the 'Find' function.
2. When you have the document open, press the keys CTRL and F (Windows) or CMND and F (Mac) to bring up the 'PDF Finder'.



Chrome – PDF finder search box



Chrome – PDF finder search box

3. Once the PDF search box appears (in the top left or right corner of your browser) type in the submission number or submitter name and press enter on your keyboard.
4. The PDF finder will search for all instances of this term. Depending on the size of the document and your internet connection it may take a minute or so.
5. Press on the up or down arrows (Chrome) or 'next' (Internet Explorer) in the search box to view the different instances of the term until you find the one you are looking for.
6. An 'advanced search' function is available under the Edit tab in some PDF viewers, this allows you to search 'whole words' only to look for exact strings of letters or numbers

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1.0 Introduction

1. This document details the decision of the Proposed Dunedin City District Plan Hearings Panel/Te Paepae Kaiwawao Motuhake O Te 2GP with regard to the submissions and evidence considered at the Temporary Activities Hearing, held on 24 June 2016, at the 2GP Hearings Centre.

1.1 Scope of Decision

2. This Decision Report addresses the original and further submission points addressed in the Temporary Activities s42A Report.

1.1.1 Section 42A Report

3. The Temporary Activities s42A Report deals primarily with plan provisions included in the Temporary Activities section of the 2GP. The Temporary Activities section contains provisions which link to the Management and Major Facility Zone sections of the 2GP. The decisions on those topics should be read in conjunction with this decision.

1.1.2 Structure of Report

4. The decision report is structured by topic. The report does not necessarily discuss every individual submitter or submission point; instead it discusses the matters raised in submissions and records our decisions and reasons on the provisions relevant to each topic¹. Appendix 2 of the report summarises our decision on each provision where there was a request for an amendment. The table in Appendix 2 includes provisions changed as a consequence to other decisions.
5. Schedule 1 of the Resource Management Act 1991 (RMA) outlines key aspects of the process that must be used to prepare and make decisions on a plan change (including the submission and hearing process).
6. Clause 16(2) of that schedule allows a local authority to make an amendment where the alteration "is of minor effect", and to carry any minor errors, without needing to go through the submission and hearing process.
7. This decision includes some minor amendments and corrections that were identified by the DCC Reporting Officers or by us through the deliberations process. These amendments are referenced in this report as being attributed to "cl.16". These amendments are summarised in Section 7.

1.2 Section 32AA Evaluation

8. Section 32 of the RMA establishes the framework for assessing proposed objectives, policies and rules. Section 32AA of the RMA requires a further evaluation to be released with decisions, outlining the costs and benefits of any amendments made after the Proposed Plan was notified.
9. The evaluation must examine the extent to which each objective is the most appropriate way to achieve the purpose of the RMA and whether, having had regard to their efficiency and effectiveness, the policies and rules proposed are the most appropriate

¹ In accordance with Schedule 1, section 10 of the RMA.

for achieving the objectives. The benefits and costs of the policies and rules, and the risk of acting or not acting must also be considered.

10. A section 32AA evaluation has been undertaken for all amendments to the notified plan. The evaluation is included within the decision reasons in Sections 3.0 and 4.0 of this decision.

1.3 Statutory considerations

11. The matters that must be considered when deciding on submissions on a district plan review are set out in Part 2 (sections 5–8, purpose and principles) and sections 31, 32 and 72–75 of the RMA. District plans must achieve the purpose of the RMA and must assist the council to carry out its functions under the RMA.
12. The s42A Report provided a broad overview of the statutory considerations relevant to this topic. These include:
 - Section 75(3) of the RMA, which requires us to ensure the 2GP gives effect to any National Policy Statement (NPS) or National Environmental Standard (NES) that affects a natural or physical resource that the Plan manages. We note that there are no NPS or NES directly relevant to this particular topic.
 - Section 74(2)(a) of the RMA, which requires us to have regard to the proposed Otago Regional Policy Statement (pRPS) and section 75(3)(c) of the RMA, which requires us to ensure the 2GP gives effect to the operative Otago Regional Policy Statement (oRPS). We note that the proposed RPS was notified on 23 May 2015, and decisions released on 1 October 2016. At the time of making these decisions on 2GP submissions some of the proposed RPS decisions are still subject to appeal, and therefore it is not operative.
 - Section 74(2)(b)(i), which requires us to have specific regard to any other key strategies prepared under the Local Government Act. The s42A Report highlighted the Dunedin Spatial Plan 2012 as needing to be considered as this DCC strategic document sets the strategic directions for Dunedin's growth and development for the next 30 plus years.
13. These statutory requirements have provided the foundation for our consideration of submissions. We note:
 - where submissions have been received seeking an amendment of a provision and that provision has not been amended, we accept the advice in the original s42A Report that the provision as notified complies with the relevant statutory considerations
 - where a submitter has sought an amendment in order to better meet the statutory considerations, we have discussed and responded to these concerns in the decision reasons
 - in some cases, while not specifically raised, we have made amendments to the Plan as the evidence indicated this would more appropriately achieve these statutory considerations, in these cases we have explained this in our decision reasons
 - where we have amended the Plan in response to submissions and no parties have raised concerns about the provisions in terms of any statutory

considerations, and we have not discussed statutory considerations in our decision, this should be understood to mean that the amendment does not materially affect the Plan's achievement of these statutory considerations.

2.0 Hearing appearances and evidence presented

14. Submitters who appeared at the hearing, and the topics under which their evidence is discussed, are shown below in Table 1. All evidence can be found on the 2GP Hearing Schedule webpage under the relevant Hearing Topic <https://2gp.dunedin.govt.nz/2gp/hearings-schedule/index.html>

Table 1: Submitters and relevant topics

Submitter, (Submitter Number)	Represented by	Expert Evidence, Submissions or evidence tabled at the hearing	Topics under which evidence is discussed
<i>David Clark's Campaign</i> (OS1083)	Brian Ellis (representative)	Appeared at hearing.	<ul style="list-style-type: none"> • Rule 4.5.7.2 Election signs
<i>New Zealand Defence Force (NZDF)</i> (OS583) (FS2287.3)	Rob Owen (representative)	Tabled evidence, not pre-circulated and did not appear at the hearing.	<ul style="list-style-type: none"> • Helicopter landings/movements • Rule 4.5.4 Noise performance standards • Rule 4.3.2.1 Performance standards that apply to all temporary activities
<i>New Zealand Fire Service (NZFS)</i> (OS945)	Kerry Anderson and Emma Matherson (representatives – legal counsel) Fiona Blight (planner)	Memorandum of Counsel pre-circulated and did not appear at the hearing. Pre-circulated evidence and did not appear at the hearing.	Not discussed in decision as all supporting submissions
<i>New Zealand National Party</i> (FS2340)	Rachael Bird (Southern Regional Chairperson)	Appeared at the hearing	<ul style="list-style-type: none"> • Rule 4.5.7.2 Election signs
<i>New Zealand Transport Agency (NZTA)</i> (OS881)	Kirsten Tebbutt (resource management consultant)	Pre-circulated evidence and did not appear at the hearing	<ul style="list-style-type: none"> • Helicopter landings/movements • Rule 4.5.7.3 Temporary event signs • Rule 4.5.7.2 Election signs

<i>Otago Polytechnic</i> (FS2448)	Louise Taylor (planner)	Pre-circulated evidence and did not appear at the hearing	<ul style="list-style-type: none"> • Management of temporary activities in the Campus Zone
<i>University of Otago</i> (OS308)	Murray Brass (representative)	Pre-circulated evidence and did not appear at the hearing	<ul style="list-style-type: none"> • Management of temporary activities in the Campus Zone

15. Appearances for the Dunedin City Council were:

Ms Jacinda Baker, Reporting Officer

16. Evidence provided by Ms Baker for the hearing included:

- Section 42A Report organised primarily under topic headings which responded to each submission point
- Addendum to section 42A Report dated 24 June 2016
- Opening statement (tabled and verbal)
- Revised recommendations (tabled and verbal) responding to each submitter
- Information contained in the expert evidence by Mr Malcolm Hunt (Noise and Vibration Report – Review of Submissions and Recommendations, May 2016)

17. Planning assistance to the hearing was provided by:

Mr Paul Freeland, Senior Planner

3.0 Topics discussed at the hearing or covered in evidence

3.1 Overview

18. Temporary Activities are defined in Section 1.5 of the Plan as: "The category of land use activities that includes the following activities: construction; filming; military exercises; mobile trading; temporary disaster management accommodation; helicopter landings; temporary events; temporary signs." Each of these activities referred to are further defined, except for helicopter landings.
19. The objectives, policies and rules in relation to Temporary Activities are contained in Part B, City-wide Activities, Section 4 of the Plan. Temporary Activities are different from other activities due to their temporary nature, which requires different types of performance standards. Their brief and infrequent nature also means that the effects generated by these activities are predictable and short-lasting, allowing a broad management approach to be taken, instead of a specific tailoring to each zone. Where a bespoke management approach is required for a particular zone, this is reflected in the performance standards. For some activities they are also undertaken only by a small number of people/organisations. These factors provide the rationale for containing the temporary activities provisions in the City-wide Activities part of the Plan.

3.2 Management of Temporary Activities in the Campus Zone

20. The major facility zones sections contain rules, objectives and policies tailored to the major facility activities that take place in these zones. Campus activity is defined widely to cover the broad range of activities undertaken by the University of Otago and Otago Polytechnic.
21. The *University of Otago* (OS308.495) requested the Plan be amended so that campus activity is not required to meet the temporary activities rules. The submitter reasoned that the operation of the University involves many temporary activities and events, and the controls contained in the temporary activities section would be unwarranted if applicable to them. The *Otago Polytechnic* (FS2448.27) supported this submission as the Otago Polytechnic operations also involve temporary activities and events. The *Otago Polytechnic* argued that any potential adverse effects from temporary activities can be adequately managed without a requirement for planning regulation where temporary activities occur in the Campus Zone.
22. The Reporting Officer said that the rules for Temporary Activities were not intended to apply to temporary activities that otherwise met the definition of Campus but that temporary activities not associated with campus activity should still be required to comply with the Temporary Activities provisions even if they occurred in the Campus Zone. She suggested that the definition of Campus could specify that the activity includes any Temporary Activities that otherwise met the definition of Campus as this would clarify the above distinction (s42A Report, Section 3.7, p. 18).
23. Mr Brass, for the *University of Otago*, pre-circulated evidence but he did not appear at the hearing. Mr Brass' evidence supported the Reporting Officer's recommendation to include Temporary Activities in the definition of Campus.
24. For the *Otago Polytechnic*, Ms Louise Taylor (planning consultant) pre-circulated expert evidence but did not appear at the hearing. She also agreed with the Reporting Officer's recommendation to amend the Campus definition and considered that the amended

definition will foster the effective and efficient operation of the Campus activity in the Campus Zone.

3.2.1 Decision and reasons

25. We accept the submission by the *University of Otago* (OS308.495) and the further submission by the *Otago Polytechnic* (FS2448.27) that temporary activities associated with Campus activity should not be captured by the Temporary Activities rules. We agree with the relief suggested by the Reporting Officer to address their concerns through amendment to the campus definition, subject to minor amendment to the wording. The amendments to the campus definition and the consequential amendments to the definition of Temporary Activities to exclude activity otherwise defined as Campus are shown in Appendix 1 attributed to submission point TA 308.495.

3.3 Rule 4.5.3.3 Helicopter landings/movements

3.3.1 Background

26. Rule 4.5.3.3 includes performance standards for helicopter landings, which include restrictions on the time and frequency of landings. Helicopter landings for emergencies, associated with emergency services and those that meet the noise standards of the zone, are exempt from complying with these standards.
27. Permanent helicopter landing sites (heliports) are managed as discretionary activities within the Transportation section of the Plan.

3.3.2 Request to change terminology to helicopter 'movements'

28. In its original submission, the *Southern District Health Board (SDHB)* (OS917.13) supported by a further submission from the *New Zealand Defence Force (NZDF)* (FS2287.3) requested amendments to the terminology in Rule 4.5.3.3 to refer to helicopter movements rather than landings.
29. In her s42A Report, Ms Baker agreed with the submitters that the terminology should be changed to movements to make the terminology consistent with the relevant New Zealand standards and Environment Court decisions.

3.3.2.1 Decision and decision reasons

30. We accept the submission by the *SDHB* (OS917.13) and the further submission by the *NZDF* (FS2287.3) to refer to helicopter movements rather than helicopter landings, and the relief recommended by Ms Baker to address the submitters' concerns. 'Movements' make it clear that the numerical limits apply to both landings and take-offs. We have therefore amended the activity name (4.3.2.5) to reflect this wording and amend the number of flights which referred to landings to equate to the number of movements by doubling the specified amount. We have also added a definition for helicopter movements. The amendments to Rule 4.5.3.3 and the definition are shown in Appendix 1 and attributed to submission point TA 917.13.
31. In order to reflect the new terminology, we have made consequential amendments to the term 'helicopter landings' in the following sections:
- the Temporary Activities Category of the nested tables (1.3)

- definition of temporary activities (1.4)
- activity status table (4.3.2.5)
- assessment of all performance standard contraventions (Rule 4.7.2.4), and
- assessment of discretionary transportation activities (Rule 6.11.3.4).

3.3.3 Request to add new helicopter setbacks from state highway

32. The *New Zealand Transport Agency* (NZTA) (OS881.47) sought to have rules restricting the proximity of helicopter movements to a state highway for safety reasons. In its submission *NZTA* argued helicopters have the potential to distract motorists, affecting the safety and efficiency of the state highway. The *NZTA* said the main causes of distraction are the proximity and visibility of the landing site to the state highway, and the flight path and altitude of the aircraft when they cross the state highway. The *NZTA* requested that the Plan manage this potential effect by requiring such activities to achieve a minimum setback from the road and a minimum altitude when crossing the state highway.
33. The Reporting Officer recommended rejecting this submission and stated:
- “while the 2GP can control helicopter movements (landings and take-offs) for amenity (noise) reasons, I do not consider it is the place of the 2GP to manage helicopter movements purely for safety reasons, as this would be a factor that the Civil Aviation Authority of New Zealand are responsible for” (s42A Report, Section 3.11, p. 24).
34. Ms Kirsten Tebbutt for *NZTA* pre-circulated evidence but did not appear at the hearing. In her evidence she reiterated the potential for the operation of helicopters in close proximity to state highways to cause a distraction. She also said that while *NZTA* remains of the view that the location of helicopter landing sites can be regulated by a District Plan, *NZTA* accept the recommendation.

3.3.3.1 Decision and decision reasons

35. We reject the submission by the *NZTA* (OS881.47) to add additional rules restricting helicopter movements in close proximity to the state highway as we consider that safety effects are more efficiently managed through the powers of the Civil Aviation Authority.

3.3.4 Request for amendments to Rule 4.5.3.3 to exempt permanent helicopter sites and military exercises

36. The *SDHB* (OS917.13) sought amendment of Rule 4.5.3.3.c to specify that helicopter landings by emergency services at permanent helicopter bases or landing areas are not required to meet these standards. The *SDHB* were concerned about permanent landing sites not being able to meet noise standards in various zones and how helicopter noise will be measured. The *NZDF* (FS2287.7) opposed the change to Rule 4.5.3.3.c.
37. The *NZDF* (OS583.11) sought exemption for helicopter movements associated with temporary military training activities from Rule 4.5.3.3 as they consider the proposed limits are arbitrary and not effects-based. In the event we did not accept this request, the *NZDF* suggested the alternative of referencing the New Zealand Standard NZS 6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*. This alternative is discussed separately below with other similar submissions on noise performance standards.

38. The *NZDF* consider helicopter landings may take place in association with temporary military training activity, and it is appropriate that these activities be provided for consistently with military activity provisions in the Plan.
39. In her s42A Report, Ms Baker recommended that the amendment of Rule 4.5.3.3.c requested by the *SDHB* (OS917.13) be rejected as permanent landing sites are defined in the Plan as heliports, and associated flights are managed as a discretionary activity not as a temporary activity. As performance standards are not attached to fully discretionary activities, noise limits would need to be addressed via a condition on any resource consent granted.
40. In her s42A Report, Ms Baker recommended accepting the *NZDF* submission (OS583.11) in part in regard to the request for reference to NZS 6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas* as outlined in the noise performance section below.

3.3.4.1 Decision and decision reasons

41. We accept in part the submission from *NZDF* (OS583.11) and agree with the relief recommended of the Reporting Officer and amend the performance standard to reflect the NZ standard. We reject the submission from the *SDHB* (OS917.13) noting that no change is required to address their concerns. The amendment to Rule 4.5.3.3 and the consequential addition of a note in Rule 4.5.3.3 are shown in Appendix 1 and attributed to submission point TA 583.11. This submissions and other amendments are further discussed in the section below.

3.4 Rule 4.5.4 Noise performance standards

3.4.1 Requests to refer to helicopter noise standards

42. The *NZDF* (OS583.11) requested referencing NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas* in the Plan. The *SDHB* (OS917.11) requested the addition of references to relevant New Zealand Standards (NZS) in regard to the measurement and assessment of sound and a new performance standard regarding measurement of helicopter noise in accordance with NZS 6807:1994 *Noise Management & Land Use Planning For Helicopter Landing Areas*. The *SDHB* suggested sound measurement systems for long-term monitoring should conform with parts 2 and 3 of NZS 6805:1992 *Airport noise management and land use planning*, and all instrumentation and methods of measurement should comply with NZS 6801:2008 *Acoustics – Measurement of Environmental Sound*.
43. The noise expert for the DCC, Mr Malcolm Hunt, considered the requests by submitters to include reference to NZS 6807:1994 for the management and measurement of helicopter noise. In his pre-circulated evidence he recommended managing noise from helicopter landing areas in accordance with the guidance set out within NZS 6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*. He stated that this standard represents best practice being the culmination of work by experts in the areas of noise effects and in the use of helicopters and aviation matters and has been adopted widely in other district plans in New Zealand.
44. Mr Hunt recommended inclusion of noise restrictions on helicopter movements based on the wording of clause 1.1.1 of NZS6807:1994. The Reporting Officer adopted these recommendations (s42A Report, Section 4.3.12). This would be done as a new rule

under 4.5.4 (Noise Performance Standard). As a consequence of referring to NZS 6807:1994 in a new rule 4.5.4.5, Rule 4.5.3.3(c)(ii) which refers to noise standards in the relevant zone where the temporary activity is occurring (in terms of being exempt from restrictions on frequency of movements and daylight hours if noise standards of the zone are met) can be deleted. As the new standard includes daytime and night-time levels, the standard limiting movements to daylight hours in Rule 4.5.3.3(b) can also be deleted. As a consequence of referring to NZS 6807:1994 in the performance standards, Ms Baker recommended amendments to incorporate the standard as an assessment matter in Rule 4.7.2.4 and applying the same assessment to Heliports through Rule 6.11.3.4. As both Rule 4.5.3.3 and Rule 4.5.4.5 contain provisions relevant to helicopter use, Ms Baker recommended adding a note to Rule 4.5.4.5 to advise plan users of the need to look at other relevant district plan provisions.

45. Evidence was tabled from Mr Robert Owen, Environmental Manager, on behalf of the *NZDF*, but he did not appear at the hearing. In his evidence, he stated the *NZDF* supported Ms Baker's recommendations.

3.4.1.1 Decision and reasons

46. We accept in part the submission by the *NZDF* (OS583.11) and the *SDHB* (OS917.11) to refer to New Zealand standards in the rules and agree with the recommendation of the Reporting Officer to amend the provisions to give relief to the submissions.
47. Addition of new Rule 4.5.4.5 and consequential amendments are shown in Appendix 1 and attributed to submission point TA917.11
48. We make the following consequential amendments:
 - addition to rules 4.5.4.2 and 4.5.4.4 that noise will be measured and assessed in accordance with the standards (NZS 6801:2008 *Acoustics – Measurement of Environmental Sound* and NZS 6802:2008 *Acoustics – Environmental Noise*)
 - specification of the activity status of activities that contravene the performance standards in Rule 4.5.4.5
 - to the assessment of all performance standard contraventions (Rule 4.7.2.4) and assessment of discretionary transportation activities (Rule 6.11.3.4), as suggested by the Reporting Officer.
49. Our reason is that reference to the relevant New Zealand acoustic standards will improve the consistency and clarity of the noise provisions that apply to helicopter movements.
50. We note that the term 'temporary' has been deleted from the "temporary helicopter movements" activity listed in the activity status table (Rule 4.3.2.5) as a clause 16 amendment, as the word 'temporary' is not necessary due to this aspect being included in the definition.

3.4.2 Requests to refer to other noise standards

51. The *NZDF* (OS583.12 and OS583.15) supported rules 4.5.4.4 and 4.5.4.2.
52. The *SDHB* (OS917.11) requested the addition of reference to relevant New Zealand standards in regard to the measurement and assessment of sound; and the deletion and replacement of construction noise tables in accordance with a New Zealand standard on construction noise. *Port Otago Ltd* (FS2378.7) supported the *SDHB* submission to the extent that New Zealand noise standards are correctly referred to.

53. In the s42A Report Ms Baker, based on expert advice from Mr Malcolm Hunt (*Noise and Vibration Report – Review of Submissions and Recommendations*, May 2016), recommended that the amendment requested by the SDHB (OS917.11) to reference NZS6801.2008 *Acoustics – Measurement of Environmental Sound* and NZS 6802.2008 *Acoustics – Environmental Noise* be accepted. This entails replacing the table in Rule 4.5.4.1 with tables 2 and 3 from NZS6803:1999.

3.4.2.1 Decision and decision reasons

54. We accept the submission by the SDHB (OS917.11) and the recommendation of the Reporting Officer to amend the provisions to give relief to the submission for the reasons outlined in the expert advice of Mr Malcolm Hunt (*Noise and Vibration Report – Review of Submissions and Recommendations*, May 2016). The amendments to Rule 4.5.4.1 to replace the noise limits table and requirements for construction noise to be measured in accordance with NZS6803:1999 *Acoustics – Construction Noise* are shown in Appendix 1 attributed to submission point TA 917.11.
55. We note the addition of reference to NZS6801.2008 *Acoustics – Measurement of Environmental Sound* and NZS 6802.2008 *Acoustics – Environmental Noise* in Rule 4.5.4.2 and 4.5.4.4 also attributed to this submission are discussed above.

3.5 Rule 4.5.7.2 Election Signs

3.5.1 Background

56. Election signs are defined in the Plan as: "A sign erected for a local body election by a candidate or group of candidates, or for parliamentary elections by any registered political party, independent or non-party affiliated candidate contesting a general election, by-election, or referendum".
57. Rule 4.5.7.2 contains performance standards to be met by election signage, including: the period signs may be erected (no more than two months prior to election day and must be removed by midnight prior to election day), height (maximum of 2m above ground level), size (maximum area of 3m² on DCC or NZTA land within the road reserve and 1m² on all other sites), and number of signs on a site (maximum of one sign per candidate/party per site). The size limits for election signs as notified are consistent with the size limits for temporary event signage in Rule 4.5.7.3. A 'Note to plan-user' is included in the 2GP specifying that landowner permission has to be sought for signs on DCC or New Zealand Transport Agency land.
58. Election signs are also subject to the Electoral Act 1993 and the Electoral (Advertisements of a Specified Kind) Regulations 2005 ('the regulations'). The regulations contain rules about the shape, colour and size of 'advertisements of a specified kind'. These regulations capture advertisements of a specified kind up to 3m² in size as per their definition in clause 3 of the regulations.
59. The size limits contained in these regulations are found in clause 8 and apply to the letter sizing for roads controlled by NZTA only (clause 8(1)). They override the provisions of any other enactment or bylaw (clause 4 of the regulations).
60. Local authorities are responsible for regulating when, where, and how election signs can be displayed, but cannot contain provisions more restrictive or less restrictive than those contained in the regulations.

3.5.2 Reference to NZTA land

61. The *NZTA* (OS881.48) sought the deletion of the reference to signs on NZTA Land within the road reserve. They opposed permitting signs up to 3m² in state highway road reserves. They noted that while there are defined locations where signs may have little effect on the safety and efficiency of the roading network, they thought that the rule could be read as blanket permission and would confuse plan users in respect of having to obtain their consent.
62. The Reporting Officer noted that there is a risk that plan users will miss the 'Note to plan user' and perceive that in complying with the District Plan, they do not have to meet any other requirements for permission to erect signage. The permitted activity status means there will be no opportunity for DCC to reiterate this requirement through the resource consent process (if complying with the performance standards). She considered it appropriate to remove the reference to NZTA land and rely on the 'Note to plan user' to avoid any potential misinterpretation (s42A Report, Section 4.3.16, p. 34).

3.5.2.1 Decision and decision reasons

63. We accept the submission by the *NZTA* (OS881.48) to remove reference to election signs on NZTA land and the recommended relief provided by Ms Baker in the s42A Report to address the submitter's concerns. The amendments to Rule 4.5.7.2 are shown in Appendix 1 and attributed to TA 881.48.

3.5.3 Request to increase the size of election signs

64. *David Clark's Campaign* (OS1083.1) requested an increase in the permitted size of election signs to 3m² to all areas, and suggested that if this increase in size was not to be applied to all areas, then a variation between urban and high-speed areas may be acceptable. The *New Zealand National Party* (FS2340.3) supported the increase in size suggested by *David Clark's Campaign* but opposed the suggestion of the increase in size only applying to some environments, such as high-speed environments. The *New Zealand National Party* argued that the maximum size proposed by the Plan provisions may in fact hinder public safety as the font size required for public safety by the Electoral (Advertisements of a Specific Kind) Regulations 2005 (pursuant to the Electoral Act 1993) could not feasibly be met within the proposed 1m² maximum size.
65. The Reporting Officer indicated that the operative District Plan allows for election signs up to 3m² on all sites across Dunedin. The DCC has specific sites advertised on the website where permission can be obtained to display a number of signs during the designated election advertising periods. These DCC sites have been deemed to be safe spaces to display a number of signs. She recommended amending elections signs rules to allow for 3m² signs on all sites across Dunedin, as requested (s42A Report, section 4.3.16, p. 35).
66. Mr Brian Ellis, representing *David Clark's Campaign*, in an oral submission stated that the Dunedin City District Plan (2006) permitted size of 3m² signs for election signs works well and is needed to be able to get the message out to the public and ensure people's freedom of speech. He stated that signage is required for local elections, campaigns, and referenda as well as general elections. Mr Ellis indicated that the Dunedin City Council have required the signs to be single sided.
67. Ms Rachael Bird, Southern Regional Chair of the *New Zealand National Party*, in an oral submission said that signs should be up to 3m² to correspond with legislation and that

Central Government regulations manage health and safety, through size of lettering and size of signs. She argued there are no reasons to reduce the size of signs and no exceptional circumstances to require smaller-sized election signs in Dunedin.

3.5.3.1 Decision and decision reasons

68. We accept the submissions by *David Clark's Campaign* (OS1083.1) and *New Zealand National Party* (FS2340.3) to increase the size of permitted elections signs. We accept that the proposal in the Plan to decrease the maximum size of signs allowed under the Dunedin City District Plan (2006) from 3m² to 1m² (except specified sites) is unnecessary, noting that these signs are only temporary and are also controlled by regulations under the Electoral Act 1993. The amendments to Rule 4.5.7.2 are shown in Appendix 1 and attributed to TA 1083.1.
69. We note that in considering Rule 4.5.7.2, we determine that amendments are required to improve the clarity and accuracy of the rule. We consider these to not alter the overall content and are made under "cl.16" of schedule 1 of the RMA, and shown in Appendix 1.

3.5.4 Request to limit commercially purchased election-advertising space

70. *David Clark's Campaign* (OS1083.2) requested that the amount of commercial advertising space that can be purchased should be aligned with the limits proposed in the election signs performance standards (Rule 4.5.7.2). The submitter was concerned that better resourced campaigners would be able to purchase more advertising spaces, such as billboards, subverting the 2GP provisions and "buying greater levels of free speech".
71. The Reporting Officer noted that the election signs performance standards (Rule 4.5.7.2) applies to all election signs, including those on commercially purchased spaces (such as billboards), and that resource consent would be needed for election signs that did not meet the dimensions and limits outlined in Rule 4.5.7.2. She did not consider it appropriate for the Plan to manage effects related to levelling the playing field for election campaigners in terms of advertising expenses. Furthermore, she noted that the Electoral Act 1993 manages aspects of advertising expenses for election advertisements in order to keep this process transparent.
72. Brian Ellis appeared at the hearing on behalf of *David Clark's Campaign* but did not provide any new evidence on this matter.

3.5.4.1 Decision and decision reasons

73. We reject the submission from *David Clark's Campaign* (OS1083.2) to limit the amount of commercial advertising space that can be purchased for the reasons outlined by the Reporting Officer.

3.6 Rule 4.5.7.3 Temporary event signs

74. Rule 4.5.7.3 contains the performance standards for event promotion signs and includes a reference to maximum sizes in the road reserve (including that managed by the NZTA).

75. The NZTA (OS881.49) sought the removal of the reference to NZTA land because while Note 4.5B does indicate that NZTA approval will be required separate to the consenting process, NZTA are concerned that it could be confused as signs being allowed in all parts of the road reserve managed by NZTA.
76. The Reporting Officer noted that she agreed with the NZTA, that some confusion could occur; however, removing reference to NZTA as requested, would mean they are no longer able to give permission for this size of sign, should they wish to do so (s42A Report, Section 4.3, p. 36). She considered that a better approach would be to provide additional clarity in the rule, in conjunction with the existing Note to plan user, and recommended amending the Rule to include, "see Note 4.5B..."
77. Ms Kirsten Tebbutt for NZTA pre-circulated evidence and did not appear at the hearing. Her evidence noted acceptance of Ms Baker's recommendation.

3.6.1 Decision and decision reasons

78. We reject the submission by the NZTA (OS881.49) and the recommended relief suggested by the Reporting Officer to add a note under Rule 4.5.7.3. We agree with the Reporting Officers' reasons for not recommending doing what the submitter requested and we do not consider it necessary to add a note as recommended by the Reporting Officer.
79. In looking at this rule, it has been identified that the rule title "Temporary event signs" should read "Event promotion signs" to be consistent with the terminology used in the definition of temporary signs and as the definition is for event promotion signs. A new clause is also added clarifying that event promotion signs on lawfully established public display boards are exempt from these standards as they have their own performance standards. The amendments to Rule 4.5.7.3 are made under clause 16 of the RMA.
80. We consider that the performance standard requiring signs to be designed so that any names of sponsoring businesses are no more than 50% of the size of the font used for advertising the event (Rule 4.5.7.3.b) should instead limit the content about a sponsor to no more than 30% of the sign. As there is no scope from any submission to make this change, we suggest this be considered for a future plan change.

3.7 Rule 4.3.2.1 Performance standards that apply to all temporary activities

3.7.1 Background

81. Rule 4.3.2.1 outlines the performance standards that apply to all activities, being:
 - a. Development standards
 - b. Light spill
 - c. Hazard overlay zones development standards
82. These performance standards generally specify which zone or city-wide rules apply to temporary activities and which temporary activities are exempt, or what alternative rules apply.
83. Rule 4.5.6 Hazard Overlay Zones Development Standards, and 4.9.5.1 Hazard Exclusion Areas (swale mapped area) require buildings and structures associated with temporary activities to comply with Rule 11.3.1.1, which requires buildings over 36m²

and structures, associated with temporary activities, not to be located inside the boundaries of a swale mapped area.

3.7.2 Request to remove requirement for NZDF to meet performance standards

84. The *NZDF* (OS583.9) argued that the performance standards listed in Rule 4.3.2.1 are not relevant to temporary military training activities and should be deleted, instead putting these against each individual activity in the activity status table where relevant, rather than applying to all activities. Alternatively, *NZDF* suggests that the table could indicate that temporary military training activities are exempt from complying with these performance standards.
85. Ms Baker stated in her s42A Report that the requirements to meet the Hazard Overlay Zones Development Standards should not be required for temporary activities due to the nature of temporary activities being more 'doing' activities rather than those that involve physical structures, or structures would be unlikely to be large or substantial or long term, reducing hazard risks associated with these activities. Ms Baker recommended removing requirements for temporary activities to meet the Hazard Overlay Zones Development Standards.
86. In her s42A Report, Ms Baker stated that compliance with performance standards for site development and light spill are necessary to minimise effects on surrounding sites, as is required by Objective 4.2.1, even for temporary activities, including military exercises.

3.7.2.1 Decision and reasons

87. We accept in part the submission from *NZDF* (OS583.9). Our decision deletes the requirement for activities to meet the Hazard overlay zones development standards and adopts the recommendations of the Reporting Officer. We accept that Hazard Overlay Zones Development Standards are not relevant for any temporary activities, noting that no evidence questioning these was provided by submitters.
88. The deletion of Hazard Overlay Zones Development Standards (Rule 4.5.9) is shown in Appendix 1 attributed to submission reference TA 583.9.
89. We also make the following consequential amendments, by deleting reference to the performance standard in:
 - the activity status table (4.3.2.1.c)
 - assessment of all performance standard contraventions (Rule 4.7.2.6)
 - Policy 11.2.1.10 to delete reference to temporary activities
 - Rule 11.7.3.1 and 11.4.2.2 to amend assessment of development performance standard contraventions to reflect changes to Policy 11.2.1.10
 - the Hazard Exclusion Areas – swale mapped area (Rule 11.3.1.1)

4.0 Other amendments

90. This section outlines our decisions on small matters that were not traversed at the hearing and were relatively uncontested. For these matters our decisions were made entirely on the evidence presented in the submission and the s42A Report, with our

reasons, unless otherwise indicated, being the same as those summarised by the Reporting Officer.

4.1 Definition of temporary events

91. Decision – We accept the submission of the *NZDF* (OS583.4) to specifically exclude military exercises from the definition of temporary events. Military exercises are a defined activity under the 2GP but as they are also temporary there is potential for confusion. We agree with the reasons given by the Reporting Officer (s42A Report, Section 4.3.3, p. 11). The amendments to the definition of temporary events are shown in Appendix 1 attributed to TA 583.4.

4.2 Objective 4.2.1 and related policies

92. Decision – We accept the submission of the *NZDF* (OS583.7) and the relief recommended by the Reporting Officer to delete Objective 4.2.1.c removing the requirement for temporary activities to meet the relevant objectives and policies of any overlay zone, scheduled site or mapped area. The majority of activities in this section are permitted activities, and no assessment criteria are provided for permitted activities (except where rules are contravened), therefore no reference to Objective 4.2.1 is made. We agree with the reasons given by the Reporting Officer (s42A Report, Section 4.3.6, p. 16). The amendments to Objective 4.2.1 are shown in Appendix 1 attributed to TA 583.7.

4.3 Rule 4.3 Activity status – Note 4.3A

93. Decision – We accept the submission of the *NZTA* (OS881.46) and the relief recommended by the Reporting Officer to add a note indicating the NZTA permission must be obtained for all temporary activities on state highway road reserve, as we consider this will provide clarity. We agree with the reasons given by the Reporting Officer (s42A Report, Section 4.3.10, p. 20). The amendments to note 4.3.2A are shown in Appendix 1 attributed to TA 881.46.

4.4 Rule 4.11.1 Noise management plan

94. Rule 4.11.1 sets out special information requirements for resource consent applications for military exercises not complying with noise standards specified in Rule 4.5.4.4. The *Southern District Health Board (SDHB)* submission (OS917.12) requests amendment to Rule 4.11.1.2 to change reference to sound levels to LAeq (15 minute) and LAFmax. The *New Zealand Defence Force* opposed the *SDHB* submission, suggesting other noise terminology, and pointing out that the reference in Rule 4.11.1.2 to Rule 4.5.4.4 is wrong because that rule relates to mobile noise sources. The Reporting Officer obtained further expert advice from Mr Hunt on these matters and set out his recommendations in her s42A Report. The submitters did not oppose Mr Hunt's recommendations.
95. Decision – We accept in part the submission of the *SDHB* (OS917.12) and the relief recommended by the Reporting Officer to correct a reference to the wrong rule, and to refer to 'LCpeak' sound pressure and 'receiver' locations. We agree with the reasons given by the Reporting Officer that were based on the expert advice received from Mr Hunt (s42A Report, Section 4.3.21, p. 40). The amendments to Rule 4.11.1 are shown in Appendix 1 attributed to TA 917.12.

5.0 Submissions where no amendments were made

96. This section outlines our decisions on matters that were not traversed at the hearing and where we have decided not to make any amendment to the Plan. For these matters our decisions were made entirely on the evidence presented in the submission and the s42A Report, with our reasons, unless otherwise indicated, being the same as those summarised by the Reporting Officer.

5.1 Rule 4.5.7 Number, Location and Design of Temporary Signs

97. Decision – We reject the submission by the *Regent Theatre* (OS375.1) which sought to strengthen the wording of Rule 4.5.7 (Number, Location and Design of Temporary Signs) to ensure that publicly visible event promotion can enhance the city's vibrancy. We accept the Reporting Officer's reasoning in the s42A Report at Section 4.3.15.

6.0 Suggestions for future plan changes

98. We consider that the performance standard requiring signs to be designed so that any names of sponsoring businesses are no more than 50% of the size of the font used for advertising the event (Rule 4.5.7.3.b), should instead limit the content about a sponsor to no more than 30% of the sign. We note that there are no submissions seeking this, however, we recommend this be considered for a future plan review.

7.0 Minor and inconsequential amendments

99. Clause 16(2) of Schedule 1 of the RMA allows a local authority to make an amendment where the alteration "is of minor effect", and to correct any minor errors, without needing to go through the submission and hearing process.
100. This Decision includes minor amendments and corrections that were identified by the DCC Reporting Officers and/or by us through the deliberations process. These amendments are referenced in this report as being attributed to "cl.16". These amendments generally include:
- correction of typographical, grammatical and punctuation errors
 - removing provisions that are duplicated
 - clarification of provisions (for example adding 'gross floor area' or 'footprint' after building sizes)
 - standardising repeated phrases and provisions, such as matters of discretion, assessment guidance, policy wording and performance standard headings
 - adding missing hyper-linked references to relevant provisions (eg. performance standard headings in the activity status tables)
 - correctly paraphrasing policy wording in assessment rules
 - changes to improve plan usability, such as adding numbering to appendices and reformatting rules

- moving provisions from one part of the plan to another
 - rephrasing plan content for clarity, with no change to the meaning
101. Minor changes such as typographical errors have not been marked up with underline and strikethrough. More significant cl. 16 changes (such as where provisions have been moved) are explained using footnotes in the marked-up version of the Plan.

Appendix 1 – Amendments to the Notified 2GP (2015)

Please see www.2gp.dunedin.govt.nz/decisions for the marked-up version of the notified 2GP (2015). This shows changes to the notified 2GP with strike-through and underline formatting and includes related submission point references for the changes.

Appendix 2 – Summary of Decisions

1. A summary of decisions on provisions discussed in this decision report (based on the submissions covered in this report) is below.
2. This summary table includes the following information:
 - Plan Section Number and Name (the section of the 2GP the provision is in)
 - Provision Type (the type of plan provision e.g. definition)
 - Provision number from notified and new number (decisions version)
 - Provision name (for definitions, activity status table rows, and performance standards)
 - Decision Report section
 - Section 42A Report section
 - Decision
 - Submission point number reference for amendment

Summary of Decisions

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
1. Plan Overview and Introduction	Definition	1.5		Campus	Amend the definition to specify that the activity includes any temporary activities that otherwise met the definition of campus activity	TA 308.495	3.2	4.3.7
1. Plan Overview and Introduction	Definition	1.5		Temporary activities	Amend definition to exclude activities defined as "campus"	TA 308.495	3.2	4.3.7
1. Plan Overview and Introduction	Definition	1.5		Temporary events	Amend the definition to clarify that military exercises are excluded (not a substantive change)	TA 583.4	4.1	4.3.3
1. Plan Overview and Introduction	Definition	1.5		Helicopter movements (New)	Add a new definition for helicopter movements	TA 917.13	3.3.2	4.3.11
4. Temporary Activities	Objective	4.2.1			Amend the objective wording	TA 583.7	4.2	4.3.6
4. Temporary Activities	Activity Status	4.3.2.1		Performance standards that apply to all temporary activities	Remove performance standard for Hazard overlay zones development standards to reflect deletion of performance standard	TA 583.9	3.7.2	S42A Addendum 1.1
4. Temporary Activities	Note to Plan User	4.3.A		Other requirements outside of the District Plan	Add guidance	TA 881.46	4.3	4.3.10

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
4. Temporary Activities	Performance Standard	4.5.3.3		Helicopter Movements	Amend the performance standard to reflect NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas (25 movements per calendar month per site)	TA 583.11	3.3.4	4.3.11
4. Temporary Activities	City Wide Performance Standard	4.5.3.3		Maximum duration, frequency, and site restoration	Do not add new performance standards for helicopter movements in close proximity to state highways		3.3.3	4.3.11
5. Temporary Activities	City Wide Performance Standard	4.5.3.3		Maximum duration, frequency, and site restoration	Do not exclude permanent landing sites (heliports) as requested as performance standards do not apply to these activities		3.3.3	4.3.11
4. Temporary Activities	Note	4.5.3.3A		Copyright information	Add 'Note - Copyright information' to say Helicopter movements performance standard is from NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas used in the performance standard	TA 583.11	3.3.4	4.3.1.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
4. Temporary Activities	Performance Standard	4.5.4.1		Construction	Replace the noise limits table and requirements for construction noise to be measured in accordance with NZS6803:1999 Acoustics – Construction Noise	TA 917.11	3.4.2	4.3.11
4. Temporary Activities	Performance Standard	4.5.4.2		Temporary events	Amend performance standard to clarify that noise will be measured in accordance with the NZ standard	TA 917.11	3.4.1	4.3.12
4. Temporary Activities	Performance Standard	4.5.4.4		Military exercises	Amend performance standard to clarify that noise will be measured in accordance with the NZ standard	TA 917.11	3.4.1	4.3.12
4. Temporary Activities	Performance Standard	4.5.4.5		Helicopters	Add new performance standard for noise for helicopter movements reflecting and referring to the NZ standards, contravention becomes D or NC (depending on contravention).	TA 917.11	3.4.1	4.3.12
4. Temporary Activities	Performance Standard	4.5.7.2		Election signs	Amend performance standard to allow 3m2 (up from 1m2) election signs in all locations not just road reserve (removing reference to NZTA land)	TA 881.48, TA 1083.1	3.5.2, 3.5.3	4.3.16

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
4. Temporary Activities	Performance Standard	4.5.7.2		Election signs	Do not amend to control purchased commercial advertising space		3.5.4	4.3.16
4. Temporary Activities	Performance Standard	4.5.7.3		Temporary Event promotion signs	Do not amend as requested		3.6	4.3.17
4. Temporary Activities	Performance Standard	4.5.9	delete	Hazard overlay zones development standards	Delete the performance standard to reflect change to Hazard exclusion areas (swale mapped area) - Rule 11.3.1.1 - removing the requirement for buildings and structures associated with temporary activities to meet the performance standard	TA 583.9	3.7.2	S42A Addendum 1.1
4. Temporary Activities	Assessment of Restricted Discretionary Activities	4.7.2.4		Maximum duration, frequency, and site restoration	Amend assessment guidance to indicate that noise will be assessed in accordance with the NZ standard	TA 917.11	3.4.1	4.3.12
4. Temporary Activities	Assessment of Restricted Discretionary Performance Standard Contraventions	4.7.2.6	delete	In swale mapped area: hazard exclusion areas	Remove assessment guidance for performance standard 'In a swale mapped area - hazard exclusion areas' linked to removal of performance standard in Rule 11.3.1.1	TA 583.9	3.7.2	S42A Addendum 1.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
4. Temporary Activities	Special Information Requirement	4.11.1		Noise management plan	Amend the rule to correct reference to Rule 4.5.6 and to refer to "Lcpeak" sound pressure levels and "receiver" locations	TA 917.12	4.4	4.3.21
6. Transportation	Assessment of Discretionary Activities	6.11.3.4	6.12.3.4	Heliports	Amend assessment guidance to indicate that noise will be assessed in accordance with the NZ standard	TA 917.11	3.4.1	4.3.12
11. Natural Hazards	Policy	11.2.1.10	11.2.1.9		Amend policy to reflect change to Hazard exclusion areas (swale mapped area) - Rule 11.3.1.1 - removing the requirement for buildings and structures associated with temporary activities to meet the performance standard	TA 583.9	3.7.2	S42A Addendum 1.1
11. Natural Hazards	City Performance Standard	11.3.1.1		Hazard exclusion Areas - Swale mapped area	Amend the performance standard by removing the requirement for buildings and structures associated with temporary activities to meet the performance standard for Hazard exclusion areas (swale mapped area) - Rule 11.3.1.1	TA 583.9	3.7.2	S42A Addendum 1.1

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
11. Natural Hazards	Assessment of Restricted Discretionary Activities	11.4.2.2			Amend assessment guidance to reflect change in Policy 11.2.1.10	TA 583.9	3.7.2	S42A Addendum 1.1
11. Natural Hazards	Assessment of Non-complying Activities	11.7.3.1			Amend assessment guidance to reflect change in Policy 11.2.1.10	TA 583.9	3.7.2	S42A Addendum 1.1
0. Plan	Terminology			Helicopter landings Helicopter movements	Replace all usages of the term "helicopter landings "with "helicopter movements"	TA 917.13	3.3.2	4.3.11

Kelly Taylor

From: Sharon Bodeker
Sent: Monday, 26 August 2019 05:27 p.m.
To: Robert West; Scott MacLean
Cc: Sandy Graham
Subject: RE: Electoral hoardings on reserve land
Attachments: LGE2019 Candidate Handbook (Dunedin City Council) v14.pdf

Hi Robert and Scott

In terms of hoardings there is a list of approved sites – see page 26 onwards of the candidate handbook attached. Candidates may also get approval from our transport or parks department to put up signs up on other DCC owned sites. So please note that hoardings may be on council reserves that are not approved.

Thanks
Sharon

From: Robert West
Sent: Monday, 26 August 2019 4:49 p.m.
To: Sandy Graham <Sandy.Graham@dcc.govt.nz>
Cc: Sharon Bodeker <Sharon.Bodeker@dcc.govt.nz>
Subject: FW: Electoral hoardings on reserve land

FYI – I was asked today by one of the candidates standing for election about one of their hoardings being removed by a Parks contractor. There was no evidence why or how the hoarding had been removed (contractor, vandal etc) but I agreed that we would send an email to our contractors to remind them of local elections and requirements re hoardings. See below.

Just in case any other candidates approach you

Thanks

Robert

From: Scott MacLean
Sent: Monday, 26 August 2019 1:43 p.m.
To: Peter Walker - Think Delta <Peter.Walker@thinkdelta.co.nz>; Wayne Carling - City care <Wayne.Carling@citycare.co.nz>
Cc: Robert West <Robert.West@dcc.govt.nz>
Subject: Electoral hoardings on reserve land

Hi Gents

As you will be well aware, the local body elections are close by and the electioneering has begun! Candidates are permitted to erect hoardings / signs on reserve land. Just a reminder that you will need to work around these when maintaining the reserves. It may be tempting for your staff to remove them as they go about their work, but it would be appreciated if you can let them know they are not to do this. Instead, If you or your staff have any problems with any of the hoardings (placement etc) then please let me or the relevant Parks Officer know rather than shifting or removing them?

Thanks

Scott MacLean

PARKS AND CEMETERY MANAGER

PARKS AND RECREATION SERVICES

P 03 477 4000 | **DD** 03 474 6824 | **M** 0274 119 459 | **E** scott.maclean@dcc.govt.nz

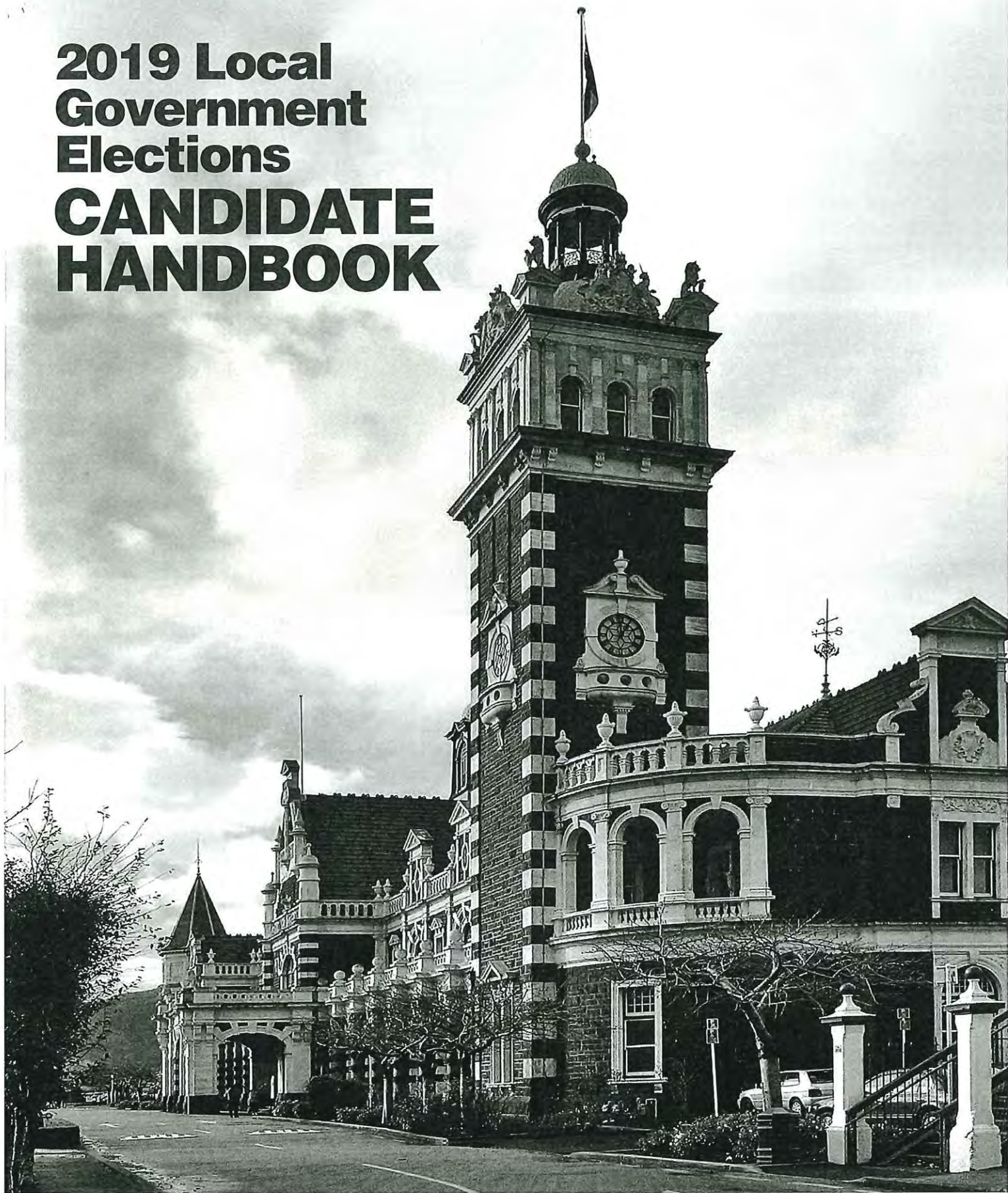
Dunedin City Council, 50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

New Zealand

www.dunedin.govt.nz

2019 Local Government Elections **CANDIDATE HANDBOOK**



DUNEDIN
CITY COUNCIL

kaunihera
a-rohe o
ōtepoti

**VOTE
2019**

LOCAL ELECTIONS

**PŌTI
2019**

NGA PŌTITANGA Ā-ROHE

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Election Timetable

2019 Local Government Election Timetable	
From 17 July (Wednesday)	Public notice of election – Otago Daily Times
19 July (Friday)	Nominations open , electoral roll open for inspection
24 July (Wednesday)	Candidate Information Presentation (see details below)
16 August (Friday)	Nominations close at 12 noon, electoral roll closes
From 21 August (Wednesday)	Further public notice of election – Otago Daily Times
By 23 August (Friday)	EO receives final electoral roll data
31 August (Saturday)	Starting date for campaign signage
16 September (Monday)	EO compiles and certifies final electoral roll
20 September (Friday)	Enrolment Services letter sent to electors on unpublished roll
20 September (Friday)	Delivery of ordinary voting documents starts Ordinary and special voting opens
20 September to 12 October	Voting period
11 October (Friday)	Last day for appointment of scrutineers – by 12 noon Removal of election signage - by midnight
12 October 2019 (Saturday)	Election Day –voting closes at 12 noon Progress results available as soon as practicable after close of voting
12 – 17 October	Official count – process special votes
17 October to 27 October (as soon as practicable)	Final results announced Public notice of official declaration of election result – Otago Daily Times (or as soon as practicable thereafter)
By 18 December (Wednesday)	Return of election expense declaration forms (55 days after date of declaration of results)

Candidate Information Presentation

A presentation on standing for both the Dunedin City Council and the Otago Regional Council will be given at Toitū Otago Settlers Museum at 7 pm on Wednesday 24 July 2019. Items to be covered will include council structures, the role and responsibilities of elected representatives, the skills required, anticipated time commitments and an overview of the nomination and election processes.

For further information please contact Sharon Bodeker on (03) 477 4000; ext: 3231.

Election Issues

Elections will be held in October for the following issues:

Dunedin City Council – (DCC)

- (a) Election of the mayor
- (b) Election of 14 councillors at large
- (c) Election of:
 - SIX members for the Mosgiel-Taieri Community Board
 - SIX members for the Otago Peninsula Community Board
 - SIX members for the Saddle Hill Community Board
 - SIX members for the Strath Taieri Community Board
 - SIX members for the Waikouaiti Coast Community Board
 - SIX members for the West Harbour Community Board

Otago Regional Council – (ORC)

Election of two (2) councillors to represent that part of the Molyneux Constituency within the DCC area.

Election of six (6) councillors to represent the Dunedin Constituency.

There is a separate candidate handbook for the ORC election available from the ORC Electoral Officer. Refer to the Electoral Staff section for contact details.

Oamaru Licensing Trust – (OLT)

Election of five (5) members of the Oamaru Licensing Trust, elected at large across that part of the OLT area within the DCC boundary.

Refer to page 11 for more details on this election.

Southern District Health Board – (SDHB)

Election of four (4) members for the Otago Constituency of the Southern District Health Board.

There is a separate candidate handbook for the SDHB available from the SDHB electoral officer. Refer to the Electoral Staff section for contact details.

Population Statistics

City-wide Issues	Est Resident Population as at 30 June 2018
Mayoralty and Council (At large)	130,700

DCC Community Boards	Est Resident Population as at 30 June 2018
Mosgiel-Taieri	17,250
Otago Peninsula	4,540
Saddle Hill	6,630
Strath Taieri	670
Waikouaiti Coast	3,720
West Harbour	5,710

Other Issues	Est Resident Population (whole Trust area) (2018)
OLT-At large	23,950

These elections will all be conducted by postal voting.

Electoral Staff

Dunedin City Council – (DCC)

Electoral Officer (EO)

Anthony Morton, electionz.com Ltd, PO Box 3138, CHRISTCHURCH.

Phone: 0800 300 014

Email: dcc@electionz.com

Deputy Electoral Officer (DEO)

Sharon Bodeker, Dunedin City Council, Moray Place, PO Box 5045, DUNEDIN.

Phone: 03 477 4000; ext: 3231

Email: elections@dcc.govt.nz

Otago Regional Council – (ORC)

Electoral Officer

Anthony Morton, electionz.com Ltd, PO Box 3138, CHRISTCHURCH.

Phone: 0800 666 048

Email: orc@electionz.com

Southern District Health Board – (SDHB)

Electoral Officer

Anthony Morton, electionz.com Ltd, PO Box 3138, CHRISTCHURCH.

Phone: 0800 666 048

Email: sdhb@electionz.com

City Leaders Information

Members' Remuneration

The Remuneration Authority has proposed that the following salaries will apply from 1 July 2019 and will remain in effect until the date the election results are officially declared by the electoral officer.

Dunedin City Council	Annual salary (\$)
Mayor	\$160,699
Councillor	\$62,689
Positions of responsibility will be paid at a greater rate than the base Councillor salary.	
Community Boards	
Mosgiel-Taieri	\$9,619
Otago Peninsula	\$8,122
Saddle Hill	\$8,229
Strath Taieri	\$7,334
Waikouaiti Coast	\$8,015
West Harbour	\$8,229
Community Board Chairpersons will be paid twice the base salary of an ordinary Board member.	

Elected Members' Responsibilities

The following role description as identified by the Remuneration Authority in setting the elected members' remuneration is a guide for what is expected.

Councillor – Base role description

Collective duties of the council

- Representing the interests of the council
- Formulating the council's strategic direction and relative priorities through the Long Term Plan (LTP), which determines the services and activities to be undertaken by council over a ten-year period
- Determining the expenditure and funding requirements of council activities through the LTP and annual planning processes
- Overseeing, developing and/or approving all council policies, administrative, legal, financial and strategic, including formal district planning matters within the council's geographical area of responsibility
- Monitoring the on-going performance of council against its stated objectives and policies (including formal sign-off of the Annual Report)
- Ensuring prudent use of council resources
- Law-making (bylaws)
- Overseeing council compliance with any relevant Acts of Parliament

- Employing, setting performance requirements for, and monitoring the on-going performance of the council's chief executive. (Under the Local Government Act 2002).

Representation and advocacy

- Bringing the views of the community into council decision-making processes
- Being an advocate for community groups and individuals at council meetings
- Balancing the need to advocate for specific interests against the needs of the wider community
- Listening to the concerns of local residents and ratepayers on issues pertaining to the council
- Maintaining contact with community representatives and other local stakeholders
- Participating in any relevant consultative processes with the local community and/or other organisations.

Governance

- Participating constructively and effectively in the good governance of the council as a whole
- Understanding and ensuring that basic principles of good governance are a part of the decision-making approach of the council
- Understanding and respecting the differing roles of mayor, deputy mayor, committee chairs/portfolio holders and councillors
- Recognising that the governance role does not extend to operational matters or to the management of any implementation
- Having a good understanding of the council processes set out in the Standing Orders that determine how council meetings are run
- Developing and maintaining a working knowledge of council services, management processes, powers, duties and constraints
- Participating in the setting and monitoring of council policies, budgets, strategies and service delivery through annual and long-term planning processes
- Ensuring familiarity with agendas and other council reports before council meetings
- Being familiar with and complying with the statutory requirements of an elected councillor
- Complying with the Code of Conduct adopted by the council
- Identifying, being aware of and declaring any potential personal conflicts of interest, whether of a pecuniary or non-pecuniary nature.

Core Competencies

- Genuine interest, understanding (and passion) of/for the issues faced by Dunedin City citizens.
- Ability to relate to wide range of people at many levels and across many disciplines and cultures.
- Ability to hear and understand the varying positions of others and consider these in decision making.

- Ability to express ideas clearly.
- Ability to understand, focus on and resolve complex issues through long term planning.
- Ability to understand financial and reporting statements.
- Understands the differing roles of governance and management.
- Ability to think “city-wide” on issues to come to decision.
- Be results focused.
- Knowledge of and commitment to the Local Government Act 2002.

Experience and Background

- May have experience relevant to the challenges facing the city.
- May have extensive community networks.
- Be familiar with the existing Dunedin City Council’s Long Term Plan (LTP) or otherwise known as the Ten Year Plan.

Personal Qualities

- Demonstrates integrity and ethical behaviour.
- Is independent, inquisitive and innovative.
- Has the ability to see all sides of an argument.
- Is hard working and can work unsupervised.
- Ability to develop and maintain positive working relationships with councillors and staff.
- Committed to Dunedin City.
- Respect for others.
- Flexible working hours; evening and weekend work is required.
- Actively demonstrate commitment to the Elected Members’ Code of Ethics.

Mayor

The mayor is elected by the city as a whole and as one of the elected members shares the same responsibilities as other members of the council. The mayor also has the following roles:

- presiding at council meetings. The mayor is responsible for ensuring the orderly conduct of business during meetings (as determined by Standing Orders);
- advocating on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the council;
- spokesperson for the council;
- ceremonial head of the council;
- providing leadership and feedback to other elected members on teamwork and chairing of committees;
- fulfilling the responsibilities of a Justice of the Peace (while the mayor holds office).

Deputy Mayor

The mayor has the power to appoint the deputy mayor. The deputy mayor exercises the same roles as other elected members, and if the mayor is absent or incapacitated, the deputy mayor must perform all of the responsibilities and duties, and may exercise the powers, of the mayor (as summarised above). The deputy mayor may be removed from office by resolution of the council.

Committee Chairpersons

The mayor may establish committees of the territorial authority. In addition, the council may create one or more committees (this includes subcommittees) of the council. A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by council. Committee chairpersons may be called on to act as official spokespersons on issues within the terms of reference for their committees. Chairpersons may be removed from office by resolution of council. Council may also appoint deputy chairpersons of committees, who shall fulfill the functions of the chair when the chairperson is absent.

Community Boards

Six community boards have been established to represent specific communities of interest within the city.

Maps of the community board boundaries are shown in the Maps section later in this booklet.

The boards comprise seven members: 6 elected by the electors within that community board area and 1 appointed councillor.

Community boards provide a level of representation below city and district councils. Community boards are unincorporated bodies but they are not a territorial authority and are not committees of the relevant territorial authority. The role of each community board includes:

- representing the interests of its community
- considering and reporting on matters referred to it by the council, of interest or concern
- maintaining an overview of council services to the community
- preparing an annual submission to the council for expenditure within the community
- communicating with community organisations and special interest groups
- undertaking any other responsibilities that are delegated to it by the council.

Community boards will at their first meetings appoint chairpersons and deputies.

Members Interests

Prospective candidates should be aware of the requirements of the Local Authorities (Members' Interests) Act 1968.

Under Section 3 of the Act, elected members may not be concerned or interested in contracts made by the Council when payments made for the contracts entered into during a particular year exceed \$25,000 including GST. That amount may only be exceeded if the Council has either obtained the prior approval of the Audit Office or, in special circumstances, obtained retrospective approval. When payments exceed \$25,000 or any other approved amount, the elected member concerned is automatically disqualified from office. He or she also commits an offence if they continue to act as a member.

Under Section 6 of the Act, elected members may not discuss or vote on any matter in which they have a pecuniary interest when it is being considered by the Council or a committee. Elected members failing to observe this prohibition commit an offence and can be prosecuted.

Conviction leads to disqualification from office.

When a matter is raised at a meeting of the Council or a committee in which a member has a pecuniary interest, the member prohibited from voting or discussing the matter must declare the pecuniary interest. The fact of that disclosure and abstention from discussion and voting on it is also recorded in the minutes. While it is not necessary to withdraw from the meeting, it is good practice to do so.

Health and Safety at Work Act 2015

The Health and Safety at Work Act 2015 (the Act) is part of a reform package aimed at reducing the number of serious work-related injuries and deaths in New Zealand by at least 25 percent by 2020. It came into force on 4 April 2016.

The Act is a new way of thinking about health and safety for New Zealand. The Act is designed to:

- Ensure everyone has a role to play
- Makes everyone's responsibilities clear
- Focuses on managing risk
- Requires those who create the risk to control the risk
- Requires businesses to engage with their workers and enable them to participate on an ongoing basis
- Allows flexibility in managing health and safety risks.

For elected members, the most significant implication is the introduction of the role of officer and the requirement for officers to meet due diligence duties.

What is an officer and what do they need to do?

An officer is a person who holds a very senior leadership position, and has the ability to significantly influence the management of a business. At DCC this includes elected members and the CEO.

Officers must ensure the business is meeting its health and safety responsibilities by doing due diligence to ensure the business understands and manages its key risks. To do this officers must take reasonable steps to:

- Keep up to date knowledge of health and safety
- Understand the operations of the business
- Ensure and check that their business has appropriate resources and processes for health and safety.

Elected members of a Council are not required to exercise due diligence over a Council Controlled Organisation (CCO) providing they are not an officer of that CCO e.g. an elected member will be an officer of a CCO if they are on the Board of the CCO.

DCC and elected members as officers under the Act

DCC is proactively partnering with elected members to ensure DCC and its officers can meet their responsibilities under the Act.

Liabilities of officers under the Act

Under the Act there are a raft of offences that can be committed which carry fines (which need to be paid in some cases by the organisation and in some cases personally by the officer) and in extreme cases even jail sentences. Elected members as officers have an exemption under the Act from some of these offences. Offences that elected members as officers can be liable for include offences such as failure to comply with an improvement notice. This can be a fine up to \$50,000 for an individual or \$250,000 for a body corporate. Insurance is not available to cover the cost of such fines.

Inaugural Meeting

The successful candidates will take office on the day after the electoral officer gives his official notification of the result of the election. However, no person is permitted to act as a member of the council before making a declaration. This declaration will be made at the inaugural meeting, which is expected to be held in late October or early November 2019. Newly elected members will be contacted by staff with the key dates.

The business to be conducted at that meeting will include:

- The making and attesting of declarations required of the mayor and councillors.
- A general explanation of the Local Government Official Information and Meetings Act 1987 and other laws affecting elected members.
- The fixing of the date and time of the first ordinary meeting of the council, or the adoption of the schedule of ordinary meetings.
- Appointment of the deputy mayor.

If elected the declaration required to be made by the mayor and councillors is as follows:

Declaration by Mayor and Councillors

I declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of Dunedin City Council, the powers, authorities, and duties vested in or imposed upon me as mayor (or as a member) of the Dunedin City Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Community Board members are required to make a similar declaration.

Pre-election Report

All councils must prepare a pre-election report. The report is prepared by the chief executive independently of the mayor and councillors.

Section 99A of the Local Government Act 2002 sets out the information that must be included in the report and its timing. It includes information previously published in other council documents including long term plans, annual plans and annual reports. As such the information reflects the policy and service delivery direction of the current council.

The pre-election report has a particular focus on how the council is performing financially, including the current financial position and key spending issues over the coming years. It provides historic information for the past three years, an overview of the current election year and council's planned financial position for the next three years. It also outlines council's broader financial goals, which are included in its long term plan.

The pre-election report will be available from the council's website in July 2019. Candidates are advised to read the report when it becomes available.

Oamaru Licensing Trust

Background

The Oamaru Licensing Trust (The Trust) is a community owned business that operates in the hospitality industry within North Otago. The Trust owns and operates four establishments in Oamaru – one hotel with conference facilities, one sports bar, one off-premise liquor franchise outlet, and one motel-restaurant-bar and bottle store with conference facilities.

The Trust is administered under the provisions of the Sale and Supply of Alcohol Act 2012. The functions of the Trust under that Act are to sell and supply alcohol; and to establish and operate premises for the sale and supply of alcohol and the provision of accommodation for travellers; and the sale and supply of food and refreshments; and to carry on any other business that, in the trust's opinion, can be conveniently carried on in conjunction with the previously listed functions. A share of its profits are used to support community projects and causes.

The Trust's area is defined by boundary lines drawn on historic local body ward or riding boundaries. A map of the OLT area is included later in this handbook. The Trust has recently changed its ward structure. For the triennial local body elections 5 members will be elected at large over a single ward structure.

Meeting Arrangements and Remuneration

Currently board meetings for the Trust are held on a monthly basis, usually in the evenings on the third Thursday of the month. The meetings usually start at 5.30pm and typically last approximately 2 hours. Special meetings are held on an 'as required' basis.

The Elected member salaries are set within the parameters of the Sale and Supply of Alcohol Act 2012.

The current salary paid to the President is \$19,000 (gross).

Trustees receive a meeting fee of \$280 (gross) and this is paid per meeting. Reasonable travel expenses to attend Trust related business outside the trust area are also reimbursed. These are paid monthly and approved travel expenses are reimbursed the month following the claim.

Candidate Eligibility

Candidates standing for election to the Trust must:

1. Live within the OLT area
2. Be a New Zealand citizen
3. Be enrolled as a parliamentary elector
4. Not be disqualified by the provisions of section 322 (1) of the Sale and Supply of Alcohol Act 2012 which states:
A person is disqualified from election or appointment as a member of a licensing trust if he or she—
 - (a) is not a residential elector of the trust district or, in the case of the election or appointment of any member for a ward of a divided trust district, is not a residential elector entitled to vote at elections of members for that ward;
 - (b) has (directly or by virtue of his or her relationship with another person) such an involvement or appearance of involvement with the alcohol industry that he or she could not perform the duties of a member of a licensing trust without actual bias or the appearance of bias.

Note: If required, the Sale and Supply of Alcohol Act 2012 (and other) legislation can be viewed online at www.legislation.govt.nz

Electoral Systems

Two electoral systems will be operating side by side for the 2019 local government elections. These are:

- First Past the Post (FPP)
- Single Transferable Voting (STV).

Organisations using FPP in 2019 are:

- Otago Regional Council
- Oamaru Licensing Trust

Organisations using STV in 2019 are:

- Dunedin City Council
- Southern District Health Board

Briefly, the FPP electoral system consists of the following:

- Electors vote by indicating their preferred candidate(s) with a tick.
- Voters must not tick more than the number of places to be filled.
- The candidate that receives the most votes is declared the winner, regardless of the proportion of votes that candidate obtained.

Briefly, the STV electoral system consists of the following:

- Voters receive a single (transferable) vote irrespective of the number of vacancies.
- Voters rank the candidates in order of preference, by writing a "1" next to the name of their most preferred candidate, then a "2" next to the name of the next preferred candidate and so on.
- Voters can rank as few or as many candidates as they wish.
- To be elected, a candidate must reach a "quota" of votes, which is based on the number of vacancies and the number of valid votes.
- When votes are counted, all the first preferences are allocated first.
- A candidate who reaches the quota first is elected. If there is more than one vacancy, and a candidate gets more votes than the quota, a proportion of each vote for that candidate is transferred to the voter's second preference. If, as a result, another candidate gets more votes than the quota, a proportion is transferred to the third preferences, and so on.
- If insufficient candidates reach the quota after the first preferences are allocated and any surplus votes are transferred, then the candidate who received the fewest votes is eliminated and each vote for that candidate is transferred to the voter's second preference. This process is repeated until enough candidates reach the quota to fill all the vacancies.

More information on STV can be accessed from the Department of Internal Affairs website www.stv.org.nz.

Electoral Roll

The preliminary electoral roll will be compiled during July 2019. Copies of the preliminary electoral roll for the election will be available for public inspection from 8.30 am Friday 19 July 2019 to 5pm Friday, 16 August 2019 at the following locations:

- Customer Service Centre, Civic Centre, The Octagon, Dunedin
- Mosgiel Library/Service Centre, Hartstonge Avenue, Mosgiel
- Port Chalmers Library/Service Centre, Beach Street, Port Chalmers
- Dunedin City Library, Moray Place, Dunedin
- Waikouaiti Library, Main Road, Waikouaiti
- Blueskin Bay Library, Harvey Street, Waitati
- Middlemarch Service Agency.

Alternatively, individuals may check their details by telephone:

- Dunedin City Council Customer Service Centre (03) 477 4000

Any alterations to the residential roll, should be made:

- by completing the appropriate form at any Post Shop or
- by telephoning 0800 ENROLNOW (0800 367656) or
- by accessing the Electoral Enrolment Centre website on www.elections.org.nz.

A hard copy of the preliminary electoral roll may be purchased from the electoral officer for \$100 plus GST.

The final electoral roll is produced once the preliminary electoral roll closes on 16 August 2019. The final electoral roll is the roll used for issuing voting papers. Copies of this roll may be purchased as above.

Information contained on the electoral roll is not available from the electoral officer in an electronic form.

In limited circumstances, an electronic listing of resident electors is available from Electoral Services (provided the criteria of section 114 of the Electoral Act 1993 is met). An application form is required to be completed, and these are available upon request direct from Electoral Services. The contact person is Ben Cline on (04) 806 3560.

Candidate Eligibility

A candidate for local authority elections must be:

1. Enrolled on a **parliamentary electoral roll** somewhere in New Zealand; and
2. A **New Zealand citizen** (either by birth or naturalisation ceremony) (Section 25, Local Electoral Act 2001).

Restrictions on candidates for local authority elections:

- a. A candidate may seek nomination for mayor and/or council and/or a community board but **may not also** seek nomination for the Otago Regional Council, i.e. a candidate may stand for the Dunedin City Council **or** the Otago Regional Council, not both (Section 58 Local Electoral Act 2001).
- b. A candidate may seek nomination for mayor and ward of council, but in the event that they are elected as mayor and a ward member then they must be treated as having vacated the ward office (Section 88 Local Electoral Act 2001).
- c. A candidate may seek nomination for councillor and community board member but in the event they are elected as a councillor and a community board member within the same district of a territorial authority, they must be treated as having vacated the office of community board member (Section 88A Local Electoral Act 2001).
- d. A candidate **cannot** be a person concerned or interested in contracts over \$25,000 with the territorial local authority (Section 3(1) Local Authorities (Members' Interests) Act 1968). This restriction is waived if prior approval from the office of the Auditor General is obtained.

Further information from the OAG is available on their website here: www.oag.govt.nz/2010/lamia

Under the Act there are a number of exceptions to the disqualification rule in section 3. Certain types of contracts will not disqualify a candidate from election. A candidate who has a contract that falls within any of the following categories will not be disqualified:

- Before the election, all of the candidate's obligations (or candidate's company's obligations) in respect of the contract have been performed and the amount to be paid by the council has been fixed (whether or not it has been paid); or
- Although the candidate's obligations (or candidate's company's obligations) under the contract have not been performed before the election, the amount to be paid by the council is already fixed (subject to amendments and additions as allowed for in the contract), whether or not it has been paid; or

- Although the candidate's obligations (or candidate's company's obligations) under the contract have not been performed before the election, either:
 - The contract's duration does not exceed 12 months; or
 - The contract is relinquished (with the authority's consent) within a month of the candidate becoming a member and before he or she starts to act as a member.

Further information on application of these points should be made with the Office of the Auditor General - at lamia@oag.govt.nz or ph (04) 917 1500.

- e. An employee of Dunedin City Council who is elected as mayor or councillor **must resign** from his/her position as an employee of the council before taking up his/her elected position. (Section 41 (5) Local Government Act 2002).

Notes:

- i. Candidates for mayor may also stand for council and/or a community board if they wish (and vice versa).
- ii. If they wish, a candidate may stand for more than one community board.
- iii. Candidates are required to record on the nomination paper if they are standing for election in any other elections in New Zealand.
- iv. Candidates need not necessarily be a resident or ratepayer of Dunedin City, but candidates are required to record on the nomination paper if they reside in the election area or not.
- v. Section 60 of the Local Electoral Act 2001 states:
If the Electoral Officer receives advice before the close of nominations that a candidate is, or has become, incapable under any Act of holding the office for which he or she is a candidate, that candidate's nomination must be treated in all respects as if it had not been made.
- vi. There are no longer restrictions applying specifically to Police employees wishing to stand in Council elections.

For SDHB candidate eligibility please refer to the separate candidate handbook for the SDHB, but a candidate for mayor and/or council and/or a community board may also seek nomination to the SDHB.

Evidence of NZ Citizenship

It is now a requirement of the nomination process that all candidates provide evidence of their NZ citizenship.

This is to be provided at the time of candidate nomination. Acceptable evidence includes a copy of NZ Passport, NZ birth certificate, or NZ citizenship documentation.

Nominations

Nominations open on **Friday 19 July 2019** and close at **12 noon on Friday 16 August 2019**.

Each candidate must be nominated on the official nomination paper available during normal office hours from the following sources:

- Customer Service Centre, Ground Floor, Civic Centre
- By telephoning 03 477 4000
- By accessing the Dunedin City Council website, www.dunedin.govt.nz/election.

Completion of Nomination Paper

Each nomination paper must have the consent of the candidate and be nominated by **two** electors whose names appear on the electoral roll for the city, community board, regional council constituency or licensing trust. (e.g. if a person wishes to stand for election to a community board, then that person must be nominated by two electors from the community board).

A candidate **cannot** nominate himself/herself.

If a candidate is unable to sign the nomination paper (e.g. absent overseas), a letter of consent signed by the candidate is acceptable to attach to the nomination paper. A scanned copy of a completed nomination paper will also be accepted, provided the nomination deposit payment (or evidence thereof) is received in time.

Other Names

If a candidate is commonly known in the community by a slightly different name (e.g. Edward Smith is commonly known as Ted Smith) and has been known by this name for at least the last six months (to the satisfaction of the electoral officer), the commonly known name may appear on the voting paper.

Titles

Titles (i.e. Dr, JP, Sir, Dame etc) are **not** permitted next to the candidate's names on the voting paper or profile statement, but can be included as part of the candidate's 150 word profile text if desired.

Residency in Area

A candidate must declare if they reside in the area of election or not. This is shown at the top of the profile statement but does not count as part of the 150 word profile.

Standing in Other Elections in New Zealand

A candidate must declare if they are standing for any other elections in New Zealand at these triennial elections. This is shown at the top of the profile statement but does not count as part of the 150 word profile.

Affiliation

The nomination paper provides for a party affiliation or other designation.

Individual candidates not part of a political party may wish to nominate their designation as "Independent" or leave as blank (if left blank, nothing will show alongside the name on the voting paper).

A candidate requiring a specific party affiliation must have authority to adopt the affiliation from the party concerned (i.e. a party letterhead or letter of consent are acceptable). This is a safety measure to avoid any illegal adoption of party affiliations.

No party affiliation or other designation that is offensive in nature or likely to confuse or mislead electors will be accepted.

Submitting the Nomination Documents

Nomination documents for Dunedin City Council, Otago Regional Council and Southern DHB elections can be lodged at the Dunedin City Council office at 50 The Octagon, Dunedin or posted to the electoral officer, C/- PO Box 5045, Moray Place, Dunedin 9054 or emailed to the deputy electoral officer at elections@dcc.govt.nz

Dunedin City Council's office hours for lodgement are:

Monday to Friday 8.30 am to 5.00 pm, except on 16 August when 12 noon is the cut-off time for lodgement.

- All nomination documents must be submitted at the same time, i.e. nomination paper, candidate profile statement, evidence of NZ citizenship, photo, and nomination deposit. A nomination will not be accepted if any components are missing.
- Nomination papers for the Oamaru Licensing Trust are to be lodged with the Waitaki District Council at their main office, 20 Thames Street, Oamaru. **These nominations cannot be lodged with Dunedin City Council.**

Once lodged, nomination papers are checked to ensure the candidate is eligible (name appears on a parliamentary roll) and the nominators are two electors whose names appear on the electoral roll for the relevant position being applied for.

Should a nomination paper be lodged late on the morning nominations close, and be incorrectly completed or ineligible nominators are provided, there may not be enough time to correct the situation and the nomination paper could be invalidated.

Candidate Details

Confirmed candidate details will be made available from the council website. The details will be updated on a regular basis throughout the nomination period and will include at least the candidate name and any affiliation claimed.

As soon as possible after nominations have closed a file of candidate contact details will be available for download from the council's website. Candidates may be contacted by journalists, advertisers, pollsters and other groups interested in election matters.

Nomination Deposits

Each nomination paper lodged, requires a deposit of **\$200** (including GST). If an election is required the deposit is refunded if the candidate polls greater than **25%** of the lowest successful candidate for each election issue. The deposit is also refunded if no election is required.

Payment of the nomination deposit can be made by cash, EFTPOS or online banking. Should an online banking transaction be dishonoured or declined, the nomination becomes invalid as the deposit has not lawfully been made. If this occurs after the close of nominations, then the nomination is invalid and the candidate will be withdrawn.

Cheque payments of nomination deposits will not be accepted.

Payment can be made by online banking. Details for the payment of the deposit by online banking are shown on page 2 of the nomination paper. If paying by online banking, evidence of the transaction **must** be provided at the time the nomination documents are submitted, i.e. a print out of the transaction receipt. The nomination paper also sets out the reference and code details required for each online payment.

Nomination papers, with the deposit, evidence of NZ citizenship, candidate profile statement and photograph, can be sent to the electoral officer or deputy electoral officer by mail or email, but should they be received after the close of nominations, the nomination is invalid.

Nomination documents can be scanned as pdfs and emailed to the DEO, including evidence of the \$200 deposit if made by online banking. Photos are to be scanned as jpgs.

It is the responsibility of the candidate to ensure all nomination documents are submitted together and that they are all correct.

The lodgement of nomination documents should not be left to the last minute.

Nominations close at 12 noon, Friday 16 August 2019.

Candidate Withdrawals

A candidate can withdraw their nomination by application to the Electoral Officer up to the close of nominations i.e. 12 noon, Friday 16 August 2019.

Candidates cannot strategically or politically withdraw their nomination once nominations have closed. Candidates may only withdraw after the close of nominations for medical reasons, i.e. incapacity.

A medical certificate must be provided for a withdrawal notice to be accepted by the Electoral Officer. An application can be made by a candidate or an agent on their behalf.

Candidate Profile Statements

The Local Electoral Act 2001 allows for candidate profile statements (CPS) of up to 150 words to be provided by each candidate with the completed nomination form. If an election is required these are then collated by the electoral officer and forwarded to electors in a booklet with the voting papers. Refer also to the notes listed in Appendix 1 for word limits and translation requirements.

Candidate profile statements must be provided electronically via email or on a media device, in a MS Word document that has been spell checked. As the electoral officer could receive dozens of profiles, consistent format of delivery and content is required (refer to guidelines below).

Candidate profile statements are governed by Sections 61 and 62 of the Act.

If the nomination forms are being personally delivered, a hard copy format of the profile must be provided at the same time. Hand written profiles will not be accepted.

Format of Candidate Profile Statements

The format requirements for profiles are:

The English text must be plain text, in paragraphs, with no special formatting, i.e.

- No bold, italic, underlining etc.
- No tabs
- No quote marks
- No accent marks (this restriction is in English text only)
- No bullet points

The profiles will be loaded into software provided by the printer that will automatically apply the required font, type size, line spacings etc. If there is no profile statement or photo from a candidate, then "No Profile Statement and/or Photo provided." text or similar will be printed in the profile book.

Any non-English candidate profile content must be supplied with the following formatting:

- Font—Times New Roman (or Equivalent)
- Point Size—9 point size, 11 point line spacing
- No special formatting of text – e.g. no bolding, no italics, no underlines, no quote marks, etc.

Translations

The following contact details are given for a translation company, for those candidates who are unable to prepare the translation image themselves or do not know of anyone to do this for them:

Pacific International Translations (NZ) Ltd 4/203 Queen Street, Auckland. Phone: 09 9135290 Fax: 09 9135291

Email: info@pactrans.co.nz

The translation service will provide the translations in the above format to meet the requirements of the printer, the cost of which is to be met by the candidate.

Candidate Photos

Candidates may also submit a recent (less than 12 months) colour photograph for inclusion with the candidate profile statement in the booklet to accompany the voting papers. Photos should also be provided electronically, on media device or as an attachment to an email to the electoral officer.

If hard copy photographs are provided, then two copies of each photo should be provided with the candidate's name clearly printed on the rear of each photograph (care needs to be taken when labelling hard copies of photos to ensure the photo image is not damaged in the process). Photos will not be returned to candidates.

Format of Candidate Photos

Candidate photos are to be a head and shoulders shot only, with nothing else in the photo, i.e. no hats, sunglasses, pets, external objects or impediments, or other people. They should be in colour. If necessary the EO will crop the photo accordingly but the onus is on the candidate to provide a photo of the candidate only that complies with this format.

Electronic copies of photos should be scanned as a jpeg at a minimum of 600 dpi.

Any queries regarding the format of photos and profiles are to be made to the EO.

Note: The onus is on the candidate to ensure that all nomination documents including the profile and photo are submitted to the electoral officer by 12 noon, Friday 16 August 2019.

Correctness of Profile Statements

The candidate is responsible for ensuring that the candidate profile statement contains correct grammar, spelling, punctuation, etc. The electoral officer may make corrections to the statement without affecting content but accepts no responsibility to make any correction. The candidate should ensure the statement is correct when submitted and not expect any corrections to be applied.

The electoral officer is not required to verify or investigate any information included in a candidate profile statement.

The electoral officer will take no responsibility for the accuracy of the content. A disclaimer concerning the accuracy of the information contained in the statements will be published in the profile statement booklet.

If the profile statement or photo does not comply with the legislative requirements, the electoral officer will as soon as practicable, return the statement to the candidate and specify his/her concerns and the reasons therefore. The candidate will then have up to three (3) days to submit an amended candidate profile statement to the electoral officer.

A candidate is to be treated as having failed to provide a candidate profile statement, if the candidate:

- fails to submit an amended candidate profile statement within the requested period, or
- submits an amended candidate profile statement that, in the opinion of the electoral officer, does not comply with the requirements.

Where the electoral officer is not satisfied that the candidate profile statement complies and cannot reach agreement with the candidate within the period specified, but the candidate has submitted a suitable photograph, the electoral officer will act as if the written part of the statement was never received but still publish the photograph in the candidate profile booklet to be included with the voting paper sent to each elector, as well as a message to the effect that a statement was not supplied.

Campaigning, Council Resources and Social Media

Election campaigning can commence anytime but should cease by the close of voting, i.e. 12 noon, Saturday 12 October 2019.

There are generally no rules around conduct of campaigning by candidates, although there are certain election offences, which are detailed for your information in this guide, see Appendix 6. Please refer to them for your own protection.

No election material can contain:

- any untrue statement defamatory of any candidate and calculated to influence the vote of any elector.
- an imitation voting paper which has the names of the candidates with any direction or indication as to the candidate a person should vote for, or in any way contains such direction or indication likely to influence the voter.

Voting papers should not be collected from electors by candidates or their assistants. Each elector is required by law to post or deliver his or her own voting paper to the electoral officer or official voting box located at the Dunedin City Council main office, Ground Floor, Civic Centre, The Octagon, Dunedin. Completed voting papers can also be returned to Council book buses and libraries until Friday 11 October 2019.

Council Resources

Candidates are not permitted to use council resources for campaigning purposes. Council resources includes but are not limited to council's logo and branding, website, facebook page, twitter account, any forms of social media, computers, email, mobile phones, faxes, stationery, photocopiers, printers, stamps, cars, meeting rooms and venues (except those available for public hire).

Election Advertising and Authorisation on Campaign Material

Election advertising, using any media, including social media, must identify the person under whose authority they have been produced, as per sections 113-115 of the Local Electoral Act 2001.

This means that for posters, adverts, billboards, flyers, vehicle signage, websites, Facebook pages etc, each advertising item must have a sentence at the bottom saying that it is authorised by the candidate or agent, i.e. "Authorised by Joe Citizen, 20 Main St, Tinseltown." This authorisation must be clearly visible on any campaigning material including signs and billboards.

Please note: a physical address must be provided in any authorisation text, i.e. it cannot be a PO Box, Private Bag or a rural delivery number. There must be a reasonable expectation that anyone wishing to discuss the advertising can do so with the candidate or their agent at the address listed. The use of a council building address is not permitted in the authorisation address.

Advertising Standards Code for Campaign Material

Candidates are reminded to be socially responsible and truthful with the content of their campaign material. Campaign advertisements are subject to the Advertising Standards Authority (ASA) Code. Wherever facts are quoted, the Code is strict that the facts must be correct, however, where a person holds a broad view or opinion, the Code allows them to do so. The ASA settles disputes during elections within two to three days, and take complaints from electoral officers and the public. The usual penalty for breaches of the code is for the advertising to be removed.

N.B. The cost of framing to hold up an election sign is not an item of campaign expenditure.

Campaign Expenditure Limits

Candidates have campaign expenditure limits and are required to file a return to the electoral officer after the election.

Campaign expenditure is all expenses relating to the campaign from the period 3 months before election day, i.e. all expenditure from **12 July 2019 to 12 October 2019** plus any apportioned costs of any election campaigning carried out prior to 12 July 2019 (refer S.112 LEA 2001).

If a candidate is standing for more than one position (e.g. mayor and councillor) then the higher limit applies (not both combined).

The campaign expenditure levels for Dunedin City are:

1. Council-wide Elections

The total electoral expenses (inclusive of goods and services tax) of a candidate must not exceed **\$55,000** if any local government area over which the election is held has a population smaller than 149,999 and larger than 100,000.

The population of Dunedin City is estimated to be 130,700 (Dept of Statistics-2018).

City-wide Issues	Est Resident Population as at 30 June 2018	Expenditure Limit (inc GST)
Mayoralty and council	130,700	\$55,000

2. Community Boards

The total electoral expenses (inclusive of goods and services tax) of Dunedin City Council community board candidates are listed in the table below.

Community Boards	Est Resident Population as at 30 June 2018	Expenditure Limit (inc GST)
Mosgiel-Taieri	17,250	14,000
Otago Peninsula	4,540	3,500
Saddle Hill	6,630	7,000
Strath Taieri	670	3,500
Waikouaiti Coast	3,720	3,500
West Harbour	5,710	7,000

3. Other Elections

The total electoral expenses (inclusive of goods and services tax) of a candidate for the Oamaru Licensing Trust election is listed in the table below.

OLT	Est Resident Population as at 30 June 2018	Expenditure Limit (inc GST)
At Large	23,950	\$20,000

However, if a candidate is a candidate for more than one election held at the same time, (i.e. mayor and council), the total electoral expenses (inclusive of GST) of that candidate must not exceed the highest amount permitted under subsection (1) in respect of any one of the elections for which the person is a candidate, i.e. **\$55,000** for a mayoral and council candidate.

Local government area population	Expenditure limit
up to 4,999	\$3,500
5,000 – 9,999	\$7,000
10,000 – 19,999	\$14,000
20,000 – 39,999	\$20,000
40,000 – 59,999	\$30,000
60,000 – 79,999	\$40,000
80,000 – 99,999	\$50,000
100,000 – 149,999	\$55,000
150,000 – 249,999	\$60,000
250,000 – 999,999	\$70,000
more than 1,000,000	a separate calculation applies

Return of Electoral Expenses

Each candidate is required to keep a record of all campaign election expenses, and must furnish a return to the Electoral Officer within 55 days of the election result being declared, estimated to be no later than Wednesday 18 December 2019.

The return of electoral expenses and electoral donations form once returned becomes a public document and can be inspected by any person for a period of 7 years after receipt. The Electoral Officer is required to make the expenditure return and any supporting documents available on Council's website for seven years.

A model election expenses return form is attached as Appendix 2. The relevant sections of the Local Electoral Act 2001 on election expenses is attached as Appendix 3.

Note:

- 1) Candidates are required to keep evidence of any election expenses for amounts exceeding \$200.
- 2) All candidates must submit a return of election expenses and donations form even if no expenses have been incurred or donations received.

Candidate Expenses

Sec 104 of the Local Electoral Act lists the following definition of electoral expenses, in relation to a candidate at an election,—

- (a) Means expenses that are incurred by or on behalf of the candidate in respect of any electoral activity; and
- (b) includes expenses that are incurred by or on behalf of the candidate, before or after the applicable period before the close of polling day, in respect of any electoral activity; and
- (c) includes the reasonable market value of any materials applied in respect of any electoral activity that are given to the candidate or that are provided to the candidate free of charge or below reasonable market value; and

- (d) includes the cost of any printing or postage in respect of any electoral activity, whether or not the expenses in respect of the printing or postage are incurred by or on behalf of the candidate; but
- (e) does not include the expenses of operating a vehicle on which election advertising appears if that vehicle is used in good faith by the candidate as the candidate's personal means of transport; and
- (f) does not include expenses incurred by the candidate in preparing a candidate profile statement; and
- (g) does not include the labour of any person that is provided to the candidate free of charge by that person; and
- (h) does not include the cost of any framework (other than a commercial framework) that supports a hoarding on which an advertisement is displayed.

Note – the \$200 nomination deposit fee is not an electoral expense.

Definition of electoral donation

An electoral donation is a donation of money, goods or services that is made for use in a candidate's election campaign (section 103A LEA). Electoral donations and contributions to donations, of more than \$1500 incl. GST are required to be declared in the candidate's return of donations and expenses. A series of donations made by one person that adds up to more than \$1500 must also be declared. An electoral donation includes:

- where a candidate is provided with goods or services free of charge that have a reasonable market value greater than \$300
- where a candidate is provided with discounted goods or services and the reasonable market value of the goods or services is greater than \$300, the difference between the contract or agreed price and the reasonable market value of those goods and services is a donation
- where a candidate sells over-valued goods or services, the difference between the price paid and the reasonable market value is a donation, for example a fundraising auction or dinner.

The following are not candidate donations:

- volunteer labour
- goods or services provided free of charge to a candidate, or to any person on the candidate's behalf that have a reasonable market value of \$300 or less
- money provided by the candidate for his or her own campaign.

If a person or organisation gives or pays for goods or services that would otherwise be candidate election expenses, the reasonable market value of those items, whatever their value, should be recorded as an election expense. If the reasonable market value of the items exceeds \$300 it should also be recorded as a donation.

Donations made up of contributions

Donations to candidates can be made up of pooled funds contributed by more than one person (referred to in the Act as donations funded from contributions). These types of donations include, for example, campaign donations made through a trust, or where there is a fundraising collection for a candidate's campaign (section 103A LEA). The total proceeds of a collection are treated as a donation under the Act. The person who collects the money will normally be the donor. The individuals who contribute to the collection are contributors for the purposes of the Act. If an electoral donation, other than an anonymous donation, is made up of contributions, the transmitter or donor must tell the candidate:

- the name and address of the donor
- whether the donation is made up of contributions
- the total amount of individual contributions of \$1500 or less
- in the case of individual contributions greater than \$1500, the name, address, and contribution of each contributor.

If the candidate knows, or has reasonable grounds to believe, that the donor has failed to supply information about contributions, the whole donation must be returned to the donor.

Transmitted donations

A donation can be made either directly by the donor to the candidate or indirectly by a transmitter who transmits a donation to the candidate on someone else's behalf, for example via a lawyer's trust fund. Any person who receives a candidate donation on the candidate's behalf must transmit it to the candidate within 10 working days. When transmitting a donation, the transmitter must tell the candidate:

- that the donation is being transmitted on behalf of a donor
- the name and address of the donor
- whether the donation is made up of contributions
- the total amount of contributions of \$1500 or less
- in the case of contributions greater than \$1500, the name, address, and contribution of each contributor.

Where a transmitter does not disclose the name and address of the donor, the donation must be treated as an anonymous donation (see below).

Anonymous donations

Candidates are not permitted to retain anonymous donations exceeding \$1500. An anonymous donation is a donation made in such a way that the candidate who receives the donation does not know the identity of the donor and could not, in the circumstances, reasonably be expected to know the identity of the donor (section 103A LEA). If a candidate receives an anonymous donation greater than \$1500, he or she may retain \$1500 of that donation. The balance of the donation must, within 20 working days of receipt, be paid to the electoral officer for payment into the general fund of the local authority.

Applicable period for donations

There is no provision within the Local Electoral Act 2001 or its regulations specifying a period for recording or declaring donations. On that basis, all qualifying donations contributed for use in a candidate's election campaign for the 2019 triennial local body elections should be recorded and included in the candidate's return of election expenses and donations.

Dunedin City Council's Social Media Guidelines for Candidates

Candidates must comply with the following guidelines for web and social media use and presence related to campaigning.

Things to be aware of:

- During the lead up to elections, the current mayor and councillors may be used in social media posts where it is appropriate and is considered "business as usual" to use them. This may be in images or quotes.
- Election advertising, using any media, including social media, must identify the person under whose authority they have been produced, as per sections 113-115 of the Local Electoral Act 2001. This means in your profile photo/bio, you must have a statement saying that all content/images on your social media channel are authorised by you or your agent. You must include a physical address in the authorisation statement (not a PO Box, private bag or rural number), and you must not use the council's main office address.
- The Council's social media accounts (listed below), including but not limited to Facebook, Twitter, Instagram, LinkedIn and Neighbourly, are not permitted to be used as a

communications channel by anyone (candidates or members of the public) for promotion, electioneering or campaigning. This also applies to all social media accounts owned by Council-controlled organisations.

- The Council's social media accounts are constantly monitored and any campaign related or electioneering content will be removed immediately.
- If Dunedin City Council already follows your public social media accounts, please note you will be unfollowed 3 months prior to the election date. This protocol is in line with the Local Electoral Act 2001.
- Any social media post – positive or negative – made by any individual specifically relating to their own – or someone else's – nomination, intention to run for Council, or election campaign, will be removed immediately.
- Candidates cannot reply to the Council's social media posts or share with a comment encouraging people to like or follow their own social media accounts or any other electioneering tool. Any posts that do this will be removed immediately.
- Candidates must not link their own social media accounts (if they are used for campaigning purposes) to the Council's social media accounts.
- Candidates cannot rate, review, check-in or tag the Council's social media channels.
- The Council's social media accounts will remain neutral. Dunedin City Council will promote elections and the importance of voting but will not associate these posts with any candidates.

For the sake of clarity, Dunedin City Council's web and social media channels are:

Facebook

Dunedin City Council	http://www.facebook.com/DunedinCityCouncil
Toitu Otago Settlers Museum	http://www.facebook.com/ToituOSM
Moana Pool	https://www.facebook.com/moanapoolnz
Just Swim	https://www.facebook.com/justswim.nz
Dunedin Civil Defence Emergency Management	https://www.facebook.com/DnEmergency
Dunedin Hospital SOS (inactive)	https://www.facebook.com/dunedinhospitalsos
Dunedin Public Art Gallery	https://www.facebook.com/DunedinArtGallery
Mayor of Dunedin Dave Cull	https://www.facebook.com/DunedinMayor
Dunedin Chinese Garden	https://www.facebook.com/TheDunedinChineseGarden
City of Literature	http://facebook.com/cityofliteraturenz
Dunedin iSite Visitor Centre (mostly inactive)	https://www.facebook.com/Dunedin-i-SITE-Visitor-Centre-166945166712442
Neighbours Day Dunedin (inactive)	https://www.facebook.com/Neighbours-Day-Dunedin-127858717395689
Dunedin Botanic Garden	https://www.facebook.com/dnbotanicgarden

Twitter		
Dunedin City Council	http://twitter.com/DnCityCouncil	
Dunedin Public Libraries	https://twitter.com/dnlibraries	
Dunedin Public Art Gallery	https://twitter.com/theDPAG	
Dunedin Chinese Garden (inactive)	https://twitter.com/DNChineseGarden	
Toitū Otago Settlers Museum	http://twitter.com/OSMDunedin	
City of Literature	http://twitter.com/acityofstories	
Dunedin Emergency	https://twitter.com/DnEmergency	
YouTube		
Dunedin City Council	http://www.youtube.com/dunedincitycouncil	
Toitū OSM	https://www.youtube.com/channel/UCB82x5QhCnObPLUg0QGDKuQ/	
Dunedin Public Libraries	https://www.youtube.com/user/dunedinlibraries	
City of Literature	https://www.youtube.com/channel/UCwLJKyTad8EnhsI9r2ReLkg	
Instagram		
Dunedin City Council (inactive)	https://www.instagram.com/dunedincitycouncil/	
Dunedin Public Libraries	https://www.instagram.com/dunedinpubliclibrariesnz/	
Dunedin Public Art Gallery	https://www.instagram.com/d.p.a.g/	
Toitū OSM	https://www.instagram.com/toituosm/	
City of Literature	https://www.instagram.com/acityofstories/	
Pinterest		
Dunedin Public Art Gallery	https://www.pinterest.nz/DunedinGallery	
City of Literature	http://www.pinterest.com/acityofstories/	
Flickr		
Dunedin Public Libraries	https://www.flickr.com/photos/dunedinpubliclibraries/	
Dunedin City Council Archives	https://www.flickr.com/photos/dccarchives/	
TripAdvisor		
Dunedin Chinese Garden	https://www.tripadvisor.co.nz/Attraction_Review-g255119-d1751022-Reviews-Dunedin_Chinese_Garden-Dunedin_Otago_Region_South_Island.html	
Dunedin Botanic Garden	https://www.tripadvisor.co.nz/Attraction_Review-g255119-d1575667-Reviews-Dunedin_Botanic_Garden-Dunedin_Otago_Region_South_Island.html	
Dunedin Public Art Gallery	https://www.tripadvisor.co.nz/Attraction_Review-g255119-d256957-Reviews-Dunedin_Public_Art_Gallery-Dunedin_Otago_Region_South_Island.html	
Dunedin i-Site Visitor Information Centre	https://www.tripadvisor.co.nz/Attraction_Review-g255119-d8377749-Reviews-Dunedin_i_SITE_Visitor_Information_Centre-Dunedin_Otago_Region_South_Island.html	
Moana Pool	https://www.tripadvisor.co.nz/Attraction_Review-g255119-d1997604-Reviews-Moana_Pool-Dunedin_Otago_Region_South_Island.html	
Toitū Otago Settlers Museum	https://www.tripadvisor.co.nz/Attraction_Review-g255119-d256972-Reviews-Toitu_Otago_Settlers_Museum-Dunedin_Otago_Region_South_Island.html	
LinkedIn		
Dunedin City Council	https://www.linkedin.com/company/dunedin-city-council	
Enterprise Dunedin	https://www.linkedin.com/company/enterprise-dunedin/?originalSubdomain=nz	
List of Council organisations		
Dunedin City Holdings Ltd	Aurora Energy Ltd	City Forest Ltd
Delta Utility Services Ltd	Dunedin City Treasury Ltd	Dunedin International Airport Ltd
Dunedin Stadium Property Ltd	Dunedin Venues Management Ltd	Taieri Gorge Railway Ltd

Hoardings

Election signs are permitted on private property (with the owner's consent). These signs can be erected no more than 2 months prior to the election, being 12 August 2019. The sign must be erected in a stable fashion, not be a hazard to the public or to traffic safety, and must comply with the Dunedin City Council's District Plan.

Election signs are permitted on selected council road reserves. On these sites, signs can be erected no more than 2 months prior to the election, being 12 August 2019, and must be removed the day before election day, that is by 12 midnight on Friday 11 October 2019.

The provisions in the District Plan for temporary election signs only address the resource management effects associated with the proliferation of signage. Designated locations for election signs were created to manage the visual effects of signs.

As all the sites for temporary election signs are located within road reserve, any candidate should contact the Council if they are intending to construct a sign that involves a large supporting structure or modification to the ground. The work may require a

building consent or approval from the Transportation Group. As service networks generally follow road corridors it is likely that there are underground services running through many of the sites for election signs. This may include water, sewage, power, telecommunications and gas reticulation.

Council records the location of all service networks operated and maintained by the Council, but the Council does not hold information on the layout and details of services maintained by other agencies, in particular power and telecommunications. For information on these networks candidates should contact the relevant company that maintains the service network.

Power Supply

In respect to power, Delta Utility Services are the agency with responsibility for the network in and around Dunedin and Mosgiel. PowerNet look after the network for much of the rural area and the townships of Middlemarch and Waikouaiti. Information obtained from these companies in relation to the location of power cabling is summarised in the table below:

Underground Cabling for Electricity		
Site Location	Service: HV=high voltage / LV=low voltage	Company maintaining network
Swansea Street, Middlemarch	No HV. No other known underground cables*	PowerNet
Snow Avenue, Middlemarch	No HV. No other known underground cables*	PowerNet
Cardigan Street, Middlemarch	No HV. No other known underground cables*	PowerNet
Quarry Road, Mosgiel	HV line running through site following road	Delta Utility Services
Reid Avenue, Mosgiel	HV line and LV cable running through site following road	Delta Utility Services
Puddle Alley, Mosgiel	No HV. No other known underground cables*	Delta Utility Services
Church Street, Mosgiel	No HV. LV cable in two areas within the site*	Delta Utility Services
Main Road, Waikouaiti	No HV. No other underground known cables*	PowerNet
Main Road, Waldronville	No HV. No other known underground cables*	Delta Utility Services
Main Road, Fairfield	No HV. No other known underground cables*	Delta Utility Services
Caversham Bypass	No HV. No other known underground cables*	Delta Utility Services
Abbotsford Road	No HV. No other known underground cables*	Delta Utility Services
Stevenson Road	No HV. No other known cables* within site. However, 33kv HV line nearby for substation.	Delta Utility Services
Main Road South, Green Island	HV lines running through site.	Delta Utility Services
Brighton Road, Green Island	HV lines crossing through site and road at 2 locations.	Delta Utility Services
South Road, South Dunedin	No HV. No other known underground cables*	Delta Utility Services
SH88, Ravensbourne/Maia	HV connection to Pump Station No other known cables*	Delta Utility Services
Deborah Bay	No HV No other known cables*	Delta Utility Services
Marne Street/Larnach Road	HV lines within site following the road. LV lines within site following the road *	Delta Utility Services
Balmacewen Road	No HV No other known cables*	Delta Utility Services
Pine Hill Road	No HV No other known cables*	Delta Utility Services

* Please note at most sites there either is or may be underground cabling extending from underground service lines across the road, or the base of power poles, to supply street lights or provide local connections to dwellings and businesses.

Plans of the power services in the vicinity of the affected sites have been obtained by the Council for the Delta Utility Services network and are posted on the Council's website <http://www.dunedin.govt.nz/>. Any questions about the details depicted including the type, depth underground and other information about the cables should be directed to the power companies. The Delta offices are located at 10 Halsey Street, telephone (03) 474 0322.

The contact for PowerNet is telephone (03) 211 1899. The website address is <http://www.powernet.co.nz/>.

Telecommunications

It should be noted that telecommunication companies have separate networks and new networks are being established. While these services are less hazardous than power cables City Planning has been advised that they are generally closer to the surface than power lines. Damage to fibre optic cables may result in considerable expense for repairs and may present a health and safety risk. The Council does not have records on telecommunications that may be present within election sign sites. OSH guidance on safety in relation to underground services including fibre optic cable is available from <http://www.osh.dol.govt.nz/order/catalogue/ipp/underground.pdf>

This information is valid at July 2016. Please take care when installing election signs.

Signage Rules

The relevant legislation to control the effects from signage is the proposed Dunedin City District Plan (2GP). Rule 4.3.2.11 of the 2GP provides for election signage as a permitted activity throughout the city, subject to compliance with the 'number, location and design of temporary signs' performance standard (Rule 4.5.7). Signs that contravene the performance standard will require a resource consent as a restricted discretionary activity.

The District Plan rule does not control the content of the signage.

Advisory Note

It is advised that the following sites should not be used for signage for the 2019 local election, for the following reasons:

- Quarry Road, Mosgiel. This site is no longer considered appropriate due to limited site space and the presence of a high voltage underground power cable running alongside the road.
- Church Street, Mosgiel. This site is no longer considered appropriate due to residential development immediately adjacent to the road reserve.

In addition, the site at Brighton Road, Waldronville, next to Kaikorai Estuary, has been planted with flaxes and other vegetation. Please take care not to damage any vegetation when erecting signs at this site.

See also the 'Power Supply' section above, which contains information on underground power cabling to be avoided at several election signage sites.

4.5.7 Number, Location and Design of Temporary Signs

4.5.7.1 General

- a. Temporary signs visible from a public place must meet all of the following performance standards;
- b. Temporary signs must not be illuminated (internally or externally), digital, or projected; and
- c. Signs must also comply with:
 - i. Rule 6.7.2 where located on or above public footpaths; and
 - ii. Rule 6.7.3, where visible from the road.
- d. Signs that contravene the performance standard for number, location and design of temporary signs are restricted discretionary activities.

4.5.7.2 Election signs

- a. Signs must be erected no more than two months prior to election or polling day and must be removed by midnight prior to election or polling day.
- b. Signs on a site must not exceed a maximum number of:
 - i. one per candidate or group of candidates for local elections and referenda; and
 - ii. one per registered political party, independent or non-party affiliated candidate, for general elections.
- c. Signs must not exceed:
 - i. a maximum height of 2m above ground level; and
 - ii. a maximum area of 3m².
- d. For the purpose of Rule 4.5.7.2 'local elections' refers to elections for City or Regional Council, District Health Board or a community board; and 'general elections' refers to elections for the New Zealand Government.

Advertising Within Coastal Marine Areas

Authorisation to place structures in coastal marine areas (foreshore and seabed) within the Dunedin City Council area is controlled by the Otago Regional Council. This includes boat sheds and slipways etc. and any advertising on those structures.

Any candidate wanting to place campaign signage within a coastal marine area within the DCC boundary should contact the Otago Regional Council - ph (03) 474 0827.

Approved Election Signage Areas

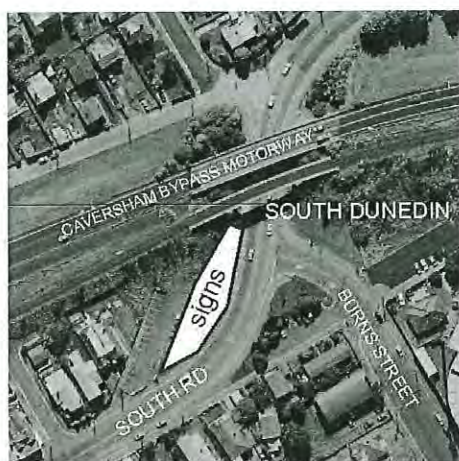




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NZTA Guidelines for Managing Electioneering Signs on State Highways

The guideline objectives are to minimise the potential for road crashes arising from drivers being distracted by indiscriminate installation of electioneering signs and to ensure consistency of application of NZTA policy on such signs with minimal involvement by NZTA.

1. On Rural State Highway Reserves [NZTA to Manage]
 - 1.1 Signs should generally be located off state highway reserves. In exceptional circumstances only, signs may be erected within the state highway reserve with the written approval of state highway managers.
 - 1.2 For the exceptional circumstance to apply, the applicant must be able to demonstrate that all other options have been exhausted and that there is no other appropriate safe location for the sign.
 - 1.3 Signs must:
 - not be reflectorised;
 - be located generally giving consideration to visibility and traffic safety;
 - not be on or adjacent to motorways;
 - not be erected in a manner that will create distraction or danger to road users; and
 - not imitate any official traffic signs.
 - 1.4 For safety reasons, vehicle mounted signs situated on state highway reserves are not permitted.
 - 1.5 To minimise staff involvement, NZTA shall:
 - act quickly on inquiries from political parties and the public;
 - instruct network consultants to inspect all state highway's for compliance every 7 to 10 days;
 - phone/fax the parties/candidates where there is non compliance, requesting action/removal within 48 hours; and
 - instruct consultants to remove the signs if there is no action after 48 hours.
 - 1.6 Where any sign is erected without NZTA approval in an obviously unsafe location it must be removed immediately and stored undamaged. The party must then be advised of the storage location for retrieval at a fee of \$50 to cover NZTA costs.
2. On property adjoining rural state highways and on urban state highway reserves and adjoining property [local authorities to manage] (where urban areas relate to state highway's with speed limits of 70 km/h or less).
 - 2.1 NZTA shall refer all applicants/parties to the appropriate local authority.
 - 2.2 Although it is expected that local authorities will administer their own controls in terms of district plans, NZTA should make known its views that any signs should meet the NZTA policy requirements set out in paragraphs 1.3 and 1.4 above.
 - 2.3 Beyond appropriate liaison with local authorities to convey the above policy, NZTA shall have no other involvement with signs in these areas.

Voting and Processing of Votes

Order of Candidates on the Voting Papers

Dunedin City Council has resolved pursuant to Section 79 of the Local Electoral Act 2001 that the names of the candidates will appear in random order on the voting papers. This means that the candidate names will be listed in a different order on all voting papers. Barcodes will be printed beside each candidate name for counting purposes.

Special Voting

Special voting documents are available to electors:

- whose names do not appear on the final electoral roll, but who qualify as electors
- who did not receive a voting paper previously posted to them
- who spoil or damage a voting paper previously posted to them.

Special voting documents will be available from Friday 20 September 2019 to 12 noon on Saturday 12 October 2019 at the Dunedin City Council office, Ground Floor, Civic Centre, The Octagon, Dunedin.

Consideration is also being given to having special voting booths in other locations around the city for limited hours throughout the voting period. These will be advertised once times and locations are determined.

Special voting documents can be posted directly out to electors. The completed voting paper however, must be in the hands of the electoral officer or the deputy electoral officer by noon on election day, i.e. 12 noon, Saturday 12 October 2019.

Special voters must complete a statutory declaration. This is a legal requirement and a protection for electors against possible duplicate voting.

If an elector requests a special vote and is not on the parliamentary roll (e.g. just turned 18 years of age), the person must enrol on the parliamentary roll by Friday 11 October 2019. An application for registration as a parliamentary elector may be obtained:

- from any Post Shop or
- by telephoning 0800 ENROLNOW (0800 367656) or
- by accessing the Electoral Enrolment Centre website on www.elections.org.nz.

After voting closes, special vote declarations are forwarded to Registrars of Electors for verification that the elector is eligible and has enrolled as a parliamentary elector.

Special voting documents cannot be collected by candidates or their assistants for distribution to electors.

Early Processing of Returned Voting Papers

The electoral officer has decided pursuant to Section 80 of the Local Electoral Act that returned voting papers will be opened and processed during the voting period before the close of voting.

Voting papers for Dunedin City Council are being processed by council's election contractor, electionz.com Ltd. *electionz.com* will be processing approximately 600,000 voting papers for 42 councils at its processing centre in Christchurch.

The early processing of voting papers involves the following functions:

- opening of envelopes
- extracting of voting papers
- checking for informal or duplicate votes
- electronic capture of valid votes
- no tallying of votes is undertaken until after the close of voting (12 noon, Saturday 12 October 2019).

The early processing functions are undertaken within strict security measures. One or more Justices of the Peace observe all early processing functions, and sign a statement at the end of the processing that all functions were undertaken correctly and conformed with the legal and secrecy requirements.

Candidate's scrutineers are not permitted to observe the early processing functions (refer to Appendix 4).

Election Results

The counting of votes takes place as soon as practicable after 12 noon on Saturday 12 October 2019.

It is expected that a progress result will be released by the electoral officer by 5pm on Saturday 12 October 2019. The preliminary result will be released as soon as all ordinary voting papers have been received and processed at the processing centre. This is likely to be by 2pm Sunday 13 October.

Candidates will be advised the progress results on election day—either by e-mail or phone. Only two attempts to communicate the progress result to any candidate will be made. These will be made around the time that progress results are posted to the council website.

Results will be released to candidates and media via email and www.dcc.govt.nz.

There are three types of results.

1. Progress Results

Not all ordinary votes have been counted yet, those votes received on the last morning will still be in transit to the Electoral Officer. Progress results are expected to be available on Saturday 12 October from 2pm as reconciliations and quality assurance checks are completed. Results could change.

2. Preliminary Results

All ordinary voting papers have been received and counted, but not all special votes. These will be announced later on Saturday evening or Sunday after we receive the last ordinary voting papers that were delivered to Council offices prior to the close of voting. Results could change.

3. Official Results

All ordinary and special votes have been counted. These will be released by Thursday 17 October, once special votes are confirmed. Results are final.

Recounts and Petitions for Inquiry

A recount can be requested by a candidate within 3 working days after the public declaration of the final election results. This sometimes happens when a result is very close, i.e. less than 5-10 votes, depending on the size of the election.

A candidate must make application to the District Court along with the payment of a \$750 deposit. This is usually lodged with the court by a solicitor, so legal advice may be required. The application usually states the reason why a recount should be granted by the Judge. In recent times it has been demonstrated that just because a result is close, that is not necessarily enough of a reason for a recount.

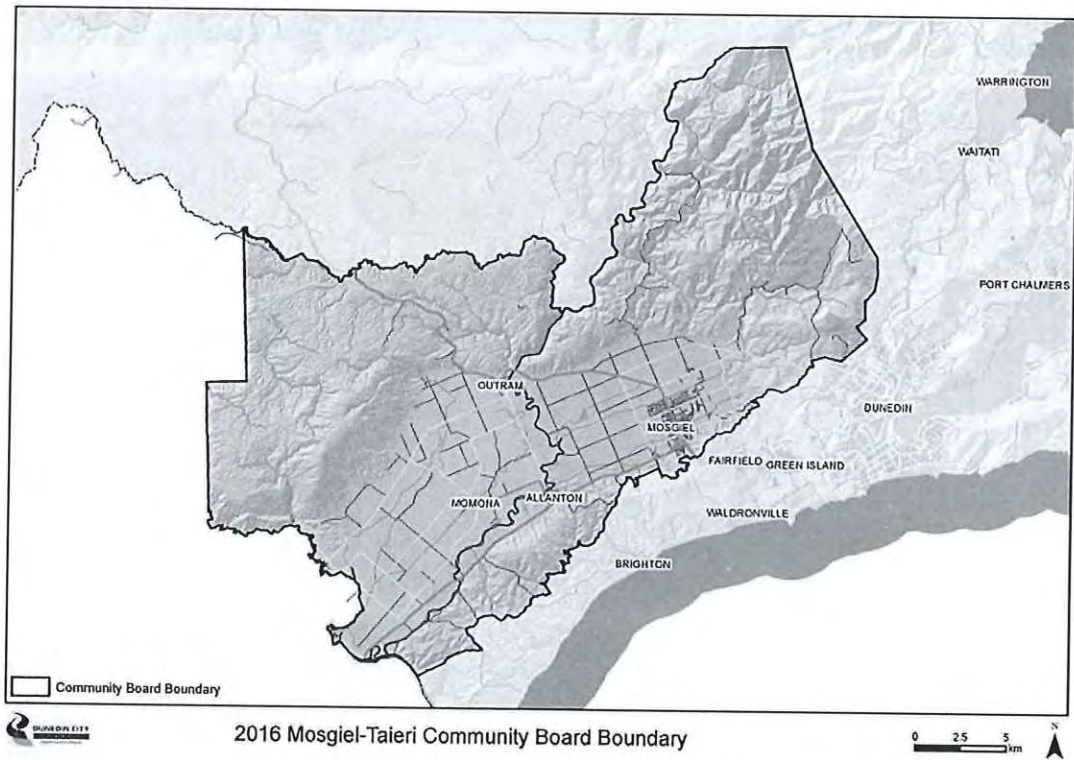
A Petition for Inquiry can be applied for by a candidate or a minimum of 10 electors, if in their opinion the election result is incorrect or may have been compromised. This also has to be made by application to a District Court Judge upon payment of a \$750 deposit within 21 days of the official result declaration. Legal advice should be sought by anyone contemplating a Petition for Inquiry.

Council and Community Board Maps

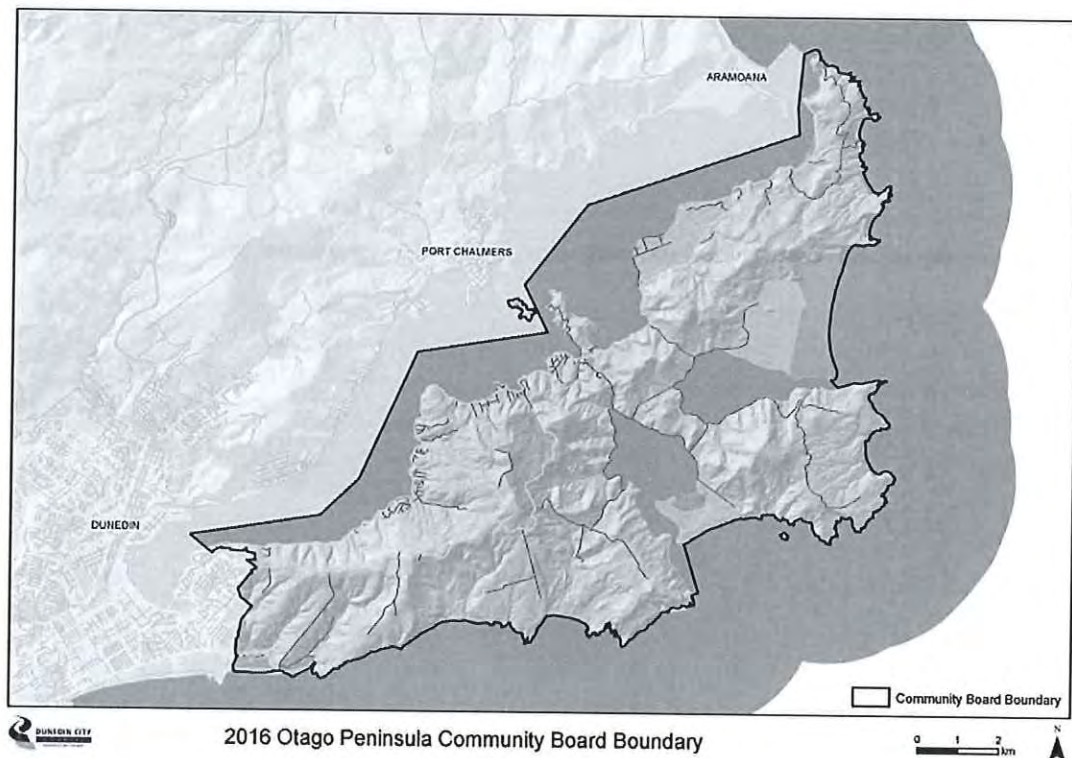
Dunedin City



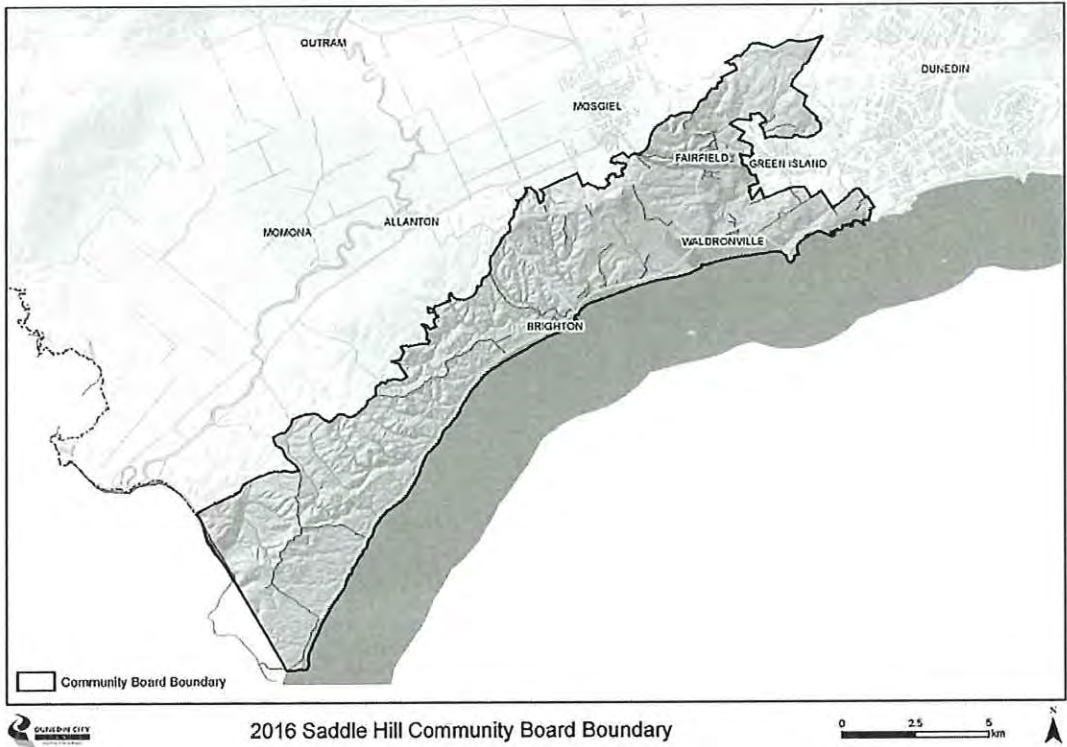
Mosgiel-Taieri Community Board



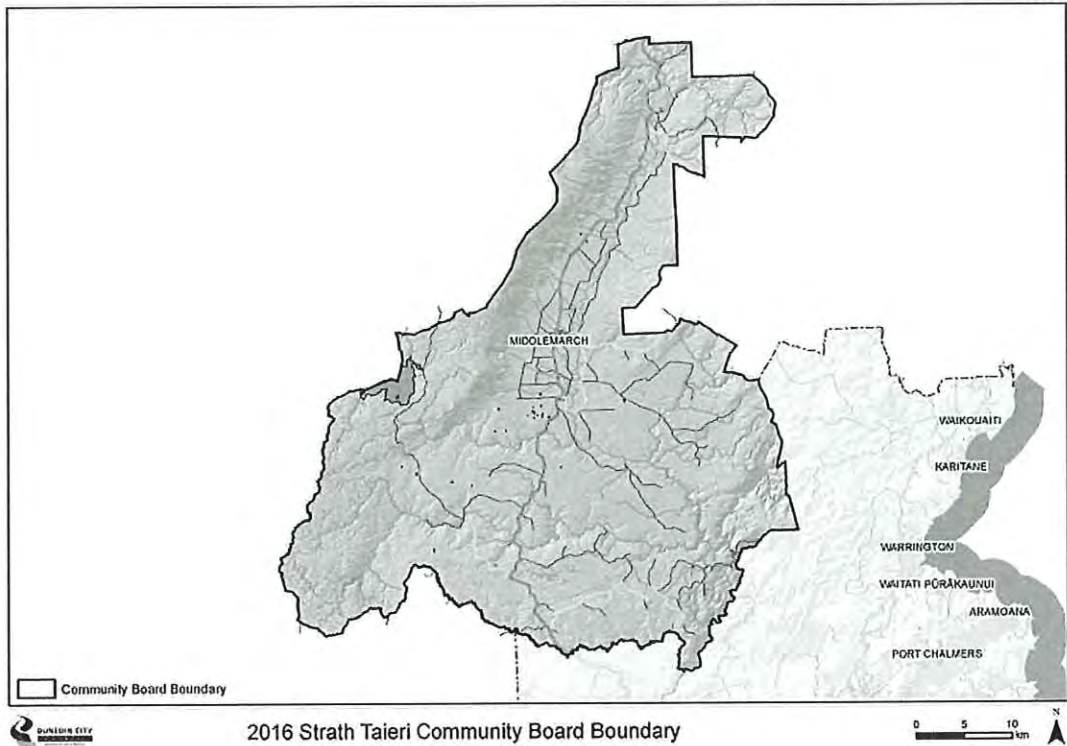
Otago Peninsula Community Board



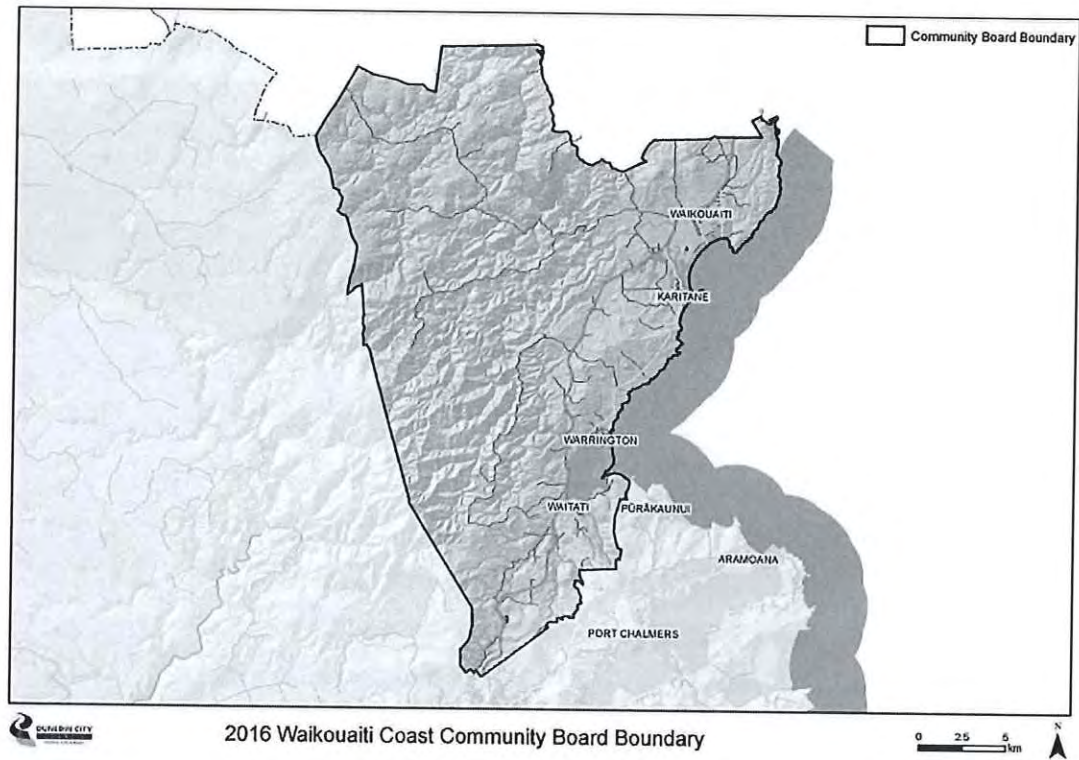
Saddle Hill Community Board



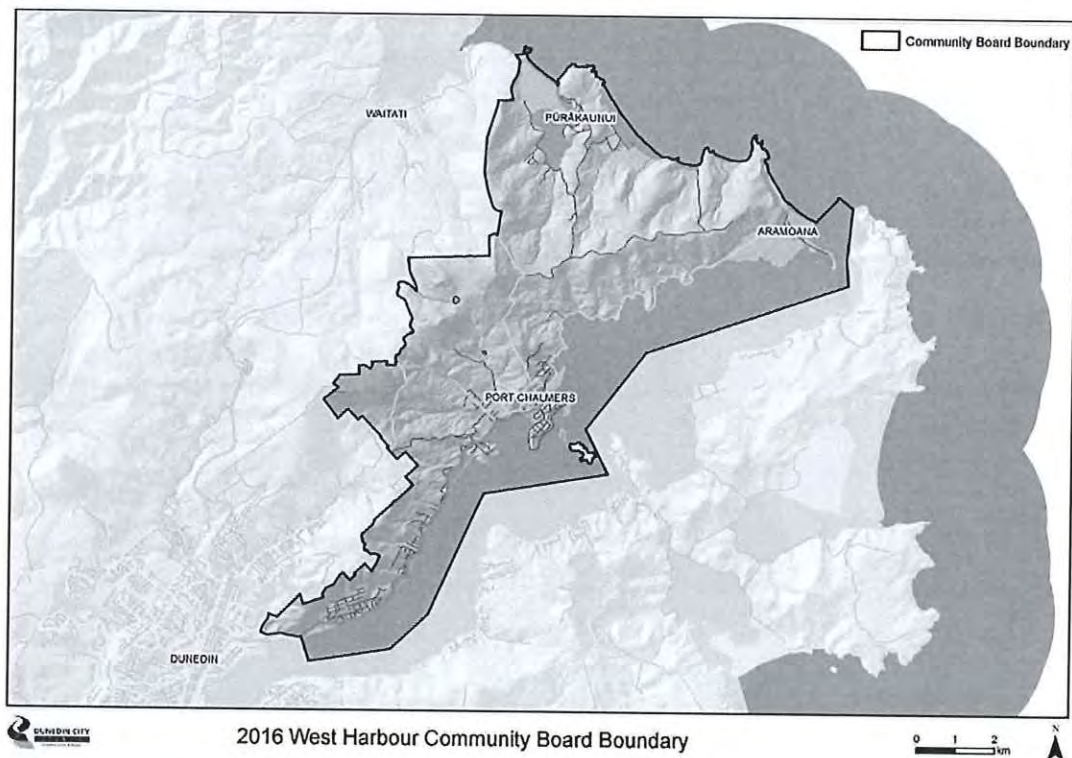
Strath Taieri Community Board



Waikouaiti Coast Community Board



West Harbour Community Board



Oamaru Licensing Trust



Candidate Profile Statements

Local Authority Elections 2019

Right to Submit a Candidate Profile Statement (CPS)

Every candidate for election to a local authority may submit a CPS with their nomination (Section 61, Local Electoral Act). This is a permissive right – it is not mandatory to submit a CPS.

Where a candidate is standing for two or more offices, e.g. mayor and councillor – he/she may submit a CPS for each office (Clause 26, Local Electoral Regulations).

Candidate Profile Statement Conditions

- Under Section 61(2)(a) and (3) of the Act and Clause 27 of the Regulations, a CPS
 - if in English or Maori or both, must not exceed 150 words in each of the languages used in the CPS. The information contained in each language must be substantially consistent with the information contained in the other language;
 - in any other language other than English or Maori, must not exceed 150 words, or their equivalent, if symbols are used rather than words. This includes any translation of those words into another language provided by the candidate. Where a CPS is in a language other than English or Maori, then the candidate must provide a CPS in English or Maori.
- Every CPS must be submitted with the candidate's nomination form.
- The content of a CPS, under Section 61(2)(c), must be confined to information:
 - concerning the candidate or any group or organisation the candidate claims affiliation to under S 55(4) of the LEA;
 - on the candidate's policies and intentions if elected.
- A CPS **cannot** be used to comment on the policies, performance, etc of any other candidate.

A candidate may include with their CPS a recent hard copy photograph of the candidate alone which has been taken within 12 months of the candidate's date of nomination.

Note: Soft (electronic) versions of the candidate photos may be submitted with the CPS. These should be either copied onto a media device or emailed to the deputy electoral officer, at elections@dcc.govt.nz.

Photos must be submitted at the same time as all nomination documents and by the close of nominations i.e. on or before 12 noon, Friday 16 August 2019. [Section 61(2)(c) and Clause 28]. (Refer to page 7 for the production specifications for the CPS and candidate photograph).

Duties, Powers and Responsibilities of Electoral Officers

Where an electoral officer is not satisfied that a CPS complies with Section 61(2) and (3), he/she must, under Section 61(4), return the CPS to the candidate specifying the concerns and reasons for them and the period within which an amended CPS may be resubmitted.

A candidate will be treated as having failed to provide a CPS if Section 61(4) applies and he/she fails to submit an amended CPS within the period specified by the electoral officer or submits an amended CPS, which in the electoral officer's opinion, still fails to comply with Section 61(2) and (3).

It is important to note that under Section 61(6), the electoral officer is not required to verify or investigate any information in a CPS may include in or with any CPS a disclaimer concerning the accuracy of the information therein.

The EO is not liable in relation to:

- any statement in or omitted from a CPS; or
- the work of a prudently selected translator; or
- the exercise of the powers and functions conferred on the electoral officer under Section 61.

Distribution of Candidate Profile Statement

- Section 62 of the Act and Clause 29 of the Regulations requires the electoral officer to send to each elector with the voting documents, all CPS's that comply with Section 61, for each candidate in the election for a local government area or subdivision. In addition, a local authority may display CPS's at its offices, or service centres, and publish them on its website as soon as they are ready after nominations have closed.
- Any failure of an electoral officer to comply with Section 62 will not invalidate the election.

Examples of CPS's

A	English					= 150 words
B	Māori					= 150 words
C	English	+		Māori		= 300 words
	(must be substantially consistent with each other)					
D	1 Other Language (Non English / Māori)	+	English Translation	OR	Māori Translation	= 150 words
E	2 Other Languages (Non English / Māori)	+	English Translation	OR	Māori Translation	= 150 words
F	3 + Other Languages (Non English / Māori)	+	English Translation	OR	Māori Translation	= 150 words

Return of Electoral Donations And Expenses

RETURN OF ELECTORAL DONATIONS AND EXPENSES

electionz.com
voting made easy



I

was a candidate for the following election(s) held on 12 October 2019 (Election/Ward/Issue name):

and make the following return of all electoral expenses incurred by me or on my behalf at the election and of all electoral donations made to me or to any person on my behalf.

Notes and Definitions of Donations and Expenses:

1. All candidates in elections held under the provisions of the Local Electoral Act 2001 must file a return of electoral donations and expenses. If no donations were received or expenses incurred, a Nil return must be made.
2. All candidates are required to keep proper records of donations received and expenses paid for election work. These do not have to be filed with this return but must be available to support enquiries about the return if required.
3. Donations can be monetary or physical goods or services supplied or a combination thereof.
4. Donations to a candidate of labour only or donations of goods and services that have a fair market value of \$300 or less do not have to be declared – see S103A of the LEA 2001.
5. Candidates must declare donations from each contributor that exceed \$1500 in value. Where a contributor has made donations in instalments that sum to more than \$1500 in value, each contributing donation needs to be listed in Section A2 and the aggregated sum shown.
6. If there is insufficient space provided in any section, attach a separate sheet with the additional detail.

Section A1: Candidate Donations (Anonymous)

List here details of any anonymous (identity of donor is unknown to yourself or any officials engaged on your behalf) donations that exceed \$1500:

Date Received	Amount	Description of Contribution	Date Paid to Electoral Officer	Amount Paid to Electoral Officer

Section A2: Candidate Donations (Other)

List here details of any other donations received that exceed \$1500:

Date Received	Name of Contributor	Address of Contributor	Description of Contribution	Amount

Section B: Candidate Expenses

List here details of any election expenses paid for (inclusive of GST):

Date Paid	Name of Party Paid	Description of Payment Made	Amount

Dated at (place) this day of 20

Candidate's Signature

Electoral Expenses & Donations

The following sections of the Act cover requirement provisions for electoral donations, expenses and returns which all candidates should be aware of.

111 Maximum amount of electoral expenses

- 1) The total electoral expenses (inclusive of goods and services tax) of a candidate must not—
 - (a) exceed \$3,500 if any local government area over which the election is held has a population smaller than 5 000;
 - (b) exceed \$7,000 if any local government area over which the election is held has a population smaller than 10 000 and larger than 4 999;
 - (c) exceed \$14,000 if any local government area over which the election is held has a population smaller than 20 000 and larger than 9 999;
 - (d) exceed \$20,000 if any local government area over which the election is held has a population smaller than 40 000 and larger than 19 999;
 - (e) exceed \$30,000 if any local government area over which the election is held has a population smaller than 60 000 and larger than 39 999;
 - (f) exceed \$40,000 if any local government area over which the election is held has a population smaller than 80 000 and larger than 59 999;
 - (g) exceed \$50,000 if any local government area over which the election is held has a population smaller than 100 000 and larger than 79 999;
 - (h) exceed \$55,000 if any local government area over which the election is held has a population smaller than 150 000 and larger than 99 999;
 - (i) exceed \$60,000 if any local government area over which the election is held has a population smaller than 250 000 and larger than 149 999;
 - (j) exceed \$70,000 if any local government area over which the election is held has a population smaller than 1 000 000 and larger than 249 999;
 - (k) exceed the sum referred to in subsection (1A) if any local government area over which the election is held has a population of 1 000 000 or more.
- 1A) The sum is—
 - (a) \$100,000 plus the amount prescribed under section 139(1)(ha) for each elector; or
 - (b) \$100,000 plus 50 cents for each elector, if no amount is prescribed under section 139(1)(ha).
- 2) Despite subsection (1), if a candidate is a candidate for more than 1 election held at the same time, the total electoral expenses (inclusive of goods and services tax) of that candidate must not exceed the highest amount permitted under subsection (1) in respect of any one of the elections for which the person is a candidate.

112 Apportionment of electoral expenses

- 1) If any activity of the kind described in paragraphs (a) to (d) of the definition of the term electoral activity (as set out in section 104) is, in relation to a candidate at an election, carried on both before and within the applicable period before the close of polling day,—
 - (a) the expenses incurred in respect of the activity (being expenses incurred by or on behalf of the candidate) must be properly apportioned so that a fair proportion of those expenses is attributed to the carrying on of the activity in the applicable period before the close of polling day; and
 - (b) the fair proportion of those expenses are electoral expenses.
- 2) If any election activity relates exclusively to campaigns for the election of 2 or more candidates, any electoral expenses in respect of that electoral activity must be apportioned equitably in relation to each of those candidates.

112AA Offence to pay electoral expenses in excess of relevant prescribed maximum

- 1) This section applies to any candidate or other person who directly or indirectly pays or knowingly aids or abets any person in paying for or on account of any electoral expenses any sum in excess of the relevant maximum amount prescribed by section 111.
- 2) The candidate or person commits an offence and is liable on conviction—
 - (a) to a term of imprisonment not exceeding 2 years, or a fine not exceeding \$10,000, if he or she knew the payment was in excess of the relevant prescribed maximum amount; or
 - (b) to a fine not exceeding \$5,000 in any other case, unless he or she proves that he or she took all reasonable steps to ensure that the electoral expenses did not exceed the relevant prescribed maximum amount.

112A Return of electoral donations and expenses

- 1) Within 55 days after the day on which the successful candidates at any election are declared to be elected, every candidate at the election must file a return of electoral donations and expenses.
- 2) However, in any case where a candidate is outside New Zealand on the day on which the successful candidates are declared to be elected (election result day), the return must be filed within 76 days after election result day.
- 3) The return of electoral donations and expenses must set out—
 - (a) the details specified in subsection (4) in respect of every electoral donation (other than a donation of the kind referred to in paragraph (c)) received by the candidate that, either on its own or when aggregated with all other donations made by or on behalf of the same donor for use in the same campaign, exceeds \$1,500 in sum or value; and

- (b) whether any donation is funded from contributions, and if so, and to the extent known or ascertainable from the information supplied under section 103D, the details specified in subsection (5) in respect of every contribution that, either on its own or when aggregated with other contributions by the same contributor to the donation, exceeds \$1,500 in sum or value; and
 - (c) the details specified in subsection (6) in respect of every anonymous electoral donation received by the candidate that exceeds \$1,500; and
 - (d) details of the candidate's electoral expenses.
- 4) The details referred to in subsection (3)(a) are—
- (a) the name of the donor; and
 - (b) the address of the donor; and
 - (c) the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and
 - (d) the date the donation was received or, in the case of aggregated donations, the date that each donation was received.
- 5) The details referred to in subsection (3)(b) are—
- (a) the name of the contributor; and
 - (b) the address of the contributor; and
 - (c) the amount of the contribution or, in the case of aggregated contributions, the total amount of the aggregated contributions.
- 6) The details referred to in subsection (3)(c) are—
- (a) the date the donation was received; and
 - (b) the amount of the donation; and
 - (c) the amount paid to the electoral officer under section 103J(1) or (2) and the date that payment was made.
- 7) Every return filed under this section must be in the form prescribed in Schedule 2.
- 8) It is the duty of every electoral officer to ensure that this section is complied with.
- 9) In this section, file in relation to a return, means to send the return to the electoral officer responsible for the conduct of the election.

112B Nil return

If a candidate considers that there is no relevant information to disclose under section 112A, the candidate must file a nil return under that section.

112C Failure to file return of electoral donations and expenses

- 1) A candidate who fails, without reasonable excuse, to comply with section 112A commits an offence and is liable on conviction to—
 - (a) a fine not exceeding \$1,000; and
 - (b) if he or she has been elected to office, a further fine not exceeding \$400 for every day that he or she continues to hold office until the return is filed.

112D Filing a false return of electoral donations and expenses

- 1) A candidate who files a return under section 112A that is false in any material particular commits an offence and is liable on conviction—
 - (a) to a term of imprisonment not exceeding 2 years, or a fine not exceeding \$10,000, if he or she filed the return knowing it to be false in any material particular; or
 - (b) to a fine not exceeding \$5,000 in any other case, unless the candidate proves that—
 - (i) he or she had no intention to misstate or conceal the facts; and
 - (ii) he or she took all reasonable steps in the circumstances to ensure the information in the return was accurate.

112E Obligation to retain records necessary to verify return

- 1) A candidate must take all reasonable steps to retain all records, documents, and accounts that are necessary to enable a return under section 112A to be verified.
- 2) The records, documents, and accounts must be retained until the expiry of the period within which a prosecution may be commenced under this Act in relation to the return or to any matter to which the return relates.
- 3) A candidate who fails, without reasonable excuse, to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$5,000.

112F Return to be open for public inspection

- 1) The electoral officer must keep every return filed under section 112A in the electoral officer's office, or at some other convenient place to be appointed by the chief executive of the local authority, for a period of 7 years after the date of the election to which it relates (the public inspection period).
- 2) During the public inspection period the electoral officer must—
 - (a) publish, electronically or in any other manner the electoral officer considers appropriate, every return filed under section 112A; and
 - (b) make available for public inspection a copy of every return filed under section 112A; and
 - (c) provide to any person upon request a copy of 1 or more returns filed under section 112A, subject to the payment of any charges that may be made under the Local Government Official Information and Meetings Act 1987.

113 Advertisements for candidates

- 1) No person may publish or cause to be published in any newspaper, periodical, notice, poster, pamphlet, handbill, billboard, or card, or broadcast or permit to be broadcast over any radio or television station, any advertisement that is used or appears to be used to promote or procure the election of a candidate at an election, unless subsection (2) or subsection (4) applies.
- 2) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—
 - (a) the publication of that advertisement is authorised in writing by the candidate or the candidate's agent or, in the case of an advertisement relating to more than 1 candidate, the candidates or an agent acting for all of those candidates; and
 - (b) the advertisement contains a statement setting out the true name of the person or persons for whom or at whose direction it is published and the address of his or her place of residence or business.
- 3) A candidate is not responsible for an act committed by an agent without the consent or connivance of the candidate.
- 4) A person may publish or cause or permit to be published an advertisement of the kind described in subsection (1) if—
 - (a) the publication of the advertisement is endorsed by an organisation or body representing residents or ratepayers in the community or district in which the advertisement is published; and
 - (b) the advertisement contains a statement setting out—
 - (i) the true name of the person or persons for whom or at whose direction it is published and the address of his or her residence or place of business; and
 - (ii) the true name of the organisation or body that has endorsed the publication of the advertisement and the address of the place of business of that organisation or body.
- 5) This section does not restrict the publication of any news or comments relating to an election in a newspaper or other periodical, or on the Internet, or in any other medium of electronic communication accessible by the public, or in a radio or television broadcast made by a broadcaster within the meaning of section 2 of the Broadcasting Act 1989.
- 6) A person who wilfully contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$1,000.

138 Duty to take action in respect of offences

- 1) Subsection (2) applies if an electoral officer—
 - (a) receives a written complaint that an offence has been committed under—
 - (i) Part 5; or
 - (ii) Part 5A; or
 - (iii) this Part; or
 - (b) believes for any other reason that an offence has been committed under either of the Parts specified in paragraph (a).
- 2) If this subsection applies, the electoral officer must—
 - (a) report the complaint or belief to the Police; and
 - (b) provide the Police with the details of any inquiries that he or she considers may be relevant.
- 3) Subsection (2) does not prevent any person from reporting an alleged offence to the Police.
- 4) Despite subsection (2), an electoral officer is not required to report the failure by a candidate to file a return under section 112A if the candidate files the return promptly after being required to do so by the electoral officer.

Scrutineers

Role of Scrutineers

- The Local Electoral Act 2001 (LEA) and the Local Electoral Regulations 2001 (LER) do not specify in detail the role of scrutineers. However, the general role of scrutineers is to oversee and observe certain election or poll procedures to ensure they are undertaken fairly and that votes are counted consistently and accurately.
- The election or poll procedures which scrutineers are statutorily permitted to oversee and observe are:
 - **Scrutineering of Roll** (Sections 81 and 83 LEA and Clause 55 LER). This involves comparing the rolls used at the election or poll upon which there is recorded the fact that an elector has voted. The objective is to establish any dual voting which is disallowed.
 - **Preliminary and Official Counts** (Section 84 LEA, and Clauses 59, 60 and 62 LER). The preliminary count involves the first count of votes immediately following close of voting. The outcome is the preliminary result announced on polling day. The official count follows the preliminary count and includes any remaining special votes. It can commence on polling day and due to special voting issues is usually completed on the Monday or Tuesday following polling day.

Note: With electronic processing, the count processes are computerised tasks undertaken once required reconciliations have been completed. Both counts (preliminary and official) are likely to take several minutes to complete.
 - **Recount** (Section 91 LEA). A recount takes place on the order of a district court judge following an application from a candidate. When required, it involves a recount of the relevant voting documents.
- In observing the processes above, it is lawful for a scrutineer to pass on information to any person of the names of persons who have voted (Section 68 LEA). The passing on of any other information is not permitted – see offences later in this booklet.
- Given that the practice has been for all local authority elections to be conducted by postal voting and not by booth voting as per parliamentary elections, scrutineers are less involved in the local elections process than for parliamentary elections.
- Scrutineers are not entitled or empowered to interfere with the conduct of an election or poll or raise questions of procedure or law with electoral officials. If a scrutineer believes that electoral procedures are not being followed, he or she should draw the matter to the attention of the electoral officer.

Appointment of Scrutineers

- For a local authority election a candidate may appoint one or more scrutineers (Section 66 LEA).
- In relation to a local authority poll, 10 or more electors, who are either in favour of or opposed to the proposal being polled, may appoint 1 or more scrutineers (Section 67 LEA).
- Every scrutineer appointed under Sections 66 or 67 of the Act must be appointed in writing (a model letter of appointment is contained in the back of this section).
- An appointment as scrutineer is not valid unless a copy of the notice of appointment is delivered by the candidate or the 10 electors to the electoral officer. The electoral officer **must** receive this notice not less than **24 hours** before the close of the voting period. The deadline is **Friday 11 October 2019** in the case of this year's local authority elections (Section 68(1) LEA). It is suggested that a scrutineer should always carry a copy of this notice when undertaking scrutineering duties.
- Section 68(3) of the Act contains three restrictions on who may be appointed a scrutineer. No person can be a scrutineer if they are:
 - a candidate in the elections; or
 - a member or employee of any local authority or community board for whom the election or poll is being held; or
 - under 18 years of age.

Declaration

- No person appointed as a scrutineer can carry out scrutineering duties until he or she has completed a declaration (Section 14(2) LEA and Clause 91 LER).
- The key obligations for a scrutineer arising from the declaration is that he or she:
 - will well and truly serve in the office of scrutineer; and
 - will not directly or indirectly disclose any fact coming to his or her knowledge at the election or poll that he or she is required by the Act not to disclose.
- A person appointed as a scrutineer must report to the electoral officer or deputy electoral officer on the first day on which he or she is to undertake any scrutineering duty to complete the required declaration. Upon completing the declaration, the scrutineer will be given a 'scrutineer' nametag. This nametag must be returned to the electoral officer when the scrutineer leaves the premises where he or she is acting as a scrutineer.

Information to be Supplied by Electoral Officer

- As soon as practicable following the appointment of a scrutineer, the electoral officer will advise that person of:
 - arrangements for the election or poll process that he or she has been appointed for
 - what restrictions apply to scrutineers; and
 - how that person is expected to conduct themselves.

Arrangements for Roll Scrutiny, Preliminary and Official Counts and any Recount

- The electoral officer will advise the scrutineer:
 - where he or she should go, and at what time, to complete the required declaration before any scrutineering duties can be undertaken
 - when and where any planned briefing of candidates and scrutineers about election processes is to be held
 - when and where any planned briefing of electoral officials about the election or poll process is to be held
 - where the scrutiny of the roll will be conducted (address and office)
 - what days and time that the scrutiny of the roll will take place
 - that the preliminary count of voting documents will commence at 12 noon on Saturday 12 October 2019
 - when and where the official count will commence and take place and on what days it will extend over if there are special votes to clear with the Registrar of Electors
 - on how the preliminary and official counts will be undertaken – manually or electronically
 - if a recount has been ordered by a district court judge, where and when that recount will take place
 - that no remuneration will be paid to any scrutineer by the local authority for the undertaking of scrutineering duties.

Candidates should note that all vote processing will be carried out in Christchurch and that if they wish to appoint scrutineers all costs thereof are to be met by the candidate.

Restrictions on Scrutineers During Election and Poll Processes

- Pursuant to Section 80 of the Act, the EO will process voting documents during the voting period. Scrutineers are prohibited under Section 81 of the Act from being present during the early processing of voting documents. Early processing of voting documents does not involve counting or totalling votes for any candidate for election or for or against any proposal in a poll. Counting of votes can only commence for the preliminary count after the close of voting i.e. after 12 noon, Saturday 12 October 2019.
- It is permissible for a candidate in the case of an election, and for 10 electors in the case of a poll, to appoint more than one scrutineer. However, only one scrutineer for any candidate can be present at the same place to undertake scrutineering duties.
- It is permissible for scrutineers at any time to leave and return to the undertaking of the roll scrutiny, and after close of voting, the preliminary and official counts. Upon returning to the process, a scrutineer has no power or right to expect the electoral officer to go back for his or her benefit and repeat the activities in relation to voting documents that were dealt with in his or her absence. The same practice will apply if a scrutineer is late for the commencement of any of these processes.

Conduct of Scrutineer

- The general role of scrutineers is to oversee and observe that particular procedures at an election or poll are undertaken fairly and that votes are counted fairly and reasonably. As the emphasis in relation to the role of scrutineers is on overseeing and observing, it is expected that scrutineers must not talk to electoral officials involved in the roll scrutiny, the preliminary or official counts or in any recount. If a scrutineer believes that electoral procedures are not being followed he or she should draw the matter to the attention of the electoral officer. It should not be raised with other electoral officials.
- A scrutineer must also not seek from the electoral officer and other electoral officials any progressive voting trends during the preliminary count.
- The scrutiny and the preliminary and official counts are critical processes to the outcome of an election or poll and demand a high level of concentration from electoral officials. Accordingly, it is incumbent upon scrutineers not to distract, annoy, linger close by or talk loudly to one another so as to disrupt or upset any electoral officials.
- In keeping with the needs of electoral staff, scrutineers are not allowed to use or have mobile phones switched on within the area where scrutiny of the roll, the preliminary or official count or a recount is being conducted.
- The LEA and LER are silent on the display of any party affiliation by scrutineers. The adopted policy will be what normally applies to scrutineers at parliamentary elections. This provides for the following items, in party colours but without party name, emblem, slogan or logo, may be worn on the person or displayed in a vehicle:
 - streamers
 - ribbons
 - rosettes (but see also the special rule about party lapel badges below)
 - items of a similar nature.
- Party lapel badges may be worn anywhere on the person. A party lapel badge is any badge or rosette designed to be worn on the lapel and bearing a party name, emblem, slogan or logo. None of the above items may be displayed on bags or briefcases. Political parties will be asked to supply the electoral officer with a sample of their rosette prior to the commencement of the polling period. In the case of this years local authority elections, the polling period commences on Friday 20 September 2019.
- Scrutineers should also bring their own refreshments. The electoral officer will not provide meals and refreshments for scrutineers.

Offences

- Scrutineers can be present at election and poll processes, which will expose them to returned voting documents and information about voting. While scrutineers are permitted to tell any person the names of persons who have voted, under the declaration a scrutineer must not directly or indirectly disclose any fact coming to his or her knowledge at the election or poll that he or she is required by the Act or Regulations not to disclose.
- Should a scrutineer break their declaration and disclose information which is prohibited then they are likely to have committed an offence under one or more of the following provisions of the LEA:
 - Section 123, Offences in respect of official documents
 - Section 129, Infringement of secrecy
 - Section 130, Disclosing voting or state of election or poll.
- These three sections are reprinted in full later. Scrutineers are advised to become familiar with them before they complete their declaration and undertake any scrutineering duties.

Appointment of Scrutineer

LETTER OF APPOINTMENT OF SCRUTINEER

electionz.com
voting made easy



I (candidate),

a candidate for the (council/DHB/LT):

(issue/ward/position):

appoint (full name):

to act as scrutineer at the following election processes (delete any not applicable):

1. Scrutiny of the roll	2. Preliminary Count	3. Official Count	4. Recount
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Signed:

(candidate)

Notes for candidates:

1. A copy of this letter of appointment must be given to the electoral officer no later than 24 hours before the close of voting (i.e. by 12 noon Friday 11 October 2019).
2. Scrutineers should carry this letter at all times when undertaking their scrutineering duties.
3. At any of the election processes only one scrutineer for each candidate may be present at any one time.

Election Offences

The Local Electoral Act 2001 includes provisions relating to offences at elections. In particular, candidates are asked to note the following legal requirements:

- Ensure all election advertising includes a proper authorisation statement. Such a statement will include your name (or your agent's name) and the street address for the appropriate place of residence or business. A website or postal address does not suffice.
- Do not interfere or try to influence anyone who is about to vote. Do not offer to collect, post or deliver to the Council completed voting papers from any other elector.
- Do not give, as part of your campaign, any gift or item of value to any other person. An item of value is anything you would expect to pay for and typically may be useful to the recipient other than as election literature. Examples of such items in the lower value category might include pens, biros, message or note pads, rulers, fridge magnets, key-chains and the like.
- Do not, as part of your campaign, provide anyone with anything they can eat or drink, or with any entertainment or other provision. However, light refreshments provided **after** any meeting relating to an election does not amount to treating, but such light refreshments probably should not include alcoholic drinks.

The electoral process in New Zealand is jealously guarded and electoral law is written in such a way so as to reinforce this through prescribing high standards for electoral behaviour.

The penalties for election offences differ. For unauthorised advertisements, the penalty is a fine up to \$1,000. Other offences could result in a larger fine or imprisonment and, in some cases, loss of office as an elected member.

If the Electoral Officer receives any formal complaint about an offence, or become aware of an offence, the matter will be referred the matter to the Police, as required by the Local Electoral Act 2001. The Electoral Officer generally does not have discretion to refuse to report offences.

Information on advertising and election offences is set out in full below, or in other parts of this handbook for advertising, donations and expenses. The detailed law is a little complex in some instances, so the statements presented above are a simplification of the law and should not be regarded as a substitute for reading the statutory provisions.

Candidates are requested to read the following sections of the Act carefully and to ensure that there is no infringement of these provisions either prior to or during the election:

Local Electoral Act 2001

121 Illegal nomination, etc

Every person commits an offence, and is liable on conviction to a fine not exceeding \$2,000, who—

- (a) consents to being nominated as a candidate for an elective office knowing that he or she is incapable under any Act of holding that office; or
- (b) signs a nomination paper purporting to nominate as a candidate a person who is, to the knowledge of the person signing, incapable under any Act of holding that office; or
- (c) signs a nomination paper purporting to nominate another person as a candidate knowing that he or she is not qualified to vote at the election of the person named in the nomination paper as the candidate.

122 Interfering with or influencing voters

- 1) Every person commits an offence, and is liable on conviction to a fine not exceeding \$5,000, who—
 - (a) interferes in any way with any person who is about to vote with the intention of influencing or advising that person as to how he or she should vote;
 - (b) prints, publishes, distributes, or delivers to any person (using any medium or means of communication) a document, paper, notice, or message, being or purporting to be in imitation of any voting document to be used at the election or poll that,—
 - (i) in the case of an election, includes the name of a candidate or candidates, together with any direction or indication as to the candidate or candidates for whom any person should vote;
 - (ii) in the case of a poll, includes a statement or indication as to how any person should vote;
 - (iii) in any way contains or suggests any such direction or indication or other matter likely to influence how any person votes;
 - (c) prints, publishes, or distributes any instruction on the method of marking the voting document that differs in any material way from the instructions required by this Act or any regulations made under this Act to accompany the voting document.
- 2) Despite subsection (1)(b), it is not an offence under that subsection to print, publish, distribute, or deliver a card or leaflet (not being an imitation voting document) on which is printed—
 - (a) the names of all or any of the candidates and the elective offices for which they are candidates (with or without the name of the organisations or groups to which those candidates are affiliated, and including those who are independent); and
 - (b) nothing else.

- 3) Nothing in this section applies to—
- (a) any official statement or announcement made or exhibited under the authority of this Act or regulations made under this Act; or
 - (b) any candidate profile statement, published, displayed, or distributed under the authority of this Act or regulations made under this Act.

123 Offences in respect of official documents

- 1) Every person commits an offence who—
 - (a) intentionally removes, obliterates, or alters any official mark or official writing on any voting document, or other official document used at an election or poll;
 - (b) intentionally places any mark or writing that might be mistaken for an official mark or official writing on any voting document, or other official document used at an election or poll;
 - (c) forges, counterfeits, fraudulently marks, defaces, or fraudulently destroys any voting document, or other official document used at an election or poll, or the official mark on that document;
 - (d) supplies, without authority, a voting document to any person;
 - (e) obtains or has possession of any voting document, other than one issued to that person under this Act or any regulations made under this Act for the purpose of recording his or her vote, without authority;
 - (f) intentionally destroys, opens, or otherwise interferes with any ballot box or box or parcel of voting documents without authority.
- 2) Every person who commits an offence against subsection (1) is liable on conviction,—
 - (a) in the case of an electoral officer or other electoral official, to imprisonment for a term not exceeding 2 years;
 - (b) in the case of any other person, to imprisonment for a term not exceeding 6 months.

124 Voting offences

Every person commits an offence, and is liable on conviction to imprisonment for a term not exceeding 2 years, who—

- (a) votes or applies to vote more than once at the same election or poll; or
- (b) without authority, removes, deletes, or otherwise interferes with any voting document, or other record of a vote that has been cast.

125 Bribery

- 1) Every person commits the offence of bribery who, directly or indirectly, on that person's own or by another person,—
 - (a) gives, lends, agrees to give or lend, offers, promises, or promises to obtain any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrain from voting; or
 - (b) gives or obtains, agrees to give or obtain, offers, promises, or promises to obtain or to try to obtain any office or place of employment to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce the elector to vote or refrain from voting; or
 - (c) corruptly does any act referred to in paragraph (a) or paragraph (b) on account of an elector having voted or refrained from voting; or
 - (d) makes any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b) for, or with, any person in order to induce that person to obtain or try to obtain the election of any person or the vote of any elector; or
 - (e) upon or as a consequence of any gift, loan, offer, promise, or agreement referred to in paragraph (a) or paragraph (b), obtains, or tries to obtain, the election of any person or the vote of any elector; or
 - (f) advances or pays, or causes to be paid, any money to or for the use of any other person, intending that that money or any part of it will be used for bribery at any election or poll; or
 - (g) knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or partly used for bribery at any election or poll.
- 2) An elector commits the offence of bribery if,—
 - (a) before or during the voting period at the election or poll, he or she, directly or indirectly, on his or her own or by another person, receives, or agrees or contracts for, any money, gift, loan, or valuable consideration, office, place, or employment for himself or herself or for any other person for voting or agreeing to refrain from voting;
 - (b) after the voting period at the election or poll, he or she directly or indirectly, on his or her own or by another person, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.
- 3) Every person who commits the offence of bribery is liable on conviction to imprisonment for a term not exceeding 2 years.

126 Treating

- 1) Every person commits the offence of treating who corruptly, before, during, or after an election or poll, and directly or indirectly, on that person's own or by another person, gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, or provision to or for any person—
 - (a) for the purpose of influencing that person or any other person to vote or refrain from voting; or
 - (b) for the purpose of obtaining his or her election; or
 - (c) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.
- 2) Every holder of a licence under the Sale and Supply of Alcohol Act 2012 commits the offence of treating who knowingly supplies any food, drink, entertainment, or provision—
 - (a) to any person, if the supply is demanded for 1 or more of the purposes specified in subsection (1); or
 - (b) to any person, whether an elector or not, for the purpose of obtaining the election of a candidate or affecting the result of a poll, and without receiving payment for it at the time when it is supplied.
- 3) Every elector who corruptly accepts or takes any such food, drink, entertainment, or provision also commits the offence of treating.
- 4) Despite subsections (1) to (3), the provision of light refreshments after any meeting relating to an election or poll does not constitute the offence of treating.
- 5) Every person who commits the offence of treating is liable on conviction to imprisonment for a term not exceeding 2 years.

127 Undue influence

- 1) Every person commits the offence of undue influence—
 - (a) who, directly or indirectly, on that person's own or by another person, makes use of or threatens to make use of any force, violence, or restraint against any person—
 - (i) in order to induce or compel that person to vote or refrain from voting;
 - (ii) on account of that person having voted or refrained from voting;
 - (b) who, by abduction, duress, or any fraudulent device or means,—
 - (i) impedes or prevents the free exercise of the vote of any elector;
 - (ii) compels, induces, or prevails upon any elector either to vote or to refrain from voting.
- 2) Every person who commits the offence of undue influence is liable on conviction to imprisonment for a term not exceeding 2 years.

128 Personation

- 1) Every person commits the offence of personation who, at any election or poll,—
 - (a) votes in the name of some other person (whether living or dead), or of a fictitious person;
 - (b) having voted, votes again at the same election or poll;
 - (c) having returned a voting document, applies for or returns another voting document with the intention of returning an additional valid voting document or invalidating a vote already cast at the same election or poll (whether or not any voting document he or she returns is valid).
- 2) Every person who commits the offence of personation is liable on conviction to imprisonment for a term not exceeding 2 years.

129 Infringement of secrecy

- 1) Every electoral officer, deputy electoral officer, and other electoral official—
 - (a) must maintain and assist in maintaining the secrecy of the voting; and
 - (b) must not communicate to any person, except for a purpose authorised by law, any information likely to compromise the secrecy of the voting.
- 2) No person, except as provided by this Act or regulations made under this Act, may—
 - (a) interfere with or attempt to interfere with a voter when marking or recording his or her vote; or
 - (b) attempt to obtain, in the building or other place where the voter has marked or recorded his or her vote and immediately before or after that vote has been marked or recorded, any information as to any candidate for whom, or the proposal for or against which, the voter is about to vote or has voted; or
 - (c) communicate at any time to any person any information obtained in the building or other place where the voter has marked or recorded his or her vote and immediately before or after that vote has been marked or recorded, as to—
 - (i) any candidate for whom, or the proposal for or against which, the voter is about to vote or has voted; or
 - (ii) any number on a voting document marked or transmitted by the voter.
- 3) Every person present at the counting of votes must—
 - (a) maintain and assist in maintaining the secrecy of the voting; and
 - (b) must not, except as is provided by this Act or regulations made under this Act, communicate any information obtained at that counting as to any candidate for whom, or proposal for or against which, any vote is cast by a particular voter.

- 4) No person may, directly or indirectly, induce any voter to display or provide access to his or her voting document or any copy of that document after it has been marked or transmitted, so as to make known to any person the name of any candidate for or against whom, or proposal for or against which, the voter has voted.
- 5) Every person commits an offence who contravenes or fails to comply with this section.
- 6) Every person who commits an offence against subsection (5) is liable on conviction to imprisonment for a term not exceeding 6 months.

130 Disclosing voting or state of election or poll

- 1) Every electoral officer, deputy electoral officer, other electoral official, Justice of the Peace, or scrutineer commits an offence who—
 - (a) makes known for what candidate or candidates or for which proposal any particular voter has voted for or against, except as provided by this Act or regulations made under this Act; or
 - (b) before the close of voting, makes known the state of the election or poll or gives or pretends to give any information by which the state of the election or poll may be known.
- 2) Subsection (1)(b) does not prevent an electoral officer from disclosing the total number of voting documents so far returned at an election or poll at any time during the voting period.
- 3) A person who commits an offence against subsection (1) is liable on conviction to a fine—
 - (a) not exceeding \$5,000 for an electoral officer or deputy electoral officer;
 - (b) not exceeding \$2,000 for any other person.

131 Penalty for electoral officer, deputy electoral officer, and other electoral officials

Every electoral officer, deputy electoral officer, or other electoral official commits an offence, and is liable on conviction to a fine not exceeding \$2,000, who is guilty of any intentional or reckless act of commission or omission contrary to the provisions of this Act or regulations made under this Act in respect of any election or poll, and for which no other penalty is imposed by this Act or regulations made under this Act.

General Provisions

137 Property may be stated as being in electoral officer

In any proceedings for an offence in relation to any voting documents or other official documents, files, records, instruments, or devices used officially for an election or poll, the property in those documents, files, records, and instruments is to be treated as that of the electoral officer at that election or poll.

138 Duty to take action in respect of offences

- 1) Subsection (2) applies if an electoral officer—
 - (a) receives a written complaint that an offence has been committed under—
 - (i) Part 5; or
 - (ii) Part 5A; or
 - (iii) this Part; or
 - (b) believes for any other reason that an offence has been committed under either of the Parts specified in paragraph (a).
- 2) If this subsection applies, the electoral officer must—
 - (a) report the complaint or belief to the Police; and
 - (b) provide the Police with the details of any inquiries that he or she considers may be relevant.
- 3) Subsection (2) does not prevent any person from reporting an alleged offence to the Police.
- 4) Despite subsection (2), an electoral officer is not required to report the failure by a candidate to file a return under section 112A if the candidate files the return promptly after being required to do so by the electoral officer.

Kelly Taylor

From: Peter Rawson
Sent: Tuesday, 27 August 2019 04:05 p.m.
To: Sandy Graham
Cc: Anna Johnson; Paul Freeland; Nicola Pinfold
Subject: FW: LGOIMA information requests relating to new unheralded rules preventing my traditional election signage.
Attachments: 198_1597JWAJ69_Griffiths Jarred 18122015.pdf; 198_1395P3IVR2_New Zealand Transport Agency - NZTA - Submission Table.pdf; FS 2340 NZ National Party 3032016.pdf

Hi Sandy

In Paul and Anna's absence, below I have replied to you, to the questions raised by [REDACTED] (refer below)

I hope this helps

Regards

Peter

Peter Rawson
SENIOR PLANNER
CITY DEVELOPMENT

P 03 477 4000 | **DD** 03 474 3331 | **E** peter.rawson@dcc.govt.nz
Dunedin City Council, 50 The Octagon, Dunedin
PO Box 5045, Dunedin 9054
New Zealand
www.dunedin.govt.nz

On 24/08/2019, at 1:51 PM, [REDACTED] wrote:

With urgency, given that signage is already going up, dear Sue, Sandy, Sharon and Anna,

1 - What specific wording from the Second Generation Plan has been transferred to the Candidate's Handbook just discovered to be forbidding signage above a height of 2 meters, [and no illumination allowed] – that is, within easy vandalism height as suffered particularly by leading non-Political Party Candidates at the last election?

Reply

The wording in page 25 of the 2019 Local Government Elections Candidate Handbook, is the same wording as in the decision version of the 2GP, Rule 4.5.7.1 General and Rule 4.5.7.2 Election signs, which states:

4.5.7 Number, Location and Design of Temporary Signs

4.5.7.1 General

- a. Temporary signs visible from a public place must meet all of the following performance standards;*
- b. Temporary signs must not be illuminated (internally or externally), digital, or projected; and*
- c. Signs must also comply with:*
 - i. Rule 6.7.2 where located on or above public footpaths; and*
 - ii. Rule 6.7.3, where visible from the road.*
- d. Signs that contravene the performance standard for number, location and design of temporary signs are restricted discretionary activities.*

4.5.7.2 Election signs

- a. Signs must be erected no more than two months prior to election or polling day and must be removed by midnight prior to election or polling day.*
- b. Signs on a site must not exceed a maximum number of:*
 - i. one per candidate or group of candidates for local elections and referenda; and*
 - ii. one per registered political party, independent or non-party affiliated candidate, for general elections.*
- c. Signs must not exceed:*
 - i. a maximum height of 2m above ground level; and*
 - ii. a maximum area of 3m².*
- d. For the purpose of Rule 4.5.7.2 'local elections' refers to elections for City or Regional Council, District Health Board or a community board; and 'general elections' refers to elections for the New Zealand Government.*

2 - Where is the advice [specifying the new 2m height rule and the new non-illumination rule] background of decisions made, and what were the justifications for the changed rules?

Reply

We have no specific advice about why the 2m height and the non-illumination rule was applied to election signs. We did consult with various Council departments, and wanted to align our signage provisions both with the Electoral Act and the signage provision of the various zones e.g. no illuminated signage in the residential zones. We also wanted to remove the specific sites where election signage could be placed from the 2GP, as this was difficult to administer and may have unnecessarily limited where signage could go. So the changes were made for consistency, ease of administration, and providing greater flexibility where election signage could be placed.

In addition, the 2GP and the specific election signs provisions (Rule 4.5.7.1 General and Rule 4.5.7.2 Election signs) followed a public process, as set out below:

Notified election signs rules (2015)

Rule 4.5.7.1 General and Rule 4.5.7.2 Election signs, as notified on 26 September 2015 is shown below:

4.5.7.1 General

- a. Temporary signs visible from a public place must meet all of the following performance standards;*

- b. Temporary signs must not be illuminated (internally or externally), digital, or projected; and*
- c. Signs must also comply with:*
 - i. Rule 6.7.2; and*
 - ii. Rule 6.7.3, where visible from the road.*

4.5.7.2 Election signs

- a. Signs must be erected no more than two months prior to election day and must be removed by midnight prior to election day;*
- b. Signs must not exceed a maximum number of one per site for any candidate or group of candidates for local authority elections, and one per site for any registered political party, independent or non-party affiliated candidate, for parliamentary elections; and*
- c. Signs must not exceed:*
 - i. a maximum height of 2m above ground level; and*
 - ii. a maximum area of 3m² on DCC or New Zealand Transport Agency land within the road reserve; or*
 - iii. 1m² on all other sites.*

Submissions on election signs rules

The submissions / further submissions to Rule 4.5.7.2 Election signs are attached to this email, and in the table below is a summary of these submissions / further submissions:

Sub pt #	Submitter Name	Support/Oppose/Seek Amend	Summary Of Submission
OS881.48	New Zealand Transport Agency (NZTA)	I oppose the provision	Amend Rule 4.5.7.2.c.ii (Election signs) as follows: 'Signs must not exceed: A maximum area of 3m ² on DCC or New Zealand Transport Agency land within the road reserve'.
OS1083.1	David Clark's Campaign	I seek to have the above provision amended	Amend Rule 4.5.7.2.c.iii to make the size of election signs on private sites a maximum of 3m ² , or at the most, only have the restrictions in the 2GP apply to state highways, high-speed roads rather than urban or suburban areas.
-- FS2340.2	New Zealand National Party	I oppose the submission	Oppose OS1083.1 (in part). Disallow submission in regards to

			suggestion in submission to restrict any limit on the size of election signs (if restrictions of 1m ² retained in 2GP), to urban or suburban areas.
-- FS2340.3	New Zealand National Party	I support the submission	Support OS1083.1 (in part). Allow submission in part and make the election signs on private property a maximum of 3m ² .
OS1083.2	David Clark's Campaign	I seek to have the above provision amended	Amend Rule 4.5.7.2 (election signs) to limit commercially purchased election-advertising space.

Temporary Activities Section 42A Report recommendations on election signs rules

The discussion and recommendation on submissions to Rule 4.5.7.2 Number, Location and Design of Temporary Signs - Election signs is contained in sub-section 4.3.16 (pages 32-35) of the Temporary Activities Section 42A Report (dated 24 June 2016).

The recommended amendment is shown below:

Amend Rule 4.5.7.2 as follows:

4.5.7.2 Election signs

- a. Signs must be erected no more than two months prior to election day and must be removed by midnight prior to election day;*
- b. Signs must not exceed a maximum number of one per site for any candidate or group of candidates for local authority elections, and one per site for any registered political party, independent or non-party affiliated candidate, for parliamentary elections.; and*
- c. Signs must not exceed:*
 - i. a maximum height of 2m above ground level; and*
 - ii. maximum area of 3m², on DCC or New Zealand Transport Agency land within the road reserve; or*
 - iii. 1m² on all other sites.*

The Temporary Activities Section 42A Report can be viewed directly in the link below:

<https://2gp.dunedin.govt.nz/2gp/documents/hearings/temporary-activities/2GP%20Hearings%20-%20Temporary%20Activities%20-%20Section%2042A%20report.pdf>

Hearings Panel decision on election signs rules

The discussion and decisions on submissions to Rule 4.5.7.2 Number, Location and Design of Temporary Signs - Election signs is contained in sub-section 3.5 (pages 14-16) of the Temporary Activities Decision of the Hearings Panel, which can be viewed directly in the link below:

https://www.dunedin.govt.nz/data/assets/pdf_file/0005/716405/Temporary-Activities-Decision-Report.pdf

The decisions and reasons under sub-section 3.5.2 'Reference to NZTA land', is in paragraph 63 of the Temporary Activities Decision Report, as shown below:

63. We accept the submission by the NZTA (OS881.48) to remove reference to election signs on NZTA land and the recommended relief provided by Ms Baker in the s42A Report to address the submitter's concerns. The amendments to Rule 4.5.7.2 are shown in Appendix 1 and attributed to TA 881.48.

The decisions and reasons under sub-section 3.5.3 'Request to increase the size of election signs', is in paragraphs 68 & 69 of the Temporary Activities Decision Report, as shown below:

68. We accept the submissions by David Clark's Campaign (OS1083.1) and New Zealand National Party (FS2340.3) to increase the size of permitted elections signs. We accept that the proposal in the Plan to decrease the maximum size of signs allowed under the Dunedin City District Plan (2006) from 3m2 to 1m2 (except specified sites) is unnecessary, noting that these signs are only temporary and are also controlled by regulations under the Electoral Act 1993. The amendments to Rule 4.5.7.2 are shown in Appendix 1 and attributed to TA 1083.1.

69. We note that in considering Rule 4.5.7.2, we determine that amendments are required to improve the clarity and accuracy of the rule. We consider these to not alter the overall content and are made under "cl.16" of schedule 1 of the RMA, and shown in Appendix 1.

The decisions and reasons under sub-section 3.5.4 'Request to limit commercially purchased election-advertising space', is in paragraph 73 of the Temporary Activities Decision Report, as shown below:

73. We reject the submission from David Clark's Campaign (OS1083.2) to limit the amount of commercial advertising space that can be purchased for the reasons outlined by the Reporting Officer.

Appeals

No appeals have been lodged on Rule 4.5.7.1 General or Rule 4.5.7.2 Election signs.

3 - Why are these changes not specified in the Second Generation Plan summary of discussions?

Reply

I assume that [REDACTED] is referring to the 'Key changes and highlights from 2GP decisions' (refer link below)

https://www.dunedin.govt.nz/_data/assets/pdf_file/0011/716384/Key-changes-DP-vs-Notified-Notified-vs-DV.pdf

These are a high level summary of the changes and because of this did not mention all amendments.

4 - Did any of the Councillor commissioners Cr. Hawkins and Cr. 'abusive emails targeting women' Benson-Pope and Cr. 'vitriolic emails' Wilson recognise their conflict of interest in changing temporary signage rules that allowed them to keep their traditional election signage placements and lack of modern technology, but denied my past 6 years of building-attached election poster placements and illumination of temporary election signage for which there had been no Health or Safety issues identified?

Reply

As can be seen when comparing the notified and decision version of Rule 4.5.7.1 General and Rule 4.5.7.2 Election signs (and the submissions received) the requirement for a maximum height of 2m and for the non-illumination of election signs was retained from the notified version, as there wasn't any submitters who sought a change to these rules.

Looking forward to specific answers to questions 1 – 4 by return.

Regards,





THE PROPOSED
**SECOND
GENERATION
DISTRICT PLAN**

SUBMISSION FORM

This is a submission on the Proposed Second Generation Dunedin City District Plan (2GP) for Dunedin pursuant to Clause 6 of Schedule 1 of the Resource Management Act 1991

Once you have completed this form, include any supporting documentation and return to the Dunedin City Council.

MAKE YOUR SUBMISSION:

Online: www.2gp.dunedin.govt.nz

Email: planning@dcc.govt.nz

Post to: Submission on 2GP
Dunedin City Council
PO Box 5045
Moray Place
Dunedin 9058

Deliver to: DCC Customer Services Agency
Ground floor
Civic Centre
50 The Octagon
Dunedin

Please note that all submissions are public information. Your name, contact details and submission will be available to the public and the media. The DCC will only use your information for the purposes of this plan review process.

All submissions must be received before 5pm on Tuesday, 24 November 2015.

SUBMITTER DETAILS *Fields indicated by an asterisks (*) are mandatory.*

Full name of submitter or agent* Jarred Regan Griffiths

Organisation (if submission on behalf of an organisation) David Clark Campaign

Address for service for submitter or agent* Please provide an address where you would like correspondence sent to

Email address jarred.griffiths@davidclark.org.nz

Postal address* PO Box 250, Dunedin Postcode 9056

Phone number* Mobile number 027 512 7366

TRADE COMPETITION *Fields indicated by an asterisks (*) are mandatory.*

Please note: If you are a person who could gain an advantage in trade competition through your submission, your right to make a submission may be limited by clause 6(4), Schedule 1 of the Resource Management Act 1991.

Please tick one of the following*

I could ☐ could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission, please tick one of the following*

I am ☐ am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

HEARINGS *Fields indicated by an asterisks (*) are mandatory.*

Please tick one each of the following*

I would like ☒ would not like ☐ to be heard in support of my submission

If others submitters make a similar submission, I will ☐ will not ☒ consider presenting a joint case with them at a hearing

SUBMISSION DETAILS *Fields indicated by an asterisks (*) are mandatory.*

Please identify the specific provision(s) of the Proposed Second Generation Dunedin City District Plan that your submission relates to*.

Provision name and number (where applicable):

For example: Rule 15.5.2 Density 4.5.7.2

Section name (where applicable):

For example: the residential zones Election signage

Map layer name (where applicable):

For example: General Residential 1 Zone

Scheduled item number (where applicable):

For example: Reference #T147 - Scheduled Tree at 123 Smith Street

My submission is*

☐

I support the provision

☐

I oppose the provision

☒

I seek to have the above provision amended

Choose the most appropriate statement. If more than one applies, for example you support the provision in part but wish to have part amended (removed or changed), choose 'have the provision amended' and explain this in the 'decision I seek' field.

The decision I seek is that (please give precise details, such as suggested amended wording)*

- That the maximum size of election signage is not altered in 2GP.
- That commercially bought election signage is not allowed to exceed the maximum size prescribed in the District Plan.

Reasons for my views (you may attach supporting documents)*

Please find attached written submission.

Jarred Griffiths

Signature of submitter (or person authorised to sign on behalf of submitter)
(A signature is not required if you make your submission by electronic means.)

22.12.2015

Date

16 December 2015

Dunedin City Council
PO Box 5045
Moray Place
Dunedin

planning@dcc.govt.nz

To whom this may concern,

Re: Submission on Proposed Second Generation Dunedin City District Plan

Introduction

1. David Clark's Campaign Committee erects substantial signage during General Elections. These signs are hosted on Dunedin City Council 'approved sites' as well as on private property. Our organisation posits that we will be a major party impacted by changes in the proposed Second Generation Dunedin City District Plan (2GP).
2. We oppose the changes put forward in the draft 2GP on the grounds that it substantially interferes with private property rights, unjustifiably restricts freedom of speech and will be detrimental to the voice of local community organisations and campaigns.
3. I would like to speak to this submission. I can be contacted on 027 512 7366 or jarred.griffiths@davidclark.org.nz.

Private Property Rights

4. There are limited circumstances where public bodies interfere with private property rights and an individual's ability to enjoy the free use and enjoyment of their land.
5. At law private property rights take precedence over other rights unless a substantive case for otherwise is made. Usually when property rights are affected compensation is provided, in the case where private land is acquired for national infrastructure projects, or there is a public policy reason for doing so – in the case of the resource consenting process. It is not clear that a case for diminishing private property rights has been made.
6. In the case of signage regulation there are no such public policy considerations. The reduction of total signage area from 3m² to 1m² reduces the right of property owners to exercise maximum discretion over their land. Provided the structure is sound and poses minimum risk to the public, it should not be the concern of regulators to restrict this activity.
7. While our preference is to maintain the status quo in the current District Plan we can see that there may be a stronger public policy argument to be made for restricting signage size on state highways, and high-speed roads than in urban and suburban areas. In this situation large election signage may impair driver line of sight, become detached from their structures in windy conditions as well as reflecting sunlight and/or casting shadows on the road.
8. We cannot identify any credible arguments in 2GP to restrict landowner rights in restricting the size of election signage that can be displayed. If the draft changes are to proceed an argument needs to be put forward that has not yet been made.

Freedom of speech

9. Election signage is consistent with the democratic right to exercise freedom of speech. Displaying election signage on private property is a clear demonstration of one's political beliefs – a right that we continue value highly in New Zealand.
10. Moves to limit fundamental rights like freedom of speech need to be approached with extreme caution. The test for our Parliament when they want to limit such rights is set out under Section 5 of the New Zealand Bill of Rights Act 1990 (NZBORA). That section makes it clear that limits can be imposed only if they can be "demonstrably justified in a free and democratic society".
11. It is our contention that the draft changes to election signage regulation in 2GP fail to meet the threshold of this test – and may be inconsistent with NZBORA. There is no demonstrable justification for removing the extent of an individual's freedom of speech.
12. It is a concern that well resourced businesses and individuals will be able to subvert the regulations in 2GP and purchase billboard-advertising space in the Dunedin City boundaries. It is deeply concerning that a situation may arise from these changes where interests with greater resources will be able to buy greater levels of free

speech. This imbalance would not only impact major political parties, but also political independents and third party promoters under the Electoral Act 1993.

13. Regardless of any changes being made to election signage regulation in 2GP, we recommend limiting commercially purchased election-advertising space so that it aligns with limits set out in the District Plan.
14. In the absence of a public policy reason to limit this fundamental freedom, the regulations should remain unchanged in order to maximise and facilitate the freedom of electors to exercise free speech.

Conclusion

15. David Clark's Campaign opposes the changes in the maximum size of election signage proposed in 2GP.
16. David Clark's Campaign requests the Dunedin City Council maintains the status quo under the current District Plan, and does not implement draft changes in 2GP on the basis that they affect the rights of private property owners.
17. David Clark's Campaign requests that if the Dunedin City Council cannot provide a "demonstrable justification" to limiting free speech, that the status quo is maintained.
18. David Clark's Campaign requests that the Dunedin City Council works to align commercial election signage with regulation in the District Plan.
19. Thank you for the opportunity to submit on the proposed Second Generation Dunedin City District Plan. We look forward to the Dunedin City Council considering, and adopting our recommendations where appropriate in the interests of a healthy, vibrant local democracy.

Yours faithfully,

Jarred Griffiths
Campaign Manager for David Clark

Brian Ellis
Signage Coordinator for David Clark



RESOURCE MANAGEMENT ACT 1991

Submission on Dunedin City Council Proposed District Plan

To: Dunedin City Council
Box 5045
DUNEDIN 9058

Submitter: NZ Transport Agency
PO Box 5245
Moray Place
DUNEDIN 9058

This is a submission on the following:

Proposed District Plan.

The NZ Transport Agency could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that this submission relates to are:

The proposed District Plan in its entirety.

The NZ Transport Agency's submission is:

Please see the table attached to this submission.

The reasons for this submission are:

The Transport Agency's statutory objective is to carry out its functions in a way that contributes to an affordable, integrated, safe, responsive and sustainable land transport system. Some of these functions relevant in this case are:

- to promote an affordable, integrated, safe, responsive, and sustainable land transport system
- to manage the State highway system in accordance with the relevant legislation; and
- to assist, advise, and co-operate with approved organisations (such as regional councils and territorial authorities).

In submitting on this proposed District Plan, the Transport Agency is pursuing these objectives and functions in relation to the land transport system, including the State highway system, and contributing to the objectives of the New Zealand Transport Strategy.

NZ Transport Agency wishes the consent authority to:

The proposed District Plan be confirmed subject to amendments outlined in the attached table.

The NZ Transport Agency does wish to be heard in support of this submission.

The NZ Transport Agency would not consider presenting a joint case with others presenting similar submissions.

Dated at Dunedin this 24th day of November 2015.



Kirsten Tebbutt

Principal Planning Advisor
Pursuant to a delegation from
the Chairman and the Board
of the NZ Transport Agency

Address for Service:

NZ Transport Agency
PO Box 5245
Moray Place
DUNEDIN 9058

Phone: (03) 951 3009
Facsimile: (03) 951 3013

NZ Transport Agency Submission

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority	
A – Plan Overview and Strategic Directions					
1.5 – Definitions					
1.5 Definitions	Amend We oppose the fragmentation of the definitions section of the proposed District Plan. This makes the Plan unnecessarily complicated for users and adversely impacts on plan usability.		Amalgamate all definitions and acronyms into a single definitions and glossary section.		
1.5 Definitions <i>Operation, repair and maintenance of the roading network</i>	Support We support the definition included in the Plan.		Retain the definition of operation, repair and maintenance of the roading network.		
1.5 Definitions <i>Passenger Transportation Hubs</i>	Amend The second bullet point of the definition specifically excludes <i>train, bus, ferry or tram terminals or depots that do not include passenger services</i> . This is redundant as it has the effect of restating the first section of the definition and should be deleted.		Delete bullet point two of the exclusions from this definition.		
1.5 Definitions <i>Public Amenities</i>	Amend Public amenities are defined as facilities for the convenience, enjoyment or amenity of the public. The definition contains a list of items and includes <i>pedestrian/biking tracks or paths</i> . The Agency considers that these provide for modal choice, and should therefore be included in the definition of		Include pedestrian/biking tracks or paths in a newly inserted definition of infrastructure.		

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority
		infrastructure.		
1.5 Definitions <i>Small Scale Network Utilities</i>	Support We support the inclusion of electric vehicle charging stations in the definition of small scale network utilities.		Retain electric vehicle charging stations in the definition.	
1.5 Definitions <i>Transportation Activities</i>	Support We support the definition included in the Plan.		Retain the definition of transportation activities.	
1.5.2 Definitions <i>Cycleway</i>	Support and Amend We support the inclusion of a definition for cycleway, however note that there is potential for this definition to be unclear, particularly when a cycleway is a route provided within road reserve. For this reason we consider it appropriate to amend this definition.		Amend the definition of cycleway as follows: <i>A special road, route, or path primarily intended for use by cyclists...</i>	
1.5.2 Definitions <i>Frequent Public Transport Services</i>	Support We support the recognition in the Plan of the interrelationship between urban planning and public transport provisions.		Retain the definition of Frequent Public Transport Services	
1.5.2 Definitions <i>High Trip Generating Activities</i>	Support We support the definition included in the Plan.		Retain the definition of high trip generating activities.	
1.5.2 Definitions <i>Mixed-use</i>	Neutral This definition contains a typographical error.		Amend the definition to refer to ... <i>more than one predominant category...</i>	
1.5.2 Definitions <i>Network Infrastructure</i>	Oppose We consider this definition inappropriately narrow, as it relates only to the infrastructure associated with the three		Delete the definition and replace it with a definition for infrastructure from the Resource Management Act 1991, as follows: <i>Infrastructure</i> —	

Specific Provision	Requested Decision with Reasons	We Seek the Following from the Local Authority
	waters, and does not reflect the true breadth of infrastructure.	<p>(a) <i>pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy;</i></p> <p>(b) <i>a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001;</i></p> <p>(c) <i>a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989;</i></p> <p>(d) <i>facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—</i> <i>(i) uses them in connection with the generation of electricity for the person's use; and</i> <i>(ii) does not use them to generate any electricity for supply to any other person;</i></p> <p>(e) <i>a water supply distribution system, including a system for irrigation;</i></p> <p>(f) <i>a drainage or sewerage system;</i></p> <p>(g) <i>structures for transport on land by cycleways, rail, roads, walkways, or any other means;</i></p> <p>(h) <i>facilities for the loading or unloading of cargo or passengers transported on land by any means;</i></p> <p>(i) <i>an airport as defined in section 2 of the Airport Authorities Act 1966;</i></p> <p>(j) <i>a navigation installation as defined in section 2 of the Civil Aviation Act 1990;</i></p> <p>(k) <i>facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988;</i></p> <p>(l) <i>anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166 of the Resource Management Act 1991</i></p>

Specific Provision	Requested Decision with Reasons	We Seek the Following from the Local Authority
<p>1.5.2 Definitions <i>Network Utilities</i></p>	<p>Oppose It is appropriate that for consistency, where definitions are referenced in a Plan they should be consistent with the definitions contained in the Resource Management Act. While the term <i>Network Utilities</i> is not defined in the Act, section 166 contains a definition of network utility operator, and we consider it appropriate that the definition of Network Utilities should be consistent with this definition to ensure that the full breadth of network utilities can be authorised under this definition.</p>	<p>And make any consequential amendments required.</p> <p>Delete the definition and replace it with a definition for network utilities that is consistent with the definition of network utility operator from the Resource Management Act 1991, as follows:</p> <p>Network Utilities —</p> <p>(a) <i>the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or</i></p> <p>(b) <i>a network for the purpose of—</i></p> <p>(i) <i>telecommunication as defined in section 5 of the Telecommunications Act 2001; or</i></p> <p>(ii) <i>radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989; or</i></p> <p>(c) <i>the distribution of electricity by an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or</i></p> <p>(d) <i>the distribution of water for supply (including irrigation); or</i></p> <p>(e) <i>a drainage or sewerage system; or</i></p> <p>(f) <i>a road or railway line; or</i></p> <p>(g) <i>the operation of an airport as defined by the Airport Authorities Act 1966 by an airport authority; or</i></p> <p>(h) <i>any approach control service within the meaning of the Civil Aviation Act 1990; or</i></p> <p>(i) <i>or any network utility activity undertaken by a network utility operator defined by the Resource Management Act 1991.</i></p> <p>And make any consequential amendments required.</p>
<p>1.5.2 Definitions <i>Public Infrastructure</i></p>	<p>Oppose We consider this definition inappropriately narrow, as it</p>	<p>Delete the definition and replace it with a definition for infrastructure from the Resource Management Act 1991, as follows:</p>

Specific Provision	Requested Decision with Reasons	We Seek the Following from the Local Authority
	<p>relates only to the infrastructure associated with the three waters, and does not reflect the true breadth of infrastructure.</p>	<p>Infrastructure —</p> <ul style="list-style-type: none"> (a) <i>pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy;</i> (b) <i>a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001;</i> (c) <i>a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989;</i> (d) <i>facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—</i> <ul style="list-style-type: none"> (i) <i>uses them in connection with the generation of electricity for the person's use; and</i> (ii) <i>does not use them to generate any electricity for supply to any other person;</i> (e) <i>a water supply distribution system, including a system for irrigation;</i> (f) <i>a drainage or sewerage system;</i> (g) <i>structures for transport on land by cycleways, rail, roads, walkways, or any other means;</i> (h) <i>facilities for the loading or unloading of cargo or passengers transported on land by any means;</i> (i) <i>an airport as defined in section 2 of the Airport Authorities Act 1966;</i> (j) <i>a navigation installation as defined in section 2 of the Civil Aviation Act 1990;</i> (k) <i>facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988;</i> (l) <i>anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166</i>

Specific Provision	Requested Decision with Reasons	We Seek the Following from the Local Authority
		<p><i>of the Resource Management Act 1991</i></p> <p>And make any consequential amendments required.</p>
1.5.2 Definitions Road	<p>Oppose</p> <p>The definition of road that is contained in the Plan is not consistent with the definition contained in the Local Government Act 1974. While we do not have any concerns with the content of the definition in the Plan, the definition's reference to the Act introduces ambiguity and requires correction.</p>	<p>Amend the definition as follows:</p> <p><u>As defined in section 315 of the Local Government Act 1974.</u></p>
1.5.2 Definitions Road boundary	<p>Support and Amend</p> <p>While we support the definition of road boundary, given the ambiguity of the definition of road, it is appropriate that the Council clarifies that this definition applies to both formed and unformed road.</p>	<p>Amend the definition as follows:</p> <p><u>Where a site boundary adjoins the road reserve, for both formed and unformed roads.</u></p>
1.5.2 Definitions Roadside Produce Stall	<p>Support</p> <p>We support the definition included in the Plan.</p>	<p>Retain the definition of roadside produce stall.</p>
1.5.2 Definitions Road Signs	<p>Support and Amend</p> <p>Technology around road signs is rapidly changing with increasing use of variable message signs and ITS signage. To reflect these changes, we recommend that the definition is amended to refer to the relevant manuals regarding road signs. Further, the third point of the definition refers to the New Zealand Transportation Agency. The correct name of the Transport Agency should be used, the NZ Transport Agency (as it should be throughout the Plan).</p>	<p>Amend the definition as follows:</p> <p>A-S Signs <u>required to provide vehicles, cycles, or pedestrians on a carriageway, cycle path or footpath with any of the following information, and includes signs required by the Manual of Traffic Signs and Markings and the Traffic Control Devices Manual;</u></p> <p>And amend the third bullet point to refer to the NZ Transport Agency (and any other references to the Agency should also be amended in a similar manner).</p>

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority	
1.5.2 Definitions <i>Shared Path</i>	Support We support this definition, as it appropriately encompasses the range of activities that can be logically anticipated on a shared path.			Retain the definition of shared path.	
1.5.2 Definitions <i>Travel Methods</i>	Support and Amend The definition associated with this term relates to transport modes, rather than travel methods. "Transport modes" is a more widely accepted and understood term, and it is appropriate that the Plan uses this type of language.			Amend the definition of travel methods as follows: Travel methods <i>Transport modes</i> Travel methods <i>Transport modes include but are not limited to the following:</i> ... And make any consequential amendments required.	
1.5.2 Definitions <i>Vehicle Access/ Vehicle Accesses</i>	Amend We do not consider it necessary to include definitions of both the singular and plural of the term. We support the definition that is included.			Delete the definition for vehicle accesses, and retain the definition of vehicle access.	
1.5.2 Definitions <i>Vehicle Crossing</i>	Support We support the inclusion of this definition.			Retain the definition of vehicle crossing.	
2 – Strategic Directions					
Objective 2.2.1	Support and Amend We support the inclusion of this objective, and the recognition of the risk to people and communities from natural hazards. In recognition of the critical role of transport infrastructure, the Transport Agency is a lifeline utility provider under the Civil Defence and Emergency Management Act 2002. It is appropriate that this objective			Amend Objective 2.2.1 as follows: <i>The risk to people, communities, critical infrastructure, and property from natural hazards, and from the potential effects of climate change, is minimised so that the risk is no more than low.</i> And any other consequential amendments as required.	

Specific Provision	Requested Decision with Reasons	We Seek the Following from the Local Authority
	is amended to reflect the critical importance of infrastructure in this regard.	
Objective 2.2.2	Support We welcome the recognition of the importance of integrated planning in achieving outcomes that promote energy efficiency.	Retain Objective 2.2.2 as proposed.
Policy 2.2.2.4	Support We support the wide view taken in the Plan in respect of modal choice, and the recognition of the role that transport plays in urban planning that achieves sound environmental outcomes.	Retain Policy 2.2.2.4 as proposed.
Objective 2.2.4	Support We support the recognition of the need to sustainably manage urban expansion to ensure the compact and accessible nature of the City.	Retain Objective 2.2.4 as proposed.
Policy 2.2.4.1	Support We support the recognition of the role that transport plays in urban planning and achieves environmental outcomes that benefit the wider community. We also note a minor typographical error in respect of this Policy.	Amend Policy 2.2.4.1 as follows – <i>Prioritise the efficient use of existing rural land over urban expansion by identifying existing...</i>
Policy 2.2.4.2 (b)	Support and Amend We recognise the benefit of the retention and reuse of heritage buildings, and appreciate that the Council is attempting to incentivise their restoration with this policy. The exemption of heritage buildings from minimum parking	Amend Policy 2.2.4.2 (b) as follows: <i>Rules that enable adaptive reuse of heritage buildings for apartments, including by exempting heritage buildings from minimum on-site parking requirements, and enabling parking requirements to be met at an off-site (but not kerb-side) location.</i>

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority	
		requirements fails to recognise the potential impact of increased demand for kerbside parking on the efficiency, effectiveness and safety of the transport network, particularly in those areas where the State highway passes through heritage areas. We consider it appropriate to amend this policy to ensure that any necessary parking can be provided off site, but not at the kerbside. Such an amendment would also address the conflict our submission identifies between this policy and policy 2.3.1.5.		And any other consequential amendments as required.	
Policy 2.2.4.3		Support We support this policy as it enables and encourages the Council to take a longer term view of infrastructure expansion to ensure that it occurs in a sustainable manner (particularly in respect of the provision of roading).		Retain Policy 2.2.4.3.	
Policy 2.2.4.5		Oppose This policy is unclear, and appears to suggest that the only infrastructure network that requires expansion for additional urban development is that relating to the three waters. We consider this focus unduly narrow, and suggest that, in conjunction with the requested amendment to the definition of infrastructure that is included in the Plan, an alternative policy may better promote the outcomes sought, by recognising the need for infrastructure expansion to be considered in a sustainable way.		Delete Policy 2.2.4.5 and replace it with the following: <u>Urban development is integrated with existing public infrastructure, and is designed and located in a manner consistent with the capacity of existing networks.</u>	
Objective 2.3.1		Support We support the recognition of the importance of good transport links for getting goods manufactured in Dunedin to		Retain Objective 2.3.1.	

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority	
		market.			
Policy 2.3.1.5		<p>Support and Amend</p> <p>In our view, there is conflict between this policy and policies 2.2.4.2 and 2.4.2.3(b). In particular, this policy seeks to protect the safety and efficiency of key traffic routes (such as State Highway 1 for example) through rules that require minimum on-site car parking and loading requirements. Policy 2.2.4.2 exempts scheduled heritage buildings from minimum parking requirements, and many scheduled buildings have frontage to State Highway 1 through Dunedin City. The operation of Policy 2.2.4.2 will therefore directly impact upon the outcomes promoted by Policy 2.3.1.5.</p>	<p>Amend Policy 2.2.4.2 (b) as follows:</p> <p><i>Rules that enable adaptive reuse of heritage buildings for apartments, including by exempting heritage buildings from minimum on-site parking requirements, and enabling parking requirements to be met at an off-site (but not kerb-side) location.</i></p> <p>And consequential amendments as required.</p>		
Policy 2.3.2.2		<p>Support and Amend</p> <p>We support the focus on ensuring that sufficient supply of retail and office space is maintained and that these activities continue to have a focus in the centres. This avoids the need for uneconomic and unsustainable expansion of infrastructure. The numbering in this Policy appears incorrect and should be reviewed.</p>	<p>Retain Policy 2.3.2.2 and amend to remove the numbering at the end of the Policy.</p>		
Policy 2.4.1.7		<p>Support</p> <p>We support the outcomes promoted by this policy.</p>	<p>Retain Policy 2.4.1.7 as proposed.</p>		
Policy 2.4.2.3 (b)		<p>Support and Amend</p> <p>We recognise the benefit of the retention and reuse of heritage buildings, and appreciate that the Council is attempting to incentivise their restoration with this policy. The exemption of heritage buildings from minimum parking</p>	<p>Amend Policy 2.4.2.3 (b) as follows:</p> <p><i>Exempt scheduled heritage buildings from minimum on-site parking standards.</i></p> <p>And any other consequential amendments as required.</p>		

Specific Provision	Requested Decision with Reasons	We Seek the Following from the Local Authority
	<p>requirements fails to recognise the potential impact of increased demand for kerbside parking on the efficiency, effectiveness and safety of the transport network, particularly in those areas where the State highway passes through heritage areas. We consider it appropriate to amend this policy to ensure that any necessary parking can be provided off site, but not at the kerbside. Such an amendment would also address the conflict our submission identifies between this policy and policy 2.3.1.5.</p>	
Objective 2.4.3	<p>Support We support the recognition of the importance of creating suitable pedestrian environments to encourage modal choice.</p>	Retain Objective 2.4.3 as proposed.
Objective 2.6.3	<p>Support We support the objective to ensure the sustainable management of urban expansion.</p>	Retain Objective 2.6.3 as proposed.
Policy 2.6.3.1	<p>Support We support the policy to prioritise areas that can be serviced by existing infrastructure for future residential development. This also highlights the importance of the amendment of the definition of infrastructure that we have sought. Expansion of the roading network can be undertaken in a manner that is not sustainable, and it is important that this is recognised in this policy.</p>	Retain Policy 2.6.3.1 as proposed.
Policy 2.6.3.2	<p>Support We support the inclusion of this policy.</p>	Retain Policy 2.6.3.2 as proposed.

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority
Policy 2.6.3.3		Support We welcome the focus on integrating planning outcomes in the manner contained in the policy.		Retain Policy 2.6.3.3 as proposed.
Objective 2.7.1		Support and amend We support the objective in respect of the efficient and effective operation of infrastructure networks to have the least possible long term cost burden on ratepayers. We note that the cost burden for provision of infrastructure is not carried by ratepayers alone, with central government playing a role in the provision of transportation infrastructure throughout the City. This also highlights the importance of the amendment of the definition of infrastructure that we have sought.		Amend the objective as follows: <i>Public infrastructure networks operate efficiently and effectively and have the least possible long term cost burden on ratepayers.</i>
Policy 2.7.1.1		Support We support the policies regarding the management of infrastructure expansion for new housing. This also highlights the importance of the amendment of the definition of infrastructure that we have sought.		Retain Policy 2.7.1.1 as proposed.
Policy 2.7.1.2		Support We support the policies regarding the management of infrastructure expansion for new urban development. This also highlights the importance of the amendment of the definition of infrastructure that we have sought.		Retain 2.7.1.2 as proposed.
Objective 2.7.2		Support and Amend We support the recognition of the importance of safety for the transport network, however note that this objective		Amend Objective 2.7.2 as follows: <i>The multi-modal transport network operates safely and efficiently for all road users, including freight and passenger vehicles, public transport, motorcycles,</i>

Specific Provision	Requested Decision with Reasons	We Seek the Following from the Local Authority
	focusses solely on land transport, and that other modes of transport (air and sea) are not recognised in the objective. It is important that other modes of transport are recognised, and that there is an appreciation that land transport is a subset of that wider network.	eyes, walking, horse riding <u>across land, air and sea transport networks.</u>
Policy 2.7.2.1	Support and Amend We support the inclusion of a specific policy relating to the safe and efficient operation of the land transport network, however note that the policy should also include reference to the relationship between land transport and other modes of transport.	Amend Policy 2.7.2.1 as follows: <i>Support the safe and efficient operation of the <u>land</u> transport network through rules that:</i> a. <i>Provide for and recognise the <u>unique characteristics and breadth of</u> transportation activities...</i>
B – City-wide Activities		
4 – Temporary Activities		
Note 4.3A	Support and Amend Where temporary activities occur within State highway road reserve, the approval of the Transport Agency as road controlling authority will be required. It is appropriate that this reference is included in the notes to the rules applying to temporary activities.	Amend Note 4.3A by inserting a new note as follows: <i>7. Permission must be obtained from the NZ Transport Agency for all temporary activities on State highway road reserve.</i>
Rule 4.5.3.3	Amend Helicopters have the potential to distract State highway motorists thereby affecting the safety and efficiency of the State highway. The main causes of distraction are the	Amend rule 4.5.3.3 by inserting additional criteria as follows: <i>d. Where helicopter landing sites are <u>visible from State highways:</u></i> <i>(1) they shall be no closer than 500 metres from the edge line of the highway.</i>

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	<p>proximity and visibility of the landing site to the State highway, and the flight path and altitude of the aircraft when they cross the State highway. This potential effect can be minimised by requiring such activities to achieve a minimum setback from the road and a minimum altitude when crossing the State highway.</p>	<p><i>(ii) helicopters shall achieve a minimum altitude of 150 metres when crossing air space that is within the road reserve.</i></p> <p>And any other consequential amendments as required.</p>
<p>Rule 4.5.7.2 (c)(ii)</p>	<p>Oppose</p> <p>We oppose the proposal to permit election signs of up to 3m² on State highway road reserve. While there are defined locations where such signs may have little effect on the safety and efficiency of the operation of the highway, it is for the Transport Agency to determine where these locations are, and it is not appropriate to have a blanket permission across the City. While Note 4.5B does indicate that our approval will be required separate to the consenting process, the inconsistency of messaging will lead to incorrect expectations for plan users and this should be addressed.</p>	<p>Amend the rule as follows:</p> <p>ii. A maximum area of 3m² on DCC or New Zealand Transport Agency land within the road reserve...</p>
<p>Rule 4.5.7.3 (c)(ii)(1)</p>	<p>Oppose</p> <p>We oppose the proposal to permit temporary event signs of up to 3m² on State highway road reserve. While there are defined locations where such signs may have little effect on the safety and efficiency of the operation of the highway, it is for the Transport Agency to determine where these locations are, and it is not appropriate to have a blanket permission across the City. While Note 4.5B does indicate that our approval will be required separate to the consenting process, the inconsistency of messaging will lead to incorrect expectations for plan users and this should be addressed.</p>	<p>Amend the rule as follows:</p> <p>ii. A maximum area of: 1 3m² on DCC or New Zealand Transport Agency land within the road reserve...</p>

Specific Provision	Requested Decision with Reasons	We Seek the Following from the Local Authority
Rule 4.7.2 (5)(b)(iv)	Support We support the requirement for the approval of the relevant road controlling authority for temporary signs.	Retain rule 4.7.2 (5)(b)(iv) as proposed.
Rule 4.8.2 (1)(a)(iii)	Support We support the Plan's recognition of the need for the Transport Agency to approve traffic management plans where relevant.	Retain rule 4.8.2(1)(a)(iii) as proposed.
5 – Network Utilities and Energy Generation		
Note 5.3A (4)	Support and amend While we support the inclusion of this note, it is also important for plan users to be aware that corridor access requests for State Highways are the responsibility of the NZ Transport Agency. The note should be corrected to reflect this.	Amend Note 5.3A(4) as follows: <i>For works within the road reserve an agreement to work on the road a corridor access request may <u>shall</u> be required by the relevant road controlling authority by the DCC, see http://ddn.dcc.govt.nz/services/road-and-footpaths/corridor-access-request-for-further-information.</i>
Note 5.3A	Amend Given our requested change to the definitions of network utility and infrastructure, it is appropriate that a note is inserted to identify that the rules relating to roads are contained in the Transportation section of the Plan.	Amend Note 5.3A by inserting the following; <i>6. This section does not apply to transportation activities within road reserve. Rules relating to the formation of roads are contained in Section 6 of the Plan.</i>
Rule 5.5.3	Oppose This rule has no content and should be deleted.	Delete Rule 5.5.3 and renumber the remaining rules accordingly.
6 – Transportation		
Objective 6.2.1	Support and Amend	Retain objective 6.2.1 and amend it as follows:

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	We support the outcomes promoted in this objective. It appears appropriate however that the objective is amended to refer to transport modes, rather than travel methods.	<i>Transport Infrastructure is designed and located to ensure the safety and efficiency of the transport network for all travel methods transport modes while...</i>
Policy 6.2.1.1	Support We support the inclusion of this policy.	And any other consequential amendments as required. Retain Policy 6.2.1.1 as proposed.
Policy 6.2.1.2	Support We support the inclusion of this policy, as it recognises and addresses a potential safety issue.	Retain Policy 6.2.1.2 as proposed.
Policy 6.2.1.3	Support and amend We consider that the focus of this policy is unduly narrow, as it does not recognise the importance of new roads or additions or alterations to existing roads being integrated with adjoining land uses, or being fit for purpose.	Amend Policy 6.2.1.3 (b) as follows: <i>iv. the road will achieve integration with surrounding landuses, and is fit for the purpose it is intended.</i>
Policy 6.2.1.4	Support and amend We support the inclusion of this policy, however note that it retains reference to travel methods. For clarity, we request that this policy is amended to reflect travel modes.	Amend Policy 6.1.2.4 (a) as follows: <i>a. Allow for convenient connections with other travel methods transport modes</i>
Policy 6.2.1.5	Support and Amend While we support the intent of this policy, we consider it important to recognise the potentially significant distraction effects that a heliport may have for road users. It is appropriate that this is recognised in the policy, and also included in the rule relating to this activity.	Amend Policy 6.2.1.5 as follows: <i>a. ensure the safety of <u>all users of the transport network</u></i>

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority
Objective 6.2.2	Support We support the inclusion of this objective.		Retain Objective 6.2.2 as proposed.	
Policy 6.2.2.3	Support We support the inclusion of this policy.		Retain Policy 6.2.2.3 as proposed.	
Objective 6.2.3	Support We support the inclusion of this objective, however note that the objective fails to recognise the need for the transport network to be cost effective, alongside efficient and safe. We also consider it appropriate to use consistent terminology around transport modes, to recognise the wider integration of the transport network, rather than focussing solely on land transport.		Amend Objective 6.2.3 as follows: <i>Land use, development and subdivision activities maintain the safety, and efficiency, and cost effectiveness of the transport network for all transport modes travel methods.</i> And any other consequential amendments as required.	
Policy 6.2.3.1, 6.2.3.2, 6.2.3.3, & 6.2.3.4	Support We support the inclusion of these policies.		Retain Policies 6.2.3.1, 6.2.3.2, 6.2.3.3, & 6.2.3.4 as proposed.	
Policy 6.2.3.5	Support We support the recognition of the potential impacts of high traffic generating activities within the rural zones on the safety and efficiency of the State highway network that operates at 80km/h or above.		Retain Policy 6.2.3.5 as proposed.	
Policies 6.2.3.6, 6.2.3.7, & 6.2.3.8	Support We support the recognition of the need to manage these activities alongside transport infrastructure in an integrated manner.		Retain Policies 6.2.3.6, 6.2.3.7, & 6.2.3.8 as proposed.	
Policy 6.2.3.9	Amend This policy seeks to avoid significant effects on the safety		Amend Policy 6.2.3.9 as follows:	

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	and efficiency of the transport network. While this is appropriate to some extent, it fails to recognise that these significant effects can often be remedied or mitigated to a point that the effects are no more than minor. As such, we suggest that this policy should be reworded to focus on remediation or mitigation of adverse effects.	Only a Allow land use, development, or subdivision activities that may lead to land use or development, where there are no significant adverse effects on the safety, and efficiency and cost effectiveness of the transport network are remedied or mitigated.
Policy 6.2.3.12	Support and Amend We support the inclusion of this policy, however consider that it fails to recognise that the cost of new roads is not borne by the Council alone. We consider it necessary to amend this policy to reflect the true nature of investment in road networks, and to recognise the importance of cost effective investment in those networks.	Amend Policy 6.2.3.12 (c) as follows: <i>Use materials that provide good urban design outcomes and provide good value with respect to on-going costs to ratepayers for maintenance if the roads are to be vested in Council.</i> Insert a new clause (d) as follows: <i>Integrate thoroughly with the existing transport network.</i> And any other consequential amendments as required.
Policy 6.2.3.13	Support We support the inclusion of this policy.	Retain Policy 6.2.3.13 as proposed.
Objective 6.2.4	Support We support the inclusion of this objective as it recognises the impact of parking and loading areas on the wider transport network.	Retain Objective 6.2.4 as proposed.
Policies 6.2.4.1, 6.2.4.2, 6.2.4.3, 6.2.4.4, 6.2.4.5, 6.2.4.6 & 6.2.4.7	Support We support the inclusion of these policies, as they promote the safety of all users of the wider transport network.	Retain Policies 6.2.4.1, 6.2.4.2, 6.2.4.3, 6.2.4.4, 6.2.4.5, 6.2.4.6 & 6.2.4.7 as proposed.
Rule 6.4 (2)	Oppose As road controlling authority, we consider that the Transport	Amend Rule 6.4 (2) as follows: <i>The NZ Transport Agency will be considered an affected person in accordance</i>

Specific Provision	Requested Decision with Reasons	We Seek the Following from the Local Authority
	<p>Agency should be considered an affected party for all applications for resource consent for sites with frontage to State highways. The rule as currently worded provides only limited opportunities for the Transport Agency to become involved in such consent applications, where they may have an impact on the ongoing operation, safety and efficiency of the State highway network. It is appropriate that the Transport Agency's role is acknowledged in respect of activities beyond those listed in rule 6.4 (2).</p>	<p>with s95B of the RMA where their written approval is not provided with respect to the following applications for resource consent:</p> <ol style="list-style-type: none"> 1. <u>all resource consent applications for sites that have frontage to State highways; high trip generating activities on state highways;</u> 2. <u>all resource consent applications for which an integrated transport assessment is required under Rule 6.1.3; any new vehicle accesses onto state highways; and</u> 3. <u>a subdivision that proposes to have access onto a state highway.</u>
Rule 6.6.1.2	<p>Support We support the inclusion of this rule.</p>	Retain Rule 6.6.1.2 as proposed.
Rule 6.6.3	<p>Oppose We oppose the inclusion of this rule, as there is no clarity or certainty as to the meaning of Commercial Centre Street; no definition is included. The rule appears to include all roads that are included within the Centres defined in the Plan, which would have the effect of including service lanes which are provided with the express intention of enabling vehicle access. Such a provision would be incongruous and this should be corrected.</p>	Amend Rule 6.6.3 by inserting a definition of <i>Commercial Centre Street</i> .
Rule 6.6.3.2 (a)	<p>Support We support the inclusion of this rule.</p>	Retain Rule 6.6.3.2 (a) as proposed.
Rule 6.6.3.2 (b)	<p>Oppose We oppose the inclusion of the minimum specified sight distances for local roads. The distances that are listed in the rule are not consistent with the guidance provided by the</p>	<p>Delete Rule 6.6.3.2 (b) and rename Rule 6.6.3.2 (a) as follows: <i>The minimum sight distance from a new vehicle crossing onto any road state highway:</i></p>

Specific Provision	Requested Decision with Reasons	We Seek the Following from the Local Authority
	Austroads <i>Guide to Road Design Part 4A: Unsignalised and Signalised Intersections</i> , and therefore fails to promote sound safety outcomes consistent with Safer Journeys.	
Rule 6.6.3.3	<p>Oppose</p> <p>We oppose the inclusion of the minimum sight distances for local roads. The distances that are listed in the rule are not consistent with the guidance provided by the Austroads <i>Guide to Road Design Part 4A: Unsignalised and Signalised Intersections</i>, and therefore fails to promote sound safety outcomes consistent with Safer Journeys.</p>	Delete Rule 6.6.3.3 and rename Rule 6.6.3.2 (a) as follows: <i>The minimum sight distance from a new vehicle crossing onto any <u>road state highway</u>:</i>
Rule 6.6.3.4(e)	<p>Support</p> <p>We support this rule, as the distances it proposes are Transport Agency policy, and are likely to result in positive safety outcomes.</p>	Retain Rule 6.6.3.4 (e) as proposed.
Rule 6.6.3.5	<p>Support</p> <p>We support the inclusion of this rule.</p>	Retain Rule 6.6.3.5 as proposed.
Rule 6.6.3.6 (a)	<p>Support and Amend</p> <p>We support the recognition of the benefits of sealing vehicle driveways appropriately, however note that the 5 metre distance proposed in this rule is not consistent with the diagrams shown at 6.14N, 6.14O, and 6.14P. For ease of maintenance of accesses, we propose that accesses should be sealed to the property boundary, or 5 metres from the edge of the road, whichever is the greater distance.</p>	Retain Rule 6.6.3.6 (a) with the following amendments: <i>Vehicle driveways that adjoin a legal road that is hard surfaced, must be constructed with a hard surface for a minimum distance of:</i> <u>1. 5m from the edge of the road; or</u> <u>2. to the front boundary of the site</u> <i>Whichever is the lesser.</i>
Note 6.6D (1) (2) & (3)	<p>Support</p>	Retain Note 6.6D (1), (2) & (3) as proposed

Specific Provision	Requested Decision with Reasons	We Seek the Following from the Local Authority
	We support the inclusion of this note to plan users.	
Rule 6.7.3	Support We support the inclusion of this rule.	Retain Rule 6.7.3 as proposed.
Rule 6.9.2 (1)	Amend We are concerned that the Transport Agency is considered affected in such limited circumstances. As the road controlling authority, the Transport Agency should be considered as a potentially affected party in all instances where sites front a State highway.	Amend Rule 6.9.2 (1) by adding the following: <i>Potential circumstances that may support a consent application include:</i> <i>The NZ Transport Agency has given its written approval for any resource consent applications that have frontage to a State highway.</i>
Rule 6.10.2 (1), (2), (3), (4), (5), (6), & (7)	Amend We are concerned that the Transport Agency is considered affected in only very limited circumstances. As the road controlling authority, the Transport Agency should be considered as a potentially affected party in all instances where sites front a State highway.	Amend Rule 6.10.2 (1), (2), (3), (4), (5), (6), & (7) by adding the following: <i>Possible circumstances that may support a consent application include:</i> <i>The NZ Transport Agency has given its written approval for any resource consent applications that have frontage to a State highway.</i> And renumbering as required.
Rule 6.13	Support We support the inclusion of a requirement for an integrated transport assessment in those instances where the Council considers it is warranted.	Retain Rule 6.13 as proposed.

C – City-wide Provisions

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority	
9 – Public Health and Safety					
9.1 Introduction	Support and Amend We consider that this section fails to consider the positive impact that transportation networks can have on the health and wellbeing of the wider community. Good transport links can provide for economic wellbeing, but also for social interaction and community development. We consider it appropriate for this section of the plan to be revised to better provide for integrated outcomes.		Amend paragraph 5 of the introduction to this section to read: <i>The efficiency and affordability of water supply, wastewater and stormwater networks are <u>infrastructure</u> is also essential in enabling people to provide for their health and wellbeing and are among the most essential infrastructure networks in the city. While these networks are also captured by provisions in the Transportation and Network Utilities and Energy Generation sections of the District Plan...</i>		
Objective 9.2.1	Support and Amend This objective recognises the connection between wellbeing and infrastructure provision, but requires amendment to suitably broaden its focus to reflect the amended definition of infrastructure, and the social and economic outcomes that public infrastructure can promote.		Amend the objective as follows; <i>Land use, development and subdivision activities maintain or enhance the efficiency and affordability of water supply, wastewater and stormwater public infrastructure.</i>		
Objective 9.2.2	Support We support the inclusion of this objective, however we note that the distance identified in the Plan is not consistent with the Transport Agency's guidance in respect of this matter. This should be corrected to reflect this standard.		Amend objective 9.2.2 as follows: <i>Within 40m <u>100m</u> of a state highway</i>		
Policy 9.2.2.2 (i)	Support We support the recognition of the potential noise effects of the operation of State highways, however note that the distance identified in the Plan is not consistent with the Transport Agency's guidance in respect of this matter. This policy should be corrected to reflect that standard.		Amend Policy 9.2.2.2 (i) as follows: <i>Within 40m <u>100m</u> of a State highway</i>		

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority	
New Policy	Amend We consider that the current framework fails to recognise the specific noise effects of land transport activities. We consider it appropriate that the Plan is amended to more fully reflect this issue.	Insert a new policy in section 9.2.2 as follows: <u>Ensure noise sensitive activities are set back a sufficient distance from significant land transport network boundaries to avoid, remedy and mitigate effects.</u>			
Rule 9.3.1 (h)	Amend The rule as proposed does not truly reflect the extent of the road noise effects area, or the nature of noise associated with land transport. We consider that item (h) should be removed from this rule, provided that two additional rules are inserted to deal with this matter.	Delete Rule 9.3.1 (1) (h), AND insert new rules as follows: <u>9.3.1 (3)</u> <u>Any buildings containing new and altered noise sensitive activities within the road-traffic noise buffer mapped area or road-traffic noise effects mapped area must achieve:</u> <u>i. Standard [4].A. or</u> <u>ii. Standards [4].B, [4].C. and [4].D</u> <u>9.3.1 (4) Standards</u> <u>A. New buildings or alterations to existing buildings containing noise sensitive activities must be at least 40 metres from the edge of the State highway carriageway and there is an existing solid and continuous building, fence, wall or landform that blocks the line of sight from all parts of all windows and doors to the new or altered habitable spaces to any part of the road surface of the State highway. This excludes unaltered existing spaces.</u> <u>B. New buildings or alterations to existing buildings containing noise sensitive activities, in or partly in the State highway buffer area must be designed, constructed and maintained to achieve road-traffic vibration levels complying with class C of NS 8176E:2005.</u> <u>C. New buildings or alterations to existing buildings containing noise sensitive activities, in or partly in the State highway buffer area or effects area must be designed, constructed and maintained to achieve the indoor design noise</u>			

Specific Provision	Requested Decision with Reasons	We Seek the Following from the Local Authority																											
		<p><i>levels from road-traffic set out in (reference table below).</i></p> <p><i>D. A design report prepared by a suitably qualified and experienced acoustics specialist must be submitted to the [Council officer] demonstrating noise and vibration compliance prior to the construction or alteration of any building containing a noise sensitive activity in or partly in the State highway buffer area or effects area. The design must take into account the future permitted use of the State highway; for existing roads this is achieved by the addition of 3 dB to existing measured or predicted noise levels</i></p> <table border="1"> <thead> <tr> <th>BUILDING TYPE</th><th>OCCUPANCY/ACTIVITY</th><th>MAXIMUM INDOOR DESIGN NOISE LEVEL $L_{Aeq}(30s)$</th></tr> </thead> <tbody> <tr> <td rowspan="4">Residential</td><td>Living spaces, sleeping spaces (including visitor accommodation and permanent accommodation)</td><td>40 dB</td></tr> <tr> <td>Assembly halls</td><td>35 dB</td></tr> <tr> <td>Conference rooms, drama studios</td><td>40 dB</td></tr> <tr> <td>Lecture rooms and theatres, music studios</td><td>35 dB</td></tr> <tr> <td rowspan="4">Education</td><td>Libraries</td><td>45 dB</td></tr> <tr> <td>Sleeping areas in educational facilities</td><td>40 dB</td></tr> <tr> <td>Teaching theatres</td><td>40 dB</td></tr> <tr> <td>Overnight medical centres, wards</td><td>40 dB</td></tr> <tr> <td>Health</td><td>Clinics, consulting rooms, theatres, nurseries, stations</td><td>45 dB</td></tr> <tr> <td>Cultural buildings</td><td>Places of worship, music</td><td>35 dB</td></tr> </tbody> </table> <p><small>Note: Excludes areas not deemed to be habitable spaces as defined by schedule 1 of the Building Regulations 1992.</small></p>	BUILDING TYPE	OCCUPANCY/ACTIVITY	MAXIMUM INDOOR DESIGN NOISE LEVEL $L_{Aeq}(30s)$	Residential	Living spaces, sleeping spaces (including visitor accommodation and permanent accommodation)	40 dB	Assembly halls	35 dB	Conference rooms, drama studios	40 dB	Lecture rooms and theatres, music studios	35 dB	Education	Libraries	45 dB	Sleeping areas in educational facilities	40 dB	Teaching theatres	40 dB	Overnight medical centres, wards	40 dB	Health	Clinics, consulting rooms, theatres, nurseries, stations	45 dB	Cultural buildings	Places of worship, music	35 dB
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<p>Rule 9.3.1 (3)</p>	<p>Amend</p> <p>We consider that additional information could improve this rule, and provide better clarity for plan users.</p>	<p>Retain the rule as proposed, and insert additional clauses as follows:</p> <p><i>Where windows must be able to be kept closed for noise reasons, the building must be designed, constructed and maintained with a ventilation system. For habitable spaces a ventilation system must achieve the following:</i></p> <p><i>i. Ventilation must be provided to meet clause G4 of the New Zealand Building Code. At the same time, the sound of the system must not exceed 30 dB LAeq(30s) when measured 1 m away from any grille or diffuser.</i></p> <p><i>ii. The occupant must be able to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour. At the same time, the sound of the system must not exceed 35 dB LAeq(30s) when</i></p>																											

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority
Rule 9.3.5		Support and Amend We support the intention of this rule, however note that it could be strengthened in its response to the potential effects of light spill. Lightspill can create a significant traffic hazard and can confuse motorists, and this should be addressed in the Plan.		<i>measured 1 m away from any grille or diffuser.</i> Amend rule 9.3.5 by adding the following; <i>4. All outdoor lighting, except street lighting, must be designed, installed and maintained so that it is shielded from or directed away from adjacent roads.</i>
Rule 9.6.4 (5)		Support and Amend To reflect the requested change to Rule 9.3.5, it is appropriate to amend this rule to indicate that written approval of the Transport Agency will be required for resource consent applications for light spill.		Amend Rule 9.6.4 (5) as follows: <i>(e) Whether the written approval of the NZ Transport Agency has been obtained for lightspill that impacts upon State highways.</i>
11 - Natural Hazards				
Policy 11.2.1.18		Support We support the proposed policy, as it ensures that infrastructure expenditure is being undertaken in a cost effective manner.		Retain Policy 11.2.1.18 as proposed.
12 – Transitional Provisions				
12.1 Introduction		Support We support the Council's proactive approach to identifying land for urban growth. Such an approach enables an integrated approach to planning for infrastructure provision		Retain the introduction to this section of the Plan as proposed.

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority	
		in these areas.			
12.2 Objectives and policies		<p>Support We support the direction taken in this suite of objectives and policies, as it enables managed investment in necessary infrastructure for staged development. Long term planning in respect of this will enable sound investment in infrastructure provision, and will suitably direct growth to those locations where it has been planned for.</p>		Retain section 12.2 of the Plan as proposed.	
D – Management Zones					
15 – Residential Zones					
Rule 15.5.1 (5)	<p>Support We support the inclusion of this rule, however we note that the distance identified in the Plan is not consistent with the Transport Agency's guidance in respect of this matter. This should be corrected to reflect this standard.</p>		Amend Rule 15.5.1 (5) as follows: <i>Within 40m 100m of a State highway</i>		
Rule 15.5.4	<p>Oppose This rule has no content and should be deleted.</p>		Delete Rule 15.5.4		
Rule 15.6.12	<p>Support We support the inclusion of this rule. Signs can impact on road safety, and the provision of a strong framework in respect of this matter provides certainty and clarity to plan users.</p>		Retain Rule 15.6.12 as proposed.		
Note 15.6B	<p>Support and Amend</p>		Retain Note 15.6B, and make the following insertion:		

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority	
		We support the reference to the Transport Agency's Manual, and suggest that the Transport Agency's Bylaw for advertising signs should also be referenced here.		<p>a. New Zealand Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs.</p> <p>b. <u>NZ Transport Agency Signs on State Highways Bylaw.</u></p>	
16 - Rural Zones					
New Policy	Amend We support the general direction taken by the Plan in respect of the Rural zones, however note that different rural activities may have different requirements in respect of access; similarly, changing landuse patterns can result in different expectations as to the standard of infrastructure provided. By way of example, a sheep farming activity can generally be served by an accessway of a lesser standard than a dairy farming activity due to the frequency and regularity of trucks serving the property. It is appropriate that this is reflected in the policies and rules for this section of the Plan.			<p>Insert a new Policy 16.2.2.9 as follows: <u>Require rural activities to be serviced by roads and access points that are constructed to a standard of formation appropriate to the scale of the activity and the use of the access.</u></p> <p>And any other consequential amendments as required.</p>	
Rule 16.5.1 (5)	Support We support the inclusion of this rule, however we note that the distance identified in the Plan is not consistent with the Transport Agency's guidance in respect of this matter. This should be corrected to reflect this standard.			Amend Rule 16.5.1 (5) as follows: <u>Within 40m 100m of a State highway</u>	
Rule 16.5.2	Support We support the inclusion of clear expectations around density of residential development throughout the Rural Zone. The provision of such guidance better enables the provision of infrastructure to a standard that best services			Retain Rule 16.5.2 as proposed.	

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority	
		land use changes.			
Rule 16.5.5		Support We support the inclusion this rule.		Retain Rule 16.5.5 as proposed.	
Rule 16.6.8		Support We support the inclusion of this rule. Signs can impact on road safety, and the provision of a strong framework in respect of this matter provides certainty and clarity to Plan users.		Retain Rule 16.6.8 as proposed.	
Note 16.6B		Support and Amend We support the reference to the Transport Agency's Manual, and suggest that the Transport Agency's Bylaw for advertising signs should also be referenced here.		Retain Note 16.6B, and make the following insertion: <i>a. New Zealand Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs.</i> <i>b. NZ Transport Agency Signs on State Highways Bylaw.</i>	
Rule 16.6.11.2		Support We support the clear direction given in the Plan regarding trees shading roading infrastructure.		Retain Rule 16.6.11.2 as proposed.	
17 – Rural Residential Zones					
17.1 Introduction		Support We support the reference at paragraph 2 to <i>pressure to extend urban infrastructure and services into rural areas.</i> This pressure can include requests to extend the Council's sealed roading network, which can be inefficient and unsustainable. We support the Council's recognition of this potential issue.		Retain the Introduction as proposed.	

Specific Provision	Requested Decision with Reasons	We Seek the Following from the Local Authority
Policy 17.2.2.8	<p>Support and amend</p> <p>We support that inclusion of this policy, as it gives valuable guidance as to the quality of subdivision that is anticipated to result from implementation of this zone. We consider it appropriate, however to include reference to the sustainability of the expansion of infrastructure in the zone, to ensure that the relationship between subdivision and infrastructure provision is clear.</p>	<p>Retain policy 17.2.2.8 as proposed, with the addition of the following: <i>Require subdivisions to deliver resultant sites that can achieve a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development while ensuring demand for expansion of infrastructure can be achieved in a sustainable manner.</i></p>
Rule 17.5.1 (b)	<p>Support</p> <p>We support the inclusion of this rule, however we note that the distance identified in the Plan is not consistent with the Transport Agency's guidance in respect of this matter. This should be corrected to reflect this standard.</p>	<p>Amend Rule 17.5.1 (b) as follows: <i>Within 40m 100m of a State highway</i></p>
Rule 17.5.2	<p>Support</p> <p>We support the inclusion of clear expectations around density of residential development throughout the Rural Residential Zones. The provision of such guidance better enables the provision of infrastructure to a standard that best services land use change.</p>	<p>Retain Rule 17.5.2</p>
Rule 17.5.6	<p>Support</p> <p>We support the inclusion of this rule.</p>	<p>Retain Rule 17.5.6 as proposed.</p>
Rule 17.6.7	<p>Support</p> <p>We support the inclusion of this rule. Signs can impact on road safety, and the provision of a strong framework in respect of this matter provides certainty and clarity to Plan users.</p>	<p>Retain Rule 17.6.7 as proposed.</p>

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority
Note 17.6B	Support and Amend We support the reference to the Transport Agency's Manual, and suggest that the Transport Agency's Bylaw for advertising signs should also be referenced here.			Retain Note 17.6B, and make the following insertion: <i>a. New Zealand Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs.</i> <i>b. NZ Transport Agency Signs on State Highways Bylaw.</i>
Rule 17.6.10.2	Support We support the clear direction given in the Plan regarding trees shading roading infrastructure.			Retain Rule 17.6.10.2 as proposed.
18 – Commercial and Mixed Use Zones				
18.1 Introduction	Support We support the Plan's acknowledgement of the differing needs of activities within the commercial areas of the City.			Retain 18.1 Introduction as proposed.
Objective 18.2.1	Support We support the acknowledgement of the differing needs of activities within the commercial areas of the City.			Retain Objective 18.2.1 as proposed.
New Policy	Amend Objective 18.2.1 recognises the differing needs of different activities, however the policy framework does not provide support to this objective, as it fails to recognise the functional dependence of such activities on efficient and convenient transport infrastructure. An additional policy is required to ensure that this relationship is clear.			Insert an additional policy as follows: <i>Recognise the transport needs of activities in the commercial zones, and provide for continued efficient and convenient access to sites within these zones.</i>
Rules 18.3.3 (4), 18.3.4 (5), & 18.3.5 (5)	Support			Retain Commercial Advertising as a non-complying activity in Rules 18.3.3 (4),

Specific Provision	Requested Decision with Reasons	We Seek the Following from the Local Authority
	We support the non-complying activity status of commercial advertising.	18.3.4 (5), & 18.3.5 (5)
Rule 18.5.1 (3)	<p>Support We support the inclusion of this rule, however we note that the distance identified in the Plan is not consistent with the Transport Agency's guidance in respect of this matter. This should be corrected to reflect this standard.</p>	Amend Rule 18.5.1 (3) as follows: <i>Within 40m 100m of a State highway</i>
Rule 18.5.6	<p>Support We support the requirement for parking provision in association with specific activities in the Commercial Zones.</p>	Retain Rule 18.5.6
Rule 18.5.7	<p>Support We support the requirement for minimum vehicle loading in association with specific activities in the Commercial Zones.</p>	Retain Rule 18.5.7
Rule 18.5.7	<p>Support We support the rule, as it requires appropriate loading facilities for sites with frontage to key roads.</p>	Retain Rule 18.5.7 as proposed.
Rule 18.6.14	<p>Support We support the inclusion of this rule. Signs can impact on road safety, and the provision of a strong framework in respect of this matter provides certainty and clarity to Plan users.</p>	Retain Rule 18.6.14 as proposed.
Note 18.6B	<p>Support and Amend We support the reference to the Transport Agency's Manual, and suggest that the Transport Agency's Bylaw for</p>	Retain Note 18.6B, and make the following insertion: <i>a. New Zealand Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs.</i>

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority	
		advertising signs should also be referenced here.		<i>b. NZ Transport Agency Signs on State Highways Bylaw.</i>	
19 – Industrial Zones					
19.1 Introduction	Support We support the Plan's acknowledgement of the differing needs of activities within the industrial areas of the City.			Retain 19.1 Introduction as proposed.	
New Policy	Amend We consider it important to ensure that the transport linkages between industrial activities and their markets are recognised and provided for in the Plan. This promotes a resource efficiency outcome. To this end, we request the inclusion of an additional policy in this section of the Plan.			Insert a new policy as follows: <i>Recognise the importance of efficient transport linkages for industrial activities, for all transport modes.</i>	
Rule 19.5.1 (b)	Support We support the inclusion of this rule, however we note that the distance identified in the Plan is not consistent with the Transport Agency's guidance in respect of this matter. This should be corrected to reflect this standard.			Amend Rule 19.5.1 (b) as follows: <i>Within 40m 100m of a State highway</i>	
Rule 19.5.6	Support We support the inclusion of car parking rules in this zone, as they assist in upholding the efficiency of the transport network.			Retain Rule 19.5.6 as proposed.	
Rule 19.5.7	Support We support the inclusion of loading rules in this zone, as they assist in upholding the efficiency of the transport network.			Retain Rule 19.5.7 as proposed.	

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority
Rule 19.6.8	Support We support the inclusion of this rule. Signs can impact on road safety, and the provision of a strong framework in respect of this matter provides certainty and clarity to Plan users.			Retain Rule 19.6.8 as proposed.
Note 19.6C	Support and Amend We support the reference to the Transport Agency's Manual, and suggest that the Transport Agency's Bylaw for advertising signs should also be referenced here.			Retain Note 19.6C, and make the following insertion: <i>a. New Zealand Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs.</i> <i>b. NZ Transport Agency Signs on State Highways Bylaw.</i>
20 – Recreation Zone				
Rule 20.5.1 (2)	Support We support the inclusion of this rule, however we note that the distance identified in the Plan is not consistent with the Transport Agency's guidance in respect of this matter. This should be corrected to reflect this standard.			Amend Rule 20.5.1 (2) as follows: <i>Within 40m 100m of a State highway</i>
Note 20.6B	Support and Amend We support the reference to the Transport Agency's Manual, and suggest that the Transport Agency's Bylaw for advertising signs should also be referenced here.			Retain Note 20.6B, and make the following insertion: <i>a. New Zealand Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs.</i> <i>b. NZ Transport Agency Signs on State Highways Bylaw.</i>
22 – Dunedin Botanic Garden				
Rule 22.6.3 (1) (a)	Support We support the requirement for the Dunedin Botanic Garden to maintain fencing along the State highway boundary of the site.			Retain Rule 22.6.3 (1) (a) as proposed

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority
Rule 22.6.10	Support We support the inclusion of this rule. Signs can impact on road safety, and the provision of a strong framework in respect of this matter provides certainty and clarity to Plan users.			Retain Rule 22.6.10 as proposed.
Note 22.6B	Support and Amend We support the reference to the Transport Agency's Manual, and suggest that the Transport Agency's Bylaw for advertising signs should also be referenced here.			Retain Note 22.6B, and make the following insertion: <i>a. New Zealand Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs.</i> <i>b. NZ Transport Agency Signs on State Highways Bylaw.</i>
23 – Dunedin Hospital				
Rule 23.6.8	Support We support the inclusion of this rule. Signs can impact on road safety, and the provision of a strong framework in respect of this matter provides certainty and clarity to Plan users.			Retain Rule 23.6.8 as proposed.
Note 23.6B	Support and Amend We support the reference to the Transport Agency's Manual, and suggest that the Transport Agency's Bylaw for advertising signs should also be referenced here.			Retain Note 23.6B, and make the following insertion: <i>a. New Zealand Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs.</i> <i>b. NZ Transport Agency Signs on State Highways Bylaw.</i>
24 – Dunedin International Airport				
Note 24.6B	Support and Amend We support the reference to the Transport Agency's Manual, and suggest that the Transport Agency's Bylaw for advertising signs should also be referenced here.			Retain Note 24.6B, and make the following insertion: <i>a. New Zealand Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs.</i>

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority	
				<i>b. NZ Transport Agency Signs on State Highways Bylaw.</i>	
29 – Otago Museum					
Policy 29.2.2.3	Support We support the inclusion of this policy, as it suitably recognises and provides for the potential effects of ancillary signage on the Museum site.			Retain Policy 29.2.2.3 as proposed.	
Rule 29.6.8	Support We support the inclusion of this rule. Signs can impact on road safety, and the provision of a strong framework in respect of this matter provides certainty and clarity to Plan users.			Retain Rule 29.6.8 as proposed.	
New Note 29.6B	Amend We note the omission of Note 29.6B, which has been included in all other zones. We consider that this note lends greater clarity to the plan, and should be replicated in this zone also. Finally, we also suggest that the Transport Agency's Bylaw for advertising signs should be referenced here.			Insert Note 27.6B as follows: <i>Note 27.6B - Other requirements outside of the District Plan</i> <i>For additional restrictions that may apply to signs, see also:</i> <i>a. NZ Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs.</i> <i>b. NZ Transport Agency Signs on State Highways Bylaw</i> <i>c. Dunedin City Council Commercial Use of Footpaths Policy.</i> <i>d. Dunedin City Council Roadway Bylaw.</i> <i>e. Dunedin City Council Traffic and Parking Bylaw.</i>	
30 - Port					
New Policy 30.2.1.5	Amend We consider it important to ensure that the various transport linkages between the port and manufacturing activities are			Insert a new policy as follows: <i>Recognise and provide for the interface between the port and other transport modes.</i>	

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority	
		recognised and provided for in the Plan. This promotes a resource efficiency outcome in terms of the time taken to get products to market. To this end, we request the inclusion of an additional policy in this section of the Plan.			
Note 30.6B		Support and Amend We support the reference to the Transport Agency's Manual, and suggest that the Transport Agency's Bylaw for advertising signs should also be referenced here.		Retain Note 30.6B, and make the following insertion: <i>a. New Zealand Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs.</i> <i>b. NZ Transport Agency Signs on State Highways Bylaw.</i>	
32 Stadium					
Policy 32.2.2.4		Support We support this inclusion of this policy as it as it suitably recognises and provides for the potential effects of ancillary signage on the Stadium site.		Retain Policy 32.2.2.4 as proposed.	
New Rule - Rule 32.6.7.1 (g)		Amend To ensure traffic safety, we consider it important for signs to be set back from more complex intersections, such as the SH88 roundabout. This setback ensure that vehicles approaching the roundabout have adequate sight distance without distraction to observe and comply with the directions given by road signs.		Amend Rule 32.6.7.1 by inserting a new rule, (g), as follows: <i>Signs must be set back 100 metres from the State highway 88/Ravensbourne Road roundabout.</i>	
Note 32.6B		Support and Amend We support the reference to the Transport Agency's Manual, and suggest that the Transport Agency's Bylaw for advertising signs should also be referenced here.		Retain Note 32.6B, and make the following insertion: <i>a. New Zealand Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs.</i> <i>b. NZ Transport Agency Signs on State Highways Bylaw.</i>	

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority	
34 - Campus					
34.1 Introduction	Support and Amend We support the content of the introduction to this zone, however note that traffic safety for the State highway can be directly impacted by the location and design of University facilities. We consider it appropriate to amend the introduction to reflect this.			Amend the third bullet point in the Introduction as follows: <i>Activities associated with the campus institutions generate significant traffic and parking demand from staff, students, and visitors to the campus and places huge pressure on on-street parking resources; thereby competing with the needs of residents and road users, and other activities in these areas.</i>	
Rule 34.5.1	Amend We support the inclusion of this rule, however we consider that sensitive activities may be impacted by activities other than industrial. We would prefer to see the Council using an approach to this that is similar to that taken elsewhere in the Plan, to ensure that potential reverse sensitivity impacts are appropriately addressed.			Delete the existing Rule 34.5.1 and replace it as follows: <u>34.5.1 Acoustic Insulation</u> <u>Noise sensitive activities in the following areas must comply with Rule 9.3.1:</u> <u>1. Within 20m of an industrial zone</u> <u>2. Within 100m of a State highway</u>	
Rule 34.5.5	Support We support the inclusion of car parking rules in this zone, as they assist in upholding the efficiency of the transport network.			Retain Rule 34.5.5 as proposed.	
Note 34.6B	Support and Amend We support the reference to the Transport Agency's Manual, and suggest that the Transport Agency's Bylaw for advertising signs should also be referenced here.			Retain Note 34.6B, and make the following insertion: <i>a. New Zealand Transport Agency, Traffic Control Devices Manual, Part 3, Advertising Signs.</i> <i>b. NZ Transport Agency Signs on State Highways Bylaw.</i>	

Specific Provision		Requested Decision with Reasons		We Seek the Following from the Local Authority	
A1.3 – Schedule of Trees					
T1064		Support and Amend This tree is listed as being located within road reserve on Hyde-Middlemarch Road, Middlemarch. It appears that the tree is actually located in the road reserve for Cardiff Street at Middlemarch.		Amend the Schedule and the relevant Planning Map to correct the error.	
T1163		Support and Amend This tree is listed as being located within road reserve on Waikouaiti – Waitati Road, Merton. It appears that the tree is actually located on the property at 1531 Dunedin-Waitati Road, Dunedin.		Amend the Schedule and the relevant Planning Map to correct the error.	
Maps					
Designations		Support and Amend We support the comprehensive nature of the designations that are mapped, however we note that it can be confusing, particularly on the Taieri Plain, when trying to determine which designation is which. While the layer can be "turned off" for the Dunedin Airport Flight Fan Designation, it appears that this is the only designation with that capability. It would assist plan users if the layers for individual requiring authorities could be separated, or if the designations could be more easily identified.		Retain the mapping layers available in the electronic version of the Plan, and extend that option to apply to all requiring authorities.	
A8 – Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol					

Specific Provision	Requested Decision with Reasons	We Seek the Following from the Local Authority
Appendix A8	Support We support the inclusion of Appendix A8 in the Plan. It is useful to have clear, concise and consistent guidelines provided.	Retain Appendix A8 as proposed.

3 March 2016

Dunedin City Council
PO Box 5045
Moray Place
Dunedin

planning@dcc.govt.nz

Submission by New Zealand National Party on the Proposed Second Generation Dunedin City District Plan, in response to the Submission by Jarred Griffiths and Brian Ellis

Introduction

1. As a major New Zealand political party which contests both general electorates in Dunedin at each election, the National Party has a significant interest in the *Proposed Second Generation Dunedin City District Plan* as it relates to election signage.
2. We oppose the changes put forward in the draft 2GP that would restrict the size of election signs to one square meter (*4.5.7.2.c.iii*).
3. We also oppose the proposed counter-measures proposed by Jarred Griffiths and Brian Ellis to progress the restriction only for non-urban areas.

Freedom of Speech

4. We endorse the view put forward by Jarred Griffiths and Brian Ellis that election signage is consistent with the right to exercise freedom of speech, and that moves which limit such fundamental rights must be approached with extreme caution.
5. We believe a high threshold should be applied to any restriction which could limit freedom of speech during elections. This is consistent, as also identified by Jarred Griffiths and Brian Ellis, with the test for our Parliament to limit rights set out in the Bill of Rights Act only if they can be “demonstrably justified in a free and democratic society.”
6. We do not believe the proposed restriction in section 4.5.7.2.c.iii is able to be demonstrably justified in any area: urban, sub-urban, or rural.

Regulation of signage and public safety

7. We recognise the important role of central and local government to regulate in the interests of public safety. However, we do not believe either the proposed change in section 4.5.7.2.c.iii, or the counter-proposal identified in clause 6 of the *Submission by Jarred Griffiths and Brian Ellis*, are in the interest of public safety. In fact, they may be detrimental to public safety.
8. Election signage is well regulated by central government to ensure public safety. The *Electoral (Advertisements of a Specific Kind) Regulations 2005* ('The Regulations') specifically regulate the display of election signs to ensure public safety, setting the appropriate maximum size at three square meters.
9. The Regulations set a clear convention that lettering must be able to be displayed at appropriately large size. With regard to open road areas, the Regulations effectively require larger not smaller signage, with progressively larger print required for roads of greater speed limits. In Clause 8, the Regulations state:
 - (1) *On any road controlled by the New Zealand Transport Agency the lettering on an advertisement of a specified kind must be not less than—*
 - (a) 120 mm in height where the advertisement of a specified kind is erected on any road, or in any place visible from a road, that has a speed limit of less than 70 km per hour:
 - (b) 160 mm in height where the advertisement of a specified kind is erected on any road, or in any place visible from a road, that has a speed limit of 70 km per hour or more.
10. We believe the proposed one square meter restriction may make it unfeasible for the candidates and parties to meet the lettering size required for public safety under The Regulations.

In particular, we believe the proposed counter-measures proposed by Jarred Griffiths and Brian Ellis to progress the restriction only for non-urban areas directly conflicts with the *Electoral (Advertisements of a Specific Kind) Regulations 2005*.

Conclusion

11. The National Party opposes the introduction of section 4.5.7.2.c.iii of the Proposed Second Generation Dunedin City District Plan because:
 - It is a restriction on freedom of speech which cannot be 'demonstrably justified'
 - It is not consistent with the existing regulations pertaining to the appropriate display of election signs in the interests of public safety

12. We endorse the view proposed in the Submission by Jarred Griffiths and Brian Ellis that if the Dunedin City Council cannot provide a 'demonstrable justification' to limiting free speech, that the status quo be retained.
13. We oppose the view proposed in the Submission by Jarred Griffiths and Brian Ellis that restrictions be applied only to non-urban areas.
14. We would like the chance to speak in support of this submission. We can be contacted at 027 439 2889 or at rachel.bird@national.org.nz.

Cameron Cotter
Deputy Party Secretary
New Zealand National Party

Rachel Bird
Southern Regional Chairperson
New Zealand National Party

Kelly Taylor

From: Sharon Bodeker
Sent: Thursday, 29 August 2019 04:06 p.m.
To: Paul Freeland; Sandy Graham
Cc: Anna Johnson; Peter Rawson; Helen Dempster
Subject: RE: Election Signs

Hi Paul...just discussed with Sandy, and she has said yes, please proceed as below.

Thank you!
Sharon

From: Paul Freeland
Sent: Thursday, 29 August 2019 4:01 p.m.
To: Sandy Graham <Sandy.Graham@dcc.govt.nz>
Cc: Anna Johnson <Anna.Johnson@dcc.govt.nz>; Peter Rawson <Peter.Rawson@dcc.govt.nz>; Helen Dempster <Helen.Dempster@dcc.govt.nz>; Sharon Bodeker <Sharon.Bodeker@dcc.govt.nz>
Subject: Election Signs

Hi Sandy,

Anna, Peter and I have had a quick discussion and consider that we should allow election signs that meet the general limitation on the maximum number and area of election signs as set out in rules 4.5.7.2.b and 4.5.7.2.c.ii in all locations where we provide for ancillary signs of 3m² or larger.

4.5.7.2 Election signs

- a. Signs must be erected no more than two months prior to election or polling day and must be removed by midnight prior to election or polling day.
- b. Signs on a site must not exceed a maximum number of:
 - i. one per candidate or group of candidates for local elections and referenda; and
 - ii. one per registered political party, independent or non-party affiliated candidate, for general elections.
- c. Signs must not exceed:
 - i. a maximum height of 2m above ground level; and
 - ii. a maximum area of 3m².

This would enable election signs to be placed in shop fronts, on buildings etc. and enable them to be illuminated in a commercial and mixed use zone for instance. There will be limitations as to how high up a building they can go as we do not want to enable election signs to go into areas where other signs are not permitted.

We are working on a table which will set out the various zones, the maximum height and whether or not they can be illuminated, as a quick guide to candidates.

Depending on the success of this approach, it may form the basis for a change to the District Plan ahead of the General Election next year.

How do you want to proceed from here?

Paul Freeland
SENIOR PLANNER
CITY DEVELOPMENT

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Kelly Taylor

From: Sharon Bodeker
Sent: Thursday, 29 August 2019 04:31 p.m.
To: Sandy Graham
Subject: FW: Election signage questions

From: Paul Freeland
Sent: Thursday, 29 August 2019 2:55 p.m.
To: Sharon Bodeker <Sharon.Bodeker@dcc.govt.nz>
Cc: Helen Dempster <Helen.Dempster@dcc.govt.nz>; Anna Johnson <Anna.Johnson@dcc.govt.nz>
Subject: FW: Election signage questions

Hi Sharon,

Please see my responses below.

These rules are not very enabling in some environments, and we are quickly looking to see whether we should not take enforcement action for certain election signs in certain locations pending a fuller review and change to the 2GP provisions.

We are working on this now as a matter of urgency.

Cheers

Paul

From: Helen Dempster
Sent: Thursday, 29 August 2019 10:59 a.m.
To: Paul Freeland <Paul.Freeland@dcc.govt.nz>; Peter Rawson <Peter.Rawson@dcc.govt.nz>
Subject: FW: Election signage questions

Hi Gents,
As discussed, Sharon's Q's below; please reply to Sharon and copy me in.

Cheers

Helen Dempster
SENIOR PLANNER – MONITORING & COMPLIANCE
CITY PLANNING

P 03 477 4000 E helen.dempster@dcc.govt.nz
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From: Sharon Bodeker
Sent: Thursday, 29 August 2019 10:40 a.m.
To: Helen Dempster
Subject: Election signage questions

Hi Helen

Further to our chat – here are the questions being asked (so far):

1. The 2 metre rule – does this apply only to signs outside on road reserves, private property etc only, or does it include inside a building. Signs are being put up in the window of building, and would definitely be higher than 2 metres above ground level.

Rule 4.5.7.2.c.i requires all signs to be a maximum height of 2m above ground level regardless of their location. This was probably intended for freestanding signs rather than for signs on buildings or structures.

2. May signs be put on the side of bridges? – example the overbridge on Kaikoria Valley Rd by Burnside has a sign on the side of it.

In theory, but will have difficulty with the 2m above ground level requirement, and will need to be mindful of the requirement of Rule 6.7.3.

6.7.3 Signs Visible from Roads

1. *The minimum letter height of signs designed to be read by passing motorists must be:*
 - a. 120mm where the speed limit is less than 70km per hour; and
 - b. 160mm where the speed limit is greater than 70km per hour.
1. *Signs must not be of a design or form that resembles or conflicts with traffic signs.*
2. *Illuminated and digital signs must:*
 - a. *have the sign's light source shielded so that its glare does not extend beyond the sign;*
 - b. *have all floodlights or concealed lighting directed solely on the sign;*
 - c. *not use images that are flashing or animated;*
 - d. *have a minimum display time of 10 seconds per image; and*
 - e. *have a maximum luminance (cd/m²) of:*
 - i. 2000 where the sign has an illuminated area less than or equal to 0.5m²;
 - ii. 1600 where the sign has an illuminated area greater than 0.5m², but less than or equal to 2m²;
 - iii. 1200 where the sign has an illuminated area greater than 2m², but less than or equal to 5m²;
 - iv. 1000 where the sign has an illuminated area greater than 5m², but less than or equal to 10m²; and
 - v. 800 where the sign has an illuminated area greater than 10m².
1. *Activities that contravene this performance standard are restricted discretionary activities.*

3. Trailers and cars – are there any issues with signage on these?

These are managed under the Traffic and Parking Bylaw, clause 13.3.2

13.3.2 No person shall, without the prior written permission of the Council, park a vehicle or trailer displaying advertising or sales material on any road or part of a road, or any piece of land owned or controlled by the Council and not being a road or part of a road, including any parking place or transport station. This restriction includes vehicles and trailers displayed for sale, and mobile billboards.

4. Bus signage – candidates are putting signage on the back of buses. I assume this is covered within a resource consent with bus companies?

Not as far as we are aware. District plans generally do not manage activities in moving vehicles as they are not considered a land use. If a vehicle is parked primarily for the purpose of displaying a sign rather than for a transportation purpose, then in the case of advertising goods or services, this would be considered as commercial advertising which is managed through the 2GP.

5. 2 metres on sloping ground – I remember the real question!! If a sign is put on sloping ground, does the 2 metre rule apply to the lowest point or highest point of the slope? The signage frame – to keep the sign straight would be longer on one side than the other.

The 2 metres would be measured vertically above each point on the ground, so it shouldn't matter what length the supporting structures are as long as they are not more than 2m above the ground at any point.

Thank you! I am hoping to get an email out to all candidates today so really appreciate your help with these.

Sharon Bodeker
TEAM LEADER CIVIC

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Kelly Taylor

From: Sharon Bodeker
Sent: Friday, 30 August 2019 05:10 p.m.
To: Helen Dempster
Cc: Sandy Graham
Subject: FW: Election signage rules
Attachments: Election Signage.pdf; Zones.docx

Hi – this is what was sent out to candidates. May it make our life easier!!!!

From: Sharon Bodeker
Sent: Friday, 30 August 2019 4:45 p.m.
To: 'Aaron Hawkins' <aaron.hawkins@greens.org.nz>; 'Andrew Whiley' <andrewwhiley@hotmail.com>; 'Anthony Kenny' <tonykunedin@gmail.com>; 'Bob Barlin' <bobbarlin@yahoo.co.uk>; 'Brian Miller' <b.a.miller@actrix.co.nz>; 'Callum Steele-MacIntosh' <callum4citycouncil@gmail.com>; 'Camen Houlahan' <carmen4council@gmail.com>; 'Chris Staynes' <staynesc@outlook.com>; 'Christine Garey' <cgbgarey@gmail.com>; 'Damian Newell' <damianindunedin@gmail.com>; 'Dave Hanan' <dave.hanan2017@outlook.com>; 'David Benson-Pope' <david.benson-pope@hotmail.co.nz>; 'Doug Hall' <doug@hallbros.co.nz>; 'Finn Campbell' <finncampbellfordcc@gmail.com>; 'George Morris' <georgecmorris@hotmail.com>; 'Hadley Robinson-Lewis' <hadleygrace17@yahoo.com>; 'Hugh Forsyth' <hugh@siteinfo.co.nz>; 'Jason Lindsey' <jason@8stafford.com>; 'Jim O'Malley' <jpomalley@myometrics.com>; 'John Guthrie' <johncliveguthrie@gmail.com>; 'John Marrable' <johnmarrable@gmail.com>; 'Jules Radich' <julesradich@xtra.co.nz>; 'Lee Vandervis' <lee@vandervision.co.nz>; 'Malcolm Moncrief-Spittle' <renaissancebooksnz@gmail.com>; 'Mandy Mayhem-Bullock' <mayhem2u@yahoo.co.nz>; 'Marie Laufiso' <laufisome@outlook.com>; 'Mike Lord' <mikelord64@gmail.com>; 'Muthiah James' <jamesmuthiah@hotmail.com>; 'Neville Jemmett' <nkjemmett@xtra.co.nz>; 'Peter MacKenzie' <hoiho@xtra.co.nz>; 'Rachel Elder' <rachel4council@gmail.com>; 'Richard Seager' <candidate@wifoo.co.nz>; 'Russell Lund' <russell@lunds.co.nz>; 'Sarah Davie-Nitis' <sarah.nitis@gmail.com>; 'Scout Barbour-Evans' <scoutbarbourevans@gmail.com>; 'Sophie Barker' <castlegals@hotmail.com>; 'Steve Walker' <walkersteve4@gmail.com>; 'Andrew Velman' <andrew_velman@hotmail.com>; 'Carmen Hope' <roadsende1@gmail.com>; 'Gordon Dickson' <gjd748@uclive.ac.nz>; 'Kate Wilson' <kate@strathburn.co.nz>; 'Lloyd McCall' <lloyd@m90fs.co.nz>; 'Robert Hamlin' <robhamlin1961@gmail.com>; 'Andrew Noone' <andrewnoone0@gmail.com>; 'Andrew Rutherford' <webmaster@queenstown.net.nz>; 'Bryan Scott' <bryan.scott8092@gmail.com>; 'Gretchen Robertson' <gretchdunedin@gmail.com>; 'Hilary Calvert' <hcalvert@xtra.co.nz>; 'Marian Hobbs' <marian.hobbs@gmail.com>; 'Matt Kraemer' <workingsmart@gmail.com>; 'Michael Deaker' <michael.deaker@gmail.com>; 'Rob Woodhouse' <rob@robwoodhouse.co.nz>; 'Scott Willis' <scott.orc2019@gmail.com>; 'Tim Mephram' <tmephram@rautakiadvice.co.nz>; 'Tony Hunter' <tonyhunter@tahuna.school.nz>; 'Craig Ashton' <craig007ashton@gmail.com>; 'Dave Cull' <daveccull@gmail.com>; 'Graham Clarke' <graham@help.kiwi>; 'Ilka Beekhuis' <ilkabeekhuis@gmail.com>; 'Jason Bauchop' <jasonbauchop@hotmail.com>; 'Jeanette Saxby' <jnette.saxby@gmail.com>; 'John Chambers' <johncdunedin@outlook.co.nz>; 'Lyndell Kelly' <lekelly.mailbox@gmail.com>; 'Lyndsay (Crackley) Rackley' <herlar@xtra.co.nz>; 'Malcolm Macpherson' <malcolm@macpherson.co.nz>; 'Peter Rodwell' <admin@eestate.co.nz>; 'Ross Andrews' <ross.highlandweddings@xtra.co.nz>; 'Shanon Arnold' <shanon@mobilitysolutionscentre.co.nz>
Cc: Anthony Morton (amorton@electionz.com) <amorton@electionz.com>
Subject: Election signage rules

Dear candidates

We have reviewed the 2GP provisions following a number of enquiries about election signage. Please find attached information that will help with your signage around the city.

The document refers to Zones, and these Zones can be found in a map on our website at <http://dunedin.maps.arcgis.com/apps/webappviewer/index.html?id=f7fc69e07dba4db589ffe2ddcac4acc7>

To help you navigate around the map, please refer to the attached "Zones" document.

Kind regards

Sharon Bodeker

DEPUTY ELECTORAL OFFICER

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Election Signage

Introduction

Enquiries received about election signage has resulted in the identification of a number of inconsistencies between election (temporary) and permanent sign provisions in the 2GP. These include:

- not providing for temporary election signs in locations where larger signs are permitted on a permanent basis;
- not providing for temporary election signs to be illuminated in locations where larger permanent signs can be illuminated; and
- the size of font for 'authorised by...' type content being too large.

For practical reasons, and in advance of a future plan change/variation, the table on page 3 sets out the locations/zones where election signs will be allowed without meeting the 'maximum height of 2m above ground level', or 'signs must not be illuminated' requirements of the 2GP election signs provisions.

These locations/zones are based on signage rules for permanent signs of at least 3m² and in some locations, may be illuminated.

The maximum number of signs, and maximum area of signs requirements of Rule 4.5.7.2 Election signs, will still apply. No illumination of signs is allowed unless identified in the Table below. Election signs are permitted on selected council road reserves as shown in the Candidate Handbook. **Please remember that landowner approval is required for all other sites.**

Rule 4.5.7.2 Election signs, states:

- Signs must be erected no more than two months prior to election or polling day and must be removed by midnight prior to election or polling day.*
- Signs on a site must not exceed a maximum number of:*
 - one per candidate or group of candidates for local elections and referenda; and*
 - one per registered political party, independent or non-party affiliated candidate, for general elections.*
- Signs must not exceed:*
 - a maximum height of 2m above ground level; and*
 - a maximum area of 3m².*
- For the purpose of Rule 4.5.7.2 'local elections' refers to elections for City or Regional Council, District Health Board or a community board; and 'general elections' refers to elections for the New Zealand Government.*

Election signs (temporary signs) must also comply with Rules 6.7.2 and 6.7.3 set out below, except that the required wording for authorisation may be of any sized font.

6.7.2 Public Amenities and Signs Located on or Above the Footpath, states:

- Public amenities, temporary signs and portable freestanding signs, located on public footpaths must provide a minimum width of unobstructed area for pedestrian movement as follows:*
 - 3m in the Central Business District (CBD) Zone; and*
 - 1.5m in all other zones.*

2. *Public amenities, temporary signs and portable freestanding signs located on public footpaths must:*
 - a. *be located in line with any other permanent or temporary obstruction present on the footpath at that location, otherwise at the kerb edge of the footpath;*
 - b. *not be located within 2m of an intersection or pedestrian crossing location;*
 - c. *not be located at the kerb directly adjacent to a bus top, taxi stand, mobility parking or an Authorised Vehicles Only parking space; and*
 - d. *not be painted, drawn, chalked or otherwise created on the surface of any footpath.*
3. *Signs that overhang a footpath must:*
 - a. *be 2.5m above the footpath at their lowest point;*
 - b. *hang perpendicular to the footpath;*
 - c. *not extend past the edge of any verandah; and*
 - d. *be a minimum of at least 500mm from the road's edge.*
4. *Signs, temporary signs, and public amenities, must not:*
 - a. *obstruct the visibility of any traffic control device; or*
 - b. *compromise sightlines from road intersections and vehicle crossings.*
5. *Signs that contravene this performance standard are restricted discretionary activities.*

6.7.3 Signs Visible from Roads, states:

1. *The minimum letter height of signs {except for 'authorised by...' type content} designed to be read by passing motorists must be:*
 - a. *120mm where the speed limit is less than 70km per hour; and*
 - b. *160mm where the speed limit is greater than 70km per hour.*
2. *Signs must not be of a design or form that resembles or conflicts with traffic signs.*
3. *Illuminated and digital signs must:*
 - a. *have the sign's light source shielded so that its glare does not extend beyond the sign;*
 - b. *have all floodlights or concealed lighting directed solely on the sign;*
 - c. *not use images that are flashing or animated;*
 - d. *have a minimum display time of 10 seconds per image; and*
 - e. *have a maximum luminance (cd/m²) of:*
 - i. *2000 where the sign has an illuminated area less than or equal to 0.5m²;*
 - ii. *1600 where the sign has an illuminated area greater than 0.5m², but less than or equal to 2m²;*
 - iii. *1200 where the sign has an illuminated area greater than 2m², but less than or equal to 5m²;*
 - iv. *1000 where the sign has an illuminated area greater than 5m², but less than or equal to 10m²; and*
 - v. *800 where the sign has an illuminated area greater than 10m².*
4. *Activities that contravene this performance standard are restricted discretionary activities.*

Table 1 –Signs provisions applying to election signs

Zone / Area / Activity	Election Sign height / other	Election Sign illumination
All zones, areas and activities	All signs must not be attached to roofs or project higher than the lowest point of the roof except as mounted flat against a parapet or gable end.	Refer below
Residential zones (see Rule 15.6.11)		
All signs in residential zones	Where attached to a building, signs must not protrude from a building façade by more than 1m.	Signs must not be illuminated or digital, except signs ancillary to visitor accommodation in the George Street North Residential Heritage Precinct and North Ground Residential Precinct.
All signs (ancillary to residential activities)	The height, above ground level, at the highest point of any sign: i. attached to a residential building, is 4m; and ii. where attached to a fence, retaining wall or freestanding, is 2m.	
All signs (ancillary to dairies)	The height, above ground level, at the highest point of any sign attached to a building is 6m.	
Signs attached to buildings (ancillary to commercial activities and community activities)	Maximum height, above ground level, at the highest point of any sign, attached to a building is 4m.	
	Maximum height of freestanding signs 2m.	
Rural and Rural Residential zones (see Rules 16.6.7 and 17.6.6)		
Signs attached to buildings	Maximum height, above ground level, at the highest point of any sign, is 4m, except 2m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone.	Signs must not be illuminated or digital.
Freestanding signs	Maximum height of 4m, except, 2m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone.	
Commercial and Mixed Use zones (see Rule 18.6.13)		
Pedestrian street frontage mapped areas (in CBD and centres), heritage precincts and the Harbourside Edge Zone	Maximum height above ground level of signs attached to buildings or freestanding is 4m.	Must not be flashing within pedestrian street frontage mapped areas, heritage precincts and the Harbourside Edge Zone and must not be illuminated or digital within heritage precincts
	Signs must be made of a solid material and may not be in the form of a flag, banner or other type of fabric sign.	
	Signs must not protrude from a façade more than 1m.	
CMU zones outside Pedestrian street frontage mapped areas (in CBD and centres), heritage precincts and the Harbourside Edge Zone	Maximum height above ground level of signs attached to buildings 8m.	Signs may be illuminated
	Maximum height of permanently fixed freestanding signs in CBD and centres zones (outside pedestrian street frontage mapped areas and heritage precincts) and the PPH and CEC zones is 6m.	
	Maximum height above ground level of permanently fixed freestanding signs in Trade Related Zone 8m.	
	Maximum height of 4m for portable freestanding signs.	
	Signs must not protrude from a façade more than 1.5m.	

Industrial zones (see Rule 19.6.6)		
All Industrial zones	Maximum height above ground level of signs attached to buildings and permanently fixed freestanding signs is 8m.	Signs may be illuminated
	Maximum height for portable freestanding signs is 4m.	
	Signs must not protrude from a façade more than 1.5m.	
	Portable freestanding signs must not be located on the road reserve.	
Recreation zone (see Rule 20.6.8)		
Recreation Zone	Signs attached to buildings must not project higher than the lowest point of the roof, except as mounted flat against a parapet or gable end and must remain entirely within the visual profile of the building or structure.	Signs must not be illuminated or digital.
	Freestanding signs must not exceed a maximum height above ground level of 4m, must not obstruct parking, loading and access areas; and must be positioned entirely within the site boundaries.	
Major Facility zones (see Sections 21 to 35 of the 2GP)		
Ashburn Clinic	Maximum height above ground level of signs attached to buildings and freestanding signs is 4m.	Signs must not be illuminated or digital.
Campus	Maximum height above ground level of signs attached to buildings and freestanding signs is 4m.	Signs must not be illuminated or digital.
Dunedin Botanic Garden	Maximum height above ground level of signs attached to buildings and freestanding signs is 4m.	Signs must not be illuminated or digital.
Dunedin Hospital	Maximum height above ground level of signs attached to buildings is 8m.	Signs may be illuminated
	Freestanding signs must not exceed a maximum height above ground level of 6m.	
Dunedin International Airport	Maximum height above ground level of signs attached to buildings and freestanding signs is 8m.	Signs may be illuminated
Edgar Centre	Maximum height above ground level of signs attached to buildings is 8m.	Signs may be illuminated
	Freestanding signs must not exceed a maximum height above ground level of 4m.	
Invermay and Hercus	Maximum height above ground level of signs attached to buildings and freestanding signs is 4m.	Signs must not be illuminated or digital.
Mercy Hospital	Maximum height above ground level of signs attached to buildings and freestanding signs is 4m.	Signs may be illuminated
Moana Pool	Maximum height above ground level of signs attached to buildings is 4m.	Signs may be illuminated
	Freestanding signs must not exceed a maximum height above ground level of 3m.	
Otago Museum	Maximum height above ground level of signs attached to buildings is 8m.	Signs must not be illuminated or digital.

	Freestanding signs must not exceed a maximum height above ground level of 6m.	
Port	Maximum height above ground level of signs attached to buildings and freestanding signs is 8m.	Signs must not be illuminated or digital.
Schools	Maximum height above ground level of signs attached to buildings and freestanding signs is 4m.	Signs must not be illuminated or digital.
Stadium	Signs must not protrude from a façade more than 1.5m.	Signs may be illuminated
Taieri Aerodrome	Maximum height above ground level of signs attached to buildings and freestanding signs is 4m.	Signs must not be illuminated or digital.
Wakari Hospital	Maximum height above ground level of signs attached to buildings and freestanding signs is 4m.	Signs must not be illuminated or digital.

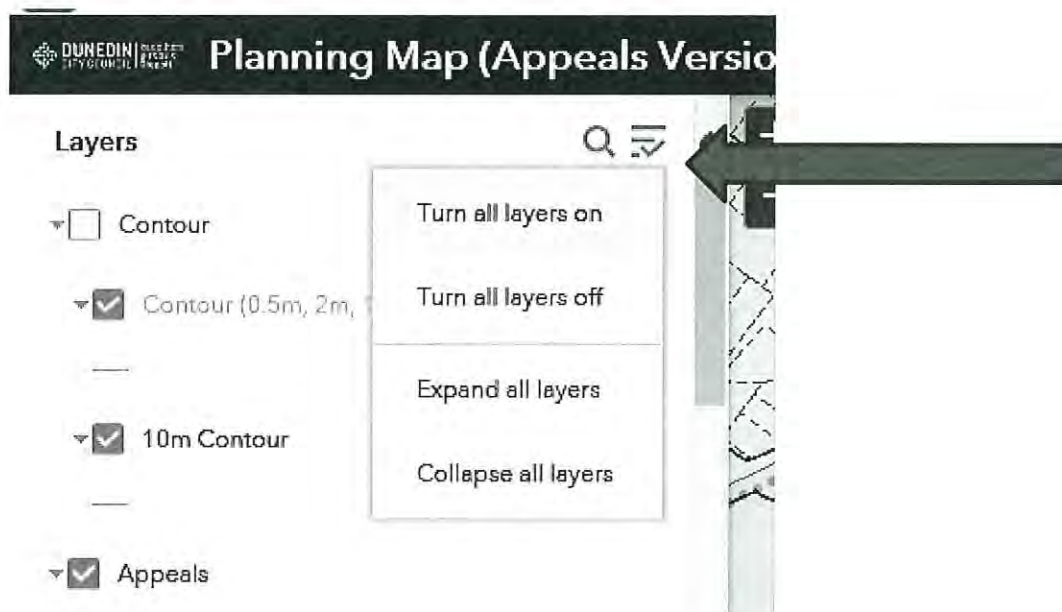
Unfortunately we are unable to manipulate the map to show the zones only. The following screen shots will help you identify the zones

Opening Screen




Click on the tick beside the layers at the top of the page

Then click on Turn all layers off



Scroll down to Zones

-  High : 60
Low : 0
- ▼ ☐ Zones
- ▼ ☒ Residential
- ☐ General Residential 1
 - ☐ General Residential 2
 - ☐ Inner City Residential
 - ☐ Large Lot Residential 1
 - ☐ Large Lot Residential 2
 - ☐ Low Density Residential
 - ☐ Township and Settlement
- ▼ ☒ Commercial and Mixed Use
- ☐ Central Business District
 - ☐ CBD Edge Commercial North
 - ☐ CBD Edge Commercial South
 - ☐ CBD Edge Commercial East



Tick in the zones box

High : 00
Low : 0

☒ Zones

☒ Residential

- ☐ General Residential 1
- ☐ General Residential 2
- ☐ Inner City Residential
- ☐ Large Lot Residential 1
- ☐ Large Lot Residential 2
- ☐ Low Density Residential
- ☐ Township and Settlement

☒ Commercial and Mixed Use

☐ Central Business District



Example showing the zones

