

16. Rural Zones

16.1 Introduction

Dunedin's rural environment is large, at around 314,822 hectares or approximately 96% of the total land area of the city. This rural environment is highly varied, stretching from coastal lowlands north and south of the main urban part of the city, through river plains, valley systems, hill country and rolling uplands, to the inland mountain ranges at the western extent of the city.

The rural environment is dominated by pastoral farming in many areas, which contributes to the sense of openness and low density of development throughout much of Dunedin. Significant areas of indigenous vegetation and habitat for indigenous fauna are found across the city, ranging from estuarine and coastal habitat through to alpine plant communities on the Rock and Pillar and Lammermoor ranges. Plantation forestry is found mainly on the hills to the north of the Taieri Plain or in the southern coastal parts of the city.

The principal functions of the rural environment are firstly to provide for productive rural activities such as pastoral farming, livestock, horticulture, forestry, and mining and associated resource-based activities; and secondly, the provision of ecosystem services - soil, water and air resources and the setting for the vast majority of the city's indigenous vegetation and habitat for indigenous species.

The rural environment contributes significantly to Dunedin's economy through rural primary production activities such as farming, forestry, and mining and associated processing and service activities that rely on these. The rural parts of Dunedin also play an important role in providing for tourism (another key sector of the Dunedin economy), not least eco-tourism activities. The functions of the rural environment are interrelated, with much of Dunedin's rural economic activity reliant on maintaining the quality of the natural environment. The provision of ecosystem services, and issues relating to the natural environment more generally, are addressed in the Natural Environment section (Section 10).

The rural environment also contains a number of outstanding and significant natural landscapes and features, along with coastal areas with natural character values. Along with the biodiversity values referred to above, these elements of the rural environment make an important contribution to the social and cultural well-being of the residents of Dunedin, and to the quality of the city's natural environment.

The key issues facing the rural environment are:

- the fragmentation of rural landholdings from subdivision, which can lead to rural properties too small to be used for productive purposes. Dunedin already has a large number of small rural sites as a result of historic subdivision patterns under earlier district plans and schemes. Pressure for rural residential subdivision in rural areas threatens to further fragment rural land; and
- non-productive land uses or those activities that would ordinarily be expected to locate in the urban parts of Dunedin seeking to locate in rural areas.

The following issues stem directly from these two key issues:

- the productive capacity of the rural environment can be diminished through the loss of rural land and soil resources, including the finite high class soils resource that needs to be retained for future generations;
- the spread of non-rural uses including rural residential activities into rural areas can have adverse effects on landscape values, rural character and amenity values, and natural environment functions and values;
- potential conflicts between activities in the rural environment, which often arises from new activities in rural areas complaining about established productive rural activities and is known as 'reverse sensitivity'; and
- demand for the inefficient provision of infrastructure and services, stemming from the fact that sometimes people living on small rural blocks in close proximity to urban areas demand urban public infrastructure and services, such as reticulated services or sealed roads.

In response to these issues, seven rural zones and their objectives, policies and rules manage Dunedin's rural environment in a manner that recognises its diversity. The Plan emphasises the importance of providing for rural activities and for other activities which are reliant on or associated with the rural environment, while acknowledging that residential uses are clearly secondary and subordinate to these activities. This approach seeks to achieve the strategic outcomes for the rural zones, while ensuring that environmental effects are managed at an acceptable level.

To achieve this, the Plan sets a minimum site size for subdivision based on average rural property sizes in different parts of the rural environment, using the average property size as an indicator of the site size required for a commercial rural activity. A limited degree of flexibility has been incorporated into the subdivision rules that apply in the rural zones, via provision for surplus dwelling subdivision. The minimum site size required for new residential activities (Rule 16.5.2 Density) is set based on the median rural property size in each rural zone, to better reflect the current pattern of subdivision (which includes sites that are not used for commercial farming). The use of median rather than average property size as a basis for this standard reduces the number of existing sites that fall below the density standard for new residential activity because the median rural property size is lower than the average rural property size in all rural zones.

The rural zones are supported by overlays relating to landscape, natural character of the coast, and scheduled areas of significant indigenous vegetation and habitats of indigenous fauna. Provisions relating to these are located in the Natural Environment section, along with rules relating to other matters that apply more generally throughout the rural zones, such as rules on vegetation clearance and setback from coast and water bodies.

Appendix A7 provides descriptions and rural character values for each of the seven rural zones. The seven rural zones are: Coastal Rural Zone, High Country Rural Zone, Hill Country Rural Zone, Hill Slopes Rural Zone, Middlemarch Basin Rural Zone, Peninsula Coast Rural Zone and Taieri Plain Rural Zone.

16.2 Objectives and Policies

Objective 16.2.1	
Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural rather than an urban environment.	
Policy 16.2.1.1	Enable farming, grazing and conservation in the rural zones.
Policy 16.2.1.2	Provide for rural activities, veterinary services, rural industry, rural contractor and transport depots, community activities, emergency services, cemeteries and crematoriums in the rural zones where the effects will be adequately managed in line with objectives 16.2.2, 16.2.3, and 16.2.4 and their policies, and the objectives and policies of any relevant overlay zones.
Policy 16.2.1.3	Require rural ancillary retail, rural tourism and working from home to be at a scale that: <ul style="list-style-type: none"> a. is ancillary to and supportive of productive rural activities or conservation activity on the same property; and b. supports objectives 2.3.2 and 2.4.3 and their policies.
Policy 16.2.1.4	Only allow visitor accommodation in the rural zones where it supports productive rural activities or a significant conservation activity on the same property.
Policy 16.2.1.4 16.2.1.5	Avoid subdivision activities that create one or more resultant sites that contravene the minimum site size standard for the zone, unless: <ul style="list-style-type: none"> a. the subdivision is provided for under Policy 16.2.1.10; or b. the subdivision, considered as a whole: <ul style="list-style-type: none"> i. will not result in an increase in the number of sites that contravene the minimum site size; ii. will not result in an increase in the residential development potential of the subject land, beyond that provided for by the density land use performance standard and the minimum site size subdivision standard; and iii. will meet policies 16.2.3.8 and 16.2.4.3.
Policy 16.2.1.6	Restrict the tenancy and design of family flats to: <ul style="list-style-type: none"> a. avoid, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity; and b. avoid, as far as practicable, future pressure to subdivide off family flats.
Policy 16.2.1.7	Avoid residential activity in the rural zones on a site that does not comply with the density standards for the zone, unless: <ul style="list-style-type: none"> a. a. it is the result of a surplus dwelling subdivision; or b. b. the residential activity will be associated with long term land management and/or capital investment that will result in: <ul style="list-style-type: none"> i. significant positive effects for rural productivity; and/or ii. a significant contribution to the enhancement or protection of biodiversity values.
Policy 16.2.1.8	Avoid supported living facilities, commercial activities, industrial activities, and major facility activities, unless otherwise provided for, in the rural zones.
Policy 16.2.1.9	Only allow cross lease, company lease and unit title subdivision in the rural zones where it does not result in an increase in residential development potential beyond that which might be achieved through a general subdivision.

Objective 16.2.1

Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural rather than an urban environment.

Policy 16.2.1.10	Only allow the subdivision of a surplus dwelling where: <ul style="list-style-type: none"> a. the subdivision meets policies 16.2.3.8 and 16.2.4.3.a, b and d; b. the dwelling is habitable and in good condition; and c. the subdivision will not result in any additional development potential for residential activity across resultant sites than would otherwise be provided for by the minimum site size standard.
Policy 16.2.1.11	Provide for service stations on a strategic road or arterial road where: <ul style="list-style-type: none"> X. a. safe and convenient access to the site for pedestrians and cyclists can be provided; Y. b. there is adequate public infrastructure to service the development or any necessary upgrades to public infrastructure will be provided; Z. c. the service station will not detract from the economic and social vibrancy and viability of any nearby centres; and AA. d. policies 16.2.2.5 and 16.2.3.6 can be achieved.
Policy 16.2.1.12	Enable the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area .

Objective 16.2.2

The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that ensure:

- a. the potential for reverse sensitivity in the rural zones is minimised;
- b. the residential character and amenity of adjoining residential zones is maintained; and
- c. a reasonable level of amenity for residential activities in the rural zones.

Policy 16.2.2.1	Require residential buildings and cemeteries to minimise, as far as practicable, the potential for reverse sensitivity by being set back an adequate distance from: <ul style="list-style-type: none"> a. site boundaries; and b. intensive farming, domestic animal boarding and breeding (including dogs), mining, landfills, wind generators - large scale, and the Waitati Rifle Range.
Policy 16.2.2.2	Require buildings that house animals to be set back from site boundaries an adequate distance to ensure that any adverse effects on sensitive activities on adjoining sites, such as residential activities, are avoided or, if avoidance is not practicable, are no more than minor.
Policy 16.2.2.3	Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites.
Policy 16.2.2.4	Require rural ancillary retail, rural tourism - small scale, working from home, mineral exploration, and mineral prospecting to operate in a way (including hours of operation or, for mineral exploration, use of blasting) that avoids or, if avoidance is not practicable, adequately mitigates noise or adverse effects on the amenity of sensitive activities on surrounding properties.

Objective 16.2.2

The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that ensure:

- a. the potential for reverse sensitivity in the rural zones is minimised;
- b. the residential character and amenity of adjoining residential zones is maintained; and
- c. a reasonable level of amenity for residential activities in the rural zones.

Policy 16.2.2.5	Only allow rural tourism - large scale, rural research - large scale (outside the Invermay Farm mapped area), rural contractor and transport depots - large scale, community and leisure - large scale, sport and recreation, veterinary services, visitor accommodation, cemeteries, crematoriums, intensive farming, domestic animal boarding and breeding (including dogs), rural industry, mining, service stations, or landfills where adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated.
Policy 16.2.2.6	Require forestry and shelterbelts and small woodlots to be set back an adequate distance to avoid or minimise, as far as practicable, significant effects from shading on residential buildings on surrounding properties.
Policy 16.2.2.7	Only allow cemeteries where they are designed to avoid, as far as practicable, the potential for reverse sensitivity by locating graves a suitable distance from site boundaries and providing adequate screening from surrounding activities.

Objective 16.2.3

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

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

Policy 16.2.3.1	Require buildings and structures to be set back from site boundaries and of a height that maintains the rural character values and visual amenity of the rural zones.
Policy 16.2.3.2	Require residential activity to be at a density that maintains the rural character values and visual amenity of the rural zones.
Policy 16.2.3.3	Require mineral exploration and mineral prospecting to restore land to at least the same standard as before the activity commenced with respect to landform and productive potential.
Policy 16.2.3.4	Only allow mining and landfills where there is reasonable certainty that land will be restored or rehabilitated to an acceptable standard with respect to landform and to enable a return to productive, recreational or conservation use as soon as possible.
Policy 16.2.3.5	Only allow intensive farming, rural tourism - large scale, rural industry, rural research - large scale (outside the Invermay Farm mapped area), rural contractor and transport depots - large scale, mining and landfills where adverse effects from large scale development on rural character and visual amenity will be avoided or minimised as far as practicable.
Policy 16.2.3.6	Only allow community and leisure - large scale, sport and recreation, early childhood education, service stations, and visitor accommodation where the adverse effects of development on rural character and visual amenity are avoided or, if avoidance is not practicable, no more than minor.
Policy 16.2.3.7	Require ancillary signs to be located and designed to maintain rural character and visual amenity, including by being of an appropriate size and number to convey information about the name, location, and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose.
Policy 16.2.3.8	Only allow subdivision activities where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones.
Policy 16.2.3.9	Require activities to be designed and operated to ensure that any adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, will be no more than minor.
Policy 16.2.3.10	Require large buildings and structures in the Hill Slopes Rural Zone to avoid adverse visual effects caused by reflectivity or, if avoidance is not practicable, ensure effects are no more than minor.
Policy 16.2.3.11	Require papakāika to maintain, as far as practicable, the rural character values and amenity of the rural zones in terms of the design, scale and location of the development.

Objective 16.2.3

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

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

<p>Policy 16.2.3.X 16.2.3.12</p>	<p>Require scheduled mining activities to be designed, located and undertaken in a way that avoids or, if avoidance is not practicable, adequately mitigates:</p> <ol style="list-style-type: none"> a. sediment run-off onto any property, or into any stormwater pipes, drains, channels or soakage systems; and b. dust nuisance on the amenity of surrounding sites.
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<p>Policy 16.2.3.Y 16.2.3.13</p>	<p>Require residential buildings in the Hill Slopes Rural Zone to be of a size that avoids adverse visual effects or, if avoidance is not practicable, ensure effects are no more than minor.</p>
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Objective 16.2.4

The productivity of rural activities in the rural zones is maintained or enhanced.

Policy 16.2.4.1	Require earthworks in a high class soils mapped area to retain soils on the site.
Policy 16.2.4.2	Only allow activities other than farming on highly productive land where: <ul style="list-style-type: none"> a. the scale, size and nature of the activity means that any loss of current or potential future rural productivity would be: <ul style="list-style-type: none"> i. insignificant in any high class soils mapped area; and ii. no more than minor in other areas of highly productive land; unless b. for mining, the activity must locate on highly productive land due to operational requirements and there are no practicable alternative locations.
Policy 16.2.4.3	Only allow subdivision activities where the subdivision is designed to ensure any future land use and development will: <ul style="list-style-type: none"> a. maintain or enhance the productivity of rural activities; b. maintain highly productive land for farming activity, or ensure the effects of any change in land use are: <ul style="list-style-type: none"> i. insignificant on any high class soils mapped area; and ii. no more than minor on other areas of highly productive land; c. maintain land in a rural rather than rural residential land use; and d. not increase the potential for reverse sensitivity.
Policy 16.2.4.4	Require residential activity in the rural zones to be at a density that will not, over time and/or cumulatively, reduce rural productivity by displacing rural activities.

Rules

Rule 16.3 Activity Status

16.3.1 Rule Location

The activity status tables in rules 16.3.3 to 16.3.6 specify the activity status of land use activities, development activities, and subdivision activities in the rural zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

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

16.3.2 Activity Status Introduction

1. The activity status tables in rules 16.3.3 - 16.3.5 show the activity status of activities in the rural zones and the overlay zones indicated, provided any performance standards shown in the far right column are met.
2. Activities are split into three types: a. land use activities, b. development activities, c. subdivision activities. Within these types, activities are split into categories. The nested tables in Section 1.3 outline the hierarchy of categories, activities and sub-activities.
3. Permitted land use activities do not automatically provide for any related development activities. Therefore, the activity status of any associated development activities should also be checked.
4. Where a new land use activity requires a resource consent, all associated development activities will be considered and assessed as part of the resource consent even if the development otherwise meets the development performance standards listed in the Plan.
5. Development activities that are lawfully present at the time any relevant rules in this Plan have legal effect are not managed by those rules (the rules do not apply to existing lawfully established development activities).
6. The nested tables in Section 1.3 are intended to be a complete list of activities. However, in the case of an activity that is not covered by any of the activities in the nested tables, the activity status will be non-complying.

Additional activity status rules in hazard overlay zones

7. For the purpose of the hazards provisions, activities are categorised as natural hazards sensitive activities, natural hazards potentially sensitive activities or natural hazards least sensitive activities. The activities that are in each hazards sensitivity category are included in the definitions section and in Section 11.1.
8. In the Hazard 1 (Flood) Overlay Zone or the Hazard 2 (Flood) Overlay Zone, the activity statuses in Rule 16.3.6 apply to the following activities:
 - a. natural hazards sensitive activities;
 - b. natural hazards potentially sensitive activities; and
 - c. new buildings and additions and alterations to buildings that create within any two calendar-year period: more than 36m² of new ground floor area in the **Henley mapped area**, or more than 60m² of new ground floor area outside the **Henley mapped area**.

9. Where the activity status in Rule 16.3.6 differs from that in rules 16.3.3 - 16.3.5, the most restrictive activity status always applies.
10. In addition to the rules in Rule 16.3.6, performance standards for development activities within hazard overlay zones are included in Rule 16.3.4.
11. Activities in a hazard overlay zone must comply with rules 16.3.3 - 16.3.5.

Performance Standards

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

Note 16.3.2A - Other relevant District Plan provisions

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

Legend

Acronym	Meaning
+	Additional provisions apply (assessment criteria for activities in overlay need to be viewed)
N/A	Not Applicable
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
Pr	Prohibited Activity
RU	Rural Zones
ONF	Outstanding Natural Feature Overlay Zone
ONL	Outstanding Natural Landscape Overlay Zone
SNL	Significant Natural Landscape Overlay Zone
ONCC	Outstanding Natural Coastal Character Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
NCC	Natural Coastal Character Overlay Zone
ASBV	Areas of Significant Biodiversity Value
Haz1A	Hazard 1A (flood) Overlay Zone

Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones
RTZ	Residential Transition Overlay Zone

16.3.3 Land Use Activity Status Table

1.	Performance standards that apply to all land use activities					<ul style="list-style-type: none"> a. Acoustic insulation (noise sensitive activities only) b. NA e. b. Light spill ƒ. c. Noise e. d. Setback from National Grid (National Grid sensitive activities only)
Rural activities		Activity status				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASBV	
2.	Domestic animal boarding and breeding (not including dogs)	P	P	NC	NC	i. Location
3.	Domestic animal boarding and breeding (including dogs)	RD	RD	NC	NC	i. Location
4.	Intensive farming not in an RTZ	RD	RD	NC	NC	i. Minimum mobility car parking
5.	Intensive farming in an RTZ	D	N/A	N/A	N/A	
6.	Farming	P	P	P	NC	
7.	Forestry not in an RTZ	P	RD	NC	NC	<ul style="list-style-type: none"> i. Forestry and shelterbelts and small woodlots setbacks ii. Tree species
8.	Forestry in an RTZ	D	N/A	N/A	N/A	
9.	Grazing	P	P	P	NC	
10.	Landfills not in an RTZ	D	D+ in SNL/NCC NC in ONL	Pr	NC	
11.	Landfills in an RTZ	NC	N/A	N/A	N/A	

12.	Mineral prospecting	P	P	NC	NC	i. Hours of operation ii. Site restoration
13.	Mineral exploration that does not involve blasting	P	P	NC	NC	i. Hours of operation ii. Site restoration
14.	Mineral exploration that involves blasting	P	D+ in SNL/NCC NC in ONL	NC	NC	i. Hours of operation ii. Site restoration iii. Blasting
15.	Mining not in an RTZ	D	D+ in SNL/NCC NC in ONL	Pr	NC	
16.	Mining in an RTZ	NC	N/A	N/A	N/A	
17.	Scheduled mining activity (other than SMA008)	P	P	P	N/A	i. Scheduled mining activity
AA. <u>18.</u>	Scheduled mining activity (SMA008)	C	C	N/A	N/A	i. Scheduled mining activity
AB. <u>19.</u>	Expansion of scheduled mining activity	D	D+ in SNL/NCC NC in ONL	Pr in an ONCC or HNCC SMA002 Pr in ONF SMA007 NC in ONF	NC	
18. <u>20.</u>	Rural ancillary retail	P	P	P	P	i. Hours of operation ii. Location iii. Maximum gross floor area iv. Minimum mobility car parking
19. <u>21.</u>	Rural tourism - small scale	P	P	P	P	i. Hours of operation ii. Location iii. Minimum mobility car parking
20. <u>22.</u>	Rural tourism - large scale	D	D	D	D+	
21. <u>23.</u>	Rural research - small scale	P	P	P	P	i. Minimum mobility car parking
22. <u>24.</u>	Rural research - large scale outside the Invermay Farm mapped area	D	D	NC	D+	

23. 25.	Rural research - large scale in the Invermay Farm mapped area	P	N/A	N/A	N/A	
Residential activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASBV	Performance standards
24. 26.	Papakāika ¹	C	C	NC	NC	i. Density ii. Separation distances
25. 27.	Residential activities within the airport noise inner control mapped area	Pr	N/A	N/A	N/A	
26. 28.	Standard residential outside a hazard facility mapped area	P	P	NC	NC	i. Density ii. Separation distances iii. Family flats
29.	Standard residential within a hazard facility mapped area	NC	NC	N/A	N/A	
27. 30.	Supported living facilities	NC	NC	NC+	NC+	
28. 31.	Working from home	P	P	P	P	i. Hours of operation ii. Maximum gross floor area
Community activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASBV	Performance standards
29. 32.	Conservation	P	P	P	P	
31. 33.	Community and leisure within a hazard facility mapped area	NC	NC	N/A	N/A	
30. 34.	Community and leisure - small scale outside a hazard facility mapped area	P	P	P	P	i. Minimum mobility car parking
31. 35.	Community and leisure - large scale outside a hazard facility mapped area	D	D	D	D+	
32. 36.	Early childhood education outside a hazard facility mapped area	D	D	D	NC	
33. 37.	Early childhood education within a hazard facility mapped area	NC	NC	N/A	N/A	
33. 38.	Sport and recreation	D	D	D	D+	
Commercial activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASBV	Performance standards

34. 39.	Ancillary licensed premises	Same status as underlying activity	Same status as underlying activity	Same status as underlying activity	Same status as underlying activity	
35. 40.	Restaurants or retail activities ancillary to sport and recreation	D	D	D	D+	
36. 41.	Stand-alone car parking	P	P	P	P	
37. 42.	Veterinary services (large animal practice) outside a hazard facility mapped area	RD	RD	NC	NC	
38. 43.	Veterinary services (large animal practice) within a hazard facility mapped area	NC	NC	NC	NC	
39. 44.	Visitor accommodation outside the airport noise inner control mapped area and outside a hazard facility mapped area	D	D	NC	NC	
40. 45.	Visitor accommodation within a hazard facility mapped area	NC	NC	N/A	N/A	
41. 46.	Visitor accommodation within the airport noise inner control mapped area	Pr	N/A	N/A	N/A	
42. 47.	Service stations on a strategic road or arterial road	D	NC	NC	NC	
43. 48.	Service stations other than on a strategic road or arterial road	NC	NC	NC	NC	
44. 49.	All other activities in the commercial activities category	NC	NC	NC	NC+	
Industrial activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASBV	Performance standards
45. 50.	Rural contractor and transport depots - small scale	P	P	NC	NC	
46. 51.	Rural contractor and transport depots - large scale	D	D	NC	NC	
47. 52.	Rural industry	D	D	NC	NC	
48. 53.	All other activities in the industrial activities category	NC	NC	NC	NC+	
Major facility activities		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASBV	Performance standards
49. 54.	Cemeteries outside a hazard facility mapped area	RD	RD	NC	NC	i. Separation distances

X. 55.	Cemeteries within a hazard facility mapped area	NC	NC	N/A	N/A	
48. 56.	Crematoriums outside a hazard facility mapped area	RD	RD+	NC	NC	i. Minimum mobility car parking
Y. 57.	Crematoriums within a hazard facility mapped area	NC	NC+	N/A	N/A	
49. 58.	Emergency services outside a hazard facility mapped area	P	NC	NC	NC	i. Minimum mobility car parking
Z. 59.	Emergency services within a hazard facility mapped area	NC	NC	N/A	N/A	
50. 60.	New Zealand Marine Studies Centre in the Portobello Marine Science mapped area	P	P	N/A	N/A	
51. 61.	All other activities in the major facility activities category	NC	NC+	NC+	NC+	

Note 16.3.3A - General advice

- ¹ Papakāika activity is intended to allow descendants of the original native reserve grantees to live on this land. It is not intended to allow other residential use of rural land at a higher density than provided for in the rural zones. If papakāika is developed and is subsequently no longer required for the use of Manawhenua in accordance with the papakāika definition, resource consent will be required to allow its use as other residential development. In this situation, the provisions of the rural zones that govern residential activity, including density of residential development, will apply. It is strongly recommended that the use of relocatable buildings is considered for papakāika development in order to avoid potential future problems of being unable to obtain consent for ownership or occupation of dwellings by people other than descendants of the original grantees.
- Where papakāika is on Māori Land, the provisions of the Te Ture Whenua Māori Act 1993 or subsequent legislation apply.
- New marae may only be established with the agreement of Manawhenua.
- For papakāika activity, see also Rule 16.13 Special Information Requirements.

Note 16.3.3B – Other requirements outside of the District Plan

- 1. Plantation forestry and associated activities are addressed by the NESPF rather than Rule 16.3.3.7 for rural zones in Rule 16.3.3.7.a and for SNLs in Rule 16.3.3.7.b.
- 2. Plantation forestry and associated activities are addressed by the NESPF rather than Rule 16.3.3.7 for ONLs in Rule 16.3.3.7.b, except that Rule 16.5.13 (which is more stringent than the NESPF) and assessment Rule 16.10.5.7 (which is an effect not addressed by the NESPF) apply in addition to the NESPF.
- 3. For NCCs in Rule 16.3.3.7.b, ONFs, ONCC and HNCCs in Rule 16.3.3.7.c, and ASBVs in column Rule 16.3.3.7.d the NESPF does not apply.
- 4. The NESPF does not apply to vegetation clearance prior to afforestation and therefore rules 46.3.4.23, 16.3.4.21, 46.3.4.24, 16.3.4.22 and 46.3.4.25, 16.3.4.23 and the rules in Section 10 Natural Environment apply.

Note ~~16.3.3X~~ 16.3.3C - Other requirements outside of the District Plan

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

16.3.4 Development Activity Status Table

1.	Performance standards that apply to all development activities	<ul style="list-style-type: none"> a. Natural Hazards Performance Standards b. Setback from scheduled tree
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2.	Performance standards that apply to all buildings and structures activities					<ul style="list-style-type: none"> a. Boundary setbacks b. Firefighting c. Maximum height d. Number, location and design of ancillary signs e. Reflectivity (landscape and coastal character overlays) f. Setback from coast and water bodies g. Setback from National Grid h. Setback from Critical Electricity Distribution Infrastructure
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 8–15 6 - 13)		Activity status				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASB V	
5. 3.	New buildings or structures or additions and alterations (except fences)	P	P	NC	P	i. Area, number and location of buildings and structures (ONLs, SNLs, NCCs, ASBVs, Hill Slopes)
6. 4.	Fences	P	P	P	P	
7. 5.	All other buildings and structures activities	P	P	P	P	
Buildings and structures activities that affect a protected part of a scheduled heritage building or a scheduled heritage structure		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASB V	Performance standards

8- 6.	Repairs and maintenance	P	P	P	P	
9- 7.	Restoration of a building or structure that has a Heritage New Zealand Pouhere Taonga Category 1 listing (as detailed in Appendix A1.1)	C	C	C	C	
40- 8.	Restoration of all other scheduled heritage buildings and scheduled heritage structures	P	P	P	P	
44- 9.	Earthquake strengthening where external features only are protected	C	C	C	C	i. Materials and design
42- 10.	Signs attached to buildings or structures	P	P	P	P	
43- 11.	All other additions and alterations	RD	RD	RD	RD	
44- 12.	Demolition	NC	NC	NC	NC	
45- 13.	Removal for relocation	RD	RD	RD	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASBV	Performance standards
46- 14.	New structures no more than 2.5m high or 2m ² footprint	P	P	P	P	
47- 15.	All other new structures	RD	RD	RD	RD	
48- 16.	New buildings	RD	RD	RD	RD	
49- 17.	Parking, loading and access	RD	RD	RD	RD	i. Parking, loading and access standards
Site development activities in all areas (except as covered by rows 46–49 14 – 17 above)		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASBV	Performance standards
20- 18.	Outdoor storage	P	P	P	P	
24- 19.	New or additions to parking areas that result in 50 or more new parking spaces.	RD	RD	RD	RD	i. Parking, loading and access standards
22- 20.	Parking, loading and access	P	P	P	P	i. Parking, loading and access standards
23- 21.	Indigenous vegetation clearance - small scale	P	P	P	P	i. Vegetation clearance standards
24- 22.	Indigenous vegetation clearance - large scale	RD	RD in ONL/SNL RD+ in NCC	RD+ in ONF NC in ONCC/HNCC	NC	i. Vegetation clearance standards

25. <u>23.</u>	All other vegetation clearance	P	P	P	P	i. Vegetation clearance standards
26. <u>24.</u>	Storage and use of hazardous substances	P	P	P	P	i. Hazardous substances quantity limits and storage requirements ii. Setback from coast and water bodies
27. <u>25.</u>	Shelterbelts and small woodlots	P	P	RD	RD	i. Forestry and shelterbelts and small woodlots setbacks ii. Tree species
28. <u>26.</u>	All other site development activities	P	P	P	RD	

Note 16.3.4A - General advice

1. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand Pouhere Taonga. This is the case regardless of whether the site is designated, or the activity is permitted under the District Plan or Regional Plan, or a resource or building consent has been granted.
2. An archaeological site is defined as any place in New Zealand that was associated with human activity that occurred before 1900 and provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand. This includes the scheduled archaeological sites within the District Plan.
3. Pre-1900 buildings are considered archaeological sites. An archaeological authority must be obtained before demolishing a pre-1900 building or structure.
4. The **archaeological alert layer mapped area** identifies sites and areas that have a strong likelihood of containing archaeological remains, however remains may be present anywhere within the District. If archaeological remains are discovered during any site works, at any location, the Accidental Discovery Protocol (Appendix A8) should be followed.

16.3.5 Subdivision Activity Status Table

Subdivision activities		Activity status				Performance standards
		a. RU	b. ONL/ SNL/NCC	c. ONF/ ONCC/HNCC	d. ASBV	
1.	General subdivision	RD	RD+	RD+	RD+	i. Access ii. Esplanade reserves and strips iii. Firefighting iv. Minimum site size v. Shape ✗ vi. Setback from National Grid (subdivision activities)
2.	Cross lease, company lease and unit title subdivision	D	D	D	D	

Note 16.3.5A - Other RMA considerations

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

Note ~~16.3.5A~~ 16.3.5B - Other relevant District Plan provisions

- Additional matters of discretion apply to the subdivision of land within a **Critical Electricity Distribution Infrastructure Corridor mapped area**. These are set out in Rule 16.10.5.
- Additional matters of discretion apply to the subdivision of land within a **National Grid Subdivision Corridor mapped area**. These are set out in Rule 16.10.5.

16.3.6 Activity Status in Hazard 1 (Flood), Hazard 1A (Flood) and Hazard 2 (Flood) Overlay Zones

Activity		Activity status		
		a. Haz1A (flood)	b. Haz1 (flood)	c. Haz2 (flood)
Land use activities				
1.	Natural hazards sensitive activities	Pr	NC	RD
2.	Natural hazards potentially sensitive activities	NC	NC	RD
Development activities				

Activity		Activity status		
		a. Haz1A (flood)	b. Haz1 (flood)	c. Haz2 (flood)
3.	New buildings and additions and alterations to buildings that create within any two calendar-year period: more than 36m ² of new ground floor area in the Henley mapped area , or more than 60m ² of new ground floor area outside the Henley mapped area	RD	RD	RD

Note 16.3.6A - Other RMA considerations

- × **1.** Section 10 of the RMA (existing use rights) provides for land to be used in a manner that contravenes a rule in a district plan if the use was lawfully established before the rule became operative or the proposed plan was notified, and the effects of the use are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified.
- 2. Accordingly, activities that are shown to have effects that are the same or similar in character, intensity and scale to those which existed before the rule became operative or the proposed plan was notified will not usually trigger the provisions for natural hazards sensitive activities and natural hazards potentially sensitive activities in Rule 16.3.6. However, Council will consider specific circumstances associated with the development and how this affects the character, intensity and scale of effects from the land use activity.

Note 16.3.6B - Other requirements outside the District Plan

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

Rule 16.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or 95B of the RMA, unless either Council considers special circumstances exist in relation to the application that require public notification or specific parties are required to be notified by rules 16.4.2, 16.4.3, 16.4.4, 16.4.5 or 16.4.7:
 1. papakāiika (controlled activity) where the associated site development activities are permitted;
 2. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand Pouhere Taonga;
 3. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand Pouhere Taonga; and
- × **4.** new buildings or structures greater than 60m² footprint, or additions and alterations that result in a building or structure that is greater than 60m² footprint, within an SNL, ONL or NCC Overlay Zone (Rule ~~16.6.6~~ **16.6.6.1**), where the building or structure is to be used for farming.
2. With respect to resource consent applications for the following activities, Heritage New Zealand Pouhere Taonga will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided:

1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand Pouhere Taonga;
 2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is listed by Heritage New Zealand Pouhere Taonga; and
 3. contravention of the archaeological sites performance standard (Rule 13.3.3).
3. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
1. cemeteries, crematoriums and landfills;
 2. all restricted discretionary activities that list 'effect on cultural values of Manawhenua' as a matter for discretion; and
 3. discretionary and non-complying activities in a **wāhi tūpuna mapped area** where the activity is identified as a threat in Appendix A4.
4. With respect to resource consent applications for the following activities, the Department of Conservation will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided:
1. indigenous vegetation clearance - large scale in a scheduled Area of Significant Biodiversity Value; or
 2. indigenous vegetation clearance - large scale or any discretionary or non-complying activity in a Natural Coastal Character, High Natural Coastal Character or Outstanding Natural Coastal Character Overlay Zone.
5. With respect to resource consent applications for the following activities within the **radio transmitters mapped area**, Radio New Zealand Limited will be considered an affected person in accordance with section 95B of the RMA, unless its written approval is provided or discretion is restricted and excludes consideration of reverse sensitivity effects:
1. any activities that may be sensitive to electromagnetic interference, noise or visual effects from Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road; and
 2. subdivision that could result in activities of this kind.
6. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider papakāika or family flats as part of the permitted baseline in considering residential density effects in the rural zones.
7. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided:
1. activities in the hazard 1 or hazard 1A (flood) overlay zones; and
 2. activities in **swale mapped areas**.
8. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 16.5 Land Use Performance Standards

16.5.1 Acoustic Insulation

Noise sensitive activities in the following areas must comply with Rule 9.3.1:

1. port noise control mapped area;
2. airport noise inner control mapped area;
3. airport noise outer control mapped area;
4. within 40m of the Taieri Aerodrome Zone;
5. within 40m of a state highway;
6. within 20m of an industrial zone;
7. within 70m of a railway line; and
- ✗ 8. Fonterra noise control mapped area.

16.5.2 Density

1. The maximum density of standard residential activity is as follows:

Rural Zone	i. Minimum site size - first residential activity per site	ii. Minimum site size - second residential activity per site	iii. Minimum site size - third residential activity per site
a. Coastal	15ha	80ha	120ha
b. High Country	100ha	200ha	300ha
c. Hill Country	100ha	200ha	300ha
d. Hill Slopes	15ha	50ha	75ha
e. Middlemarch Basin	40ha	160ha	240ha
f. Peninsula Coast	20ha	80ha	120ha
g. Taieri Plain	25ha	80ha	120ha

- h. except:
 - i. papakāika may be developed at a density of 6 residential units, or 15 habitable rooms per site, whichever is the lesser;
 - ii. in the Middlemarch Basin, Hill Country and High Country rural zones, a single residential activity is permitted on any site that existed before 26 September 2015, and that is 15ha or larger, provided the residential activity is established prior to 7 November 2025; and
 - ✗ iii. in the Peninsula Coast Rural Zone, a single residential activity is permitted on any site that existed before 26 September 2015, and that is 15ha or larger.
2. i. Multiple standard residential activities (additional primary residential buildings (houses)) are only allowed on a single site where they are located no closer than 80m from other residential buildings on the same site (family flats or sleepouts are considered part of the same residential activity), except:
 - i. a. multiple residential units developed as part of papakāika may be located closer than 80m to each other.

3. j. If a site is crossed by a boundary between two or more rural zones, all of the following apply:
- a. the maximum density of the standard residential activity must meet the density required for the rural zone in which the residential activity is to be established;
 - i. b. the total site size must meet the minimum site size for the zone in which the residential activity is to be established; and
 - ii. c. for each new residential activity per site, a minimum of 2ha of the site per residential activity must be located within the rural zone in which the residential activity is to be established.
2. 4. One family flat is allowed in association with each standard residential activity that meets this performance standard for density.
3. 5. Standard residential activity that contravenes the performance standard for density is a non-complying activity, except:
- a. papakāika that contravenes the performance standard for density is a discretionary activity; and
 - ~~X.~~ b. a family flat that contravenes Rule ~~16.5.2.2~~ 16.5.2.4 is:
 - i. a restricted discretionary activity where the area of the site is 15ha or more; or
 - ii. a discretionary activity where the area of the site is less than 15ha.

16.5.4 Hours of Operation

Activity	Hours of operation
1. Mineral exploration and mineral prospecting	7:00am - 10:00pm
2. Rural ancillary retail	Customers must not arrive before 7:00am or depart after 7:00pm
3. Rural tourism - small scale	Visitors must not arrive before 7:00am or depart after 7:00pm
4. Working from home (excluding homestay)	Customers and deliveries must not arrive before 7:00am or depart after 7:00pm

- 5. Wildlife and night sky viewing activities are exempt from this standard.
- 6. Activities that contravene this performance standard are restricted discretionary activities.

16.5.5 Light Spill

- 1. Light spill measured 1.5m above ground level at the boundary of a site must not exceed 1 Lux between 10:00pm and 7:00am.
- 2. Lights must be:
 - a. cut-off or fully shielded; and
 - b. directed away from roads and any adjacent property.
- 3. Light spill measured at the boundary of the residential zone or any site used for residential purposes between 7:00am and 10:00pm must not exceed 3 Lux, except this standard does not apply to light spill from the headlights of motor vehicles.
- 4. Activities that contravene rules 16.5.5.1 and 16.5.5.2 are discretionary activities.
- 5. Activities that contravene any light spill limit in Rule 16.5.5.3 by 25% or less are discretionary activities.
- 6. Activities that contravene any light spill limit in Rule 16.5.5.3 by greater than 25% are non-complying activities.

16.5.6 Location

1. Domestic animal boarding and breeding, rural ancillary retail and rural tourism - small scale must not be accessed directly from a state highway with a speed limit of 80kmh or over.
2. Activities that contravene this performance standard are restricted discretionary activities.

16.5.7 Maximum Gross Floor Area

Activity	Maximum gross floor area
1. Rural ancillary retail	60m ²
2. Working from home	100m ²

3. The retailing of plants grown on the site is exempt from the performance standard for maximum gross floor area.
4. Activities that contravene this performance standard are restricted discretionary activities.

Note 16.5.7A - Other requirements outside of the District Plan

1. Registration must be obtained from DCC Environmental Health Department for any working from home activity which involves food products, hairdressing, beauty therapy or tattooing. Please contact the DCC's Environmental Health Department on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.
2. A licence from the DCC's Alcohol Licensing Department may be required for any working from home activity involving the sale or distribution of alcohol. Please contact the DCC on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

16.5.8 Minimum Mobility Car Parking

Activity	Minimum car parking
1- 7. <i>Removed to comply with the National Policy Statement on Urban Development 2020 requirement to remove minimum car parking requirements. Rule numbering to be corrected at a later date.</i>	TO BE REMOVED

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

Total number of parking spaces provided	Minimum number of these that must be mobility parking spaces
a. 1 - 20	1 parking space
b. 21 - 50	2 parking spaces
c. For every additional 50 parking spaces	1 additional parking space

9. ~~NA.~~

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

41. ~~NA.~~

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

Note 16.5.8A - Other relevant District Plan provisions

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

16.5.9 Noise

Land use activities must comply with Rule 9.3.6.

16.5.10 Separation Distances

1. New residential buildings and cemeteries must be located at least:
 - a. 100m from:
 - i. an existing, lawfully established intensive farming activity on a separate site;
 - ii. an existing, lawfully established domestic animal boarding and breeding (including dogs) activity on a separate site; and
 - iii. the Waitati Rifle Range at 108 Miller Road, Waitati (Minister of Defence designation D158);
 - b. 150m from existing, lawfully established landfills on a separate site;
 - c. 250m from existing, lawfully established wind generators - large scale on a separate site;
 - d. 200m from an existing, lawfully established mining activity, that does not involve blasting, on a separate site; and
 - e. 500m from an existing, lawfully established mining activity, that involves blasting, on a separate site.
2. For the purposes of this standard, separation distance is measured from either the closest wall of the new residential building or the closest edge of the cemetery, as relevant, to the closest edge of any active operational area or other part of the site being used as part of the activities listed.
3. Activities that contravene this performance standard are restricted discretionary activities.

16.5.11 Setback from National Grid

National Grid sensitive activities must comply with Rule 5.6.1.

16.5.12 Site Restoration

1. Areas disturbed by mineral prospecting and mineral exploration must be restored with respect to landform, biodiversity values and productive potential. Restoration must be completed prior to the end of the lease, licence, or consent, whichever is earliest.
2. Activities that contravene this performance standard are restricted discretionary activities.

16.5.13 Tree Species

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

16.5.14 Family Flats

16.5.14.1 Family flats - tenancy

- a. Family flats must:
 - i. only be occupied by:
 1. a person or persons related to or dependent on the household that lives in the primary residential unit on the same site; or
 2. employed on-site, in a paid or voluntary capacity, as a domestic, child-care, farm or conservation worker by the household that lives in the primary residential unit on the same site.
 - ii. not be on a different tenancy agreement to the primary residential unit.
- b. Standard residential activity that contravenes this performance standard is a non-complying activity.

16.5.14.2 Family flats - design

- a. Family flats (which include farm workers' accommodation) in all rural zones must:
 - i. not exceed a maximum gross floor area of 60m².
- ~~b.~~ **b.** Family flats in the Coastal, Hill Slopes, Peninsula Coast and Taieri Plain rural zones must:
 - i. be on the same available water and wastewater infrastructure connection, or the same non-reticulated wastewater disposal system as the primary residential unit;
 - ii. be on the same household electricity account;
 - iii. share the same driveway as the primary residential unit; and
 - iv. be attached to or located in the same residential building as the primary residential unit, or located within 30m of the primary residential building (house), as measured as the closest distance between any wall of the primary residential building and any wall of the family flat.
- ~~b.~~ **c.** Standard residential activity that contravenes this performance standard is a restricted discretionary activity.

16.5.15 Blasting

1. Mineral exploration that involves blasting must comply with the following:
 - a. There are no more than 3 blast events per site per day, and no more than 21 blast events in a calendar year.
 - b. Blast events may only occur between 8.00am and 6.00pm Monday to Saturday (excluding public holidays).
 - c. The peak amplitude (V_{max}) must not exceed 5 mm/second, measured on any foundation or suitable adjacent location of an adjoining residential property; Overpressure (P_{max}) must not exceed 120 dBL, measured at the boundary of the receiving property, or the notional boundary of noise sensitive activities in a rural, rural residential or Ashburn Clinic Zone.
 - d. Quantum of earth moved must not exceed the earthworks - small scale standards.
2. Mineral exploration that contravenes the performance standard for blasting is a discretionary activity.

16.5.16 Scheduled Mining Activity

16.5.16.1

Scheduled mining activity must meet the performance standards listed below.

16.5.16.2

- a. Scheduled mining activity that contravenes Rule 16.5.16.3, Rule 16.5.16.4, Rule 16.5.16.6 or Rule 16.5.16.7

will be considered expansion of scheduled mining activity and will be subject to the rules that apply to that activity in Rule 16.3.

- b. Scheduled mining activity that contravenes Rule 16.5.16.5, Rule ~~16.5.16.8~~ **16.5.16.8** or Rule ~~16.5.16.9~~ **16.5.16.9** has the activity status set out in that standard.

16.5.16.3 Maximum annual extraction

- a. Aramoana Quarry must not exceed a maximum annual extraction limit of 50,000m³.
- b. Fairfield Sand Pit No. 3 must not exceed a maximum annual extraction limit of 10,000 tonnes.

16.5.16.4 Operating limits

- a. Blackhead Quarry:
- i. may only operate: Monday to Saturday 6.00am to 10.00pm;
 - ii. must not extract material on Sec 153 Green Island Bush SD or within 100m of Blackhead Road on Secs 154 and 155 Green Island Bush SD. However, these areas may be used for quarry activities not involving extraction such as stock piling overburden; and
 - iii. must not undertake mining in the area defined by Conservation Covenant 779741/2.
- b. Fairfield Sand Pit No. 3:
- i. may only operate: Monday to Friday 6.00am to 8.00pm and Saturday 7.00am to 5.00pm;
 - ii. must not use blasting; and
 - iii. must not extract material on Pt Sec 11 -13 Green Island West SD. However, these areas may be used for quarry activities not involving extraction, such as stockpiling overburden.
- c. Aramoana Quarry:
- i. may only operate: Monday to Saturday 7.00am to 7.00pm;
 - ii. may only operate for the purpose of maintaining and repairing of the Aramoana Mole and the Long Mac Groyne; and
 - iii. may only transport rock on the Aramoana Road/Moana Street route, between the hours of 7.00am to 7.00pm Monday to Saturday.
- d. Mt Kettle Quarry:
- i. may only operate: Monday to Saturday 6.00am to 10.00pm;
 - ii. must not undertake mining on more than 40 days each calendar year;
 - iii. must ensure quarrying does not alter the skyline as viewed from Portobello Road or from State Highway No 1;
 - iv. must not quarry closer than 50m to adjoining properties; and
 - v. must retain existing native vegetation on areas not quarried.
- ~~e.~~ **e.** Saddle Hill Upper Quarry:
- i. must not operate outside of the hours Monday to Saturday 6.00am to 10.00pm; and
 - ii. must not involve any rock extraction or earthworks (either excavation or deposition of fill) that alters the profile of the ridgeline outside Area B as shown in Figure 16.5.16.4A.
- ~~f.~~ **f.** Saddle Hill Lower Quarry:
- i. must not operate outside of the hours Monday to Saturday 6.00am to 10.00pm; and
 - ii. must not involve any rock extraction or earthworks (either excavation or deposition of fill) outside Area A as shown in Figure 16.5.16.4B.



Figure 16.5.16.4A: Saddle Hill Upper Quarry: operating limits

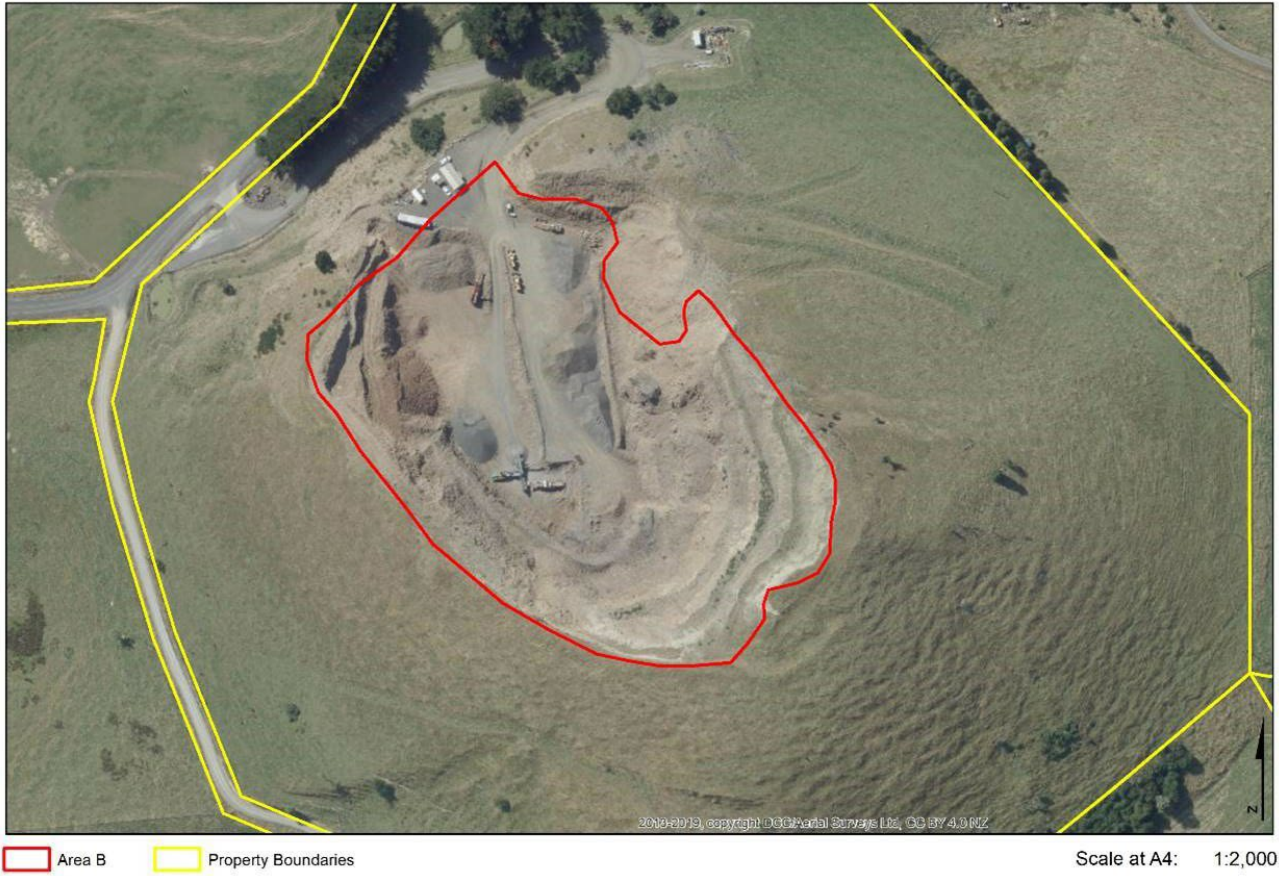


Figure 16.5.16.4B: Saddle Hill Lower Quarry: operating limits



16.5.16.5 Noise

Aramoana Quarry, Blackhead Quarry, Mt Kettle Quarry Fairfield Sand Pit No. 3, Saddle Hill Upper Quarry and Saddle Hill Lower Quarry must comply with Rule 9.3.6, subject to the following:

- a. an adjustment of minus 5 dBA for noise emissions having special audible characteristics; and
- b. noise level readings for the purpose of determining compliance with the noise conditions must be provided by the quarry operator for two hours, at times representative of the operation and at which maximum noise levels can be assessed. For continuous operations, readings must take place at 12 monthly intervals; for intermittent operations readings must be provided at the time of every subsequent operation of the site.

16.5.16.6 Blasting

- a. Aramoana Quarry, Blackhead Quarry, Mt Kettle Quarry, Saddle Hill Upper Quarry and Saddle Hill Lower Quarry must ensure that airblast over-pressure from a blasting event on the site, when assessed at any point within the notional boundary of any residence, does not exceed a peak non-frequency-weighted (linear or flat) level of 115 dB (Peak) at any time.

16.5.16.7 Landscaping and rehabilitation

- a. Aramoana Quarry, Blackhead Quarry, Mt Kettle Quarry and Fairfield Sand Pit No. 3 must carry out a programme of landscaping to encourage the revegetation of areas that are no longer being mined. The landscaping programme must ensure that:
 - i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect; and
 - ii. all vegetation established as part of this programme is maintained in a healthy state at all times.
- b. For Aramoana Quarry, Blackhead Quarry and Mt Kettle Quarry, the landscaping must include creating areas of loose scree on any benching for the colonisation of rock plants.
- c. For Fairfield Sand Pit No. 3, the site must be rehabilitated to an appearance and character similar to that of the surrounding environment.
- d. Aramoana Quarry must use the overburden and the stockpiling of fines that are retained on the site to recontour the area adjacent to Aramoana Road on sections 46 and 47 Blk V, North Harbour and Blueskin Survey District and must be progressively regressed.
- e. Fairfield Sand Pit No. 3 must undertake a programme of screen planting designed to mitigate adverse visual effects as viewed from the adjacent residential areas, road and other viewing areas. The programme must ensure that:
 - i. all planting is in accordance with a landscape plan prepared by a qualified landscape architect; and
 - ii. all vegetation established as part of this programme is maintained in a healthy state at all times.
- f. Fairfield Sand Pit No. 3 must ensure the edge of the quarried area is designed and certified by a suitably qualified geotechnical engineer to ensure that the edge is stable and will not adversely affect any adjoining property boundary.

~~16.5.16.X~~ **16.5.16.8.** Landscaping and rehabilitation Saddle Hill Upper Quarry

- a. Commencing within 12 months of the rule being treated as operative, at the Saddle Hill Upper Quarry, the quarry owner must progressively implement revegetation in accordance with best practice, to the extent shown practicable through a staged programme, and in accordance with health and safety obligations. Revegetation is to commence with the upper benches followed by other completed quarry work surfaces, to achieve the progressive greening of the scheduled quarry area.
- b. For the sake of clarity, this standard does not preclude mining of surfaces that have been revegetated, provided that any such surfaces are subsequently revegetated in accordance with this standard.
- c. Prior to quarry closure, the quarry owner must, after consultation with the Council, submit to the Council a final quarry landscape rehabilitation plan, prepared by suitably qualified and experienced persons, including a landscape architect and any other technical experts.
- d. Activities that contravene this performance standard are non-complying activities.

~~16.5.16.Y~~ **16.5.16.9.** Dust and sediment control

- a. At Saddle Hill Upper Quarry, and Saddle Hill Lower Quarry, mining must be undertaken using best practice dust and sediment control management to prevent dust or sediment entering water bodies, stormwater networks, or going across property boundaries.
- b. Activities that contravene this performance standard are restricted discretionary activities.

Note 16.5.16A - Other requirements outside of the District Plan

- a. **1.** The Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016 contains regulations that manage effects from mining on public health and safety, including effects on land stability.

Rule 16.6 Development Performance Standards

16.6.1 Firefighting

New residential buildings and subdivision activities must comply with Rule 9.3.3.

16.6.2 Natural Hazards Performance Standards

16.6.2.1 Hazard exclusion areas

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

16.6.2.2 Maximum area of vegetation clearance in the hazard overlay zones

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

16.6.2.3 Relocatable buildings

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

16.6.2.4 Outdoor storage

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

16.6.3 Hazardous Substances Quantity Limits and Storage Requirements

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

16.6.4 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

16.6.5 Maximum Height

1. New buildings, new structures, and additions and alterations must not exceed a maximum height above ground level as follows:

Activity		i. Rural zones	ii. Landscape and coastal character overlay zones
a.	Roadside produce stall	3.5m	3.5m
b.	Buildings associated with the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area	10m	10m
c.	All other buildings and structures	10m	5m

2. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit.
3. New buildings and structures, additions and alterations must not protrude through the height restriction for the Taieri Aerodrome approach and take-off fans shown on the **Taieri Aerodrome flight fan mapped area**.
4. Activities that contravene this performance standard are restricted discretionary activities.

16.6.6 Area, Number and Location of Buildings and Structures

~~16.6.6.X~~ **16.6.6.1** Area, number and location of buildings and structures – ONLs, SNLs, NCCs, ASBVs

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

~~16.6.6.Y~~ **16.6.6.2** Area of residential buildings – Hill Slopes Rural Zone

- a. In the Hill Slopes Rural Zone, new residential buildings must not exceed 400m² gross floor area, and additions and alterations must not result in a residential building that is greater than 400m² gross floor area.
- b. Activities that contravene this performance standard are restricted discretionary activities.

16.6.7 Number, Location and Design of Ancillary Signs

16.6.7.1 General

- a. A maximum of one sign attached to a building and one freestanding sign is allowed per site, except:
 - i. only one sign may be located in any part of a site in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone.
- b. Signs visible from a public place must meet all of the following performance standards, except that regulatory signs, directional signs and warning signs that do not exceed 0.25m² are exempt from these standards.
- c. Signs that only give address, occupant or place name information (not including any commercial business names) do not count toward maximum sign numbers.
- d. Signs must comply with Rule 6.7.3 where visible from a road.
- e. Signs must not be illuminated or digital.
- f. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

16.6.7.2 Signs attached to buildings

- a. The maximum height above ground level, at the highest point of any sign, attached to a building is 4m, except:
 - i. the maximum height is 2m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, except where mounted flat against a parapet or gable end.
- d. The maximum area of signs, per display face, is 2m², except:
 - i. the maximum area of signs, per display face, is 0.6m² in an ONF, ONCC or HNCC overlay zone; and
 - ii. the maximum area of signs, per display face, is 1m² in an ONL, SNL or NCC overlay zone.
- e. In an ONF, ONCC or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

16.6.7.3 Freestanding signs

- a. Maximum dimensions of freestanding signs are:

- i. maximum height of 4m, except:
 1. 2m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone;
 - ii. maximum area of 2m² per display face, except:
 1. 0.6m² per display face in an ONF, ONCC or HNCC overlay zone; and
 2. 1m² per display face in an ONL, SNL or NCC overlay zone;
 - iii. maximum of 2 display faces per sign;
 - iv. maximum width of 2m, except:
 1. 1m in an ONF, ONL, SNL, ONCC, HNCC or NCC overlay zone; and
 - v. maximum depth of 400mm.
- b. Freestanding signs must:
- i. not obstruct parking, loading and access areas; and
 - ii. be positioned entirely within site boundaries.
- c. In an ONF, ONCC or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).

Note 16.6.7A - Other requirements outside of the District Plan

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

16.6.8 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

16.6.9 Reflectivity

1. New buildings and structures (except fences), and additions and alterations, in any landscape or coastal character overlay zone must comply with Rule 10.3.6.
2. In the Hill Slopes Rural Zone, new buildings and structures that exceed 300m² footprint must have exterior surfaces that have a light reflectance value (LRV) of 30% or less, except that this rule does not apply to the following exterior surfaces:
 - a. natural wood finishes;
 - b. glass;
 - c. clear plastic;
 - d. soffits; or
 - e. flues.
3. For the purposes of Rule 16.6.9.2, for exterior surface materials whose LRV changes due to weathering (e.g. stone), the LRV will be measured based on an 'as weathered' condition.
4. For the sake of clarity, Rule 16.6.9.2 applies to roofs and does not apply to fences.
5. Activities that contravene this performance standard are restricted discretionary activities.

16.6.10 Setbacks

16.6.10.1 Boundary setbacks

- a. New buildings, new structures, and additions and alterations, must be set back from boundaries as follows:

Activity		1. Minimum setback from road boundary	2. Minimum setback from side and rear boundaries with sites held in separate ownership
i.	Residential buildings (see Figure 16.6.10.1A)	20m	The greater of either: i. 1. 20m; or ii. 2. a setback that provides a 40m separation from any residential building on any adjoining site
ii.	Non-residential buildings housing animals (see Figure 16.6.10.1B)	20m	i. 1. Buildings with a maximum height of up to 7m above ground level: 12m ii. 2. Buildings with a maximum height that is over 7m above ground level: twice the maximum height of the building
iii.	Non-residential buildings not housing animals (see Figure 16.6.10.1C)	20m	i. 1. Buildings with a maximum height of up to 7m above ground level: 6m ii. 2. Buildings with a maximum height that is over 7m above ground level: twice the maximum height of the building
iv.	Roadside produce stall	No requirement	6m
v.	All other structures	No requirement	No requirement

- vi. except:
 1. additions and alterations to an existing building located within the minimum setback from road

- boundary, provided the addition and alteration does not further increase the contravention of the setback and does not increase the height of the building;
 - 2. additions and alterations to an existing building used for residential activity located within the minimum setback from side and/or rear boundary, provided the addition and alteration does not further increase the contravention of the setback and does not increase the height of the residential building; and
 - 3. buildings associated with the New Zealand Marine Studies Centre in the **Portobello Marine Science mapped area**.
- vii. Rooftop structures are exempt from any calculation of maximum height in this performance standard.
 - viii. For the purposes of this standard, the separation between residential buildings is measured from the closest wall of each residential building.
- b. Activities that contravene this performance standard are restricted discretionary activities.

Figure 16.6.10.1A: Setbacks for new residential buildings

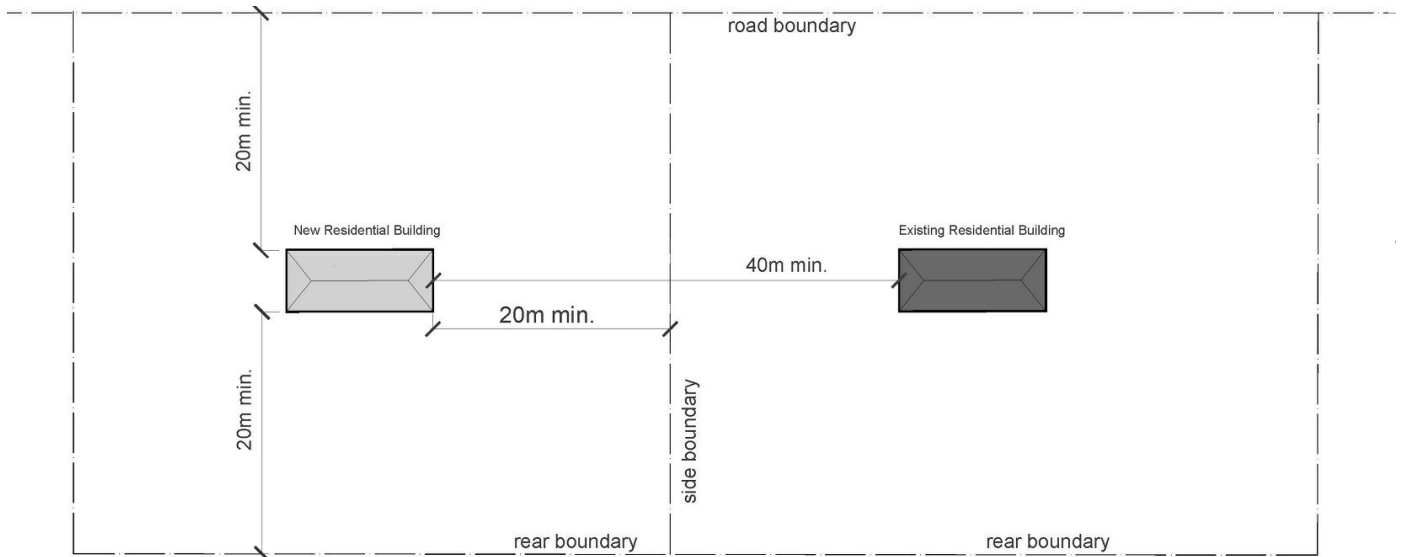


Figure 16.6.10.1B: Setbacks for non-residential buildings housing animals

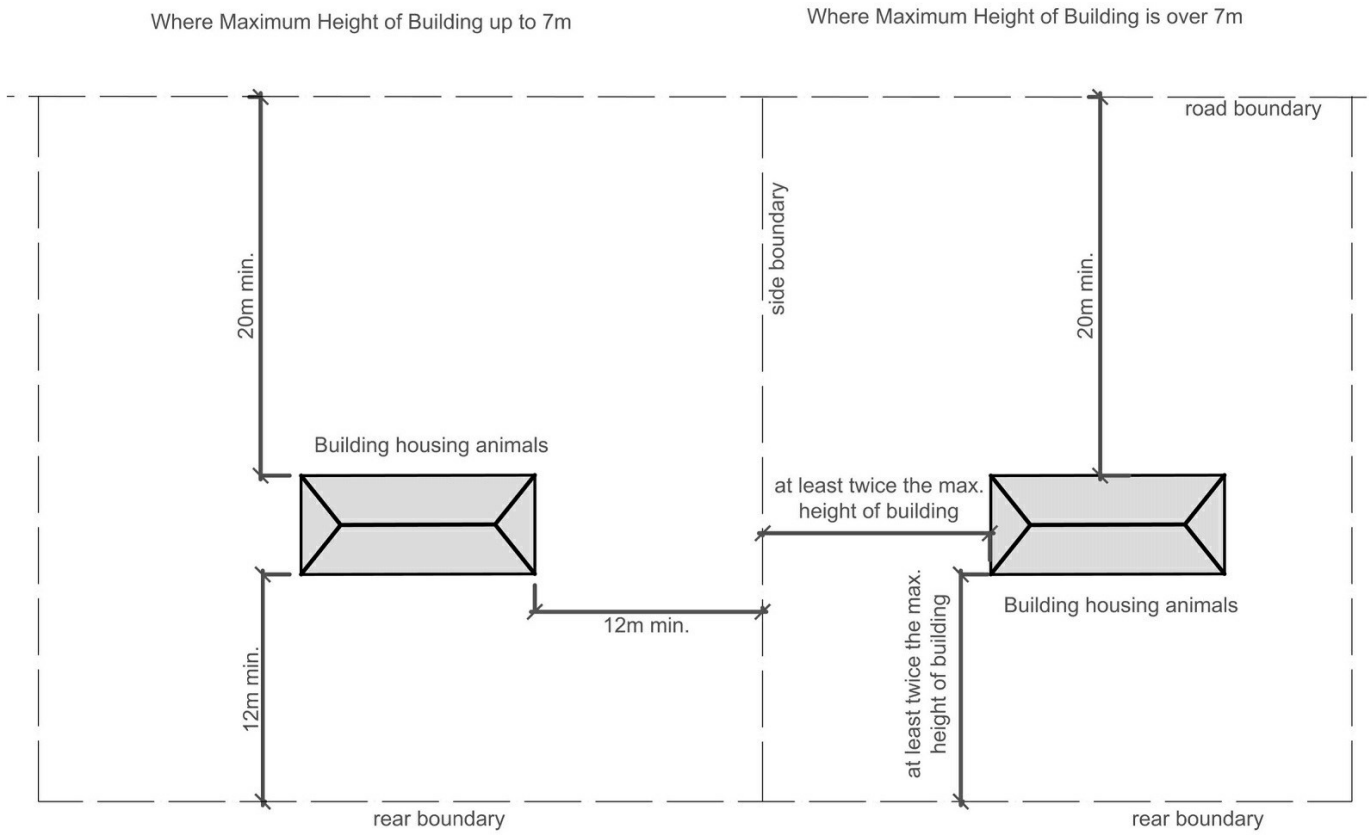
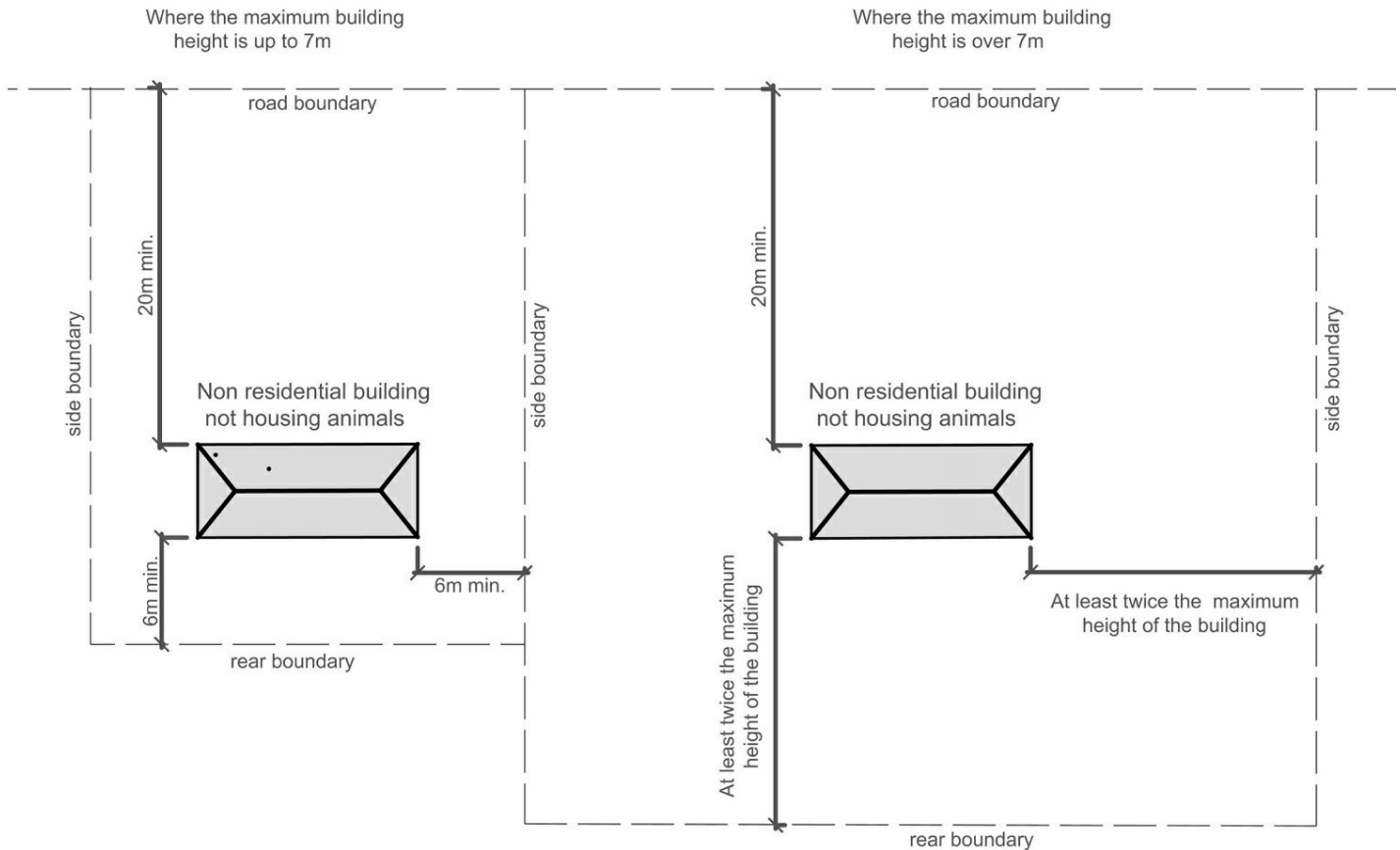


Figure 16.6.10.1C: Setbacks for non-residential buildings not housing animals



16.6.10.2 Forestry and shelterbelts and small woodlots setbacks

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

16.6.10.3 Setback from National Grid

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

16.6.10.4 Setback from scheduled tree

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

16.6.10.5 Setback from coast and water bodies

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

~~16.6.10.X~~ **16.6.10.6** Setback from Critical Electricity Distribution Infrastructure

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

Note ~~16.6.10.X~~ 16.6.10A - General advice

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

16.6.11 Vegetation Clearance Standards

16.6.11.1 Maximum area of vegetation clearance (UBMA)

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

16.6.11.2 Indigenous vegetation clearance - small scale thresholds

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

16.6.11.3 Protected areas (vegetation clearance)

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

16.6.11.4 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.3.

16.6.11.5 Maximum area of vegetation clearance in a hazard overlay zone

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

Rule 16.7 Subdivision Performance Standards

16.7.1 Access

General subdivision must comply with Rule 6.8.1.

16.7.2 Esplanade Reserves and Strips

General subdivision must comply with Rule 10.3.1.

16.7.3 Firefighting

General subdivision must comply with Rule 9.3.3.

16.7.4 Minimum Site Size

1. The minimum site size for new resultant sites is:

Rural Zone		Minimum site size
a.	Coastal	40ha
b.	High Country	100ha
c.	Hill Country	100ha
d.	Hill Slopes	25ha
e.	Middlemarch Basin	80ha
f.	Peninsula Coast	40ha
g.	Taieri Plain	40ha

- h. for the purposes of this standard, if a site is crossed by a boundary between two or more rural zones, then new resultant sites must comply with the minimum site size required for new resultant sites in each relevant rural zone.

2. Resultant sites created and used solely for the following purposes are exempt from the minimum site size standard:

- a. scheduled ASBV or QEII covenant;
- b. conservation covenant with the Department of Conservation or a local government agency;
- c. protected private land agreement under the Reserves Act 1977;
- d. a heritage covenant with Heritage New Zealand Pouhere Taonga;
- e. protection of a scheduled heritage site, building or structure listed in Appendix A1.1 - Schedule of Protected Heritage Items and Sites;
- f. reserve;
- g. access;
- h. network utilities; or
- i. road.

3. General subdivision that contravenes the standard for minimum site size is non-complying, except for surplus dwelling subdivision which is restricted discretionary in either of the following sets of circumstances:

- a. The first set of circumstances is as follows:
 - i. the subdivision of one site into two sites, where one resultant site is below the minimum site size and contains an existing residential building greater than 100m² gross floor area that was built before 26 September 2015; and
 - ii. the second resultant site is:
 1. at least the minimum site size; and
 2. a condition is offered (to be secured by consent notice) that restricts further subdivision in terms of the total number of sites that can be used for residential activity, and further residential activity on the second resultant site, to a level that is no greater than would

have otherwise been allowed had the minimum site size standard been met for both sites.

- b. The second set of circumstances is as follows:
- i. every new site that will be created by the subdivision contains an existing residential building greater than 100m² gross floor area that was built before 26 September 2015; and
 - ii. if any of these new sites is equal to or greater than twice the minimum site size, a condition is offered (to be secured by consent notice), if necessary, to restrict:
 1. further subdivision of that site, in terms of the total number of sites that can be used for residential activity; and
 2. further residential activity on that site,

to a level that is no greater than would have otherwise been allowed had the minimum site size standard been met for all sites.

16.7.5 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 8m by 15m that meets the performance standards of this Plan including, but not limited to:
 - a. all setbacks from boundaries, water bodies, and scheduled trees.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must:
 - a. not contain esplanade reserves or strips;
 - b. not contain scheduled heritage buildings or scheduled heritage structures; and
 - c. not contain right-of-way easements.
 - d. ~~NA.~~
3. For unreticulated areas, resultant sites must provide for a wastewater disposal area to be located at least 50m from any water body and Mean High Water Springs.
4. Sites created and used solely for the following purposes are exempt from the shape standard:
 - a. scheduled ASBV or QEII covenant;
 - b. conservation covenant with the Department of Conservation or a local government agency;
 - c. protected private land agreement under the Reserves Act 1977;
 - d. a heritage covenant with Heritage New Zealand Pouhere Taonga;
 - e. protection of a scheduled heritage site, scheduled heritage building or scheduled heritage structure in Appendix A1.1;
 - f. reserve;
 - g. access;
 - h. network utility; or
 - i. road.
5. Subdivision activities that do not meet this standard are restricted discretionary activities.

~~16.7.X~~ **16.7.6** **Setback from National Grid (Subdivision Activities)**

Subdivision activities must comply with Rule 5.6.1.X.

Rule 16.8 Assessment of Controlled Activities

Rule 16.8.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rules 16.8.2 and 16.8.3:
 - a. list the matters over which Council has reserved its control; and
 - b. provide guidance on how consent applications will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
 - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard, the following apply as relevant:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**;
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard;
 - iii. the performance standard contravention will be assessed as indicated in Section 16.9; and
 - iv. the matters of control become matters of discretion and will be assessed as indicated in this section;
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**;
 - ii. the performance standard contravention will be assessed as indicated in Section 16.11; and
 - iii. the assessment guidance in this section will also be considered; or
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**;
 - ii. the performance standard contravention will be assessed as indicated in Section 16.12; and
 - iii. the assessment guidance in this section will also be considered.
4. Rules 16.8.2 and 16.8.3 apply as follows:
 - a. Rule 16.8.2 applies to controlled land use activities; and
 - b. Rule 16.8.3 applies to controlled development activities.

16.8.2 Assessment of controlled land use activities

Activity		Matters of control	Guidance on the assessment of resource consents
1.	Papakāika	a. Design, scale, location and number of dwellings	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objectives 16.2.3, 14.2.1, 9.2.2, 6.2.3. ii. Manawhenua are able to live in original native reserve areas where any adverse effects will be adequately managed in line with the objectives and policies of the rural zones (Policy 14.2.1.6). iii. NA iv. iii. Adverse effects on the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated (6.2.3.9.a). v. iv. Any associated changes to the transportation network will be affordable to the public in the long term (Policy 6.2.3.9.b). vi. v. Papakāika maintains, as far as practicable, the rural character values and amenity of the rural zones in terms of the design, scale and location of the development (Policy 16.2.3.11). <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> vii. vi. requirements for wastewater disposal systems and wastewater disposal areas; viii. vii. requirements for stormwater disposal; ix. viii. water supply; x. ix. driveways and vehicle tracks; and xi. x. number, design and location of residential units. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> xii. xi. Council will consider the information required by Rule 16.13.1 provided with any resource consent application (see Special Information Requirements - Rule 16.13.1).
		b. Design, scale and location of other buildings, structures and site development activities	
		c. Disposal of stormwater and wastewater	
		d. NA	
X. 2.	Scheduled mining activity (SMA008)	a. Restoration and rehabilitation measures	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.3. ii. There is reasonable certainty that land will be restored or rehabilitated to an acceptable standard with respect to landform and to enable a return to productive, recreational or conservation use as soon as possible (Policy 16.2.3.4). <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iii. Requirement to rehabilitate areas disturbed with respect to landform, biodiversity values and productive potential, considering the values of the Saddle Hill SNL as described in Appendix A3.3.6 and how these can be restored.
		b. Effects on the safety and efficiency of the transport network	See Rule 6.9.

16.8.3 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. Affecting a scheduled heritage building or a scheduled heritage structure: <ul style="list-style-type: none"> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected • Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Pouhere Taonga Category 1 listing (as detailed in Appendix A1.1) 	a. Effects on heritage values	See Rule 13.4
2. In the NCC Overlay Zone : <ul style="list-style-type: none"> • New buildings greater than 60m² footprint on a landscape building platform 	a. Size, design and appearance of buildings	See Rule 10.4
3. In the ONL or SNL overlay zones : <ul style="list-style-type: none"> • New buildings greater than 60m² footprint on a landscape building platform 	a. Size, design and appearance of buildings	See Rule 10.4

Rule 16.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 16.9.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 16.9.2 - 16.9.6:
 - a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
 - b. provide guidance on how consent applications will be assessed, under the heading 'guidance on the assessment of resource consents', including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 16.9.2 - 16.9.6 apply as follows:
 - a. Rule 16.9.2 applies to all performance standard contraventions;
 - b. Rule 16.9.3 applies to land use performance standard contraventions;
 - c. Rule 16.9.4 applies to development performance standard contraventions;

- d. Rule 16.9.5 applies to subdivision performance standard contraventions; and
- e. Rule 16.9.6 applies to performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item.

16.9.2 Assessment of all performance standard contraventions

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

16.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
<p>1. Family flats - design</p>	<p>a. Effects on long term maintenance of rural land for productive rural activities</p> <p>b. Effects on rural character and visual amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.1, 16.2.3 ii. The design of family flats avoids, as far as practicable, the risk they will be used for a separate, non-ancillary residential activity and future pressure to subdivide off family flats (Policy 16.2.1.6). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. For contravention of maximum gross floor area, the extra area is required due to occupant needs. iv. For contravention of maximum separation distance, other mechanisms such as covenants are proposed to avoid pressure for subdivision of the family flat. v. The size of the residential unit will not create future pressure or expectation for it to be subdivided or be consented to operate as a second residential activity on site. vi. For contravention of maximum gross floor area, the family flat is in the same residential building as the primary residential unit. vii. For family flats in separate buildings to the primary dwelling the design of the family flat matches the design of the primary residential building. viii. For family flats in separate buildings to the primary dwelling, landscaping or other forms of screening will be used to reduce the visibility of the family flat. ix. For family flats in separate buildings to the primary dwelling, the family flat will not be easily viewed from outside the site. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> x. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7.

16.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
3. 2. Density (family flats on sites of 15ha or over)	a. Effects on long term maintenance of rural land for productive rural activities	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.4. ii. The scale, size and nature of activities on highly productive land means that any loss of current or potential future rural productivity would be: <ul style="list-style-type: none"> 1. insignificant in any high class soils mapped area; and 2. no more than minor in other areas of highly productive land (Policy 16.2.4.2). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Family flats are located in the existing curtilage of the main dwelling, outside productive parts of the site.
	b. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2. ii. Residential buildings minimise, as far as practicable, the potential for reverse sensitivity by being set back an adequate distance from site boundaries (Policy 16.2.2.1.a).
	c. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.3. ii. The density of residential activity maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.2).
	d. Effects on health and safety	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 9.2.2.
	e. Effects on efficiency and affordability of infrastructure	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 9.2.1. ii. Development will not lead to future pressure for unplanned expansion of the public wastewater and/or water supply infrastructure (Policy 9.2.1.1.a).
3. Hours of operation	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Rural ancillary retail, rural tourism - small scale, working from home, mineral exploration, and mineral prospecting operate in a way that avoids or, if avoidance is not practicable, adequately mitigates noise or adverse effects on the amenity of sensitive activities on surrounding properties (Policy 16.2.2.4).

16.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	Location	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
5.	Maximum gross floor area	a. Effects on the vibrancy, and economic and social success of the CBD and centres	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objectives 2.3.2, 2.4.3, 16.2.1.3 ii. Policies 2.3.2.2 and 2.4.3.4 iii. Rural ancillary retail and working from home are at a scale that is ancillary to and supportive of productive rural activities or conservation on the same property (Policy 16.2.1.3.a).
6.	Minimum mobility car parking	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
		b. Effects on accessibility	
7.	Separation distances	a. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Residential buildings and cemeteries minimise, as far as practicable, the potential for reverse sensitivity by being set back an adequate distance from intensive farming, domestic animal boarding and breeding (including dogs), mining, landfills, wind generators - large scale and the Waitati Rifle Range (Policy 16.2.2.1.b).
8.	Site restoration	a. Effects on biodiversity values	See Rule 10.5
		b. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.3 ii. Land will be restored to at least the same standard as before the mineral exploration or mineral prospecting activity commenced with respect to landform and productive potential (Policy 16.2.3.3). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7.

16.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	Tree species	a. Effects on biodiversity values	See Rule 10.5
		b. Effects on natural character of the coast	
		c. Effects on landscape values	
9. 10	Dust and sediment control	a. Effects on amenity of surrounding properties	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> i. Objective 16.2.3. ii. Scheduled mining activities are designed, located and undertaken in a way that avoids or, if avoidance is not practicable, adequately mitigates: <ol style="list-style-type: none"> 1. sediment run-off onto any property, or into any stormwater pipes, drains, channels or soakage systems; and 2. dust nuisance on the amenity of surrounding sites (Policy 16.2.3.X 16.2.3.12).
		b. Effects on biodiversity values and natural character values of riparian margins and coast	See Rule 10.5.
		c. Effects of efficiency and affordability of infrastructure	See Rule 9.5.

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	All development performance standard contraventions listed below	a. Positive effects in terms of supporting farming or conservation activity	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> i. Objective 16.2.1

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
2.	Boundary setbacks	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Buildings that house animals are set back from site boundaries an adequate distance to ensure adverse effects on sensitive activities, such as residential activities, on adjoining sites are avoided or, if avoidance is not practicable, are no more than minor (Policy 16.2.2.2). iii. New buildings are located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites (Policy 16.2.2.3). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. Screening or landscaping will be used in the development to ensure a good level of amenity for residential activities on adjoining sites. v. Where a building used to house animals contravenes the boundary setback standard, the type and/or number of animals or the frequency of housing them mean that the potential for adverse effects from noise, odour or dust on sensitive activities on adjoining sites will be avoided or will be no more than minor.
		b. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Residential buildings minimise, as far as practicable, the potential for reverse sensitivity by being set back an adequate distance from site boundaries (Policy 16.2.2.1.a). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Screening or landscaping will ensure potential for reverse sensitivity is minimised as far as practicable.

16.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents	
	c. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.3 ii. Buildings and structures are set back from site boundaries to maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Landscaping or other forms of screening will be used to reduce the visibility of buildings or structures. iv. Colours and materials used in the development will blend in with the character of the surrounding rural environment, with natural finishes and low levels of reflectivity. v. The proposed building or structure will not obstruct any important views from public viewpoints, or cause significant obstruction of views from dwellings on surrounding sites. vi. The proposed building platform is low lying in relation to surrounding sites and roads and the proposed building will not be easily viewed from outside the site. vii. There are already existing buildings on the site in breach of the same setback. viii. There would be positive effects from maintaining open space through the clustering of buildings on the site. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> ix. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7. 	
3.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.5
4.	Firefighting	a. Effects on health and safety	See Rule 9.5

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Forestry and shelterbelts and small woodlots setbacks	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Forestry and shelterbelts and small woodlots are set back an adequate distance from residential buildings on surrounding properties to avoid or minimise, as far as practicable, significant effects from shading (Policy 16.2.2.6). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The area to be planted is to the south of any adjoining residential zone. iv. Slope or orientation or other topographical aspects of the sites involved mean that there will be no shading of residential buildings on an adjoining site.
		b. Effects on health and safety	See Rule 9.5
		c. Effects on the safety and efficiency of the transport network	See Rule 6.10
6.	Maximum height	a. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.3 ii. Buildings and structures are of a height that maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.1). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. As for Rule 16.9.4.2.c.iii-vi iv. The terrain provides an adequate backdrop to the proposed building or structure and mitigates any adverse visual effects from the building or structure. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> v. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7.

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
7.	Number, location and design of ancillary signs	a. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.3 ii. Ancillary signs are located and designed to maintain rural character and visual amenity, including by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose (Policy 16.2.3.7). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7.
		b. Effects on the safety and efficiency of the transport network	See Rule 6.10
8.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
9.	Reflectivity (Hill Slopes Rural Zone)	a. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.3 ii. Adverse visual effects caused by reflectivity are avoided or, if avoidance is not practicable, no more than minor (Policy 16.2.3.10) <p><i>General assessment guidance</i></p> <ul style="list-style-type: none"> iii. In assessing adverse visual effects, Council will consider the level of visibility of the building or structure from public places.
10.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character values of riparian margins and the coast	See Rule 10.5
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
11.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

16.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
12.	Vegetation clearance standards: <ul style="list-style-type: none"> Protected species (indigenous vegetation clearance) 	a. Effects on biodiversity values	See Rule 10.5
13.	Vegetation clearance standards: <ul style="list-style-type: none"> Protected areas (vegetation clearance) 	a. Effects on biodiversity values and natural character values of riparian margins and the coast	See Rule 10.5
X 14	In the Hill Slopes Rural Zone: <ul style="list-style-type: none"> Area of residential buildings 	a. Effects on rural character and amenity	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> Objective 16.2.3 Residential buildings in the Hill Slopes Rural Zone are of a size that avoids adverse visual effects or, if avoidance is not practicable, ensures effects are no more than minor (Policy 16.2.3.Y 16.2.3.13).

16.9.5 Assessment of subdivision performance standard contraventions

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

16.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. Shape		<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> a. Objective 2.4.1 b. Subdivisions are designed to ensure future land use or development is able to meet the performance standards in the zone, or where in a structure plan mapped area, the subdivision reflects the requirements of the structure plan mapped area performance standards, unless: <ul style="list-style-type: none"> i. a resource consent is approved for a development that does not meet the performance standard and the subdivision is intended for and capable of providing for that approved development; or ii. the resultant site is required for: <ul style="list-style-type: none"> 1. scheduled ASBV or QEII covenant; or 2. reserve; or 3. access; or 4. network utility; or 5. road (Policy 2.4.1.8). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. Non-compliance with the performance standard for shape will be assessed based on which performance standard(s) the shape of the resultant site does not provide for compliance with. See matters of discretion and assessment rules in relation to performance standard contraventions for: <ul style="list-style-type: none"> i. boundary setbacks; ii. setbacks from water bodies; and iii. setback from scheduled tree. iv. NA. d. For contravention of the building platform slope part of the shape performance standard (Rule 16.7.5.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1). <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> e. The requirements for a consent notice to be registered against the title that restricts development on the site. f. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site. g. A building platform may be required to be registered against the title by way of consent notice.

16.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
<p>5. Minimum site size (surplus dwelling subdivision Rule 16.7.4.3)</p>	<p>a. Effects on long term maintenance of rural land for productive rural activities</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objectives 16.2.1, 16.2.3, 16.2.4 ii. The subdivision of a surplus dwelling does not result in any additional development potential for residential activity (Policy 16.2.1.10.c). iii. The subdivision is designed to ensure any associated future land use and development maintains or enhances the rural character and visual amenity of the rural zones (16.2.3.8). iv. The subdivision is designed to ensure any future land use and development maintains or enhances the productivity of rural activities, maintains highly productive land for farming activity, or ensures the effects of any change in land use are insignificant on any high class soil mapped area and no more than minor on other areas of highly productive land, and does not increase the potential for reverse sensitivity (Policy 16.2.4.3.a, b and d). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> v. A legal mechanism such as a consent notice on the title of the second resultant site will ensure that there will be no increase in the potential for residential activity as a result of the subdivision. vi. The dwelling can be shown to be in a suitable condition for occupation, with recent history of use for residential activity. vii. The resultant site on which the surplus dwelling will be located is large enough to support on-site disposal of effluent. viii. The dwelling is surplus to the requirements of the property. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> ix. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/)

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

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	In the ONL, SNL or ONF overlay zones : <ul style="list-style-type: none"> Number, location and design of ancillary signs 	a. Effects on landscape values	See Rule 10.5
2.	In the ONL or SNL overlay zones : <ul style="list-style-type: none"> Maximum height Reflectivity Area, number and location of buildings and structures 	a. Effects on landscape values	See Rule 10.5
3.	In the HNCC, ONCC or NCC overlay zones : <ul style="list-style-type: none"> Number, location and design of ancillary signs 	a. Effects on natural character of the coast	See Rule 10.5
4.	In the NCC Overlay Zone : <ul style="list-style-type: none"> Reflectivity Maximum height Area, number and location of buildings and structures 	a. Effects on natural character of the coast	See Rule 10.5
4. 5.	In an ASBV : <ul style="list-style-type: none"> Area of buildings and structures 	a. Effects on biodiversity values	See Rule 10.5.
5. 6.	In a wāhi tūpuna mapped area : <ul style="list-style-type: none"> Maximum height Setback from coast and water bodies Vegetation clearance standards: Maximum area of vegetation clearance (UBMA), Protected areas (vegetation clearance), Protected species (indigenous vegetation clearance) Esplanade reserves and strips 	a. Effects on cultural values of Manawhenua	See Rule 14.3
6. 7.	In a hazard overlay zone or dune system mapped area : <ul style="list-style-type: none"> Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) Overlay Zones and dune system mapped area) Relocatable buildings (Hazard 3 (coastal) Overlay Zone) Outdoor Storage (Hazard 1 (flood) Overlay Zone) Hazardous substances quantity limits and storage requirements 	a. Risk from natural hazards	See Rule 11.4
7. 8.	In an urban biodiversity mapped area : <ul style="list-style-type: none"> Vegetation clearance standards: Maximum area of vegetation clearance (UBMA) 	a. Effects on biodiversity values	See Rule 10.5
8. 9.	In the Taieri Aerodrome flight fan mapped area : <ul style="list-style-type: none"> Maximum height (Rule 16.6.5.3) 	a. Effects on health and safety	See Rule 9.5

16.9.6 Assessment of restricted discretionary performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item			
Activity		Matters of discretion	Guidance on the assessment of resource consents
9. 10.	Affecting a scheduled heritage building or scheduled heritage structure : Materials and design	a. Effects on heritage values	See Rule 13.5
Y. 11.	In the Critical Electricity Distribution Infrastructure Corridor mapped area : • Setback from Critical Electricity Distribution Infrastructure (forestry setbacks)	a. Effects on the safety and efficiency of network utilities	See Rule 5.7.
Z. 12.	In the Critical Electricity Distribution Infrastructure Corridor mapped area : • Setback from Critical Electricity Distribution Infrastructure (buildings, structures, city-wide activities)	a. Effects on health and safety b. Effects on efficient and effective operation of network utilities	See Rule 5.7.

Rule 16.10 Assessment of Restricted Discretionary Activities

Rule 16.10.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 16.10.2 - 16.10.5:
 - a. list the matters Council will restrict its discretion to, under the heading 'matters of discretion', these matters are not further restricted by any guidance provided; and
 - b. provide guidance on how a consent application will be assessed, under the heading 'guidance on the assessment of resource consents', including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. Rules 16.10.2 - 16.10.5 apply as follows:
 - a. Rule 16.10.2 applies to restricted discretionary land use activities;
 - b. Rule 16.10.3 applies to restricted discretionary development activities;
 - c. Rule 16.10.4 applies to restricted discretionary subdivision activities; and
 - d. Rule 16.10.5 applies to restricted discretionary activities in an overlay zone, mapped area or affecting a scheduled item.
4. For all land use activities that require consent, all associated development activities will be considered as part

of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

5. Where a restricted discretionary activity does not meet a performance standard, the following apply as relevant:
 - a. if the contravention of the performance standard defaults to **restricted discretionary** then:
 - i. the activity, as a whole, will be treated as **restricted discretionary**;
 - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard;
 - iii. the performance standard contravention will be assessed as indicated in Section 16.9; and
 - iv. the matters of discretion in this section will be assessed as indicated;
 - b. if the contravention of the performance standard defaults to **discretionary** then:
 - i. the activity, as a whole, will be treated as **discretionary**;
 - ii. the performance standard contravention will be assessed as indicated in Section 16.11; and
 - iii. the assessment guidance in this section will also be considered; or
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**;
 - ii. the performance standard contravention will be assessed as indicated in Section 16.12; and
 - iii. the assessment guidance in this section will also be considered.
6. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones.

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>1. All restricted discretionary land use activities in the rural zones that also involve development activities</p>	<p>a. Effects on rural character and visual amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.3 ii. Adverse effects from large scale development on rural character and visual amenity will be avoided or minimised as far as practicable (Policy 16.2.3.5). iii. Adverse effects of development on rural character and amenity are avoided or, if avoidance is not practicable, no more than minor (Policy 16.2.3.6). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints. v. The development is not situated on visually prominent land. vi. The form, scale and materials used in buildings and structures are compatible with the character values of the rural zones as listed in Appendix A7. vii. Building colours and materials are chosen to blend in with the rural setting and minimise reflectivity. viii. Signage and entranceways are in character with the surrounding environment. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> ix. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7.
<p>2. All high trip generators, which include:</p> <ul style="list-style-type: none"> • any activities that generate 250 or more vehicle movements a day 	<p>a. Effects on accessibility</p> <p>b. Effects on the safety and efficiency of the transport network</p>	<p>See Rule 6.11</p>

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
3. <ul style="list-style-type: none"> • Cemeteries outside a hazard facility mapped area • Crematoriums outside a hazard facility mapped area 	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects from noise, odour or visual impact on surrounding properties. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iv. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road.
	b. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Cemeteries are designed to avoid, as far as practicable, the potential for reverse sensitivity by locating graves a suitable distance from site boundaries and providing adequate screening (Policy 16.2.2.7).

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	<p>c. Maintenance of highly productive land</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.4 ii. Activities other than farming are only allowed on highly productive land where the scale, size and nature of the activity means the loss of current or potential future rural productivity would be insignificant in any high class soils mapped area and no more than minor in other areas of highly productive land (Policy 16.2.4.2.a). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The site design will ensure the effect of the activity on any high class soils contained on the site, and any impact on the potential for future use of the high class soils, is insignificant. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iv. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/)
	<p>d. Effects on cultural values of Manawhenua</p>	<p>See Rule 14.4</p>
	<p>e. Effects on the safety and efficiency of the transport network</p>	<p>See Rule 6.11</p>

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Domestic animal boarding and breeding (including dogs)	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects from noise on surrounding properties. iv. The design and acoustic insulation of kennel buildings, dog runs and fencing will mitigate adverse effects from noise on surrounding properties. v. Areas used for parking, drop-off and collection of dogs are separated from kennel buildings and dog runs an adequate distance to avoid or minimise barking triggered by the arrival or departure of customers. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> vi. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour and dust contaminants. vii. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> viii. Restrictions on the hours of operation in terms of the arrival and departure times of customers.
	b. Effects on the safety and efficiency of the transport network	See Rule 6.11

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
5. Intensive farming	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects on surrounding properties. iv. Management plans or other mitigation measures will be employed to avoid or mitigate the effects of odour, dust, vehicle movements and operating noise on surrounding properties. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> v. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour and dust contaminants. vi. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> vii. Restrictions on the hours of operation.
	b. Effects on the safety and efficiency of the transport network	See Rule 6.11
	c. NA	NA

16.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
6. Veterinary services (large animal practice)	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.2 ii. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5). <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> iii. In assessing effects on the amenity of residential activities on surrounding properties, Council will consider effects from noise, traffic, odour and dust contaminants. iv. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number and nature of vehicle movements on the adjoining road. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> v. Restrictions on the hours of operation in terms of the arrival and departure times of customers.
	b. Effects on the safety and efficiency of the transport network	See Rule 6.11

16.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All restricted discretionary activities listed below	a. Positive effects in terms of supporting farming or conservation activity	<i>Relevant objectives and policies:</i> i. Objective 16.2.1
2. High trip generators: • New or additions to parking areas that result in 50 or more new parking spaces	a. Effects on the safety and efficiency of the transport network b. Effects on accessibility	See Rule 6.11
3. Indigenous vegetation clearance - large scale	a. Effects on biodiversity values	See Rule 10.6

16.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. General subdivision	a. Effects on long term maintenance of rural land for productive rural activities	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 16.2.4.</p> <p>ii. The design of a subdivision ensures any future land use and development will:</p> <ol style="list-style-type: none"> 1. maintain or enhance the productivity of rural activities; 2. maintain highly productive land for farming activity, or ensure any loss is insignificant on any high class soils mapped area and no more than minor on other areas of highly productive land; 3. maintain land in a rural rather than rural residential land use; and 4. not increase the potential for reverse sensitivity (Policy 16.2.4.3). <p><i>General assessment guidance:</i></p> <p>iii. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/)</p>

16.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on rural character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 16.2.3. ii. The subdivision is designed to ensure any associated future land use and development will maintain or enhance the rural character and visual amenity of the rural zones (Policy 16.2.3.8). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Sites are designed to respond to the topography and characteristics of the land and surrounding environment. iv. Building platforms are located to respond to landform and avoid significant visual effects. v. Driveways, vehicle tracks, utilities and services are designed and located to minimise the need for significant earthworks. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> vi. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7.
	c. Effects on biodiversity values and natural character values of riparian margins and coast	See Rule 10.6
	d. Effects on public access	
	e. Risk from natural hazards	See Rule 11.5
	f. Effects on the safety and efficiency of the transport network	See Rule 6.11
	g. NA	NA

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All restricted discretionary activities listed below	a. Positive effects in terms of supporting farming or conservation activity	<i>Relevant objectives and policies:</i> i. Objective 16.2.1
2. In the ONF Overlay Zone : <ul style="list-style-type: none"> • Indigenous vegetation clearance - large scale • Shelterbelts and small woodlots • General subdivision 	a. Effects on landscape values	See Rule 10.6
3. In the ONL or SNL overlay zones : <ul style="list-style-type: none"> • Crematoriums • Forestry • General subdivision 	a. Effects on landscape values	See Rule 10.6
4. In the ONCC or HNCC overlay zones : <ul style="list-style-type: none"> • Shelterbelts and small woodlots • General subdivision 	a. Effects on natural character of the coast	See Rule 10.6
5. In the NCC Overlay Zone : <ul style="list-style-type: none"> • Crematoriums • Forestry • Indigenous vegetation clearance - large scale • General subdivision 	a. Effects on natural character of the coast	See Rule 10.6
6. In an ASBV : <ul style="list-style-type: none"> • General subdivision • Shelterbelts and small woodlots • Site development activities (except for outdoor storage, parking, loading and access, vegetation clearance, storage and use of hazardous substances) 	a. Effects on biodiversity values	See Rule 10.6
7. In a wāhi tūpuna mapped area where activity is identified as a threat: <ul style="list-style-type: none"> • All RD forestry • All RD buildings and structures • Indigenous vegetation clearance - large scale • Shelterbelts and small woodlots • General subdivision 	a. Effects on cultural values of Manawhenua	See Rule 14.4

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>8. Activities affecting a scheduled heritage building or scheduled heritage structure:</p> <ul style="list-style-type: none"> • Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure • Removal for relocation • All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure 	<p>a. Effects on heritage values</p>	<p>See Rule 13.6</p>
<p>9. Activities affecting a scheduled heritage site:</p> <ul style="list-style-type: none"> • All subdivision activities • New buildings and all other structures where visible from an adjoining public place or a publicly accessible place within the site • Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site 	<p>a. Effects on heritage values</p>	<p>See Rule 13.6</p>
<p>10. In all hazard overlay zones, swale mapped areas and dune system mapped areas:</p> <ul style="list-style-type: none"> • General subdivision 	<p>a. Risk from natural hazards</p>	<p>See Rule 11.5</p>
<p>11. In the Hazard 2 (flood) Overlay Zone:</p> <ul style="list-style-type: none"> • Natural hazards sensitive activities • Natural hazards potentially sensitive activities 	<p>a. Risk from natural hazards</p>	<p>See Rule 11.5</p>
<p>12. In a hazard 1, 1A or 2 (flood) overlay zone (see Rule 16.3.6):</p> <ul style="list-style-type: none"> • New buildings and additions and alterations to buildings that create within any two calendar-year period: more than 36m² of new ground floor area in the Henley mapped area, or more than 60m² of new ground floor area outside the Henley mapped area 	<p>a. Risk from natural hazards</p>	<p>See Rule 11.5</p>
<p>13. In the National Grid Subdivision Corridor mapped area:</p> <ul style="list-style-type: none"> • All subdivision activities 	<p>a. Risk to the safety of people and property</p> <p>b. Reverse sensitivity effects</p> <p>c. Effects on efficient and effective operation of the National Grid and access to it</p>	<p>See Rule 5.8</p>

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
14.	In the radio transmitters mapped area : <ul style="list-style-type: none"> General subdivision 	a. Reverse sensitivity effects	See Rule 5.8
Y. 15.	In the Critical Electricity Distribution Infrastructure Corridor mapped area : <ul style="list-style-type: none"> All subdivision activities 	a. Effects on health and safety b. Reverse sensitivity effects c. Effects on efficient and effective operation of network utilities	See Rule 5.8.
X. 16	In a Residential Transition Overlay Zone (RTZ) or an Industrial Transition Overlay Zone (IndTZ) (prior to release): <ul style="list-style-type: none"> General subdivision 	a. Effects on future urban development	See Rule 12.X.

Rule 16.11 Assessment of Discretionary Activities

Rule 16.11.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 16.11.2 - 16.11.6 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
3. Rules 16.11.2 - 16.11.6 apply as follows:
 - a. Rule 16.11.2 applies to discretionary land use activities;
 - b. Rule 16.11.3 applies to discretionary performance standard contraventions;
 - c. Rule 16.11.4 applies to discretionary subdivision activities;
 - d. Rule 16.11.5 applies to discretionary land use activities in an overlay zone; and
 - e. Rule 16.11.6 applies to discretionary performance standard contraventions in an overlay zone.
4. With respect to section 104(2), Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones.
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

16.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
<p>1. All discretionary land use activities listed below</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 16.2.1, 16.2.2, 16.2.3, 16.2.4.</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>b. For discretionary land use activities, whether any associated development activities meet relevant performance standards, or are otherwise consistent with relevant objectives and policies for development (see Rule 16.9 for performance standard contraventions).</p> <p>c. Development is not situated on visually prominent land.</p> <p>d. The form, scale and materials used in buildings and structures are compatible with the character values of the rural zones as listed in Appendix A7.</p> <p>e. Colours and materials used in development are chosen to blend in with the rural setting and minimise reflectivity.</p> <p>f. Landscaping or other forms of screening are used to reduce the visibility of development from surrounding properties and public viewpoints.</p> <p><i>General assessment guidance:</i></p> <p>g. As well as the effects on the values specified in Objective 16.2.3, Council will consider the effects on the rural character values identified in Appendix A7.</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>h. For activities taking place within the radio transmitters mapped area, see Section 5.9 for guidance on the assessment of resource consents in relation to management of reverse sensitivity effects on Radio New Zealand's facilities at 740 Highcliff Road and 35 Karetai Road.</p> <p>i. See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.</p> <p>j. For activities that may have effects on biodiversity values, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1.</p> <p>k. For activities adjacent to water bodies and the coast, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.2.</p> <p>l. See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua.</p>

16.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
<p>2.</p> <ul style="list-style-type: none"> • Rural tourism - large scale • Rural research - large scale (outside the Invermay Farm mapped area) 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objectives 16.2.2, 16.2.3, 16.2.4. b. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5). c. Adverse effects on rural character and visual amenity from large scale development will be avoided or minimised as far as practicable (Policy 16.2.3.5). d. Activities other than farming are only allowed on highly productive land where the scale, size and nature of the activity means the loss of current or potential future rural productivity would be insignificant in any high class soils mapped area and no more than minor in other areas of highly productive land (Policy 16.2.4.2.a). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> e. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities on surrounding sites to avoid or adequately mitigate effects. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> f. Restriction on hours of operation. g. Restriction on maximum number of guests (rural tourism). h. Controls on lighting. i. Parking requirements. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> j. In assessing effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road. k. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/) <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> l. In an ASBV, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values.

16.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
<p>3.</p> <ul style="list-style-type: none"> • Rural industry • Rural contractor and transport depots - large scale 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 2.2.2, 16.2.2, 16.2.3, 16.2.4, 5.2.1</p> <p>b. Adverse effects on rural character and visual amenity from large scale development will be avoided or minimised as far as practicable (Policy 16.2.3.5).</p> <p>c. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5).</p> <p>d. Activities other than farming are only allowed on highly productive land where the scale, size and nature of the activity means the loss of current or potential future rural productivity would be insignificant in any high class soils mapped area and no more than minor in other areas of highly productive land (Policy 16.2.4.2.a).</p> <p>e. NA</p> <p>f. e. For rural industry, the use and development of renewable energy generation is encouraged (Policy 5.2.1.1).</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>g. f. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects from noise, odour, dust, contaminants or visual effects on surrounding properties.</p> <p>h. g. High noise generating equipment is located within acoustically insulated buildings or fitted with noise reduction devices to ensure noise emissions are maintained at a reasonable level.</p> <p>i. h. If noise is not able to be adequately controlled at its source, noise reduction is achieved through noise barriers or bunds to ensure noise emissions are maintained at a reasonable level.</p> <p>j. i. Management plans or other mitigation measures will be employed to limit the effects of dust, vehicle movements and operating noise on surrounding properties.</p> <p><i>Conditions that may be imposed include:</i></p> <p>k. j. Restriction on hours of operation.</p> <p>l. k. Controls on on-site lighting.</p> <p>m. l. A requirement for screening of storage areas.</p> <p>n. m. A requirement to control dust.</p> <p>o. n. Provision of car parking areas.</p> <p><i>General assessment guidance:</i></p> <p>p. o. In assessing effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road.</p> <p>q. p. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/).</p>

16.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
<p>4.</p> <ul style="list-style-type: none"> • Mining • Landfills 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objectives 2.2.2, 16.2.2, 16.2.3, 16.2.4, 5.2.1. b. Policies 2.3.1.2, 2.3.1.8, 2.3.1.9 c. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5). d. Adverse effects on rural character and visual amenity from large scale development will be avoided or minimised as far as practicable (Policy 16.2.3.5). e. There is reasonable certainty that land will be restored or rehabilitated to an acceptable standard with respect to landform and to enable a return to productive, recreational or conservation use as soon as possible (Policy 16.2.3.4). f. The mining activity is located on highly productive land due to operational requirements and there are no practicable alternative locations (Policy 16.2.4.2.b). g. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety. <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> h. The activity will be set back a sufficient distance from its own property boundaries to avoid or adequately mitigate any adverse effects from noise, odour, dust, contaminants or visual effects on surrounding properties. i. For mining sand from dunes or beaches, there will be no significant impact on the look of the area. j. Management plans or other mitigation measures will be used to adequately manage any adverse effects from dust, vehicle movements and operating noise on surrounding properties. k. There will be no adverse effects in terms of land instability. <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> l. In assessing effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road. m. In assessing an application for mining, Council will consider: <ol style="list-style-type: none"> i. i. the functional and operational needs of mining, particularly when considering what is 'practicable' in terms of policies 16.2.2.5, 16.2.3.5 and 16.2.4.2; and ii. ii. the transport benefit of locating close to where the product of mining is required. n. In assessing effects on rural character values and amenity, Council will consider whether any proposed restoration or rehabilitation measures will ensure that final landforms: <ol style="list-style-type: none"> i. screen or enhance the view of excavated faces from surrounding public and residential viewpoints through appropriate landscaping, plantings or siting of public amenities; and/or ii. minimise evidence of landfills or mining activity by blending final contours with surrounding landforms to achieve as natural appearance as possible, and by providing for the establishment of vegetation cover appropriate to the local

16.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
	<p>character.</p> <p>o. In determining whether land is 'highly productive land', Council will consider its LUC classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/).</p> <p><i>Conditions that may be imposed include:</i></p> <p>p. Controls on overall waste volumes for landfills.</p> <p>q. Restrictions on aggregate processing activity for mining.</p> <p>r. A requirement for buffer areas and bunds.</p> <p>s. For quarries, a quarry management plan addressing noise, dust and other amenity effects.</p> <p>t. A site restoration or rehabilitation plan and/or bond to provide for site restoration or rehabilitation.</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>u. See Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values.</p> <p>v. Where in the SNL or NCC overlay zones, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and effects related to the natural character of the coast, and Objective 10.2.5 and effects related to landscape.</p> <p>w. For mining in a wāhi tūpuna mapped area, and landfills in any location, see Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.</p> <p>x. For landfills, the use and development of renewable energy generation is encouraged (Policy 5.2.1.1).</p>

16.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
<p>5.</p> <ul style="list-style-type: none"> • Community and leisure - large scale outside a hazard facility mapped area • Early childhood education outside a hazard facility mapped area • Restaurants or retail activities ancillary to sport and recreation • Sport and recreation • Visitor accommodation outside a hazard facility mapped area 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objectives 2.3.1, 16.2.1, 16.2.2, 16.2.3, 16.2.4. b. Commercial and community activities in the rural zones are restricted to those which require a rural location and/or support rural activities (Policy 2.3.1.2.h). c. Adverse effects of development on rural character and visual amenity are avoided or, if avoidance is not practicable, no more than minor (Policy 16.2.3.6). d. Visitor accommodation supports productive rural activities or a significant conservation activity on the same property (Policy 16.2.1.4). e. Any adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 16.2.2.5). f. Activities other than farming are only allowed on highly productive land where the scale, size and nature of the activity means the loss of current or potential future rural productivity would be insignificant in any high class soils mapped area and no more than minor in other areas of highly productive land (Policy 16.2.4.2.a). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> g. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities. h. The activity supports a conservation activity that is associated with an ASBV, QEII covenant, conservation covenant with the Department of Conservation or a local government agency, or a protected private land agreement under the Reserves Act 1977. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> i. In assessing the effects on amenity, Council will consider the effects of vehicle movements on the site as well as any significant changes to the number or nature of vehicle movements on the adjoining road. j. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/). <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> k. In an ASBV, see Section 10.7 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related to biodiversity values.

16.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
<p>6. In a Residential Transition Overlay Zone (RTZ) (prior to release):</p> <ul style="list-style-type: none"> • Intensive farming • Forestry • Cross lease, company lease and unit title subdivision 	<p>Relevant guidance from other sections (priority considerations):</p> <p>a. See Section 12.4 for guidance on the assessment of resource consents in relation to Objective 12.2.1 and effects related to future use of land for residential activity.</p> <p>{Moved to new assessment table below – new numbering Rule 16.11.5.1}</p>
<p>7. 6. Service stations on a strategic road or arterial road</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 16.2.1, 16.2.2, 16.2.3</p> <p>b. Provide for service stations on a strategic road or arterial road where:</p> <ul style="list-style-type: none"> X. i. safe and convenient access to the site for pedestrians and cyclists can be provided; Y. ii. there is adequate public infrastructure to service the development or any necessary upgrades to public infrastructure will be provided; Z. iii. the service station will not detract from the economic and social vibrancy and viability of any nearby centres; and AA. iv. where policies 16.2.2.5 and 16.2.3.6 can be achieved (Policy 16.2.1.11). <p>c. Service stations are designed and located to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the amenity of residential activities on surrounding properties (Policy 16.2.2.5).</p> <p>d. Service stations are designed and located to avoid or, if avoidance is not practicable, ensure adverse effects of development on rural character and visual amenity are no more than minor (Policy 16.2.3.6).</p> <p><i>General assessment guidance:</i></p> <p>e. In assessing the effects on the amenity of surrounding residential properties and the streetscape amenity, Council will consider the:</p> <ul style="list-style-type: none"> i. design and location of buildings, forecourts/yards and signs; ii. location of access/egress points; iii. effects of vehicle movements on the site; and iv. the hours of operation, light spill, noise and location or service station development in relation to site boundaries. <p>X. f. In assessing the effects on public infrastructure, Council will consider the extent to which the service station is likely to attract pedestrians and cyclists and if necessary whether safe and convenient access for pedestrians and cyclists is available or will be provided.</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>Y. g. The service station is located on a site previously used for service station activity or that is otherwise a Hazardous Activities and Industries List (HAIL) site.</p>

16.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
	<p>Z. h. Any necessary upgrades to available public infrastructure will be made.</p> <p><i>Conditions that may be imposed include:</i></p> <p>f. i. Requirements for fencing, landscaping and/or setbacks of buildings, forecourts/yards, signs and access/egress points to minimise adverse visual or nuisance effects from noise, lighting and/or vehicle headlights on surrounding properties.</p> <p>g. j. Restrictions on hours of operation.</p> <p>h. k. Restrictions on on-site lighting.</p> <p>i. l. Requirements for screening of storage areas.</p> <p>j. m. Requirement to control dust.</p> <p>k. n. Conditions related to building design, scale and bulk including roof lines, height, façade articulation, colour and materials to ensure compatibility with surrounding rural amenity.</p> <p>l. o. Restrictions on signage.</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>m. p. See Rule 6.12.2.1 for guidance on the assessment of the effects on the safety and efficiency of the transportation network, and other transportation effects.</p>
<p>Y. In an Industrial Transition Overlay Zone (IndTZ) (prior to release):</p> <ul style="list-style-type: none"> • Cross lease, company lease and unit title subdivision 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 12.4 for guidance on the assessment of resource consents in relation to Objective 12.2.3 and effects related to future use of land for industrial activity.</p> <p>{Moved to new assessment table below – new numbering Rule 16.11.5.2}</p>

16.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> • Acoustic insulation • Noise - where the limit is exceeded by less than 5dB LAeq (15min) 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Rule 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.</p>
2. Density (Papakāika)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 16.2.3</p> <p>b. Any buildings and structures maintain the rural character values and visual amenity of the rural zones (Policy 16.2.3.1).</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>c. See Section 9.7 for guidance on the assessment of resource consents in relation to objectives 9.2.1 and 9.2.2; and effects related to efficiency and affordability of infrastructure and public health and safety.</p> <p>d. See Section 14.5 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.</p>
X. 3. Density (family flats on sites less than 15ha)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 16.2.3, 16.2.4.</p> <p>b. The density of residential activity maintains the rural character values and visual amenity of the rural zones (Policy 16.2.3.2).</p> <p>c. The scale, size and nature of activities on highly productive land means that any loss of current or potential future rural productivity would be:</p> <ul style="list-style-type: none"> i. insignificant in any high class soils mapped area; and ii. no more than minor in other areas of highly productive land (Policy 16.2.4.2). <p>d. The density of residential activity will not, over time and/or cumulatively, reduce rural productivity by displacing rural activities (Policy 16.2.4.4).</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>e. See Section 9.7 for guidance on the assessment of resource consents in relation to objectives 9.2.1 and 9.2.2; and effects related to efficiency and affordability of infrastructure and public health and safety.</p>

16.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
<p>3. 4. Light spill - where rules 16.5.5.1 or 16.5.5.2 are contravened, or where the light spill limit in Rule 16.5.5.3 is exceeded by 25% or less</p>	<p><i>Relevant objectives and policies:</i></p> <p>a. Objective 16.2.3.</p> <p>b. Activities are designed and operated to ensure that any adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, are no more than minor (Policy 16.2.3.9).</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>c. It is proposed to use filtering to prevent blue or ultraviolet light.</p> <p><i>General assessment guidance:</i></p> <p>d. Duration, time and frequency of the proposed illumination.</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>e. See Rule 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.</p>
<p>4. 5. Blasting (mineral exploration)</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 16.2.2</p> <p>b. Mineral exploration operates in a way that avoids or, if avoidance is not practicable, adequately mitigates noise or other adverse effects on the amenity of sensitive activities on surrounding properties (Policy 16.2.2.4).</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>c. See Rule 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.</p>
<p>Y. In the ONL, SNL or NCC overlay zones:</p> <ul style="list-style-type: none"> Area of buildings and structures (Rule 10.3.5.X.b.ii) 	<p>See Rule 10.7. {Moved to new assessment table below – new numbering Rule 16.11.6.1}</p>

16.11.4 Assessment of discretionary subdivision activities

Activity	Guidance on the assessment of resource consents
<p>1. Cross lease, company lease and unit title subdivision</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 16.2.1</p> <p>b. Cross lease, company lease and unit title subdivision do not result in an increase in residential development potential beyond that which might be achieved through a general subdivision (Policy 16.2.1.9).</p>

Clause 16 amendment: New assessment table 16.11.5 with overlay zones; content moved from assessment table 16.11.2 above

16.11.5 Assessment of discretionary land use activities in an overlay zone	
Activity	Guidance on the assessment of resource consents
6. 1. In a Residential Transition Overlay Zone (RTZ) (prior to release): <ul style="list-style-type: none"> • Intensive farming • Forestry • Cross lease, company lease and unit title subdivision 	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 12.4 for guidance on the assessment of resource consents in relation to Objective 12.2.1 and effects related to future use of land for residential activity.
7. 2. In an Industrial Transition Overlay Zone (IndTZ) (prior to release): Cross lease, company lease and unit title subdivision	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 12.4 for guidance on the assessment of resource consents in relation to Objective 12.2.3 and effects related to future use of land for industrial activity.

Clause 16 amendment: New assessment table 16.11.6 with overlay zones; content moved from assessment table 16.11.3 above

16.11.6 Assessment of discretionary performance standard contraventions in an overlay zone	
Performance standard	Guidance on the assessment of resource consents
7. 1. In the ONL, SNL or NCC overlay zones: <ul style="list-style-type: none"> • Area of buildings and structures (Rule 10.3.5.X.b.ii) 	a. See Rule 10.7.

Rule 16.12 Assessment of Non-complying Activities

Rule 16.12.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 16.12.2 - 16.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. Rules 16.12.2 - 16.12.5 apply as follows:
 - a. Rule 16.12.2 applies to all non-complying activities;
 - b. Rule 16.12.3 applies to non-complying land use activities;
 - c. Rule 16.12.4 applies to non-complying development activities; and
 - d. Rule 16.12.5 applies to non-complying performance standard contraventions.
4. With respect to section 104(2) of the RMA, Council will not consider family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural zones.
5. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

16.12.2 Assessment of all non-complying activities

Activities	Guidance on the assessment of resource consents
<p>1. All non-complying land use activities listed below</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objectives 16.2.1, 16.2.2, 16.2.3, 16.2.4. b. The activity does not detract from, or preferably contributes to, the strategic direction objectives, including, but not limited to, those related to: <ul style="list-style-type: none"> i. Objectives 2.2.2, 2.2.3, 2.2.4 and 2.3.1. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> c. In assessing the significance of effects, consideration will be given to: <ul style="list-style-type: none"> i. short to 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. d. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> e. For activities taking place within the radio transmitters mapped area, see Section 5.10 for guidance on the assessment of resource consents in relation to management of reverse sensitivity effects on Radio New Zealand’s facilities at 740 Highcliff Road and 35 Karetai Road. f. See Section 6.13 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. g. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety. h. For activities that may have effects on biodiversity values, see Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1. i. For activities adjacent to water bodies and the coast, see Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.2. j. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua.

16.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.4.1. b. Policy 2.4.1.6.c.
2. <ul style="list-style-type: none"> • Supported living facilities • Commercial activities (other than those provided for) • Industrial activities (other than rural industry and rural contractor and transport depots) • Major facility activities (other than cemeteries, crematoriums, emergency services and the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area) 	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 2.3.2 and Policy 2.3.2.2. b. Objective 2.4.3 and Policy 2.4.3.4. c. Objective 16.2.1. d. Supported living facilities, commercial activities, industrial activities and major facility activities are avoided, unless otherwise provided for, in the rural zones (Policy 16.2.1.8).
3. In the Hazard 1A (flood) Overlay Zone : <ul style="list-style-type: none"> • Natural hazards potentially sensitive activities 	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.
4. In the hazard 1 (flood) overlay zones (see Rule 16.3.6): <ul style="list-style-type: none"> • Natural hazards potentially sensitive activities • Natural hazards sensitive activities 	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.
5. In a Residential Transition Overlay Zone (RTZ) (prior to release): <ul style="list-style-type: none"> • Mining • Landfills 	<i>Relevant guidance from other sections (priority considerations):</i> a. See Section 12.5 for guidance on the assessment of resource consents in relation to Objective 12.2.1 and effects related to future use of land for residential activity.

16.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
<p>6. In an ASBV:</p> <ul style="list-style-type: none"> • Commercial activities (except for restaurants or retail activities ancillary to sport and recreation and stand-alone car parking) • Early childhood education • Industrial activities • Major facility activities • Residential activities (except for working from home) • Rural activities (except for rural ancillary retail, rural tourism and rural research) 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values.</p>
<p>7. In the ONF, ONCC, or HNCC overlay zones:</p> <ul style="list-style-type: none"> • Commercial activities (except for restaurants or retail activities ancillary to sport and recreation and stand-alone car parking) • Major facility activities • Industrial activities • Residential activities (except working from home) • Rural activities (except for farming, grazing, landfills, mining, scheduled mining activity, rural ancillary retail, rural tourism and rural research - small scale) • Expansion of scheduled mining activity SMA007 (Saddle Hill ONF only) 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 10.8 for guidance on the assessment of resource consents in relation to objectives 10.2.3 and 10.2.5 and the effects related to natural character of the coast and landscape values.</p>
<p>8. In the ONL Overlay Zone:</p> <ul style="list-style-type: none"> • Landfills • Mineral exploration that involves blasting • Mining • Major facility activities (other than cemeteries, crematoriums and the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area) 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and effects related to landscape values.</p>

16.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
9. In the NCC and SNL overlay zones : <ul style="list-style-type: none"> Major facility activities (other than cemeteries, crematoriums and the New Zealand Marine Studies Centre in the Portobello Marine Science mapped area) 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 10.8 for guidance on the assessment of resource consents in relation to objectives 10.2.3 and 10.2.5 and the effects related to natural character of the coast and landscape values.</p>
10. In a wāhi tūpuna mapped area : <ul style="list-style-type: none"> Forestry Mining 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects on cultural values of Manawhenua.</p>
X 11. In a hazard facility mapped area , bulk fuel storage facilities sensitive activities	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.13 and the risks to people from an emergency event occurring at a hazard facility.</p>

16.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values.</p>
2. In the ONF, ONCC, HNCC overlay zones : <ul style="list-style-type: none"> New building or structure Additions and alterations Indigenous vegetation clearance - large scale (ONCC, HNCC overlay zones) 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 10.8 for guidance on the assessment of resource consents in relation to objectives 10.2.3 and 10.2.5 and the effects related to natural character of the coast and landscape values.</p>
3. In a wāhi tūpuna mapped area : <ul style="list-style-type: none"> New buildings and structures 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on cultural values of Manawhenua.</p>
4. In an ASBV : <ul style="list-style-type: none"> Indigenous vegetation clearance - large scale 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values.</p>

16.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Density	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 16.2.1, 16.2.3, 16.2.4.</p> <p>b. Policies 16.2.3.2, 16.2.4.4.</p> <p>c. N/A</p> <p>X. c. The residential activity is the result of a surplus dwelling subdivision (Policy 46.2.1.7.X 16.2.1.7.a); or will be associated with long term land management or capital investment that will result in:</p> <p>i. significant positive effects for rural productivity; or</p> <p>ii. a significant contribution to the enhancement or protection of biodiversity values (Policy 46.2.1.7.Y 16.2.1.7.b).</p> <p><i>Related strategic directions:</i></p> <p>Y. d. Objectives 2.2.2, 2.3.1, 2.4.6, policies 2.2.2.1, 2.3.1.2, 2.3.1.3, 2.4.6.2.</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>4. e. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.</p> <p>AE. f. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and effects related biodiversity values.</p> <p><i>General assessment guidance:</i></p> <p>Z. g. In assessing whether a proposal for land management or investment meets Policy 46.2.1.7.Y.i 16.2.1.7.b.i and/or 46.2.1.7.Y.ii 16.2.1.7.b.ii, Council will consider the information provided with the consent application (see Special Information Requirements – Rule 46.13.X 16.13.2).</p> <p>AA. h. Types of land management or capital investment that may meet Policy 46.2.1.7.Y.i 16.2.1.7.b.i, depending on the specific circumstances of the site and proposal, include substantial investment in farm buildings or other farm assets required for commercial-scale horticulture or other commercial-scale farming.</p> <p>AB. i. In assessing whether a proposal may meet Policy 46.2.1.7.Y.ii 16.2.1.7.b.ii, Council will consider the ecological context of the site and proposal at a local level, rather than requiring the contribution to be significant at an ecological district or citywide level.</p> <p><i>Conditions that may be imposed include:</i></p> <p>AC. j. Conditions to ensure that the land management or capital investment will be completed or substantially underway (and thereafter staged), prior to the establishment of residential activity, or, where this is not possible, a bond is taken to ensure the actions required to meet Policy 46.2.1.7.Y 16.2.1.7.b are undertaken.</p> <p>AD. k. Conditions to ensure that existing areas of indigenous vegetation and/or the habitats of indigenous fauna are legally protected in perpetuity.</p>

16.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
<p>2. In a dune system mapped area or swale mapped area:</p> <ul style="list-style-type: none"> Hazard exclusion areas 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.</p>
<p>3. Light spill - where the limit is exceeded by greater than 25%</p>	<p><i>Relevant objectives and policies:</i></p> <p>a. Objective 16.2.3</p> <p>b. Activities are designed and operated to ensure that any adverse effects from light spill on rural character and amenity, and the ability of people to view the night sky, are no more than minor (Policy 16.2.3.9).</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>c. It is proposed to use filtering to prevent blue or ultraviolet light.</p> <p><i>General assessment guidance:</i></p> <p>d. Duration, time and frequency of the proposed illumination.</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>e. See Rule 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.</p>
<p>4.</p> <ul style="list-style-type: none"> Noise - where the limit is exceeded by 5 dB LAeq (15 min) or more Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.</p>
<p>5.</p> <ul style="list-style-type: none"> Setback from National Grid (buildings, structures, city-wide activities, and National Grid sensitive activities (Rule 5.6.1.1) Setback from National Grid (subdivision activities) (Rule 46.7.X 16.7.6) 	<p><i>Relevant guidance from other sections:</i></p> <p>a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.X and effects related to the operation, maintenance, upgrading and development of the National Grid.</p>
<p>6. Minimum site size</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. N/A</p> <p>b. a. Objectives 16.2.1, 16.2.3, 16.2.4.</p> <p>c. N/A</p> <p>d. N/A</p> <p>e. N/A</p> <p>f. N/A</p> <p>X. b. The subdivision, considered as a whole:</p> <p>i. will not result in an increase in the number of sites that</p>

16.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
	<p>contravene the minimum site size (Policy 16.2.1.X.b.i 16.2.1.5.b.i);</p> <p>ii. will not result in an increase in the residential development potential of the subject land, beyond that provided for by the density land use performance standard and the minimum site size subdivision standard (Policy 16.2.1.X.b.ii 16.2.1.5.b.ii); and</p> <p>iii. will meet policies 16.2.3.8 and 16.2.4.3 (Policy 16.2.1.X.b.iii 16.2.1.5.b.iii).</p> <p>g. c. Subdivisions are designed to ensure any associated future land use and development maintain or enhance the rural character and visual amenity of the rural zones (Policy 16.2.3.8).</p> <p>h. d. Subdivisions are designed to ensure any future land use and development will:</p> <ol style="list-style-type: none"> i. maintain or enhance the productivity of rural activities; ii. maintain highly productive land for farming activity, or ensure any loss is insignificant on any high class soils mapped area and no more than minor on other areas of highly productive land; iii. maintain land in a rural rather than rural residential use; and iv. not increase the potential for reverse sensitivity (Policy 16.2.4.3). <p><i>Related strategic directions:</i></p> <p>∓. e. Objectives 2.2.2, 2.2.4, 2.3.1, 2.4.6, policies 2.2.2.1, 2.2.4.4, 2.3.1.2, 2.4.6.2.</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>±. f. Where necessary, a legal mechanism is proposed that will ensure compliance with Policy 16.2.1.X.b.ii 16.2.1.5.b.ii.</p> <p><i>General assessment guidance:</i></p> <p>Z. g. With respect to Policy 16.2.4.3.c, Council will generally consider that a subdivision that creates a new undersized site intended for rural residential use meets this policy, provided that the subdivision meets Policy 16.2.1.X.b.i & b.ii 16.2.1.5.b.i & b.ii – for example in the case of a subdivision involving an existing undersized site and a site that exceeds the MSS, which transfers land from the smaller site to the larger site, and transfers a residential development right from the larger site to the smaller site.</p> <p>∓. h. In determining whether land is 'highly productive land', Council will consider its land use capability (LUC) classification, the high class soils mapped area (HCS), as well as any other evidence related to productive values. The expectation is that land in the HCS and/or that has a LUC 1-3 classification will be considered 'highly productive land'. Note that information about the LUC classification is provided on the Landcare Research website (https://www.landcareresearch.co.nz) and LUC 1-3 areas are shown on the Data Map (https://apps.dunedin.govt.nz/webmaps/secondgenerationplandata/).</p>

16.12.5 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
		<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>k. 1. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.1 and effects related to the efficiency and affordability of infrastructure.</p>
7.	Family flats - tenancy	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Strategic Directions: objectives 2.3.1, 2.4.6, 2.6.1, policies 2.3.1.2, 2.4.6.2, 2.6.1.2</p> <p>b. Objective 16.2.1, Policy 16.2.1.6.</p>
9. 8.	In an ASBV : <ul style="list-style-type: none"> Tree species 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1 and the effects related to biodiversity values.</p>
10. 9.	In the ONF and ONL overlay zones : <ul style="list-style-type: none"> Tree species 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.5 and the effects related to landscape values.</p>
11. 10.	In the ONCC, HNCC and NCC overlay zones : <ul style="list-style-type: none"> Tree species 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.3 and the effects related to natural character of the coast.</p>
X. 11	In a wāhi tūpuna mapped area : <ul style="list-style-type: none"> Density Minimum site size Tree species 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and effects on the cultural values of Manawhenua.</p>
Y. 12	Landscaping and rehabilitation	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 16.2.3.</p> <p>b. Policy 16.2.3.4.</p>

Rule 16.13 Special Information Requirements

16.13.1 Papakāika - ownership and occupation

For papakāika activity, proof that both the owner and occupier of the land fall into one of the classes listed in the definition of papakāika is required. Proof can be obtained from the Māori Land Court or the Ngāi Tahu Whakapapa Unit.

~~16.13.X~~ **16.13.2 Land management or capital investment for productivity or biodiversity gains**

1. A resource consent application that includes a proposal for land management or investment intended to achieve significant positive effects for rural productivity (Policy ~~16.2.1.7.Y.i~~ **16.2.1.7.b.i**) should, in most circumstances, be supported by a farm management plan or similar document, prepared by a suitably qualified person, which sets out how gains to rural productivity will be achieved over the medium to long term.
2. A resource consent application that includes a proposal for land management or investment intended to achieve a significant contribution to the enhancement or protection of biodiversity values (Policy ~~16.2.1.7.Y.ii~~ **16.2.1.7.b.ii**) must be supported by an ecological restoration plan, prepared by an ecologist or similarly qualified person, which includes the following:
 - a. a description of the site, including the area or areas to be enhanced;
 - b. a description of any indigenous vegetation present, including a species list;
 - c. a description of the indigenous wildlife present and known to use the site;
 - d. an ecological assessment of the significance of the site using the criteria in Policy 2.2.3.2;
 - e. an assessment of how ecological restoration may contribute to providing connectivity with ecological corridors or nearby areas of ecological importance;
 - f. an assessment of the benefits to biodiversity values of a range of practicable options for biodiversity enhancement, and confirmation that the proposed option is suitable for the site and conforms to best practice;
 - g. a schedule of ecologically appropriate species to be planted, including botanical names;
 - h. a planting plan depicting the location, species density and staging of planting;
 - i. measures that will be used to maintain plantings, including the replacement of any dead or non-thriving plants;
 - j. any other measures proposed to enhance habitat for indigenous fauna;
 - k. measures to be used to exclude stock from the enhancement area;
 - l. measures to be used to achieve long-term effective control of plant and animal pest species; and
 - m. the approach to be used to monitor the restoration measures set out in the restoration plan and actions to be taken if measures are not being fulfilled.