9. Public Health and Safety

9.1 Introduction

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

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

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

Hazardous substances are necessary for the operation of many commercial and other activities and need to be provided for. However, if not appropriately managed, their storage and use are potential threats to the health and safety of Dunedin's people and natural environment. Hazardous substances encompass those identified in the Hazardous Substances and New Organisms Act 1996 (HSNO) and may include substances such as industrial, agricultural, horticultural and household chemicals, medical wastes, petroleum products including LPG and lubricating oils, and radioactive substances. HSNO and associated regulations set controls on hazardous substances that ensure that they are appropriately stored and used. Additional controls are included in this Plan where there are gaps in the Hazardous Substances and New Organisms 1996 Act (HSNO) and the Health and Safety at Work (Hazardous Substances) 2017 regulations (HSW-HS). These include controls to limit the quantities of hazardous substances that may be stored without resource consent in locations where the residual risk to the health and safety of people may be higher. Three different levels of control are proposed based on an assessment of the sensitivity of activities commonly present in each zone. From most strict to least strict the controls are grouped as follows:

1. Group A (strictest) applies to residential activities, residential and school zones, some major facility zones (Ashburn Clinic and Mercy and Wakari hospitals) and the SSYP Zone, which has a large number of residential and other sensitive activities (Appendix A6.1).

2. Group B (medium strictness) includes the other zones not in Group A including Industrial or Industrial Port zones that are within a hazard overlay zone and also within 100m of another zone other than the Port Zone (Appendix A6.2).

3. Group C (least strict) applies to those parts of Industrial or Industrial Port zones within a hazard overlay but not within 100m of another zone other than the Port Zone (Appendix A6.3).

No hazardous substance controls are applied in Industrial or Industrial Port zones outside hazard overlay zones or in the Port Zone, apart from residential activities or if located close to the National Grid. Hazardous substances provisions also reference the Globally Harmonised System (GHS) for hazardous substances, which was adopted on 30 April 2021 under the Hazardous Substances and New Organisms Act 1996 (HSNO) and replaces the HSNO Classifications.

The efficiency and affordability of water supply, wastewater and stormwater networks are also essential in enabling people to provide for their health and well-being and are among the most essential infrastructure networks in the city.

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

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

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

Earthworks activities often remove considerable amounts of soil, which if not undertaken appropriately can create silt and sediment runoff which may enter sources of groundwater and other water bodies and cause risks to water supplies.

In response to these issues, the Plan controls the way that activities must operate. These controls include: restricting the amount of noise and light spill that activities can generate; requiring appropriate acoustic insulation in identified areas; setting appropriate limits on the amount of hazardous substances allowed; setting requirements in relation to public water, stormwater, and wastewater infrastructure; requiring water supply for firefighting in un-reticulated areas; requiring forestry and shelterbelts and small woodlots to be set back from boundaries; setting controls on fencing to ensure that passive surveillance is provided for; and requiring earthworks to take into account the potential effects on groundwater.

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

9.2 Objectives and Policies

Objective 9.2.1	
Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.	
Policy 9.2.1.1	Only allow land use or subdivision activities that may result in land use or development activities outside the wastewater serviced area, where: ~~a. NA~~ ~~b.~~ a. it will not lead to future pressure for unplanned expansion of wastewater public infrastructure; or ~~X.~~ b. an unplanned extension (and any necessary upgrade) to the public wastewater network to provide for the activities can be implemented prior to development with agreement from the DCC.
~~Policy 9.2.1.2~~	~~Policy 9.2.1.2 to be deleted.~~

Policy ~~9.2.1.1A~~ 9.2.1.2	Only allow land use or subdivision activities that may result in land use or development activities in a wastewater serviced area where: a. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or b. for controlled and restricted discretionary land use activities, communal on-site wastewater detention infrastructure can be integrated into the public wastewater network prior to development in a way that meets DCC's requirements; or c. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC.
~~Policy 9.2.1.BB~~	~~Require subdivision, multi-unit development or supported living facilities in specified **new development mapped areas** to provide or connect to a communal wastewater detention system that ensures that all wastewater from the future development of the entire **new development mapped area** does not exceed the capacity of the wastewater public infrastructure network.~~ **{Moved to end – renumbered as Policy 9.2.1.9}**
~~Policy 9.2.1.Z~~	~~Only allow multi-unit development; supported living facilities; subdivision; or development that contravenes the impermeable surfaces performance standard, where:~~ ~~a. for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through DCC stormwater public infrastructure at any point:~~ ~~i. there is adequate capacity in the stormwater public infrastructure; or~~ ~~ii. any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor; and~~ ~~b. for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through a private, natural/informal stormwater system, or Otago Regional Council public infrastructure at any point, that stormwater system or public infrastructure has the capacity to absorb the additional stormwater with no more than minor adverse effects on it or on other sites (public or private), including but not limited to, adverse effects from an increase in overland flow or ponding.~~ **{Moved to end – renumbered as Policy 9.2.1.7}**

Objective 9.2.1	
Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.	
~~Policy 9.2.1.Y~~	~~Only allow subdivision activities, multi-unit development, supported living facilities or development that contravenes Rule 9.3.7.AA in a **new development mapped area** where:~~ ~~a. an integrated stormwater management plan that is designed for the whole NDMA has been prepared, and stormwater management system(s) for all parts of the NDMA that are hydrologically connected to the area proposed for subdivision will ensure there is no increase in the peak stormwater discharge rate from the NDMA into the stormwater public infrastructure, or into a private stormwater system (at any point) between pre-development and post-development; or~~ ~~b. where this is not practicable, any adverse effects from an increase in discharge on the stormwater system are no more than minor.~~ **{Moved to end – renumbered as Policy 9.2.1.10}**
~~Policy 9.2.1.X~~	~~Require development in a **new development mapped area** that creates impermeable surfaces to be connected to the stormwater management system that meets Policy 9.2.1.Y.~~ **{Moved to end – renumbered as Policy 9.2.1.11}**
~~Policy 9.2.1.AA~~	~~Only allow subdivision in a **new development mapped area** where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary.~~ **{Moved to end – renumbered as Policy 9.2.1.12}**
Policy 9.2.1.3	Require subdivision activities to ensure future land use and development activities: ~~X.~~ a. have access to electricity and telecommunications networks; ~~Y.~~ b. in areas where there is water or wastewater public infrastructure, have access to this infrastructure in a way that will maintain its efficiency and affordability; and ~~AA.~~ c. in the commercial and mixed use zones and Recreation Zone, have access to piped stormwater public infrastructure, where available; ~~Z.~~ unless, for either ~~(X)~~(a), ~~(Y)~~(b) or ~~(AA)~~(c), allowing development without access will have long term positive effects on the public infrastructure or relevant network utility, or any adverse effects will be insignificant.
Policy 9.2.1.4	Only allow land use or subdivision activities that may result in land use or development activities in an area with public water supply where: a. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or b. an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC.
Policy ~~9.2.1.4A~~ 9.2.1.5	Only allow land use or subdivision activities that may result in land use or development activities in an area without public water supply where: a. it will not lead to future pressure for unplanned expansion of public water supply infrastructure; or b. an unplanned extension (and any necessary upgrade) to the public water supply network to provide for the activities can be implemented prior to development with agreement from the DCC.
Policy ~~9.2.1.4B~~ 9.2.1.6	Only allow development activities adjacent to stormwater open watercourses where it will not compromise the current or planned capacity of the stormwater infrastructure.

Objective 9.2.1	
Land use, development and subdivision activities maintain or enhance the efficiency and affordability of public water supply, wastewater and stormwater infrastructure.	
Policy ~~9.2.1.Z~~ 9.2.1.7	Only allow multi-unit development; supported living facilities; subdivision; or development that contravenes the impermeable surfaces performance standard, where: a. for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through DCC stormwater public infrastructure at any point: i. there is adequate capacity in the stormwater public infrastructure; or ii. any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor; and b. for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through a private, natural/informal stormwater system, or Otago Regional Council public infrastructure at any point, that stormwater system or public infrastructure has the capacity to absorb the additional stormwater with no more than minor adverse effects on it or on other sites (public or private), including but not limited to, adverse effects from an increase in overland flow or ponding. **{Moved from above to minimise renumbering}**
Policy ~~9.2.1.5~~ 9.2.1.8	Require earthworks and scheduled mining activities to be designed to ensure adverse effects from sediment run-off from the site on any drains, channels, soakage and treatment systems or stormwater reticulation will be avoided or minimised, as far as practicable.
~~Policy 9.2.1.6~~	~~Policy 9.2.1.6 to be deleted.~~
Policy ~~9.2.1.BB~~ 9.2.1.9	Require subdivision, multi-unit development or supported living facilities in specified **new development mapped areas** to provide or connect to a communal wastewater detention system that ensures that all wastewater from the future development of the entire **new development mapped area** does not exceed the capacity of the wastewater public infrastructure network. **{Moved from above to minimise renumbering}**
Policy ~~9.2.1.Y~~ 9.2.1.10	Only allow subdivision activities, multi-unit development, supported living facilities or development that contravenes Rule ~~9.3.7.AA~~ 9.3.2.7 in a **new development mapped area** where: a. an integrated stormwater management plan that is designed for the whole NDMA has been prepared, and stormwater management system(s) for all parts of the NDMA that are hydrologically connected to the area proposed for subdivision will ensure there is no increase in the peak stormwater discharge rate from the NDMA into the stormwater public infrastructure, or into a private stormwater system (at any point) between pre-development and post-development; or b. where this is not practicable, any adverse effects from an increase in discharge on the stormwater system are no more than minor. **{Moved from above to minimise renumbering}**
Policy ~~9.2.1.X~~ 9.2.1.11	Require development in a **new development mapped area** that creates impermeable surfaces to be connected to the stormwater management system that meets Policy ~~9.2.1.Y~~ 9.2.1.10. **{Moved from above to minimise renumbering}**
Policy ~~9.2.1.AA~~ 9.2.1.12	Only allow subdivision in a **new development mapped area** where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary. **{Moved from above to minimise renumbering}**

Objective 9.2.2	
Land use, development and subdivision activities maintain or enhance people's health and safety.	
Policy 9.2.2.1	Require activities to be designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant.
Policy 9.2.2.2	Require that noise sensitive activities, where undertaken in buildings, have adequate acoustic insulation to avoid, as far as practicable, significant adverse effects from the higher noise environment anticipated in the following areas: a. Central Business District (CBD) Zone; b. Warehouse Precinct (WP) Zone; c. Princes, Parry and Harrow Street (PPH) Zone; d. Harbourside Edge (HE) Zone; e. **port noise control mapped area**; f. **airport noise inner control mapped area**; g. **airport noise outer control mapped area**; h. within 20m of an industrial zone; i. within 40m of a state highway; j. within 40m of the Taieri Aerodrome Zone; k. within 70m of a railway line; l. in-patient areas in the Dunedin Hospital Zone; m. the Stadium Zone; ~~X.~~ n. **Fonterra noise control mapped area**; and ~~XX.~~ o. within 20m of the **former brickworks structure plan mapped area**
Policy 9.2.2.3	Avoid residential and visitor accommodation activity within the **airport noise inner control mapped area**.
Policy 9.2.2.4	Require activities to be designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant.
Policy 9.2.2.5	Require forestry and shelterbelts and small woodlots to be set back from boundaries an adequate distance to avoid risks to safety from fire or tree fall or, if avoidance is not practicable, ensure any adverse effects would be insignificant.
Policy 9.2.2.6	Only allow mining or mineral exploration where any adverse effects from air blast and vibration on people's health and safety or on surrounding properties are avoided or, if avoidance is not practicable, no more than minor.
Policy ~~9.2.2.8~~ 9.2.2.7	Require fences in residential, recreation and some major facility zones to be designed to allow a visual connection between buildings and public places, to enable opportunities for informal surveillance.
Policy ~~9.2.2.9~~ 9.2.2.8	Require all new residential buildings, or subdivision activities that may result in new residential buildings, to have access to suitable water supply for firefighting purposes.
Policy ~~9.2.2.10~~ 9.2.2.9	Require earthworks in a **groundwater protection mapped area** to not disturb or contaminate groundwater.

Objective 9.2.2	
Land use, development and subdivision activities maintain or enhance people's health and safety.	
Policy ~~9.2.2.11~~ 9.2.2.10	Require hazardous substances to be stored and used in a way that ensures residual risks of adverse effects on the health and safety of people are managed to acceptable levels.
Policy ~~9.2.2.13~~ 9.2.2.11	Require public amenities and signs located on or above footpaths to avoid adverse effects on the safety of people or, if avoidance is not practicable, ensure any adverse effects will be no more than minor.
Policy ~~9.2.2.14~~ 9.2.2.12	Require buildings and structures within the **Taieri Aerodrome flight fan mapped area** to be of a height that enables the safe operation of the aerodrome.
Policy ~~9.2.2.15~~ 9.2.2.13	Avoid sensitive activities within a **hazard facility mapped area** unless the residual risk to people from a low probability but high consequence emergency event at the hazard facility is of an acceptable level.
Policy ~~9.2.2.X~~ 9.2.2.14	Activities on land that has a history of land use that may have resulted in contamination are managed in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, including by: a. at the time of subdivision, land use or when land development activities involving soil disturbance take place, identifying and assessing risk to human health from contaminants in soil, where practicable; and b. if necessary based on the intended use of the land, remediating or managing the contaminants to make it safe for human use.

Rules

Rule 9.3 Performance Standards

9.3.1 Acoustic Insulation

1. In the locations specified below in clause 4, all rooms to be used for noise sensitive activities (other than those listed in clause 3 below) must have acoustic insulation that achieves a minimum design standard of DnT, w + Ctr > 30.
2. In the **port noise control mapped area**, all rooms to be used for noise sensitive activities (other than those listed in clause 3 below) must have a minimum indoor design standard of 40 dBA Ldn.
3. The following rooms are not required to have acoustic insulation: bathrooms, laundries, toilets, pantries, walk-in wardrobes, corridors, hallways, lobbies, clothes-drying rooms, or other spaces of a specialised nature occupied neither frequently nor for extended periods.
4. Rule 9.3.1.1 applies in the following locations:
   a. Central Business District (CBD) Zone;
   b. Warehouse Precinct (WP) zone;
   c. Princes, Parry and Harrow Street (PPH) Zone;
   d. Harbourside Edge (HE) Zone;
   e. CEC - North Zone;
   f. **airport noise inner control mapped area**;
   g. **airport noise outer control mapped area**;
   h. within 20m of an industrial zone;
   i. within 40m of a state highway;
   j. within 40m of the Taieri Aerodrome Zone;
   k. within 70m of a railway line;
   l. in-patient areas in the Dunedin Hospital Zone;
   m. the Stadium Zone;

   ~~X.~~ n. **Fonterra noise control mapped area**; and
   ~~XX.~~ o. within 20m of the **former brickworks structure plan mapped area**.
5. Rooms to which this acoustic insulation standard applies must be supplied with a positive supplementary source of ventilation that achieves a minimum of 7.5 Litres per second per person, to enable adequate ventilation when windows are closed.
6. The schedule in Appendix 9A describes the minimum requirements necessary to achieve an external noise insulation level of DnT, w + Ctr > 30.
7. Any activity that contravenes this performance standard is a discretionary activity.

Note 9.3.1A - Other relevant District Plan provisions

1. Refer to Rule 9.9.2 Special Information Requirements – Acoustic insulation.

~~9.3.7~~ ~~9.3.2~~ Service Connections {Moved from below to minimise renumbering}

~~1. NA~~

~~2.~~ 1. All subdivision activities must supply service connections to resultant sites in accordance with rules ~~9.3.7.X~~ 9.3.2.3 - ~~9.3.7.Z and Rule~~ ~~9.3.7.AB~~ 9.3.2.6, except for resultant sites created and used solely for the following purposes:

a. Scheduled ASBV or QEII covenant;

b. reserves;

c. access;

d. network utilities; or

e. roads.

~~3. NA~~

~~4.~~ 2. Activities that contravene this performance standard are restricted discretionary activities.

~~9.3.7.X~~ 9.3.2.3 Telecommunications and power

a. Subdivision activities must provide all resultant sites with telecommunication (including UltraFast Broadband where available) and power supply, and any associated easements, to the site boundary.

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

~~9.3.7.Y~~ 9.3.2.4 Water supply

a. Within all areas that the DCC provides access to a public water supply network, subdivision activities must provide all resultant sites with connections to the public water supply network, which must be laid at least 600mm into each site.

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

Note ~~9.3.7.YA~~ 9.3.2.4A - General advice

~~a.~~ 1. The DCC Water Bylaw shows areas where the DCC provides access to a reticulated water supply and conditions of access. There may be a delay including recently rezoned areas in the Bylaw. In these cases, information on access is available by contacting the DCC. The Bylaw also outlines the water supply connection setup requirements for customers. See the Water Bylaw for details.

~~b.~~ 2. For further information on connections to the public water supply network, please contact the DCC on 03 477 4000.

3. Where sites are connected to the public water supply network, the owner of the site (and not Council) owns and is responsible for the maintenance of the full length of pipe up to where it connects to the public infrastructure.

~~9.3.7.Z~~ 9.3.2.5 Wastewater

a. Within any wastewater serviced area, subdivision activities must provide all resultant sites with connections to the wastewater public infrastructure network, which must be laid at least 600mm into each site. The wastewater network for the subdivision must provide for connection to the wastewater public infrastructure network.

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

Note ~~9.3.7.ZA~~ 9.3.2.5A - General advice

~~a.~~ 1. The DCC does not provide a wastewater public infrastructure network in all areas of the city. Refer to the definition of 'wastewater serviced area'.

~~b.~~ 2. In **new development mapped areas** specified in Rule ~~9.6.2.Y~~ 9.6.2.5, immediate connections to the wastewater public infrastructure network will not be available due to network capacity constraints. In these cases, subdivision consent may be refused even if this standard is met where an on-site communal wastewater detention system that serves 50 or more residential units is yet to be approved as a solution to capacity constraints.

~~c.~~ 3. Trade and industrial discharges to the wastewater system are subject to the DCC Trade Waste Bylaw.

~~d.~~ 4. The discharge of human sewage through on-site wastewater treatment systems is managed by rules in the Regional Plan: Water for Otago. Resource consent may be required from the Otago Regional Council for new systems.

~~e.~~ 5. The New Zealand Building Code G13 - Foul Water for building work provides verification methods and acceptable solutions for the storage, treatment, and disposal of wastewater.

~~f.~~ 6. For further information on connections to the wastewater public infrastructure network and the design of any wastewater management system, please contact the DCC on 03 477 4000 at the earliest opportunity.

7. Where sites are connected to the wastewater public infrastructure network, the owner of the site (and not Council) owns and is responsible for the maintenance of the full length of pipe up to where it connects to the public infrastructure.

~~9.3.7.AB~~ 9.3.2.6 Stormwater for subdivision **{Moved from below to minimise renumbering}**

a. In a commercial and mixed use zone or Recreation Zone, subdivision activities must provide all resultant sites with connections to the stormwater public infrastructure network where available, which must be laid at least 600mm into each site.

b. For the purposes of this rule 'where available' means where DCC allows connection to piped DCC stormwater public infrastructure in the vicinity of the site.

c. Activities that contravene this performance standard are restricted discretionary activities.

Note ~~9.3.7.ABA~~ 9.3.2.6A - General advice

~~a.~~ 1. In all zones where this standard does not apply, a requirement to connect to stormwater public infrastructure (where available) will be considered through the subdivision consent process. In most instances, a requirement to connect to any stormwater public infrastructure network will be required through a consent condition.

2. Where sites are connected to the stormwater public infrastructure network, the owner of the site (and not Council) owns and is responsible for the maintenance of the full length of pipe up to where it connects to the public infrastructure.

~~9.3.7.AA~~ 9.3.2.7 Stormwater for development

a. In a **new development mapped area**, all development activities that create an impermeable surface and new roads or additions or alterations to existing roads must:

i. connect to a stormwater management system that services the **new development mapped area** and meets the requirements set out in Rule ~~9.9.X~~ 9.9.3; except:

1. prior to the stormwater management system being installed, any development that creates less than 60m² of impermeable surface; and

2. any development activities that create an impermeable surface on lots of less than 1000m² that were created by a subdivision consent approved prior to 31 May 2022, are exempt from this standard.

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

Note ~~9.3.7.AAA~~ 9.3.2.7A - General advice and other requirements outside of the District Plan

~~a.~~ 1. In a **new development mapped area**, Policy ~~9.2.1.Y~~ 9.2.1.10 requires installation of a stormwater management system prior to development as part of the assessment of a consent for the listed activities. The requirements for stormwater management are set out in the Special Information Requirements - Rule ~~9.9.X~~ 9.9.3. Where development occurs prior to consideration of an integrated stormwater management plan through an application for consent, and installation of an associated stormwater management system, a resource consent will be required under Rule ~~9.3.7.AA~~ 9.3.2.7 to enable an integrated stormwater management plan to be assessed.

~~b.~~ 2. Clause E1 - Surface Water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework in relation to managing surface water and effects on other property.

~~c.~~ 3. Development that will divert surface water may require resource consent under the Otago Regional Plan: Water.

~~d.~~ 4. Discharge of stormwater to any Otago Regional Council scheduled drain or overland flow path is managed by the Otago Regional Council Flood Protection Management Bylaw 2012.

~~e.~~ 5. If development affects the flow of surface water, this effect is also subject to the common law principle of natural servitude.

~~f.~~ 6. Part 4 of the Dunedin Code of Subdivision and Development 2010 ('Code of Subdivision') requires that design and construction of stormwater systems be undertaken in accordance with NZS 4404:2004 (now replaced by NZS 4404:2010), except as amended by the Code of Subdivision. This includes a requirement that stormwater systems be provided so that any new development results in an insignificant increase of runoff wherever possible (Clause 4.2.8).

~~g.~~ 7. For further information on connections to the public stormwater network and for assistance with design requirements for stormwater management systems, please contact DCC 3 Waters on 03 477 4000 at the earliest opportunity.

~~**9.3.7.AB Stormwater for subdivision**~~ **{Moved to position above - renumbered as Rule 9.3.2.6}**

~~a. In a commercial and mixed use zone or Recreation Zone, subdivision activities must provide all resultant sites with connections to the stormwater public infrastructure network where available, which must be laid at least 600mm into each site.~~

~~b. For the purposes of this rule 'where available' means where DCC allows connection to piped DCC stormwater public infrastructure in the vicinity of the site.~~

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

~~**Note 9.3.7.ABA - General advice**~~

~~a. In all zones where this standard does not apply, a requirement to connect to stormwater public infrastructure (where available) will be considered through the subdivision consent process. In most instances, a requirement to connect to any stormwater public infrastructure network will be required through a consent condition.~~

9.3.3 Firefighting

1. Subdivision activities must ensure resultant sites have access to sufficient water supplies for firefighting consistent with the SNZ/PAS:4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice, except sites created and used solely for the following purposes are exempt from firefighting requirements:
    a. reserve;
    b. Scheduled ASBV or QEII covenant;
    c. access;
    d. network utilities; or
    e. road.

2. New residential buildings must either:
    a. have a connection to the public water supply and be located within 135m of a fire hydrant; or
    b. provide an area of minimum dimensions of 4.5m x 11m with suitable fire engine access, water storage of 45,000 Litres (45m³) or equivalent firefighting capacity, and have the water supply located within 90m of the fire risk or otherwise provide for water supply and access to water supplies for firefighting purposes consistent with the SNZ/PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.

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

9.3.4 Hazardous Substances Quantity Limits and Storage Requirements

1. The storage and use of hazardous substances with explosive or flammable properties must not be located in the National Grid Yard except as provided for in Rule 9.3.4.2. The storage and use of all other hazardous substances must comply with the quantity limits and storage requirements specified in Appendix A6, as follows:

Zones and activities		Appendix
a.	i. Residential activities in all zones ii. All activities in the: 1. residential zones; 2. Smith Street and York Place Zone (SSYP); 3. Ashburn Clinic Zone; 4. Mercy Hospital Zone; 5. Wakari Hospital Zone; and 6. Schools Zone.	A6.1
b.	i. All activities except residential activities in the: 1. commercial and mixed use zones except SSYP; 2. major facility zones except Ashburn Clinic, Mercy Hospital, Port, Wakari Hospital and Schools; 3. rural zones; 4. rural residential zones; and 5. Recreation Zone. ii. All activities in any part of Industrial or Industrial Port zones except residential activities, where the storage or use of hazardous substances is located within 100m of the boundary of any other zone, except another industrial zone or the Port Zone; and: 1. the activity is located within a hazard 2 (flood) or hazard 2 (land instability) overlay zone; or 2. the activity is located within a hazard 3 (flood, coastal or alluvial fan) overlay zone and involves the storage or use of class 8 corrosives (GHS category 1, 1A, 1B and 1C) or class 9 ecotoxics (GHS hazardous to the terrestrial environment and hazardous to the aquatic environment category 1, 2, 3 and 4) hazardous substances.	A6.2
~~c.~~	~~NA~~	~~NA~~
~~d.~~ c.	i. All activities in any part of Industrial or Industrial Port zones, except residential activities, where the storage or use of hazardous substances is not located within 100m of the boundary of any other zone, other than another industrial zone or the Port Zone; and: 1. the activity is located within a hazard 2 (flood) or hazard 2 (land instability) overlay zone; or 2. the activity is located within a hazard 3 (flood, coastal or alluvial fan) overlay zone and involves the storage or use of class 8 corrosives (GHS category 1, 1A, 1B and 1C) or class 9 ecotoxics (GHS hazardous to the terrestrial environment and hazardous to the aquatic environment category 1, 2, 3 and 4) hazardous substances.	A6.3

~~e.~~	~~NA~~	~~NA~~
~~f.~~	~~NA~~	~~NA~~
~~g.~~	~~NA~~	~~NA~~

~~h.~~ d. For the sake of clarity, there are no hazardous substances quantity limits and storage requirements except where Rule 9.3.4.1.a.i (residential activities) or Rule 9.3.4.2 (within National Grid Yard) applies:

i. in the Port Zone; or

ii. in Industrial or Industrial Port zones, where located outside a hazard 2 and 3 (flood), or hazard 2 (land instability), hazard 3 (alluvial fan) or a hazard 3 (coastal) overlay zone; or

iii. in Industrial or Industrial Port zones, where located within a hazard 3 (flood, coastal or alluvial fan) overlay zone and it does not involve the storage or use of class 8 corrosives (GHS category 1, 1A, 1B and 1C) or class 9 ecotoxics (GHS hazardous to the terrestrial environment and hazardous to the aquatic environment category 1, 2, 3 and 4) hazardous substances.

2. The following storage and use of hazardous substances are exempt from Rule 9.3.4.1:
   a. storage of substances in or on vehicles being used in transit on public roads;
   b. the conveyance, storage and use of substances for network utilities;
   c. the storage and use of fuel and other substances that are contained in the fuel system, electrical system or control system of motor vehicles, boats, aircraft and small engines;
   d. storage at fire stations and on emergency response appliances of specialist hazardous substances for firefighting including compressed air, oxidising gas (medical oxygen), and foam (excluding within the Hazard 1 and 2 (flood) Overlay Zone and **groundwater protection mapped area)**;
   e. the storage of hazardous substances at retail outlets such as supermarkets, trade suppliers, and pharmacies selling to customers of a residential activity (for home heating, cooking, cleaning and gardening);
   f. the storage and use of hazardous substances as part of a residential activity (for home heating, cooking, cleaning and gardening), including LPG up to a maximum full weight of 300kg where:
      i. the hazardous substance(s) is part of a consumer product intended for residential use; and
      ii. the product is stored in the container or packaging in which it was sold and used in accordance with the manufacturer's instructions;
   g. the temporary storage, handling and distribution of national or international cargo containers; and
   h. hazardous substances of HSNO and GHS sub-classes 1.4 or 1.6 unless other hazard classifications apply.

3. The storage and use of hazardous substances where located outside the National Grid Yard are exempt from Rule 9.3.4.1:
   a. gas and oil pipelines and associated equipment;
   b. waste treatment and disposal facilities not within Hazard 1 and 2 (flood) overlay zones, and waste in process in the DCC's trade waste sewers, municipal liquid waste treatment and disposal facilities not within Hazard 1 and 2 (flood) overlay zones, which may contain hazardous substance residues;
   c. the application of agrichemicals and fertilisers at a rate and in a manner consistent with their intended purpose;
   d. activities involving substances of HSNO sub-classes 1.5 (GHS 1.5), 6.1D (GHS category 4), 6.1E (GHS category 1 and 3), 6.3 (GHS 6.3A category 2), 6.4 (GHS 6.4A category 2), 9.1D (GHS category 4) and 9.2D (GHS hazardous to soil organisms) unless other hazard classification applies;

e. the storage and use of LPG where that storage and use does not trigger a requirement to obtain a compliance certificate under the Health and Safety at Work Act (Hazardous Substances) Regulations 2017 or the Environmental Protection Authority Hazardous Substances (Hazardous Property Controls) Notice 2017;

f. the storage of HSNO sub-classes 3.1.A-D (GHS category 1 – 4) liquid petroleum fuels in below ground tanks at service stations in accordance with the following codes of practice:
   i. Below Ground Stationary Container Systems for Petroleum - Design and Installation HSNOCOP 44, Environmental Protection Agency, May 2012; and
   ii. Below Ground Stationary Container Systems for Petroleum – Operation HSNOCOP 45, Environmental Protection Agency, May 2012;

g. the storage of HSNO sub-class 2.1.1A (GHS category 1A and 1B) LPG at sites associated with the retail sale of fuel up to an aggregate of 1250kg of LPG stored in bottle swap facilities in accordance with AS/NZ 1596:2014 The Storage and Handling of LP Gas;

h. in the Industrial or Industrial Port zones, the transit and two-hour maximum storage of tracked hazardous substances and 72-hour maximum storage of non-tracked hazardous substances;

i. in the rural and rural residential zones:
   i. the storage and use of agrichemicals in accordance with NZS8409:2004;
   ii. the storage and use of class 3 fuels in accordance with the Environmental Protection Agency's Approved Practice Guide for Above-Ground Fuel Storage on Farms, September 2010; and
   iii. the storage and use of fertiliser in accordance with the following:
      1. Fertiliser (Corrosive) Group Standard HSR002569;
      2. Fertiliser (Oxidising) Group Standard HSR002570;
      3. Fertiliser (Subsidiary Hazard) Group Standard HSR002571;
      4. Fertiliser (Toxic) Group Standard HSR002572; and
      5. Fert Research's Code of Practice for Nutrient Management 2007;

j. the above-ground storage of a maximum of 100,000 Litres of diesel at service stations provided that:
   i. any above ground tanks are double skinned and designed in accordance with the Health and Safety at Work Act (Hazardous Substances) Regulations 2017; and
   ii. the site complies with the MfE Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand 1998;

k. the storage and use of Diesel Exhaust Fluid (DEF), subclass 6.3B and subclass 6.4A (GHS eye irritation Category 2), at service stations and bulk fuel storage facilities; and

l. the above-ground storage and use of a maximum of 5000 Litres of diesel in certified double skin tanks.

~~Y.~~ m. in the Campus Zone:

   i. the storage and use of hazardous substances undertaken in laboratories and medical facilities as part of Campus, Hospital or Registered Health Practitioners activities, which comply with the requirements under the Health and Safety at Work (Hazardous Substances) Regulations 2017 and the Code of Practice for CRI and University Exempt Laboratories and any other associated codes of practice and guidance;

   ii. the storage of a maximum of 10,000 Litres of Subclass 3.1A, 3.1B, 3.1C, or 3.1D (flammable liquids) in any Type D (4 hour fire rated) storage facility (this limit applies per storage facility), as required by AS1940 under the Health and Safety at Work Act (Hazardous Substances) Regulations 2017;

iii. where 50m or more from the Campus Zone boundary, the ancillary storage in a hazardous sub-facility of any other hazardous substances (not Subclass 3.1A, 3.1B, 3.1C or 3.1D (flammable liquids) which comply with clause ii above), which:
   1. are located outside a laboratory or medical facility used as part of Campus, Hospital or Registered Health Practitioner activities; and
   2. comply with the requirements under the Health and Safety at Work (Hazardous Substances) Regulations 2017 and the Code of Practice for CRI and University Exempt Laboratories and any other associated codes of practice and guidance; and

iv. where within 50m of the Campus Zone boundary, the ancillary storage in a hazardous sub-facility of any other hazardous substances (not Subclass 3.1A, 3.1B, 3.1C or 3.1D (flammable liquids) which comply with clause ii above), which:
   1. are located outside a laboratory or medical facility used as part of Campus, Hospital or Registered Health Practitioner activities;
   2. have a total combined maximum, of volume for liquids in litres and weight for gases and solids in kilograms, of 10,000;
   3. have a maximum container size of each hazardous substance, within the hazardous sub-facility, of 250 Litres for liquids and 250kg for gases and solids; and
   4. is within a Type C (2 hour fire rated) hazardous sub-facility, as required by AS1940 under the Health and Safety at Work Act (Hazardous Substances) Regulations 2017.

4. The storage and use of hazardous substances that contravenes this performance standard is a restricted discretionary activity, except:
   a. the storage and use of hazardous substances with explosive or flammable properties within the National Grid Yard that does not meet the requirements for exemption under Rule 9.3.4.2 is a non-complying activity.

Note 9.3.4A - Other requirements outside of the District Plan

1. The Hazardous Substances and New Organisms Act 1996 (HSNO) and Health and Safety at Work (Hazardous Substances) Regulations 2017 in places of work also specifies other requirements for activities involving hazardous substances. The Environmental Protection Authority (EPA) Hazardous Substances (Hazardous Property Controls) Notice 2017 prescribe controls for places that are not workplaces.
2. Sections 15 and 17 of the Resource Management Act 1991 (RMA) are also relevant and specify the requirements for discharges and the duty to avoid, remedy or mitigate adverse effects.
3. Activities involving hazardous substances may also require resource consent from the Otago Regional Council.
4. Table 10, Schedule 12 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 provides maximum quantities for the indoor storage and use of LPG as follows:

	Location	a. Maximum quantity of LPG	b. Maximum cylinder size
1.	A detached house or single storey attached dwellings; and multi-storey attached dwellings up to three storeys	20kg per dwelling	10kg cylinder
2.	Multi-storey attached dwellings over three storeys	10kg per dwelling	10kg cylinder
3.	Hotels, bars, restaurants, public buildings, places of worship, shops, offices and laboratories not attached to a dwelling	10kg per 10m² of the indoor floor area, up to a maximum total quantity of 100kg	10kg cylinder
4.	Hotels, bars, restaurants, public buildings, places of worship, shops, offices and laboratories attached to a dwelling	20kg per premises	10kg cylinder
5.	Factories and warehouses	45kg per 50m² of the indoor floor area, up to a maximum total quantity of 180kg per occupancy	45kg cylinder

Note 9.3.4B - Other relevant District Plan provisions

1. Rule 5.6.1.1 Setback from National Grid (new buildings and structures, city-wide activities and National Grid sensitive activities) contains additional requirements for setbacks from the National Grid.

9.3.5 Light Spill

1. Light spill measured at any point of the vertical plane that marks the boundary of any site within a residential zone, or in any other zone the notional boundary of any residential building must not exceed the following limits:

Time		Limit
a.	7.00am - 10.00pm	10 Lux
b.	10.00pm - 7.00am	3 Lux

   c. This standard does not apply to light spill from the headlights of motor vehicles or trains, or from street lighting.

2. Light spill must not be emitted in the angles above the horizontal.
3. All outdoor lighting, except street lighting, must be shielded from or directed away from adjacent roads and site boundaries.

4. Activities that contravene Rule 9.3.5.2 or Rule 9.3.5.3 or the limit in Rule 9.3.5.1 by 25% or less are discretionary activities.

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

Note 9.3.5A - General advice

1. Outdoor lighting such as security lights or strobe lights on irrigators that are not shielded or directed away from site boundaries will generally contravene this standard.

9.3.6 Noise

1. Land use activities, public amenity activities, network utility activities, temporary activities and the operation, repair and maintenance of the rail network must not exceed the following noise emission limits:

Zoning of receiving property		Noise level measured at the boundary of the receiving property, or in a rural, rural residential or Ashburn Clinic zone at the notional boundary of noise sensitive activities		
		~~a.~~ i. 7.00am to 7.00pm	~~b.~~ ii. 7.00pm to 10.00pm	~~c.~~ iii. 10.00pm to 7.00am
~~1.~~ a.	Residential, Recreation, Smith Street and York Place, schools, Dunedin Botanic Garden, Wakari Hospital, Mercy Hospital and Moana Pool zones	50 dB LAeq (15 min)	45 dB LAeq (15 min)	~~i.~~ 1. 40 dB LAeq (15 min); and ~~ii.~~ 2. 70 dB LAFmax
~~2.~~ b.	Rural, rural residential, centres and Ashburn Clinic zones (at notional boundary of noise sensitive activities); except in those parts of rural zones that are within 350m of the Industrial Zone	55 dB LAeq (15 min)	50 dB LAeq (15 min)	~~i.~~ 1. 40 dB LAeq (15 min); and ~~ii.~~ 2. 70 dB LAFmax
~~3.~~ c.	Those parts of a rural zone that are within 350m of the Industrial Zone, except where Rule ~~9.3.6.X~~ 9.3.6.2 applies	55 dB LAeq (15 min)	50 dB LAeq (15 min)	~~i.~~ 1. 45 dB LAeq (15 min); and ~~ii.~~ 2. 75 dB LAFmax
~~4.~~ d.	Rural, rural residential and Ashburn Clinic zones (at property boundaries, where there are no noise sensitive activities within 20 metres of boundary)	60 dB LAeq (15 min)	60 dB LAeq (15 min)	~~i.~~ 1. 60 dB LAeq (15 min); and ~~ii.~~ 2. 85 dB LAFmax
~~5.~~ e.	Commercial and mixed use (except centres, and Smith Street and York Place), Dunedin Hospital, Otago Museum, Campus, and Invermay and Hercus zones	60 dB LAeq (15 min)	60 dB LAeq (15 min)	~~i.~~ 1. 60 dB LAeq (15 min); and ~~ii.~~ 2. 85 dB LAFmax
~~6.~~ f.	Industrial, Industrial Port, Dunedin International Airport, Taieri Aerodrome, Edgar Centre, Port and Stadium zones	65 dB LAeq (15 min)	60 dB LAeq (15 min)	~~i.~~ 1. 60 dB LAeq (15 min); and ~~ii.~~ 2. 85 dB LAFmax

~~X.~~ 2. Noise generated at 222 Dukes Road North, North Taieri must not exceed the following noise emission limits measured at the furthest boundary of the **Fonterra noise control mapped area**:

a. 7.00am to 10.00pm 55dB LAeq (15 min); and

b. After 10.00pm to before 7.00am 45 dB LAeq (15 min); and 75 dB LAFmax.

~~7.~~ 3. Except, the following activities are exempt from rules 9.3.6.1 and 9.3.6.2:

~~Z. noise generated by standby or temporary energy generators required by lifeline utilities to ensure the continued supply of electricity;~~ **{Moved to end – renumbered as clause p}**

a. noise generated by port activities in the Port Zone (see Rule 30.5.4);

b. noise generated by aircraft within the Dunedin International Airport Zone;

c. noise generated by events in the Stadium Zone (see Rule 32.5.6);

d. noise generated by aircraft within the Taieri Aerodrome Zone between the hours of 7.00am - 10.00pm;

e. noise generated as part of normal residential activities, other than from building utilities;

f. noise associated with early childhood education and schools between the hours of 8.00am - 6.00pm;

g. sport and recreation not involving the use of motor vehicles, amplified sound, or firearms;

h. vehicles operating on public roads;

~~X. operation of the rail network (including trains on rail lines at railway yards, railway sidings or stations, and level crossing warning devices);~~ **{Moved to end – renumbered as clause q}**

~~Y. repair and maintenance of the rail network that complies with the limits for construction noise in Rule 4.5.4.1.a;~~ **{Moved to end – renumbered as clause r}**

i. emergency services, including any warning device used by emergency services for emergency purposes;

j. noise generated by wind generators with a swept rotor area greater than 200m², provided that when measured or assessed in accordance with NZS 6808:2010 Acoustics - Wind Farm Noise they do not exceed the LA90 (10min) background sound level by more than 5 dB or a level of 40 dB LA90 (10 min), whichever is greater;

k. construction, temporary events in CBD, helicopter movements, and military exercises (see Rule 4.5.4);

l. noise generated as part of a normal farming activity within the rural zones and rural residential zones;

m. noise generated as part of normal forestry activity within the rural zones;

n. noise generated by pyrotechnics and firing of a ceremonial cannon (see Rule 4.5.4.2.c);

o. noise generated by blasting in rural zones, as part of mineral exploration (see Rule 16.5.15);

p. noise generated by standby or temporary energy generators required by lifeline utilities to ensure the continued supply of electricity; **{Moved from above to minimise renumbering}**

q. operation of the rail network (including trains on rail lines at railway yards, railway sidings or stations, and level crossing warning devices); and **{Moved from above to minimise renumbering}**

r. repair and maintenance of the rail network that complies with the limits for construction noise in Rule 4.5.4.1.a. **{Moved from above to minimise renumbering}**

~~8.~~ 4. For the purpose of this standard, noise levels will be measured at the boundary of the receiving property, or the notional boundary of a noise sensitive activity in a rural, rural residential or Ashburn Clinic zone. If it is not possible to measure noise levels at the boundary, noise levels will be measured at the closest practical point within the boundary. Unless stated otherwise noise must be measured in accordance with NZS 6801:2008 - Acoustics - Measurement of environmental sound, and assessed in accordance with NZS 6802:2008 Acoustics - Environmental noise.

~~9.~~ 5. Activities that contravene this performance standard by less than 5dB LAeq (15 min) are discretionary activities.

~~10.~~ 6. Activities that contravene this performance standard by 5dB LAeq (15 min) or more are non-complying activities.

~~9.3.7 Service Connections~~ {Moved to position above - renumbered as Rule 9.3.2}

1. ~~NA~~

2. All subdivision activities must supply service connections to resultant sites in accordance with rules 9.3.7.X - 9.3.7.Z and Rule 9.3.7.AB, except for resultant sites created and used solely for the following purposes:
   a. Scheduled ASBV or QEII covenant;
   b. reserves;
   c. access;
   d. network utilities; or
   e. roads.
3. NA
4. Activities that contravene this performance standard are restricted discretionary activities.

9.3.7.X Telecommunications and power **{Moved to position above - renumbered as Rule 9.3.2.3}**

a. Subdivision activities must provide all resultant sites with telecommunication (including UltraFast Broadband where available) and power supply, and any associated easements, to the site boundary.

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

9.3.7.Y Water supply **{Moved to position above - renumbered as Rule 9.3.2.4}**

a. Within all areas that the DCC provides access to a public water supply network, subdivision activities must provide all resultant sites with connections to the public water supply network, which must be laid at least 600mm into each site.

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

Note 9.3.7.YA - General advice

a. The DCC Water Bylaw shows areas where the DCC provides access to a reticulated water supply and conditions of access. There may be a delay including recently rezoned areas in the Bylaw. In these cases, information on access is available by contacting the DCC. The Bylaw also outlines the water supply connection setup requirements for customers. See the Water Bylaw for details.

b. For further information on connections to the public water supply network, please contact the DCC on 03 477 4000.

9.3.7.Z Wastewater **{Moved to position above - renumbered as Rule 9.3.2.5}**

a. Within any wastewater serviced area, subdivision activities must provide all resultant sites with connections to the wastewater public infrastructure network, which must be laid at least 600mm into each site. The wastewater network for the subdivision must provide for connection to the wastewater public infrastructure network.

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

Note 9.3.7.ZA - General advice

a. The DCC does not provide a wastewater public infrastructure network in all areas of the city. Refer to the definition of 'wastewater serviced area'.

b. In **new development mapped areas** specified in Rule 9.6.2.Y, immediate connections to the wastewater public infrastructure network will not be available due to network capacity constraints. In these cases, subdivision consent may be refused even if this standard is met where an on-site communal wastewater detention system that serves 50 or more residential units is yet to be approved as a solution to capacity constraints.

c. Trade and industrial discharges to the wastewater system are subject to the DCC Trade Waste Bylaw.

d. The discharge of human sewage through on-site wastewater treatment systems is managed by rules in the Regional Plan: Water for Otago. Resource consent may be required from the Otago Regional Council for new systems.

e. The New Zealand Building Code G13 - Foul Water for building work provides verification methods and acceptable solutions for the storage, treatment, and disposal of wastewater.

f. For further information on connections to the wastewater public infrastructure network and the design of any wastewater management system, please contact the DCC on 03 477 4000 at the earliest opportunity.

~~9.3.7.AA Stormwater for development~~ {Moved to position above - renumbered as Rule 9.3.2.7}

a. In a **new development mapped area**, all development activities that create an impermeable surface and new roads or additions or alterations to existing roads must:
   i. connect to a stormwater management system that services the **new development mapped area** and meets the requirements set out in Rule 9.9.X; except:
      1. prior to the stormwater management system being installed, any development that creates less than 60m² of impermeable surface; and
      2. any development activities that create an impermeable surface on lots of less than 1000m² that were created by a subdivision consent approved prior to 31 May 2022, are exempt from this standard.

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

~~Note 9.3.7.AAA - General advice and other requirements outside of the District Plan~~

a. In a **new development mapped area**, Policy 9.2.1.Y requires installation of a stormwater management system prior to development as part of the assessment of a consent for the listed activities. The requirements for stormwater management are set out in the Special Information Requirements - Rule 9.9.X. Where development occurs prior to consideration of an integrated stormwater management plan through an application for consent, and installation of an associated stormwater management system, a resource consent will be required under Rule 9.3.7.AA to enable an integrated stormwater management plan to be assessed.

b. Clause E1 - Surface Water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework in relation to managing surface water and effects on other property.

c. Development that will divert surface water may require resource consent under the Otago Regional Plan: Water.

d. Discharge of stormwater to any Otago Regional Council scheduled drain or overland flow path is managed by the Otago Regional Council Flood Protection Management Bylaw 2012.

e. If development affects the flow of surface water, this effect is also subject to the common law principle of natural servitude.

f. Part 4 of the Dunedin Code of Subdivision and Development 2010 ('Code of Subdivision') requires that design and construction of stormwater systems be undertaken in accordance with NZS 4404:2004 (now replaced by NZS 4404:2010), except as amended by the Code of Subdivision. This includes a requirement that stormwater systems be provided so that any new development results in an insignificant increase of runoff wherever possible (Clause 4.2.8).

g. For further information on connections to the public stormwater network and for assistance with design requirements for stormwater management systems, please contact DCC 3 Waters on 03 477 4000 at the earliest opportunity.

~~9.3.7.AB Stormwater for subdivision~~ {Moved to position above - renumbered as Rule 9.3.2.6}

a. In a commercial and mixed use zone or Recreation Zone, subdivision activities must provide all resultant sites with connections to the stormwater public infrastructure network where available, which must be laid at least 600mm into each site.

b. For the purposes of this rule 'where available' means where DCC allows connection to piped DCC stormwater public infrastructure in the vicinity of the site.

c. Activities that contravene this performance standard are restricted discretionary activities.

~~Note 9.3.7.ABA - General advice~~

a. In all zones where this standard does not apply, a requirement to connect to stormwater public infrastructure (where available) will be considered through the subdivision consent process. In most instances, a requirement to connect to any stormwater public infrastructure network will be required through a consent condition.

Rule 9.4 Assessment of Controlled Activities

Rule 9.4.1 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 9.4.2:
    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.

~~9.4.1~~ 9.4.2 Assessment of controlled activities		
Activity	Matters of control	Guidance on the assessment of resource consents
1. Student hostels in the Campus Zone	a. Effects on efficiency and affordability of infrastructure	*Relevant objectives and policies:* i. Objective 9.2.1. ~~ii. NA~~ ~~X.~~ ii. Only allow land use activity in a wastewater serviced area where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. for controlled land use activities, communal on-site wastewater detention infrastructure can be integrated into the public wastewater network prior to development in a way that meets DCC's requirements; or 3. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy ~~9.2.1.1A~~ 9.2.1.2). ~~Y.~~ iii. Only allow supported living facilities where: 1. for stormwater generated by the activity that will flow through DCC stormwater public infrastructure at any point: 1. there is adequate capacity in the stormwater public infrastructure; or

			2. any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor; and 2. for stormwater generated by the activity that will flow through a private, natural/informal stormwater system, or Otago Regional Council public infrastructure at any point, that stormwater system or public infrastructure has the capacity to absorb the additional stormwater with no more than minor adverse effects on it or on other sites (public or private), including but not limited to, adverse effects from an increase in overland flow or ponding (Policy ~~9.2.1.Z~~ 9.2.1.7). ~~Z.~~ iv. Only allow land use activities in an area with public water supply where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4). *General assessment guidance:* ~~AA.~~ v. For supported living facilities that may lead to new residential development, Council will consider how stormwater will be managed and may require an integrated stormwater management plan to be submitted with the application (see Special Information Requirement - Rule ~~9.9.X~~ 9.9.3).

Rule 9.5 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 9.5.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 9.5.2 – 9.5.4:
    a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.
3. Rules 9.5.2 – 9.5.4 apply as follows:
    a. Rule 9.5.2 applies to all performance standard contraventions;
    b. Rule 9.5.3 applies to performance standard contraventions located in the public health and safety section and other plan sections; and
    c. Rule 9.5.4 applies to performance standards that apply in an overlay zone or mapped area.

9.5.2 Assessment of all performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	Performance standard contraventions	*Potential circumstances that may support a consent application include:* a. The degree of non-compliance with the performance standard is minor. *General assessment guidance:* b. Where more than one standard is contravened, the combined effects of the contraventions should be considered.

9.5.3 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Public amenities located on or above the footpath (Rule 6.7.2)	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 9.2.2 ii. Public amenities and signs located on or above footpaths avoid adverse effects on the safety of people or, if avoidance is not practicable, ensure any adverse effects will be no more than minor (Policy ~~9.2.2.13~~ 9.2.2.11).
~~3.~~	~~Density – standard residential in General Residential 2 Zone **wastewater constraint mapped area** (Rule 15.5.2.5.b)~~	~~a. Effects on efficiency and affordability of infrastructure (wastewater)~~	~~*Relevant objectives and policies:*~~ ~~i. Objective 9.2.1.~~ ~~ii. NA~~ ~~X. Only allow land use activity in a wastewater serviced area where:~~ ~~1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or~~ ~~2. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.1A).~~ ~~*General assessment guidance:*~~ ~~iii. In determining whether Policy 9.2.1.1.A is achieved, Council will consider the cumulative effects of the proposed development together with existing development and permitted development that is likely to arise in the future.~~ **{Moved to new assessment table below – new numbering Rule 9.5.4.1}**

9.5.3 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
~~X.~~ 2.	Density - standard residential in ICR Zone (Rule 15.5.2.5.d)	a. Effects on efficiency and affordability of infrastructure (wastewater and water supply)	*Relevant objectives and policies:* i. Objective 9.2.1 ~~ii. NA~~ ~~X.~~ ii. Only allow land use activity in a wastewater serviced area where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy ~~9.2.1.1A~~ 9.2.1.2). ~~Y.~~ iii. Only allow land use activities in an area with public water supply where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4). *General assessment guidance:* ~~iii.~~ iv. In determining whether policies ~~9.2.1.1A~~ 9.2.1.2 and 9.2.1.4 are achieved, Council will consider the cumulative effects of the proposed development together with existing development and permitted development that is likely to arise in the future.
~~4.~~ 3.	Sediment control (Rule 8A.5.7)	a. Effects on efficiency and affordability of infrastructure	*Relevant objectives and policies:* i. Objective 9.2.1 ii. Adverse effects from sediment run-off from the site on any drains, channels, soakage and treatment systems or stormwater reticulation are avoided or minimised as far as practicable (Policy ~~9.2.1.5~~ 9.2.1.8).

9.5.3 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
~~6.~~ 4.	Fence height and design	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 9.2.2. ii. Fences in residential, recreation and some major facility zones are designed to allow a visual connection between buildings and public places, to enable opportunities for informal surveillance (Policy ~~9.2.2.8~~ 9.2.2.7). *Potential circumstances that may support a consent application include:* iii. The increased height or reduced visual permeability is necessary to provide security for a business, to protect public well-being or to provide a reasonable level of privacy for bedrooms or bathrooms, where not otherwise achievable under Rule 15.6.2.2. iv. Due to topography, the fence still enables a visual connection between buildings and public places.
~~7.~~ 5.	Firefighting	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 9.2.2 ii. New residential buildings, or subdivision activities that may result in new residential buildings, have access to suitable water supply for firefighting purposes (Policy ~~9.2.2.9~~ 9.2.2.8).
~~8.~~ 6.	Forestry and shelterbelts and small woodlots setbacks (rules 16.6.10.2 and 17.6.9.2)	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 9.2.2 ii. Forestry and shelterbelts and small woodlots are set back from boundaries an adequate distance to avoid risks to safety from fire or tree fall or, if avoidance is not practicable, ensure any adverse effects would be insignificant (Policy 9.2.2.5). *Potential circumstances that may support a consent application include:* iii. Mitigation measures will be used to avoid risk to buildings in the event of fire originating from the forestry or shelterbelts and small woodlots activity. iv. The topography or characteristics of the site mean that there would be no risk or insignificant risk to buildings or people from tree fall and fire.

9.5.3 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
~~9.~~ 7.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 9.2.2 ii. Hazardous substances are stored and used in a way that ensures residual risks of adverse effects on the health and safety of people are managed to acceptable levels (Policy ~~9.2.2.11~~ 9.2.2.10). *Potential circumstances that may support a consent application include:* iii. Hazardous substances are stored in a way that meets HSNO requirements and Hazardous Substances Regulations. iv. There is little or no risk of any discharge of hazardous substances into the public stormwater infrastructure. v. The proposed hazardous site or hazardous sub-facility is located an appropriate distance from sensitive activities including population, services, schools, emergency services, hospitals or arterial roads. vi. A site management plan and emergency response plan appropriately addresses any potential adverse effects on health and safety (see Special Information Requirements - Rule 9.9.1). *General assessment guidance:* ~~X.~~ vii. In considering whether residual risk is of an acceptable level, Council will be guided by the New South Wales Government Risk Criteria for Land Use Safety Planning (refer to www.dunedin.govt.nz/2nd-generation-district-plan/supporting-documents). ~~vii.~~ viii. In assessing the potential effects from hazardous substances, Council will consider: 1. any additional risk from natural hazards; 2. implications on the future use of the site through any associated HAIL classification; 3. cumulative effects from other hazardous substances stored on-site, or the storage of hazardous substances on adjacent sites, and whether they are incompatible when considered holistically; 4. the nature and size of the proposed development or activity; and 5. the sensitivity of other activities on the same or surrounding sites. *Conditions that may be imposed include:* ~~viii.~~ ix. Council may require the development of a site management plan and emergency response plan (see Rule 9.9.1) which outlines how the activity will respond to potential emergency arising from the hazard facility.

9.5.3 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
~~10.~~	~~In a hazard overlay zone:~~ • ~~Hazardous substances quantity limits and storage requirements~~	~~a. Risk from natural hazards~~	~~See Rule 11.4~~ **{Moved to new assessment table below – new numbering Rule 9.5.4.2}**
~~11.~~ 8.	Maximum building site coverage and impermeable surfaces	a. Effects on efficiency and affordability of infrastructure (stormwater)	*Relevant objectives and policies:* i. Objective 9.2.1 ~~ii. NA~~ ~~X.~~ ii. Only allow development that contravenes the impermeable surfaces performance standard, where: 1. for stormwater generated by the activity that will flow through DCC stormwater public infrastructure at any point: 1. there is adequate capacity in the stormwater public infrastructure; or 2. any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor; and 2. for stormwater generated by the activity that will flow through a private, natural/informal stormwater system, or Otago Regional Council public infrastructure at any point, that stormwater system or public infrastructure has the capacity to absorb the additional stormwater with no more than minor adverse effects on it or on other sites (public or private), including but not limited to, adverse effects from an increase in overland flow or ponding (Policy ~~9.2.1.Z~~ 9.2.1.7). *General assessment guidance:* ~~Y.~~ iii. Council will consider how stormwater will be managed and may require an integrated stormwater management plan to demonstrate that there will be no increase in peak stormwater discharge rate from the site (see Special Information Requirement - Rule ~~9.9.X~~ 9.9.3). ~~Z.~~ iv. In assessing contravention of this standard on any site that has on-site wastewater disposal, the additional loading of wastewater on remaining areas of permeable surfaces will be considered. *Conditions that may be imposed include:* ~~AA.~~ v. A requirement for easements, covenants, consent notices, or bonds to ensure future development will be in accordance with an integrated stormwater management plan. ~~AB.~~ vi. A requirement for stormwater management, such as the installation of detention devices required in accordance with the approved integrated stormwater management plan.
		b. Effects of stormwater from future development	

9.5.3 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
~~12.~~ 9.	Service connections (rules ~~9.3.7.2~~ 9.3.2.1, ~~9.3.7.X~~ 9.3.2.3 – ~~9.3.7.Z and 9.3.7.AB~~ 9.3.2.6) for subdivision	a. Effects on efficiency and affordability of infrastructure	*Relevant objectives and policies:* i. Objective 9.2.1 ii. Subdivision activities ensure future land use and development activities: ~~X.~~ 1. have access to electricity and telecommunications networks; ~~Y.~~ 2. in areas where there is water or wastewater public infrastructure, have access to this infrastructure in a way that will maintain its efficiency and affordability; and ~~AA.~~ 3. in the commercial and mixed use zones and Recreation Zone, have access to piped stormwater public infrastructure, where available; ~~Z.~~ unless allowing development without access will have long term positive effects on the public infrastructure or relevant network utility, or any adverse effects will be insignificant (Policy 9.2.1.3).
~~Z.~~	~~In a **new development mapped area**:~~ ~~• Service connections – stormwater for development (Rule 9.3.7.AA)~~	~~a. Effectiveness and efficiency of stormwater management and effects of stormwater from future development~~	~~*Relevant objectives and policies:*~~ ~~i. Objective 9.2.1~~ ~~ii. Development in a **new development mapped area** that creates impermeable surfaces is connected to the stormwater management system that meets Policy 9.2.1.Y (Policy 9.2.1.X).~~ ~~iii. Only allow subdivision in a **new development mapped area** where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary (Policy 9.2.1.AA).~~ ~~*General assessment guidance:*~~ ~~iv. Council will consider how stormwater will be managed and may require an integrated stormwater management plan to be submitted with the application (see Special Information Requirement - Rule 9.9.X).~~ ~~*Conditions that may be imposed include:*~~ ~~v. A requirement for easements, covenants, consent notices, or bonds to ensure future development will be in accordance with an integrated stormwater management plan.~~ ~~vi. A requirement for stormwater management, such as the installation of detention devices, in accordance with the approved integrated stormwater management plan.~~ **{Moved to new assessment table below – new numbering Rule 9.5.4.3}**

9.5.3 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
~~AA.~~ 10.	Density • social housing in the GR1 Zone or T&S Zone (except in a **no DCC reticulated wastewater mapped area**) (Rule 15.5.2.5.e)	a. Effects on efficiency and affordability of infrastructure (wastewater and water supply)	*Relevant objectives and policies:* i. Objective 9.2.1. ii. Only allow land use activity in a wastewater serviced area where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy ~~9.2.1.1A~~ 9.2.1.2). iii. Only allow land use activities in an area with public water supply where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4). iv. Only allow land use activities in an area without public water supply where: 1. it will not lead to future pressure for unplanned expansion of public water supply infrastructure; or 2. an unplanned extension (and any necessary upgrade) to the public water supply network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy ~~9.2.1.4A~~ 9.2.1.5).
~~AB.~~	~~Setback from **stormwater open watercourse mapped area** (Rule 10.3.3)~~	~~a. Effects on the efficiency and affordability of infrastructure~~	~~*Relevant objectives and policies:*~~ ~~i. Objective 9.2.1~~ ~~ii. Development adjacent to a **stormwater open watercourse mapped area** will not compromise the current or planned capacity of stormwater infrastructure (Policy 9.2.1.4B).~~ ~~*General assessment guidance:*~~ ~~i. In determining whether Policy 9.2.1.4B is achieved, Council will consider the cumulative effects of the proposed development together with existing development and permitted development that is likely to arise in the future~~. **{Moved to new assessment table below – new numbering Rule 9.5.4.4}**
~~13.~~	~~Maximum height within the **Taieri Aerodrome flight fan mapped area**~~	~~a. Effects on health and safety~~	~~*Relevant objectives and policies:*~~ ~~i. Objective 9.2.2~~ ~~ii. Buildings and structures within the **Taieri Aerodrome flight fan mapped area** are a height that enables the safe operation of the aerodrome (Policy 9.2.2.14).~~ **{Moved to new assessment table below – new numbering Rule 9.5.4.5}**

9.5.3 Assessment of performance standard contraventions			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
~~Y.~~ 11.	Dust and sediment control (Rule 16.5.16.Y)	a. Effects on efficiency and affordability of infrastructure	*Relevant objectives and policies:* i. Objective 9.2.1 ii. Adverse effects from sediment run-off from the site on any drains, channels, soakage and treatment systems or stormwater reticulation are avoided or minimised as far as practicable (Policy ~~9.2.1.5~~ 9.2.1.8).

Clause 16 amendment: New assessment table 9.5.4 with overlay zones and mapped areas; content moved from assessment table 9.5.3 above

9.5.4 Assessment of performance standard contraventions in an overlay zone or mapped area			
Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	In a **wastewater constraint mapped area**: • Density - standard residential in General Residential 2 Zone (Rule 15.5.2.5.b)	a. Effects on efficiency and affordability of infrastructure (wastewater)	*Relevant objectives and policies:* i. Objective 9.2.1. ~~ii. NA~~ ~~X.~~ ii. Only allow land use activity in a wastewater serviced area where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy ~~9.2.1.1A~~ 9.2.1.2). *General assessment guidance:* iii. In determining whether Policy 9.2.1.2 is achieved, Council will consider the cumulative effects of the proposed development together with existing development and permitted development that is likely to arise in the future.
2.	In a **hazard overlay zone**: • Hazardous substances quantity limits and storage requirements	a. Risk from natural hazards	See Rule 11.4
3.	In a **new development mapped area**: • Service connections - stormwater for development (Rule ~~9.3.7.AA~~	a. Effectiveness and efficiency of stormwater management and effects of stormwater from future development	*Relevant objectives and policies:* i. Objective 9.2.1 ii. Development in a **new development mapped area** that creates impermeable surfaces is connected to the stormwater management system that meets Policy ~~9.2.1.Y~~ 9.2.1.10 (Policy ~~9.2.1.X~~ 9.2.1.11). iii. Only allow subdivision in a **new development mapped area** where any new public or private 3-waters infrastructure is

	9.3.2.7)		designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary (Policy ~~9.2.1.AA~~ 9.2.1.12). *General assessment guidance:* iv. Council will consider how stormwater will be managed and may require an integrated stormwater management plan to be submitted with the application (see Special Information Requirement - Rule ~~9.9.X~~ 9.9.3). *Conditions that may be imposed include:* v. A requirement for easements, covenants, consent notices, or bonds to ensure future development will be in accordance with an integrated stormwater management plan. vi. A requirement for stormwater management, such as the installation of detention devices, in accordance with the approved integrated stormwater management plan.
4.	Setback from **stormwater open watercourse mapped area** (Rule 10.3.3)	a. Effects on the efficiency and affordability of infrastructure	*Relevant objectives and policies:* i. Objective 9.2.1 ii. Development adjacent to a **stormwater open watercourse mapped area** will not compromise the current or planned capacity of stormwater infrastructure (Policy ~~9.2.1.4B~~ 9.2.1.6). *General assessment guidance:* iii. In determining whether Policy ~~9.2.1.4B~~ 9.2.1.6 is achieved, Council will consider the cumulative effects of the proposed development together with existing development and permitted development that is likely to arise in the future.
5.	In the **Taieri Aerodrome flight fan mapped area**: • Maximum height	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 9.2.2 ii. Buildings and structures within the **Taieri Aerodrome flight fan mapped area** are a height that enables the safe operation of the aerodrome (Policy ~~9.2.2.14~~ 9.2.2.12).

Rule 9.6 Assessment of Restricted Discretionary Activities

Rule 9.6.1 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. Rule 9.6.2:
    a. lists the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
    b. provides guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
        i. relevant objectives and policies, with respect to s104(1)(b)(vi);
        ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
        iii. general assessment guidance; and
        iv. conditions that may be imposed.

Note 9.6.1A - General advice

1. The DCC requires those persons undertaking development to pay a fair, equitable, and proportionate portion of the costs of capital expenditure to service growth.
2. The DCC's contribution to any off-site upgrades or delivery of higher specification for infrastructure will be based on an assessment of the public vs private benefit of the upgrade. This means that in principle the landowner(s) of the structure plan mapped area and/or new development mapped area will only be required to pay that portion of the costs of the upgrades that is necessary to address the effects of or needs of their proposed development area. Network infrastructure growth costs will generally be funded through development contribution charges as set out in the DCC's Development Contributions Policy (10-year Plan 2021-2031), which details the charges on a per equivalent household unit by area of benefit basis.
3. Where the results of a stormwater or wastewater management plan or an assessment of water supply requirements demonstrate the need for either:
    a. Infrastructure upgrades outside of the site, or
    b. Infrastructure built to a higher specification because of the need to provide for new growth areas or improve level of service for existing areas,

    the responsibility and funding for these upgrades will be negotiated between all landowners and the DCC. Where necessary, the DCC will appoint an independent facilitator or mediator to assist in these negotiations.
4. It is further noted that the completion of these upgrades prior to s224 certification or at a certain point in time agreed to in a condition of consent may be required.

9.6.2 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance for the assessment of resource consents
~~Z~~ 1.	All RD activities that have 'effects on efficiency and affordability of infrastructure' as a matter of discretion	a. Effects on efficiency and affordability of infrastructure (wastewater and water supply)	*Relevant objectives and policies*: i. Objective 9.2.1. ii. Only allow land use or subdivision activities that may result in land use or development activities outside the wastewater serviced area, where: 1. it will not lead to future pressure for unplanned expansion of wastewater public infrastructure; or 2. an unplanned extension (and any necessary upgrade) to the public wastewater network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.1). iii. Only allow land use or subdivision activities that may result in land use or development activities in a wastewater serviced area where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. for restricted discretionary land use activities, communal on-site wastewater detention infrastructure can be integrated into the public wastewater network prior to development in a way that meets DCC's requirements; or 3. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy ~~9.2.1.1A~~ 9.2.1.2). iv. Only allow land use or subdivision activities that may result in land use or development activities in an area with public water supply where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4). v. Only allow land use or subdivision activities that may result in land use or development activities in an area without public water supply where: 1. it will not lead to future pressure for unplanned expansion of public water supply infrastructure; or 2. an unplanned extension (and any necessary upgrade) to the public water supply network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy ~~9.2.1.4A~~ 9.2.1.5).

9.6.2 Assessment of restricted discretionary activities			
Activity		Matters of discretion	Guidance for the assessment of resource consents
2.	• Supported living facilities (except student hostels in the Campus Zone) • New buildings or additions and alterations to buildings that result in a multi-unit development • Subdivision activities	a. Effects on efficiency and affordability of infrastructure (stormwater) b. Effects of stormwater from future development	*Relevant objectives and policies:* i. Objective 9.2.1 ~~ii. NA~~ ~~X.~~ ii. Only allow multi-unit development; supported living facilities; or subdivision where: 1. for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through DCC stormwater public infrastructure at any point: 1. there is adequate capacity in the stormwater public infrastructure; or 2. any adverse effects from an increase in discharge on the stormwater public infrastructure are no more than minor; and 2. for stormwater generated by the activity (or future development enabled by a subdivision) that will flow through a private, natural/informal stormwater system, or Otago Regional Council public infrastructure at any point, that stormwater system or public infrastructure has the capacity to absorb the additional stormwater with no more than minor adverse effects on it or on other sites (public or private), including but not limited to, adverse effects from an increase in overland flow or ponding (Policy ~~9.2.1.Z~~ 9.2.1.7). *General assessment guidance:* ~~Y.~~ iii. For multi-unit development, supported living facilities and subdivision that may lead to new residential development, Council will consider how stormwater will be managed and may require an integrated stormwater management plan to be submitted with the application (see Special Information Requirement - Rule ~~9.9.X~~ 9.9.3). *Conditions that may be imposed include:* ~~Z.~~ iv. For subdivision activities, a requirement to connect to stormwater public infrastructure (where available).
3.	Earthworks - large scale (that exceed scale thresholds for a GPMA)	a. Effects on health and safety	*Relevant objectives and policies:* i. Objective 9.2.2 ii. Earthworks in a **groundwater protection mapped area** do not disturb or contaminate groundwater (Policy ~~9.2.2.10~~ 9.2.2.9). *General assessment guidance:* iii. Council will consider the degree to which earthworks could breach or reduce the protective mantle of the **groundwater protection mapped area** and increase the risk of groundwater contamination.

~~X.~~ 4.	In a **new development mapped area**: • All subdivision activities • New buildings or additions and alterations to buildings that result in a multi-unit development • Supported living facilities	a. Effectiveness and efficiency of stormwater management and effects of stormwater from future development	*Relevant objectives and policies (in addition to those outlined in 9.6.2.2 above):* i. Objective 9.2.1. ii. Only allow subdivision activities, multi-unit development, or supported living facilities in a **new development mapped area** where: 1. an integrated stormwater management plan that is designed for the whole NDMA has been prepared and stormwater management system(s) for all parts of the NDMA that are hydrologically connected to the area proposed for subdivision will ensure there is no increase in the peak stormwater discharge rate from the NDMA into the stormwater public infrastructure, or into a private stormwater system (at any point) between pre- development and post development; or 2. where this is not practicable, any adverse effects from an increase in discharge on the stormwater system are no more than minor (Policy ~~9.2.1.Y~~ 9.2.1.10). iii. Only allow subdivision in a **new development mapped area** where any new public or private 3-waters infrastructure is designed to connect to, and provide capacity for, future urban development on adjoining or nearby sites that are zoned for urban development, where necessary (Policy ~~9.2.1.AA~~ 9.2.1.12). *General assessment guidance:* iv. The assessment will consider the proposed integrated stormwater management plan submitted with the application (see Special Information Requirement - Rule ~~9.9.X~~ 9.9.3). v. In assessing the effectiveness and efficiency of stormwater management and taking into account climate change, Council will consider any consequential effects that might arise, including, but not limited to: 1. effects on personal safety; 2. risks from surface water flooding; 3. risks to property from inundation; 4. risks to the ability of Council to meet its consent conditions for public infrastructure, which could lead to effects on freshwater quality and ecosystem health; and 5. risks to the integrity and function of existing public infrastructure. *Conditions that may be imposed include:* vi. A requirement for the stormwater management system to be installed prior to certification of the survey plan pursuant to section 223 of the RMA. vii. A requirement for easements, covenants, consent notices, or bonds to ensure future development will be in accordance with the integrated stormwater management plan. viii. A requirement for the stormwater management system to be vested in Council, with necessary easements and a maintenance or defect period agreement in place prior to vesting.

~~Y.~~ 5.	In the following **new development mapped areas**, all subdivision activities, new buildings or additions and alterations to buildings that result in a multi-unit development and supported living facilities: • Wattie Fox Lane	a. Effectiveness and efficiency of wastewater management and effects of wastewater from future development	*Relevant objectives and policies (in addition to those outlined in Rules 9.6.2.2 and ~~9.6.2.X~~ 9.6.2.4 above):* i. Objective 9.2.1. ii. Subdivision, multi-unit development or supported living facilities in specified **new development mapped areas** provides or connects to a communal wastewater detention system that ensures that all wastewater from the future development of the entire **new development mapped area** does not exceed the capacity of the wastewater public infrastructure network (Policy ~~9.2.1.BB~~ 9.2.1.9). *General assessment guidance:* iii. The identified **new development mapped areas** are serviced for wastewater but new connections to the network will not be allowed (and consequentially any multi-unit development, supported living facility or subdivision that will lead to development that will require a connection will likely be declined) until capacity constraints are resolved or a communal on-site wastewater detention system that is designed for and associated with subdivision and/or development of 50 or more residential units is integrated into the public network and vested in Council. After installation of the system, all activities that create wastewater will be required to connect to the system until it is no longer required. iv. In assessing the appropriateness of a proposed communal on- site wastewater detention system, Council will consider the proposed wastewater management plan submitted with the application (see Special Information Requirement - Rule ~~9.9.Y~~ 9.9.4). *Conditions that may be imposed include:* v. A requirement for the communal on-site wastewater detention system to be installed prior to certification of the survey plan pursuant to section 223 of the RMA. vi. A requirement for the communal on-site wastewater detention system to be vested in Council, along with a site containing it which is a minimum of 500m² in area and suitable for residential development. vii. A requirement for necessary easements and a fixed maintenance or defect period agreement to be in place prior to vesting the communal on-site wastewater detention system and associated land.

9.6.2 Assessment of restricted discretionary activities

Activity		Matters of discretion	Guidance for the assessment of resource consents
~~AA.~~ 6.	In the **former brickworks structure plan mapped area**: • All other industrial activities in the industrial activities category	a. Effects on the efficiency and affordability of infrastructure (wastewater and water supply)	*Relevant objectives and policies:* i. Objective 9.2.1 ii. Only allow land use or subdivision activities that may result in land use or development activities in a wastewater serviced area where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. for restricted discretionary land use activities, communal on-site wastewater detention infrastructure can be integrated into the public wastewater network prior to development in a way that meets DCC's requirements; or 3. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy ~~9.2.1.1A~~ 9.2.1.2). iii. Only allow land use or subdivision activities that may result in land use or development activities in an area with public water supply where: 1. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or 2. an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4).

Rule 9.7 Assessment of Discretionary Activities

Rule 9.7.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 9.7.2 - 9.7.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
   b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.

9.7.2 Assessment of all discretionary activities	
Activity	Guidance on the assessment of resource consents
1. All discretionary activities that are linked to Section 9.7, including but not limited to the activities listed below	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.2 b. Activities are designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not practicable , ensure any adverse effects would be insignificant (Policy 9.2.2.1). c. Activities are designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant (Policy 9.2.2.4). *General assessment guidance:* d. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent.

9.7.3 Assessment of discretionary activities		
Activity		Guidance on the assessment of resource consents
1.	Mining	*Relevant objectives and policies (priority considerations)*: a. Objective 9.2.2 b. Any adverse effects from air blast and vibration on people's health and safety or on surrounding properties are avoided or, if avoidance is not practicable, no more than minor (Policy 9.2.2.6). ~~c. NA~~ *Potential circumstances that may support a consent application include*: ~~d.~~ c. Blasting will be carried out in accordance with appropriate industry standards. ~~e.~~ d. Blast noise (air blast) measured at the notional boundary on adjoining properties will not exceed a peak overall sound pressure level of 128 dBZ. ~~f.~~ e. Vibration - the limit of peak particle velocity of vibration from blasting measured on the foundation or any suitable location on or adjacent to residential buildings on adjoining properties will not exceed 10mm/second. *General assessment guidance:* ~~g.~~ f. The assessment for a resource consent application for mining will consider the information provided by any site management plan and emergency response plan (see Special Information Requirements - Rule 9.9.1).

9.7.4 Assessment of discretionary performance standard contraventions		
Performance Standards		Guidance on the assessment of resource consents
1.	Acoustic insulation	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.2 b. Those parts of buildings used for noise sensitive activities in identified areas provide adequate acoustic insulation to avoid, as far as practicable, significant adverse effects from the higher noise environments anticipated in those areas (Policy 9.2.2.2). *Potential circumstances that may support a consent application include:* c. The location of noise sensitive activities is such that the insulation and/or supplementary ventilation are not necessary to achieve an acceptable internal noise environment. *General assessment guidance:* d. The orientation of a room subject to the acoustic insulation performance standard is such that the insulation and/or supplementary ventilation are not necessary to achieve an acceptable internal noise environment. e. Council may consider the extent to which it is practical to acoustically insulate or provide supplementary ventilation without compromising a protected part of a scheduled heritage building. f. Council will consider whether development will lead to an unacceptable internal noise environment or insufficient ventilation of sleeping areas compromising the health and safety of occupants. g. Council will consider the information provided by an acoustic engineer (see Rule 9.9.2 Acoustic insulation).
2.	Minimum site size (Rule 17.7.5.2)	*Relevant objectives and policies (priority considerations):* ~~a.~~ ~~NA~~ ~~X.~~ a. Only allow subdivision activities that may result in land use or development activities outside the wastewater serviced area, where: i. it will not lead to future pressure for unplanned expansion of wastewater public infrastructure; or ii. an unplanned extension (and any necessary upgrade) to the public wastewater network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.1). ~~Y.~~ b. Only allow subdivision activities that may result in land use or development activities in an area without public water supply where: i. it will not lead to future pressure for unplanned expansion of public water supply infrastructure; or ii. an unplanned extension (and any necessary upgrade) to the public water supply network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy ~~9.2.1.4A~~ 9.2.1.5).

9.7.4 Assessment of discretionary performance standard contraventions		
Performance Standards		Guidance on the assessment of resource consents
		Potential circumstances that may support a consent application include: ~~b.~~ c. Subdivision activities where the parent site contains significant topographical features such as waterways or human-made features such as roads or rail corridors which make meeting the minimum site size impractical
3.	Density (papakāika) in rural zones	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.1. ~~b. NA~~ ~~X.~~ b. Only allow land use activities outside the wastewater serviced area, where: i. it will not lead to future pressure for unplanned expansion of wastewater public infrastructure; or ii. an unplanned extension (and any necessary upgrade) to the public wastewater network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy 9.2.1.1). ~~Y.~~ c. Only allow land use activities in an area without public water supply where: i. it will not lead to future pressure for unplanned expansion of public water supply infrastructure; or ii. an unplanned extension (and any necessary upgrade) to the public water supply network to provide for the activities can be implemented prior to development with agreement from the DCC (Policy ~~9.2.1.4A~~ 9.2.1.5).
4.	Density (visitor accommodation) in residential zones and the Campus Zone	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.1 ~~b. NA~~ ~~c. NA~~ ~~X.~~ b. Only allow land use activity in a wastewater serviced area where: i. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or ii. an unplanned upgrade to the public wastewater network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy ~~9.2.1.1A~~ 9.2.1.2). ~~Y.~~ c. Only allow land use activities in an area with public water supply where: i. it will not exceed the current or planned capacity of that infrastructure at the time of development or compromise its ability to service any permitted activities; or ii. an unplanned upgrade to the public water supply network that addresses any capacity constraints can be implemented prior to development with agreement from the DCC (Policy 9.2.1.4).

9.7.4 Assessment of discretionary performance standard contraventions		
Performance Standards		Guidance on the assessment of resource consents
5.	Noise - where the limit is exceeded by less than 5dB LAeq (15 min)	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.2 b. Activities are designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant (Policy 9.2.2.1). *Potential circumstances that may support a consent application include:* c. The exceedance will be infrequent and/or short term. d. Sufficient ambient levels of noise exist that the exceedance will be insignificant in the circumstances. *General assessment guidance:* e. Council will consider the sensitivity of activities on surrounding sites to the noise source, and the distance of noise sensitive activities from the site boundary of the noise source. f. Council may use the following potential 'FIDOL' factors to guide the assessment of a resource consent application: i. Frequency, which refers to how often the exceedance will occur; ii. Intensity, which refers to the level of the noise experienced; iii. Duration, which refers to the length of time the exceedance will occur and the time of day; iv. Offensiveness, which refers to the character of the noise; and v. Location, which refers to where the noise will occur.
6.	Light spill - where the light spill limit is exceeded by 25% or less (rules 9.3.5.1 and 16.5.5.3), or where rules 9.3.5.2, 9.3.5.3, 16.5.5.1 or 16.5.5.2 are contravened	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.2 b. Activities are designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant (Policy 9.2.2.4). *Potential circumstances that may support a consent application include:* c. The exceedance will be infrequent and/or short term. d. Sufficient ambient levels of light exist that the exceedance will be insignificant in the circumstances.
7.	Blasting (mineral exploration)	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.2 b. Any adverse effects from air blast and vibration on people's health and safety or on surrounding properties are avoided or, if avoidance is not practicable, no more than minor (Policy 9.2.2.6).

Rule 9.8 Assessment of Non-complying Activities

Rule 9.8.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 9.8.2 - 9.8.3 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
   a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
   b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
   c. general assessment guidance, including any effects that will be considered as a priority; and
   d. conditions that may be imposed.
3. Rules 9.8.2 - 9.8.3 apply as follows:
   a. Rule 9.8.2 applies to non-complying performance standard contraventions.
   b. Rule 9.8.3 applies to all non-complying land use activities that are linked to Section 9.8.

9.8.2 Assessment of non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
1.	All non-complying performance standard contraventions that are linked to Section 9.8	*General assessment guidance:* a. In assessing the significance of effects, consideration will be given to: i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent.
2.	Density	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.1, policies 9.2.1.1, ~~9.2.1.1A~~ 9.2.1.2, 9.2.1.4, ~~9.2.1.4A~~ 9.2.1.5.
3.	Hazardous substances quantity limits and storage requirements - (Rule 9.3.4.2) - Setback from National Grid	See Rule 5.10
4.	Light spill - where the limit is exceeded by greater than 25%	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.2, Policy 9.2.2.4 b. Objective 2.2.6, Policy 2.2.6.1 *Potential circumstances that may support a consent application include:* c. The exceedance will be infrequent and/or short term. d. Sufficient ambient levels of light exist such that the exceedance will be insignificant in the circumstances.
5.	Minimum site size	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.1, policies 9.2.1.1, ~~9.2.1.1A~~ 9.2.1.2, 9.2.1.4, ~~9.2.1.4A~~ 9.2.1.5, ~~9.2.1.Z~~ 9.2.1.7. b. Objective 2.7.1, policies 2.7.1.1, 2.7.1.3.

9.8.2 Assessment of non-complying performance standard contraventions		
Performance standard		Guidance on the assessment of resource consents
6.	• Noise - where the limit is exceeded by 5dB LAeq (15 min) or more • Noise limits where the limit in Rule 32.5.6.2.a is exceeded	*Relevant objectives and policies (priority considerations):* a. Objective 9.2.2, Policy 9.2.2.1 b. Objective 2.2.6, Policy 2.2.6.1 *Potential circumstances that may support a consent application include:* c. The exceedance will be infrequent and/or short term. d. Sufficient ambient levels of noise exist that the exceedance will be insignificant in the circumstances. *General assessment guidance:* e. Council will consider the following potential 'FIDOL' factors as part of the assessment of a resource consent application: i. Frequency, which refers to how often the exceedance will occur; ii. Intensity, which refers to the level of noise experienced; iii. Duration, which refers to the length of time and the time of day; iv. Offensiveness, which refers to the character of the noise; and v. Location, which refers to where the noise will occur. f. Council will consider the sensitivity of activities on surrounding sites to the noise source, and the distance of noise sensitive activities from the site boundary of the noise source.

9.8.3 Assessment of non-complying land use activities		
Activity		Guidance on the assessment of resource consents
1.	All non-complying land use activities that are linked to Section 9.8, including but not limited to the activities listed below	a. Objective 9.2.2 b. Activities are designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant (Policy 9.2.2.1) c. Activities are designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant (Policy 9.2.2.4).

9.8.3 Assessment of non-complying land use activities		
Activity		Guidance on the assessment of resource consents
2.	In a **hazard facility mapped area**, bulk fuel storage facilities sensitive activities	*Relevant objectives and policies (priority considerations):* ~~x.~~ a. Objective 9.2.2. ~~y.~~ b. Policy ~~9.2.2.15~~ 9.2.2.13. *Related strategic directions:* ~~z.~~ c. Objective 2.3.1. ~~aa.~~ d. Policy 2.3.1.4. ~~ab.~~ e. Policy 2.3.1.X. ~~ac.~~ f. Objective 2.2.6. ~~ad.~~ g. Policy 2.2.6.2. *General assessment guidance:* ~~ae.~~ h. In considering whether residual risk is of an acceptable level, Council will be guided by the New South Wales Government Risk Criteria for Land Use Safety Planning (refer www.dunedin.govt.nz/2nd-generation-district-plan/supporting-documents). *Conditions that may be imposed include:* ~~h.~~ i. Council may require the development of a site management, risk assessment and/or emergency response plans (see Rule 9.9.1) which outlines how the activity will respond to a potential emergency arising from the hazard facility.

Rule 9.9 Special Information Requirements

9.9.1 Site management and emergency response plans

~~X.~~ 1. Council may require a site management and an emergency response plan to be provided with an application for resource consent for the following activities:

a. rural industry;

b. landfills;

c. mining (these plans may form part of a quarry management plan); and

d. any activity that contravenes the Hazardous Substances Quantity Limits and Storage Requirements performance standard 9.3.4.

~~Y.~~ 2. Council may require site management, risk assessment and/or emergency response plans to be provided with an application for resource consent for bulk fuel storage facilities sensitive activities within a **hazard facility mapped area**.

9.9.2 Acoustic insulation

Where new or altered rooms in a building are proposed to be constructed using methods and materials that differ from the schedule in Appendix 9A, an acoustic design certificate must be provided to Council by a suitably qualified and experienced acoustic engineer, accepted by Council. This confirms that when built to the recommended design and specifications, the minimum acoustic insulation standard of Rule 9.3.1.1 will be achieved.

For the purposes of this rule, suitably qualified and experienced means a person who can provide sufficient evidence to demonstrate their suitability and competence.

~~9.9.X~~ 9.9.3 Stormwater management

1. In a **new development mapped area**, applications for the following activities must include a proposed integrated stormwater management plan prepared in accordance with clauses 4 to 6 of this rule, unless an earlier approved land use or subdivision consent includes such a plan, prepared in accordance with this rule:
   a. subdivision;
   b. multi-unit development;
   c. supported living facilities; or
   d. development that contravenes Rule ~~9.3.7.AA~~ 9.3.2.7 (service connections - stormwater management for development).

2. Where an integrated stormwater management plan has already been provided in accordance with this rule as part of an earlier approved consent, but did not include design details for stormwater management systems for any part of the **new development mapped area** that the current proposal is in, applications for the activities set out in clauses 1 (a) to (d) must provide those details in accordance with clauses 5 to 6 of this rule in a way that is consistent with the integrated stormwater management plan approved as part of the earlier consent

3. Outside a **new development mapped area**, applications for consent that include the following activities must provide details of how stormwater will be managed in accordance with clause 7 of this rule:
   a. subdivision that may lead to new residential development;
   b. development that contravenes the impermeable surfaces performance standard;
   c. multi-unit development; or
   d. supported living facilities.

4. Integrated stormwater management plans required for **new development mapped areas** must:
   a. address the whole NDMA and demonstrate how Policy ~~9.2.1.Y~~ 9.2.1.10 will be achieved;

b. provide details in accordance with clause 5 of this rule of all stormwater management systems for the hydrologically connected parts of the **new development mapped area** in which the proposal is located and details of how those systems will be installed in full or in planned stages prior to development;

c. ensure that stormwater will be managed for both the current climatic conditions and climatic conditions based on climate change projections;

d. ensure that:
   i. there is no increase in the peak stormwater discharge rate from the **new development mapped area** into the stormwater public infrastructure, or into a private, Otago Regional Council, or natural/informal stormwater system (at any point) between pre-development and post-development, based on the assessment required in clause i; or
   ii. where this is not practicable, any adverse effects from an increase in discharge on the stormwater system are no more than minor;
   iii. For the sake of clarity, the integrated stormwater management plan does not need to avoid volume increases;

e. include stormwater detention infrastructure that is designed to temporarily store and release flows from a generated 1% AEP rainfall event, such that peak pre-development flows are not exceeded in the post-development condition;

f. demonstrate that secondary flows at the development's upstream and downstream boundaries are not changed or adversely affected;

g. include the use of low-impact (or water-sensitive) design features, which may include features such as:
   i. grassed/landscaped swales and other vegetation areas;
   ii. infiltration trenches/bio-retention systems;
   iii. storage ponds/wetlands/sediment ponds;
   iv. rainwater tanks, harvesting and reuse;
   v. rain gardens, rooftop greening and planting, and porous surface treatments; and
   vi. consideration of the existing natural topography and the natural course of water flow (overland flow paths) through the design of the subdivision;

h. consider whether stormwater management areas can be integrated into reserves and recreation spaces; and

i. include an assessment of the difference between pre-development peak flows and post-development peak flows (with and without mitigation) over a range of event durations, taking into account the maximum impermeable surfaces permitted in the district plan zone for the mapped area (and including any other development restrictions resulting from any other rules in the district plan or legal instruments registered on the title(s) for the mapped area). This assessment must meet the following criteria:
   i. the assessment of pre-development and post-development flows and detention volumes must be based on the 10% and the 1% annual exceedance probability (AEP) rainfall events, covering durations from the mapped area's own critical duration to the critical duration of the catchment upstream of the point of discharge (unless agreed otherwise with the DCC, for example where direct discharge to the coastal environment is feasible). For the purposes of this requirement, 'critical duration' means the duration of rainfall event likely to cause the highest peak flows or water levels;
   ii. the assessment must take account of climate change, using the climate adjustment rainfall sourced from HIRDS version 4 using RCP 8.5 2081-2100 values (or an alternative source approved by DCC); and
   iii. the assessment must include a risk based assessment to determine to what extent measures (if any) are needed to manage flows downstream of the land.

5. Applications must include the following design details for proposed stormwater management systems:
   a. the design and location of 'primary infrastructure' ('primary infrastructure' includes both open and closed conduits and must be designed to contain the flows generated by the 10% AEP rainfall event);
   b. the design and location of 'secondary flow paths', with and without blockage of the primary stormwater system, through the development to the downstream boundary. 'Secondary flow paths' means the flow path over which surface water will flow if the primary flow path becomes overloaded or inoperative and consists of overland flow paths with sufficient capacity to transfer the flows generated by rainfall events up to the 1% AEP event. Secondary flow paths shall be clearly identified, and where possible aligned with natural flow paths and located on public land. If located in private property, 1% AEP secondary flows should be through primary infrastructure unless protected by an easement;
   c. the design features that will enable safe operation in super-design conditions (for a 0.5% AEP rainfall event, but a greater rainfall event can be used if the applicant chooses to do so). Safe operation means without catastrophic, rapid or structural failure. This is to ensure that the proposed stormwater management system has a fail-safe mechanism. This does not mean the stormwater management system is to be designed to retain the volume of stormwater for a 0.5% AEP rainfall event;
   d. the location and design details of stormwater management systems, including detention infrastructure required to meet clause 4(e) above;
   e. how the integrity of the stormwater management system will not be compromised during and after subdivision (for example ensuring that open drains that form part of the system will not be blocked or altered);
   f. how erosion and sedimentation will be managed effectively within the development area during earthworks and as the area is developed, by taking measures and installing devices, where necessary, to:
      i. divert clean runoff away from disturbed ground;
      ii. control and contain stormwater run-off;
      iii. avoid sediment laden run-off from the mapped area; and
      iv. protect existing drainage infrastructure sumps and drains from sediment run-off;
   g. the design and location of stormwater quality treatment that demonstrates the expected quality of stormwater leaving the specified system and its treatment of at least the 'first flush' volume (90th percentile daily rainfall depth) or flow rate (90th percentile rainfall intensity) in accordance with best practice techniques for at least 75% Total Suspended Solids (TSS) removal on a long-term average basis;
   h. if a stormwater management system cannot practicably be designed to meet one or more of clauses c to g above in relation to additional stormwater discharge, an assessment of the broader catchment to determine whether design solutions external to the mapped area are available to manage the additional stormwater discharges as a result of the development on the mapped area;
   i. how the stormwater management system will not create or exacerbate adverse effects that are more than minor outside the development area. This includes consideration of cumulative effects; and
   j. where any proposed stormwater management system is intended to vest as public infrastructure, the design of an adjustable outlet mechanism such that the present day peak discharge flow rate from the land is not exceeded as a result of the development but that the outlet can be progressively adjusted for future climate change discharge rates up to the fully developed stormwater management system design capacity.

6. The integrated stormwater management plan, and the design of stormwater management systems, must be prepared by a chartered professional engineer or other suitably qualified person who has (or can call on) experience in hydrology, hydraulics, stormwater design, flood risk management and construction management.

7. Stormwater management information required outside a **new development mapped area** must demonstrate how Policy ~~9.2.1.Z~~ 9.2.1.7 will be achieved by:
    a. providing a stormwater management proposal prepared by a suitably qualified person, which:
        i. contains a level of detail commensurate with the scale of the subdivision, land use or development activity;
        ii. reflects the scale of any stormwater management issues in the catchment and any capacity constraints in the public infrastructure network; and
        iii. where available, follows any relevant guidance on acceptable stormwater management solutions for similar activities in a similar context; and
    b. for subdivision activities that result in more than six lots, or development areas greater than 1ha, providing an integrated stormwater management plan where requested by Council.

Note ~~9.9.XA~~ 9.9.3A - General advice and other requirements outside of the District Plan

1. DCC 3 Waters recommend that developers considering subdivision of land in a **new development mapped area** contact DCC 3 Waters regarding the assessment and design of stormwater management systems at the earliest opportunity to facilitate the development of mutually acceptable proposals.
2. Requirements for stormwater drainage set out in Part 4 of the Dunedin Code of Subdivision and Development 2010 must also be complied with.
3. Discharge of stormwater is also managed by the Otago Regional Council in the Regional Plan: Water for Otago.
4. Discharge of stormwater to any Otago Regional Council scheduled drain or overland flow path is managed by the Otago Regional Council Flood Protection Management Bylaw 2012.
5. Clause E1 - Surface Water of the New Zealand Building Code (Building Regulations 1992, Schedule 1) contains requirements regarding buildings and sitework in relation to managing surface water and effects on other property.
6. For consent applications in a **new development mapped area** that require the submission of an integrated stormwater management plan, Otago Regional Council will be considered an affected person in accordance with Rule 15.4.5.3.
7. For consent applications in a **new development mapped area** that require the submission of an integrated stormwater management plan, other landowners within the **new development mapped area** will be considered an affected person in accordance with Rule 15.4.6.

~~9.9.Y~~ 9.9.4 Wastewater management plans

1. Any application for subdivision, multi-unit development or supported living facilities in a **new development mapped area** specified in Rule ~~9.6.2.Y~~ 9.6.2.5 must include a proposed wastewater management plan that ensures that all wastewater from the future development of the entire **new development mapped area** does not exceed the capacity of the wastewater public infrastructure network via the use of a communal wastewater detention system, unless such a system has already been approved for the site and will be connected to.
2. The wastewater management plan must be prepared by a chartered engineer and meet the following requirements:
    a. Specify the design and location of one or more communal wastewater detention systems to detain wastewater from the entire **new development mapped area**.
    b. The communal wastewater detention systems must:
        i. have the capacity to detain wastewater for a 24-hour period, prior to releasing the wastewater via a connection to the wastewater public infrastructure network. The volume of wastewater to be detained will be calculated with reference to Part 5 of the Dunedin Code of Subdivision and Development 2010 (‘Code of Subdivision’);
        ii. be compatible with DCC’s Supervisory Control and Data Acquisition (SCADA) system;
        iii. have a minimum 20 year expected life for all electrical / mechanical components and a minimum

50 year expected life for all civil components;

iv. where practicable, be located such that all flow goes to one communal wastewater detention system with no pumping; and

v. have components and materials that comply with the DCC's 3-Waters Approved Product and Manufacturers List and Part 5 of the Dunedin Code of Subdivision and Development 2010 ('Code of Subdivision').

3. The wastewater management plan must be submitted along with the written approval of all landowners within the **new development mapped area** unless they are the applicant(s).

Appendices

Appendix 9A. Acoustic Insulation Requirements

1. Compliance with the acoustic insulation performance standard can be achieved by ensuring that rooms in which acoustic insulation is required by Rule 9.3.1 are designed and constructed in accordance with either:
   a. an acoustic design certificate signed by a suitably qualified acoustic engineer stating that the design as proposed will achieve compliance with the acoustic insulation performance standard; or
   b. in all areas other than the **port noise control mapped area**, the schedule of typical building construction in Table 9A.1A.
2. Table 9A.1A refers to common specifications for timber size. Nominal specifications may, in some cases, be slightly less than the common specifications stated in the schedule for timber size.
3. In determining the insulating performance of roof/ceiling arrangements, roof spaces are assumed to have no more than the casual ventilation typical of the jointing capping and guttering detail used in normal construction.

Table 9A.1A Schedule of typical building construction to achieve acoustic insulation where required by Rule 9.3.1.1

Building element		Minimum construction requirement	
a.	External walls	i. Stud walls: Exterior cladding	20mm timber or 9mm compressed fibre cement sheet over timber frame (100mm x 50mm).
		ii. Cavity infill	Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m³) required in cavity for all exterior walls. Minimum 90mm wall cavity.
		iii. Interior lining	One layer of 12mm gypsum plasterboard. Where exterior walls have continuous cladding with a mass of greater than 25kg/m² (e.g. brick veneer or minimum 25mm stucco plaster), internal wall linings need to be no thicker than 10mm gypsum plasterboard.
		iv. Combined superficial density	Minimum not less than 25kg/m² being the combined mass of external and internal linings excluding structural elements (e.g. window frames or wall studs) with no less than 10kg/m² on each side of structural elements.
		v. Mass walls	190mm concrete block, strapped and lined internally with 10mm gypsum plasterboard, or 150mm concrete wall.
b.	Glazed areas	i. Glazed areas up to 10% of floor area	6mm glazing single float.
		ii. Glazed areas between 10% and 35% of floor area	6mm laminated glazing.
		iii. Glazed areas greater than 35% of floor area	Require a specialist acoustic report to show conformance with the insulation rule.
		iv. Frames to be aluminium window frames with compression seals.	
c.	Skillion roof	i. Cladding	0.5mm profiled steel or 6mm corrugated fibre cement, or membrane over 15mm thick ply, or concrete or clay tiles.
		ii. Sarking	17mm plywood (no gaps).
		iii. Frame	Minimum 100mm gap with fibrous acoustic blanket (batts or similar of a mass of 9kg/m³).
d.	Ceiling	Two layers of 10mm gypsum plasterboard (no through-ceiling lighting penetrations unless correctly acoustically rated). Fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m³).	
e.	Combined superficial density	Combined mass of cladding and lining of not less than 25kg/m² with no less than 10kg/m² on each side of structural elements.	

Building element		Minimum construction requirement	
f.	Pitched roof (all roofs other than skillion roofs)	i. Cladding	0.5mm profiled steel or tiles, or membrane over 15mm thick ply.
		ii. Frame	Timber truss with 100mm fibrous acoustic blanket (batts or similar of a minimum mass of 9kg/m³) required for all ceilings.
		iii. Ceiling	12mm gypsum plasterboard.
		iv. Combined superficial density	Combined mass with cladding and lining of not less than 25kg/m².
g.	Floor areas open to outside	i. Cladding	Under-floor areas of non-concrete slab type floors exposed to external sound will require a cladding layer lining the underside of floor joists of not less than 12mm ply.
		ii. Combined superficial density	Floors to attain a combined mass not less than 25kg/m² for the floor layer and any external cladding (excluding floor joists or bearers).
h.	External door	Solid core door (minimum 25kg/m²) with compression seals (where the door is exposed to exterior noise).	