

## **17. Rural Residential Zones**

### **17.1 Introduction**

A number of people seek to live in a rural setting and undertake rural activities at a small scale, such as the keeping of livestock. These small-scale rural activities are commonly known as lifestyle farming or hobby farming, and the properties on which they are undertaken are commonly known as lifestyle blocks.

Lifestyle blocks can have an adverse effect on sustainable management by removing rural land from productive use; by inflating rural land values to the detriment of more productive rural activities; or by generating reverse sensitivity effects in the rural environment resulting from people living on smaller blocks of land in proximity to productive rural activities such as farming or forestry; and by resulting in pressure to extend urban public infrastructure and services into rural areas. A further issue is that there are a large number of small sites across Dunedin's rural environment which can sometimes be difficult to manage and use.

The rural residential zones have been established in response to these issues, to provide specifically for lifestyle or hobby farming in appropriately located parts of Dunedin's wider rural environment.

Rural residential zones allow for residential activity at a scale consistent with lifestyle or hobby farming, along with those rural and community activities that are consistent with the level of amenity expected by people living in these areas. Non-compatible activities in rural residential zones are discouraged or carefully managed in recognition that these can adversely affect the liveability and amenity of the zones.

Rural residential zones are sometimes located in areas with good quality land and versatile soils, and can contain productive rural activities such as small-scale farming. In order to sustainably manage natural and physical resources, it is important that the productive potential of these areas is maintained.

Some rural residential zones are located in areas of high landscape values, or coastal areas where retention or enhancement of the natural character values of the coast is important. These areas are covered by overlay zones with different rules applying for certain activities, such as buildings, structures and forestry.

Even where not located in landscape or coastal overlays, rural residential zones have their own level of rural or semi-rural character and amenity. Land use activities and development that detract from this character and amenity should be avoided. Rural residential zones can also contain areas of indigenous vegetation and habitat for indigenous species, and are subject to rules managing the clearance of indigenous vegetation.

#### **17.1.1 Zone Descriptions**

##### **17.1.1.1 Rural Residential 1 Zone**

The Rural Residential 1 Zone occurs in a variety of locations, often in proximity to urban areas, that cater for demand for rural residential activity in different parts of Dunedin. The Rural Residential 1 Zone is elevated in some locations and provides a highly visible rural context for nearby residential and urban areas. This applies, in particular, to the Rural Residential 1 Zone at Waitati, Sawyers Bay, Blanket Bay, St Leonards, Chain Hills, Saddle Hill, Blackhead and Scroggs Hill.

In other locations the Rural Residential 1 Zone is less elevated but still provides a rural or semi-rural context to adjacent residential areas, including at Waikouaiti, Abbotsford, Waldronville, Ocean View and Brighton.

The Rural Residential 1 Zone sometimes occurs on river plains, such as at Wingatui, Tirohanga Road and Middlemarch. In these cases, the zone has a character that reflects the productive land on which it occurs, with an open pastoral setting. At Wingatui the Rural Residential 1 Zone has a settled and mature character, with mature trees and shelter plantings, and a diverse range of rural uses including hobby farming, horse grazing and horticultural uses.

#### 17.1.1.2 Rural Residential 2 Zone

The Rural Residential 2 Zone typically occurs in coastal locations, or on hill slopes in proximity to urban areas. The Rural Residential 2 Zone recognises existing semi-developed clusters of small rural sites where there is already some rural residential activity, and provides for one residential activity per existing site.

## 17.2 Objectives and Policies

<b>Objective 17.2.1</b>	
The rural residential zones enable lifestyle blocks, hobby farms and associated residential activities as the appropriate place in the rural environment for these to occur, and provide for a limited range of other compatible activities.	
Policy 17.2.1.1	Enable farming, grazing and conservation in the rural residential zones.
Policy 17.2.1.2	Require residential activity in the rural residential zones to be at a density that enables lifestyle blocks and hobby farms.
Policy 17.2.1.3	Require rural ancillary retail and working from home to be at a scale that: <ul style="list-style-type: none"> <li>a. is ancillary to, and supportive of, productive rural activities or conservation activity on the same property, and</li> <li>b. supports objectives 2.3.2 and 2.4.3 and their policies.</li> </ul>
Policy 17.2.1.4	Provide for forestry, domestic animal boarding and breeding (not including dogs), community and leisure - small scale, emergency services, and veterinary services (large animal practice) where the effects will be adequately mitigated in line with objectives 17.2.2, 17.2.3 and 17.2.4 and their policies, and the objectives and policies of any relevant overlay zones.
Policy 17.2.1.5	Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, and visitor accommodation where the effects will be adequately managed in line with objectives 17.2.2, 17.2.3 and 17.2.4 and their policies, and the objectives and policies of any relevant overlay zones.
Policy 17.2.1.6	Avoid cross lease, company lease and unit title subdivision in the rural residential zones unless it does not result in an increase in development potential beyond that which might be achieved through a general subdivision.
Policy 17.2.1.7	Restrict the tenancy and design of family flats to: <ul style="list-style-type: none"> <li>a. avoid, as far as practicable, the risk they will be used for a separate, non-ancillary, residential activity; and</li> <li>b. avoid, as far as practicable, future pressure to subdivide off family flats.</li> </ul>

<b>Objective 17.2.2</b>	
The potential for conflict between activities within the rural residential zones, and between activities within the rural residential zones and adjoining residential zones, is minimised through measures that ensure: <ul style="list-style-type: none"> <li>a. the potential for reverse sensitivity is minimised; and</li> <li>b. a good level of amenity on surrounding rural residential properties, residential zoned properties and public places.</li> </ul>	
Policy 17.2.2.1	Require residential buildings 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"> <li>a. site boundaries; and</li> <li>b. forestry, intensive farming, domestic animal boarding and breeding (including dogs), mining, landfills and wind generators - large scale.</li> </ul>
Policy 17.2.2.2	Require buildings that house animals to be set back from site boundaries an adequate distance so that any adverse effects on adjoining residential activities are avoided or, if avoidance is not practicable, are no more than minor.

### Objective 17.2.2

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

- a. the potential for reverse sensitivity is minimised; and
- b. a good level of amenity on surrounding rural residential properties, residential zoned properties and public places.

Policy 17.2.2.3	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 17.2.2.4	Require rural ancillary retail and working from home to operate in a way (including hours of operations) that avoids or, if avoidance is not practicable, adequately mitigates noise or adverse effects on the amenity of surrounding properties.
Policy 17.2.2.5	Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation where any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not practicable, adequately mitigated.
Policy 17.2.2.6	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 17.2.2.7	Only allow forestry where it will be located and designed to avoid or, if avoidance is not practicable, adequately mitigate shading, noise, traffic, and other nuisance effects on sensitive activities on surrounding properties.
Policy 17.2.2.8	Require subdivisions to deliver resultant sites that will achieve a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development.

### Objective 17.2.3

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

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

Policy 17.2.3.1	Require buildings and structures to be set back from boundaries and of a height that maintains the character and visual amenity of the rural residential zones.
Policy 17.2.3.2	Only allow forestry where it will be located, designed, and managed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the character and visual amenity of the rural residential zones.
Policy 17.2.3.3	Only allow rural tourism, rural research, community and leisure - large scale, early childhood education, sport and recreation, veterinary services and visitor accommodation activities where any adverse effects from development on rural residential character and amenity will be avoided or, if avoidance is not practicable, adequately mitigated.
Policy 17.2.3.4	Require ancillary signs to be located and designed to maintain the character of the rural residential zones, 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.

### Objective 17.2.3

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

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

Policy 17.2.3.5	Only allow general subdivision where the subdivision is designed to ensure any associated future land use and development will maintain or enhance the character and amenity of the rural residential zones.
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Policy <del>17.2.3.X</del> 17.2.3.6	Only allow activities in a <b>structure plan mapped area</b> where they are designed to: <ol style="list-style-type: none"> <li>a. maintain or enhance any special values of the site as listed in Appendix A12; and</li> <li>b. ensure any other design outcomes listed in Appendix A12 are achieved.</li> </ol>
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### Objective 17.2.4

The productive potential of the rural residential zones for lifestyle blocks or hobby farms is maintained.

Policy 17.2.4.1	Require earthworks in a <b>high class soils mapped area</b> to retain soils on the site.
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Policy 17.2.4.2	Only allow land use, development, or subdivision activities that may lead to land use and development in a <b>high class soils mapped area</b> where any adverse effects on high class soils are avoided or, if avoidance is not practicable, are no more than minor.
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Policy 17.2.4.3	Only allow general subdivision where resultant sites are of a shape and size that will enable lifestyle blocks or hobby farms, including the keeping of livestock, and avoid use purely as large lot residential living.
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Policy 17.2.4.4	Avoid general subdivision in the Rural Residential 2 Zone unless it does not result in an increase in residential development potential.
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## Rules

### Rule 17.3 Activity Status

#### 17.3.1 Rule Location

The activity status tables in rules 17.3.3 to 17.3.5 specify the activity status of land use activities, development activities, and subdivision activities in the rural residential 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)17
6. Natural Hazard Mitigation Activities (Section 8)
7. Earthworks (Section 8A)

#### 17.3.2 Activity Status Introduction

1. The activity status tables in rules 17.3.3 - 17.3.5 show the activity status of activities in the rural residential 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 17.3.6 apply for 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 60m<sup>2</sup> of new ground floor area.

9. Where the activity status in Rule 17.3.6 differs from that in rules 17.3.3 - 17.3.5, the most restrictive activity status always applies.
10. In addition to the rules in Rule 17.3.6, performance standards for development activities within hazard overlay zones are included in rules 17.3.3 - 17.3.5.
11. Activities in a hazard overlay zone must comply with rules 17.3.3 - 17.3.6.

*Rules applying in the **Doctors Point Road structure plan mapped area***

- ✗ **12.** Residential activities and subdivision activities within the **Doctors Point Road structure plan mapped area** are managed under provisions in Section 15, including Rule 15.8.18 **Doctors Point Road Structure Plan Mapped Area** Rules and any associated provisions that normally apply to these activities in the Large Lot Residential 1 Zone.

*Performance Standards*

- 42- **13.** Performance standards are listed in the far right column of the activity status tables.
- 43- **14.** Performance standards apply to permitted, controlled, and restricted discretionary activities.
- 44- **15.** 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.
- 45- **16.** 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 17.3.2A – Other relevant District Plan provisions**

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

**Legend**

Acronym	Meaning
+	Additional provisions apply (assessment criteria for activities in the overlay need to be viewed)
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
RR	Rural Residential Zones
ONF	Outstanding Natural Feature Overlay Zone
ONL	Outstanding Natural Landscape Overlay Zone
SNL	Significant Natural Landscape Overlay Zone
HNCC	High Natural Coastal Character Overlay Zone
NCC	Natural Coastal Character Overlay Zone
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones



Haz3	Hazard 3 Overlay Zones
ASBV	Areas of Significant Biodiversity Value



### 17.3.3 Land Use Activity Status Table

1.	Performance standards that apply to all land use activities					<ul style="list-style-type: none"> <li>a. Acoustic insulation</li> <li><del>b. NA</del></li> <li><del>e. b.</del> Light spill</li> <li><del>d. c.</del> Noise</li> <li><del>e. d.</del> Setback from National Grid (National Grid sensitive activities only)</li> <li>✗. <b>e.</b> <b>Structure plan mapped area</b> performance standards (where relevant)</li> </ul>
Rural activities		Activity status				Performance standards
		a. RR	b. ONF/ HNCC	c. ONL/ /SNL/ NCC	d. ASBV	
2.	Domestic animal boarding and breeding (not including dogs)	P	NC	P	NC	i. Location
3.	Farming	P	P	P	NC	
4.	Forestry	RD	NC	RD+	NC	<ul style="list-style-type: none"> <li>i. Forestry and shelterbelts and small woodlots setbacks</li> <li>ii. Tree species</li> </ul>
5.	Grazing	P	P	P	NC	
6.	Rural ancillary retail	P	P	P	P	<ul style="list-style-type: none"> <li>i. Hours of operation</li> <li>ii. Location</li> <li>iii. Maximum gross floor area</li> <li>iv. Minimum mobility car parking</li> </ul>
7.	Rural tourism	D	D	D	D+	
8.	Rural research	D	D	D	D+	
9.	Landfills	NC	Pr	NC	NC+	
10.	Mining	NC	Pr	NC	NC+	
11.	All other activities in the rural activities category	NC	NC	NC	NC+	
Residential activities		a. RR	b. ONF/ HNCC	c. ONL/ SNL/ NCC	d. ASBV	Performance standards

12.	Standard residential	P	NC	P	NC	i. Density ii. Separation distances iii. Family flats
13.	Working from home	P	P	P	P	i. Hours of operation ii. Maximum gross floor area
14.	All other activities in the residential activities category	NC	NC	NC	NC+	
Community activities		a. RR	b. ONF/ HNCC	c. ONL/ SNL/ NCC	d. ASBV	Performance standards
15.	Community and leisure - small scale	P	P	P	P	i. Minimum mobility car parking
16.	Community and leisure - large scale	D	D	D	D+	
17.	Conservation	P	P	P	P	
18.	Early childhood education	D	D	D	NC	
19.	Sport and recreation	D	D	D	D+	
Commercial activities		a. RR	b. ONF/ HNCC	c. ONL/ SNL/ NCC	d. ASBV	Performance standards
20.	Ancillary licensed premises	Same status as underlying activity	Same status as underlying activity	Same status as underlying activity	Same status as underlying activity	
21.	Stand-alone car parking	P	P	P	P	
22.	Veterinary services (large animal practice)	RD	NC	RD	NC	
23.	Visitor accommodation	D	NC	D	NC	
24.	All other activities in the commercial activities category	NC	NC	NC	NC+	
Industrial activities		a. RR	b. ONF/ HNCC	c. ONL/ SNL/ NCC	d. ASBV	Performance standards
25.	All activities in the industrial activities category	NC	NC	NC	NC+	
Major facility activities		a. RR	b. ONF/ HNCC	c. ONL/ SNL/ NCC	d. ASBV	Performance standards

26.	Emergency services	P	NC	NC	NC	i. Minimum mobility car parking
27.	All other activities in the major facility activities category	NC	NC	NC	NC+	

**~~Note 17.3.3X – 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. **{Moving to Note 17.3.3A below – renumbering as Note 17.3.3A.4}**~~

**Note 17.3.3A – Other requirements outside of the District Plan**

- 1.** Plantation forestry and associated activities are addressed by the NESPF rather than this Rule 17.3.3.4 for rural residential zones in Rule 17.3.3.4.a and for SNLs in Rule 17.3.3.4.c.
- 2.** For ONFs and HNCCs in Rule 17.3.3.4.b and for NCCs in Rule 17.3.3.4.c the NESPF does not apply.
- 3.** The NESPF also does not apply to vegetation clearance prior to afforestation and rules 17.3.4.19, 17.3.4.20 and 17.3.4.21 and the rules in Section 10 Natural Environment apply.
- 4.** 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. **{Renumbering - moved from above}**

### 17.3.4 Development Activity Status Table

1.	Performance standards that apply to all development activities					a. Natural Hazards Performance Standards b. Setback from scheduled tree <del>✗</del> <b>c. Landscape building platform mapped area</b> performance standards (where relevant) <del>✗</del> <b>d. Structure plan mapped area</b> performance standards (where relevant)
2.	Performance standards that apply to all buildings and structures activities					a. Boundary setbacks b. Maximum height c. Number, location and design of ancillary signs d. Reflectivity (landscape and coastal character overlays) e. Setback from coast and water bodies f. Setback from National Grid <del>✗</del> <b>g. Setback from Critical Electricity Distribution Infrastructure</b>
Buildings and structures activities (excluding activities affecting a protected part of a scheduled heritage building or scheduled heritage structure. See rows 8 - 15)		Activity status				Performance standards
		a. RR	b. ONF/ HNCC	c. ONL/ SNL/ NCC	d. ASBV	
5.	New buildings or structures <b>or</b> additions and alterations (excluding fences)	P	NC	P	RD	i. Firefighting ii. Area, number and location of buildings and structures (ONLs, SNLs, NCCs, ASBVs)
6.	Fences	P	P	P	P	
7.	All other buildings and structures activities	P	P	P	P	

Buildings and structures activities <b>that</b> affect a protected part of a scheduled heritage building <b>or</b> scheduled heritage structure		a. RR	b. ONF/ HNCC	c. ONL/ SNL/ NCC	d. ASB V	Performance standards
8.	Repairs and maintenance	P	P	P	P	
9.	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	
10.	Restoration of all other scheduled heritage buildings and structures	P	P	P	P	
11.	Earthquake strengthening where external features only are protected	C	C	C	C	i. Materials and design
12.	Signs attached to buildings and structures	P	P	P	P	
13.	All other additions and alterations	RD	RD	RD	RD	
14.	Demolition	NC	NC	NC	NC	
15.	Removal for relocation	RD	RD	RD	RD	
Site development activities		a. RR	b. ONF/ HNCC	c. ONL/ SNL / NCC	d. ASB V	Performance standards
16.	Outdoor storage	P	P	P	P	
17.	Parking, loading and access	P	P	P	P	i. Parking, loading and access standards
18.	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
19.	Indigenous vegetation clearance - small scale	P	P	P	P	i. Vegetation clearance standards
20.	Indigenous vegetation clearance - large scale	RD	RD+ in ONF NC in HNCC	RD in SNL/ ONL RD+ in NCC	NC	i. Vegetation clearance standards
21.	All other vegetation clearance	P	P	P	P	i. Vegetation clearance standards

22.	Storage and use of hazardous substances	P	P	P	P	<ul style="list-style-type: none"> <li>i. Hazardous substances quantity limits and storage requirements</li> <li>ii. Setback from coast and water bodies</li> </ul>
23.	Shelterbelts and small woodlots	P	RD	P	RD	<ul style="list-style-type: none"> <li>i. Forestry and shelterbelts and small woodlots setbacks</li> <li>ii. Tree species</li> </ul>
24.	All other site development activities	P	P	P	RD	

#### **Note 17.3.4A - 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.

### 17.3.5 Subdivision Activity Status Table

Subdivision activities		Activity status				Performance standards
		a. RR	b. ONF/ HNCC	c. ONL/ SNL/ NCC	d. ASBV	
1.	General subdivision creating resultant sites used solely for the purposes of a scheduled ASBV or QEII covenant; or reserve; or access; or network utilities; or road.	RD	RD	RD	RD+	i. Access ii. Esplanade reserves and strips
2.	All other general subdivision in the Rural Residential 1 Zone	RD	RD+	RD+	RD+	i. Access ii. Esplanade reserves and strips iii. Firefighting iv. Minimum site size v. Service connections vi. Shape <del>ⓧ</del> <b>vii. Landscape building platform mapped area</b> performance standards (where relevant) <del>ⓤ</del> <b>viii. Setback from National Grid</b> (subdivision activities) <del>Ⓩ</del> <b>ix. Structure plan mapped area</b> performance standards (where relevant)
3.	All other general subdivision in the Rural Residential 2 Zone	NC	NC	NC	NC+	
4.	Cross lease, company lease and unit title subdivision	NC	NC	NC	NC+	

#### Note 17.3.5A - 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 17.3.5B - General advice

- DCC does not generally provide reticulated water supply to sites zoned rural residential and a connection should not be presumed.

**Note ~~17.3.5X~~ 17.3.5C - Other relevant District Plan provisions**

1. Additional matters of discretion apply to the subdivision of land within a **Critical Electricity Distribution Infrastructure Corridor mapped area**. These are set out in Rule 17.10.5.
2. Additional matters of discretion apply to the subdivision of land within a **National Grid Subdivision Corridor mapped area**. These are set out in Rule 17.10.5.

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

Activity	Activity status	
	a. Haz1 (flood)	b. Haz2 (flood)
Land Use Activities		
1. Natural hazards sensitive activities	NC	RD
2. Natural hazards potentially sensitive activities	NC	RD
Development Activities		
3. New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m <sup>2</sup> of new ground floor area	RD	RD



#### Note 17.3.6A - 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 17.3.6. 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 17.3.6B - 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 17.4 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 sections 95A or 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
  1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand Pouhere Taonga; and
  2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand Pouhere Taonga.
2. With respect to resource consent applications 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 with respect to applications for resource consent for the following:
  1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand Pouhere Taonga;
  2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is listed by Heritage New Zealand Pouhere Taonga; and
  3. contravention of the archaeological sites performance standard (Rule 13.3.3).
3. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided with respect to resource consents applications for the following:
  1. all restricted discretionary activities that list 'effect on cultural values of Manawhenua' as a matter for discretion; and
  2. 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 or High 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 family flats or papakāika as part of the permitted baseline in considering residential density effects in the rural residential 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 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 17.5 Land Use Performance Standards

### 17.5.1 Acoustic Insulation

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

1. **a.** port noise control mapped area;
2. **b.** within 40m of the Taieri Aerodrome Zone;
3. **c.** within 40m of a state highway;
4. **d.** within 20m of an industrial zone; and
5. **e.** within 70m of a railway line.

### 17.5.2 Density

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

- a. in the Rural Residential 1 Zone, the minimum site size per residential activity is 2ha, except:
  - i. a single residential activity is permitted on an existing site between 1ha and 2ha created before 26 September 2015 as long as all other performance standards can be met; and
  - ii. a single residential activity is permitted on a site created by Rule 17.7.5.3 as long as all other performance standards can be met; and
- b. in the Rural Residential 1 Zone, multiple standard residential activities are only allowed on a single site where all primary residential buildings (houses) are able to meet all the relevant performance standards if they were ever subdivided into separate sites;
- c. in the Rural Residential 2 Zone, a maximum of one residential activity per site of at least 1ha; and
- d. in all rural residential zones, one family flat is allowed per site in association with a standard residential activity that meets this performance standard for density.

2. Standard residential activity that contravenes this performance standard is a non-complying activity.

### ~~17.5.13~~ **17.5.3 Family Flats {Moved from below to minimise renumbering}**

Rule ~~17.5.13.1~~ **17.5.3.1** Family flats - tenancy

- a. Family flats must:
  - i. only be occupied by a person or persons:
    1. 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; and
  - 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.

Rule ~~17.5.13.2~~ **17.5.3.2** family flats - design

- a. Family flats must:
  - i. not exceed a maximum gross floor area of 60m<sup>2</sup>;
  - ii. be on the same available water and waste infrastructure connection, or the same non-reticulated wastewater disposal system as the primary residential unit;
  - iii. be on the same household electricity account;

- iv. share the same driveway as the primary residential unit; and
  - v. 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. Standard residential activity that contravenes this performance standard is a restricted discretionary activity.

#### **17.5.4 Hours of Operation**

1. For rural ancillary retail, customers must not arrive before 7.00am or depart after 7.00pm.
2. For working from home, customers and deliveries must not arrive before 7.00am or depart after 7.00pm. This standard does not apply to homestays.
3. Activities that contravene this performance standard are restricted discretionary activities.

#### **17.5.5 Light Spill**

Land use activities must comply with Rule 9.3.5.

#### **17.5.6 Location**

1. Domestic animal boarding and breeding (not including dogs) and rural ancillary retail 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.

#### **17.5.7 Maximum Gross Floor Area**

Activity	Maximum gross floor area
1. Rural ancillary retail	60m <sup>2</sup>
2. Working from home	100m <sup>2</sup> (applies only to area used within buildings)

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

#### **Note 17.5.7A - 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](http://www.dunedin.govt.nz) for more information.
2. A licence from 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 at [www.dunedin.govt.nz](http://www.dunedin.govt.nz) for more information.

### 17.5.8 Minimum Mobility Car Parking

1. ~~NA.~~

Activity	Minimum number of on-site parking spaces
a- c. <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>	

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

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

3. ~~NA.~~

4. ~~NA.~~

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

#### Note 17.5.8A - Other relevant District Plan provisions

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

### 17.5.9 Noise

Land use activities must comply with Rule 9.3.6.

### 17.5.10 Separation Distances

1. New residential buildings must be located at least:
  - a. 30m from an existing, lawfully established forestry activity on a separate site;
  - b. 100m from:
    - i. an existing, lawfully established intensive farming activity on a separate site; and
    - ii. an existing, lawfully established domestic animal boarding and breeding (including dogs) activity on a separate site;
  - c. 150m from existing, lawfully established landfills on a separate site;
  - d. 250m from existing, lawfully established wind generators - large scale on a separate site;
  - e. 200m from an existing, lawfully established mining activity, that does not involve blasting, on a separate site; and
  - f. 500m from an existing, lawfully established mining activity, that involves blasting, on a separate site.

2. For the purpose of this standard, separation distance is measured from the closest wall of the new residential building to the closest edge of any active operational area or part of the site being used for one of the activities listed.
3. Activities that contravene this performance standard are restricted discretionary activities.

#### **17.5.11 Setback from National Grid**

National Grid sensitive activities must comply with Rule 5.6.1.1.

#### **17.5.12 Tree Species**

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

~~17.5.13~~ **Family Flats** {Moved to position above – renumbered as 17.5.3}

~~Rule 17.5.13.1~~ **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.~~

~~Rule 17.5.13.2~~ **Family Flat – Design**

- a. ~~Family flats must:~~
- i. ~~not exceed a maximum gross floor area of 60m<sup>2</sup>;~~
  - ii. ~~be on the same available water and waste infrastructure connection, or the same non-reticulated wastewater disposal system as the primary residential unit;~~
  - iii. ~~be on the same household electricity account;~~
  - iv. ~~share the same driveway as the primary residential unit; and~~
  - v. ~~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. ~~Standard Residential activity that contravenes this performance standard is a restricted discretionary activity.~~

## **Rule 17.6 Development Performance Standards**

### **17.6.1 Firefighting**

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

### **17.6.2 Natural Hazards Performance Standards**

#### 17.6.2.1 Hazard exclusion areas

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

#### 17.6.2.2 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the hazard 1 or 2 (land instability) overlay zones must comply with Rule 11.3.2.

#### 17.6.2.3 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.

#### 17.6.2.4 Outdoor storage

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

### **17.6.3 Hazardous Substances Quantity Limits and Storage Requirements**

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

#### 17.6.4 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

#### 17.6.5 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 residential zone	ii. Landscape and coastal character overlay zones
a.	Roadside produce stall	3.5m	3.5m
b.	All other buildings and structures	10m	5m

- c. 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.
  - d. Buildings or structures 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**.
2. Activities that contravene this performance standard are restricted discretionary activities.

#### ~~17.6.X Area, Number and Location of Buildings and Structures~~

- ~~1. 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. **{Moved below – renumbered as 17.6.11}**~~

#### 17.6.6 Number, Location and Design of Ancillary Signs

##### 17.6.6.1 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, 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 0.25m<sup>2</sup> are exempt from these standards.
- c. Signs must comply with Rule 6.7.3 where visible from a road.
- d. Signs must not be illuminated or digital.
- e. Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

##### 17.6.6.2 Signs attached to buildings

- a. The maximum height above ground level, at the highest point of any sign, is 4m, except:
  - i. the maximum height is 2m in an ONF, ONL, SNL, 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 as mounted flat against a parapet or gable end.
- d. The maximum area of signs, per display face, is 1m<sup>2</sup>, except:
  - i. the maximum area of signs, per display face, is 0.6m<sup>2</sup> in an ONF or HNCC overlay zone.
- e. In an ONF or HNCC overlay zone the sign must only provide information about the values of the overlay zone (refer Appendices A3 and A5).



### 17.6.6.3 Freestanding signs

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

#### **Note 17.6.6A - 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 Roadway Bylaw.
  - d. Dunedin City Council Traffic and Parking Bylaw.

### 17.6.7 Parking, Loading and Access Standards

Parking, loading and access must comply with Rule 6.6.

### 17.6.8 Reflectivity

New buildings, new structures (except fences), and additions and alterations, in any landscape or coastal character overlay zone must comply with Rule 10.3.6.

### 17.6.9 Setbacks

#### 17.6.9.1 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 17.6.9.1A)	12m	10m

Activity		1. Minimum setback from road boundary	2. Minimum setback from side and rear boundaries with sites held in separate ownership
ii.	Non-residential buildings housing animals (see Figure 17.6.9.1B)	12m	<ol style="list-style-type: none"> <li>Buildings with a maximum height of up to 7m above ground level: 15m.</li> <li>Buildings with a maximum height that is over 7m above ground level: the greater of either 15m or twice the maximum height of the building.</li> </ol>
iii.	Non-residential buildings not housing animals (see Figure 17.6.9.1C)	12m	<ol style="list-style-type: none"> <li>Buildings with a maximum height of up to 7m above ground level: 6m.</li> <li>Buildings with a maximum height that is over 7m above ground level: twice the maximum height of the building.</li> </ol>
iv.	Roadside produce stall	No requirement	6m
v.	All other structures	No requirement	No requirement

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

Figure 17.6.9.1A: Setbacks for residential buildings

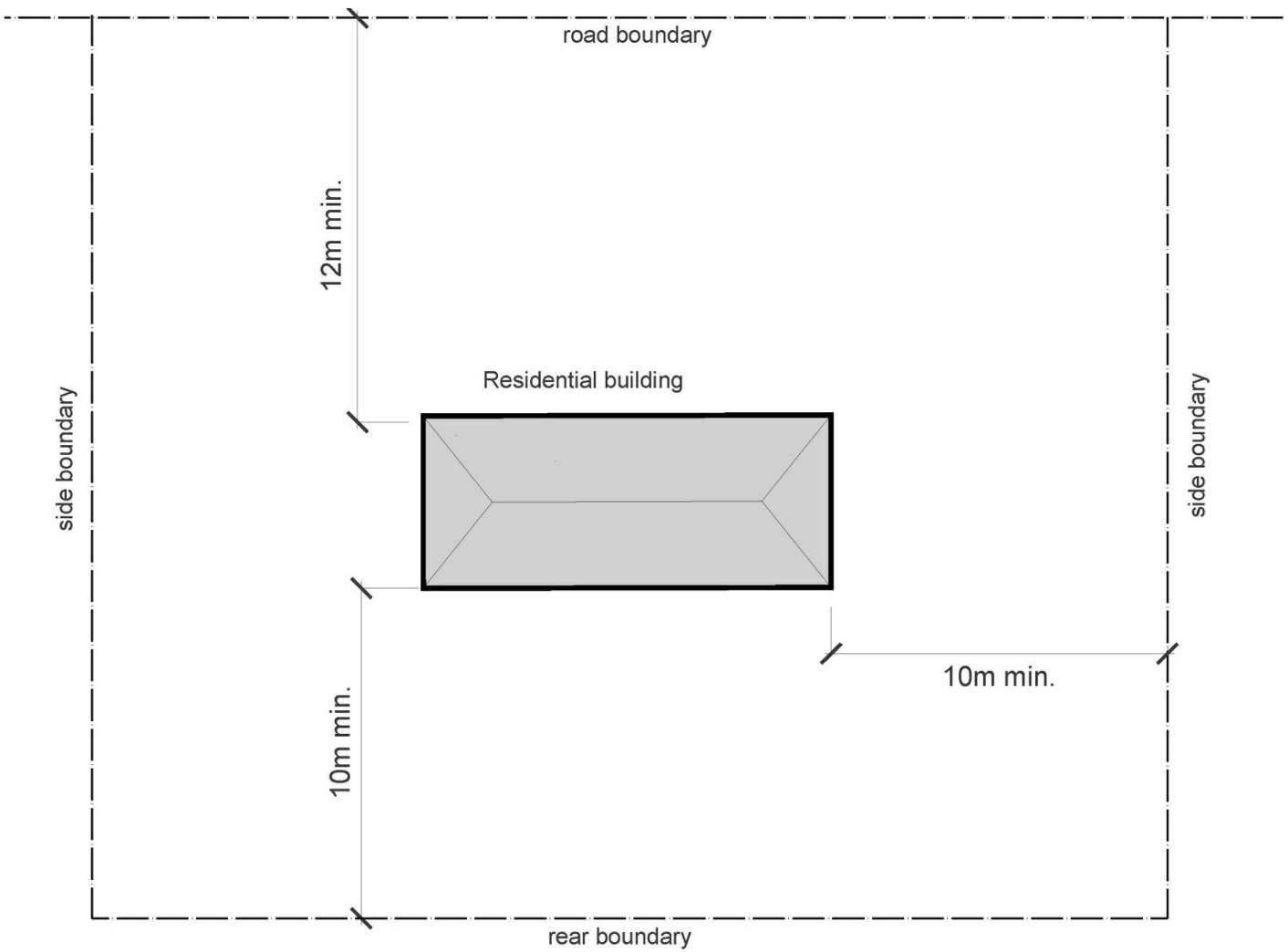


Figure 17.6.9.1B: Setbacks for non-residential buildings housing animals

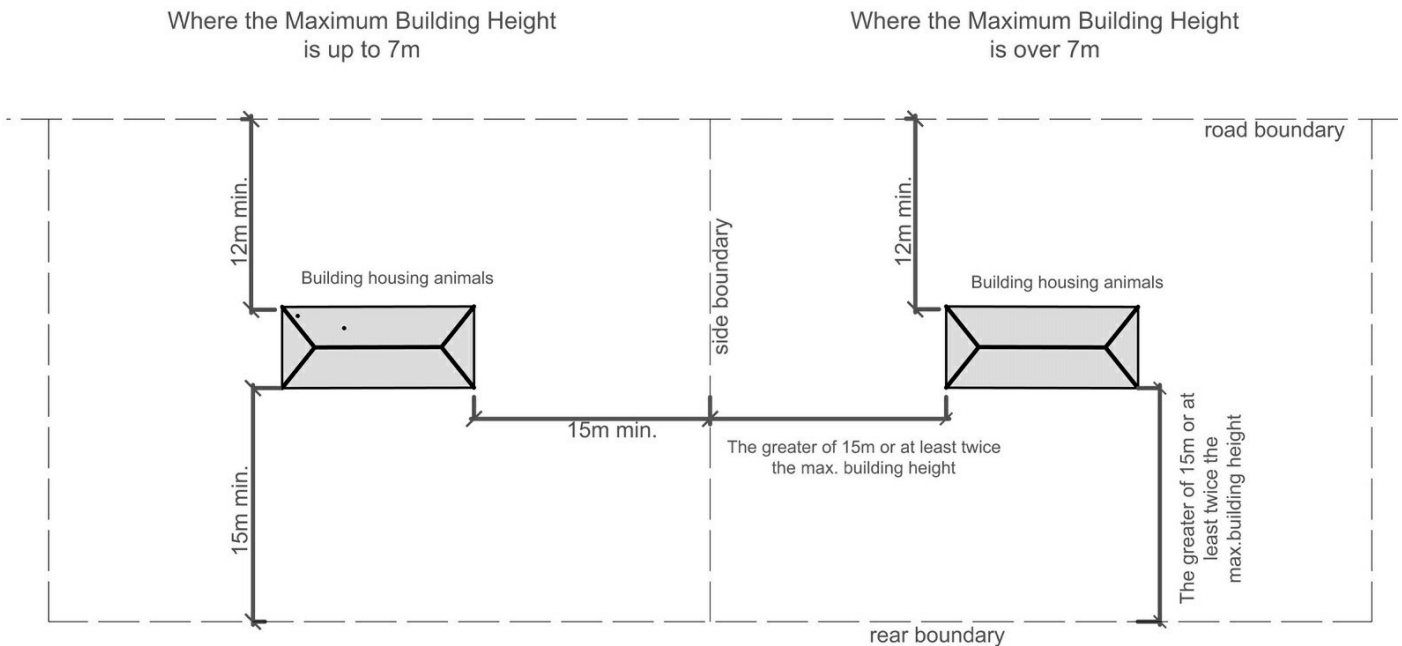
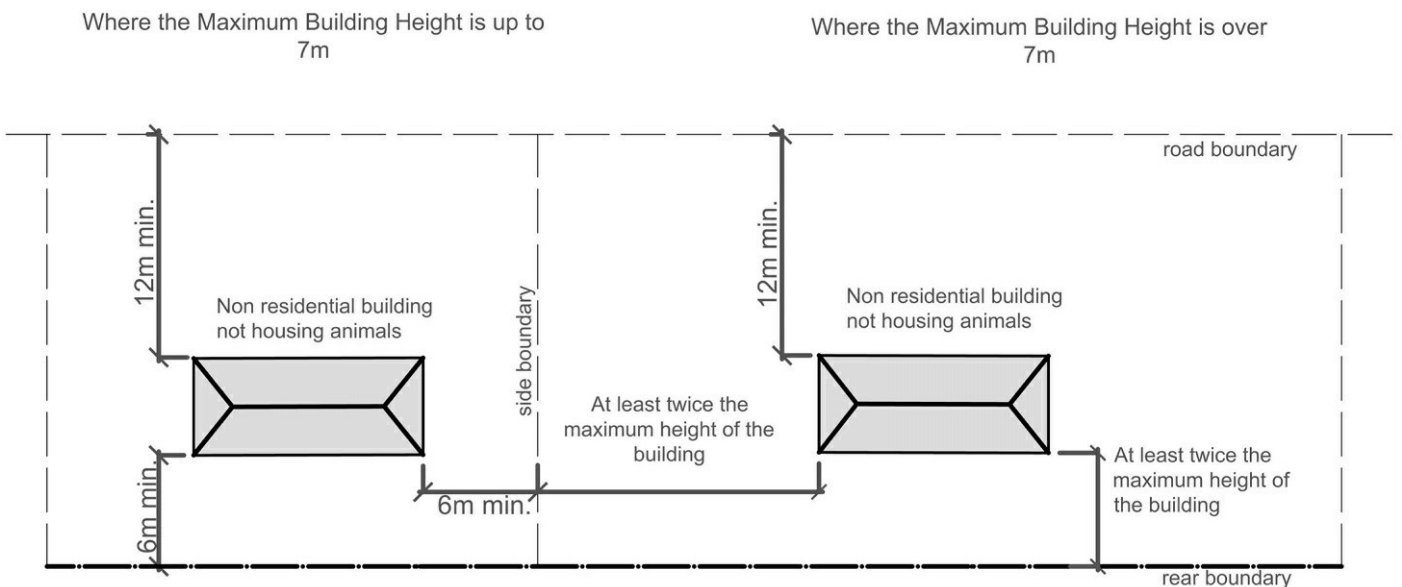


Figure 17.6.9.1C: Setbacks for non-residential buildings not housing animals



### 17.6.9.2 Forestry and shelterbelts and small woodlots setbacks

- a. Trees associated with forestry activity must not:
  - i. be planted within 30m of the boundary of any residential zone;
  - ii. be planted within 40m of a residential building where the building exists at the time of planting;
  - iii. 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. be planted within 10m of the boundary of the designated rail corridor; and
  - ~~✗~~ **v.** be planted within the **Critical Electricity Distribution Infrastructure Corridor mapped area**.
- b. Trees associated with shelterbelts and small woodlots must:
- i. 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. 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. not be planted within 10m of the boundary of the designated rail corridor.
- c. Activities that contravene this performance standard are restricted discretionary activities.

#### 17.6.9.3 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

#### 17.6.9.4 Setback from National Grid

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

#### 17.6.9.5 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.

#### ~~17.6.9.X~~ **17.6.9.6** Setback from Critical Electricity Distribution Infrastructure

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

#### **Note ~~17.6.9.XA~~ **17.6.9.6A** - 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.

#### **17.6.10 Vegetation Clearance Standards**

##### 17.6.10.1 Maximum area of vegetation clearance (UBMA)

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

##### 17.6.10.2 Indigenous vegetation clearance - small scale thresholds

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

##### 17.6.10.3 Protected areas (vegetation clearance)

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

17.6.10.4 Protected species (indigenous vegetation clearance)

Indigenous vegetation clearance must comply with Rule 10.3.2.3.

17.6.10.5 Maximum area of vegetation clearance in the hazard overlay zones

Vegetation clearance in the Hazard 1 (land instability) Overlay Zone and Hazard 2 (land instability) Overlay Zone must comply with Rule 11.3.2.

## ~~17.6.X~~ **17.6.11** Area, Number and Location of Buildings and Structures

1. 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. **{Moved from above to minimise renumbering}**

## **Rule 17.7 Subdivision Performance Standards**

### **17.7.1 Access**

General subdivision must comply with Rule 6.8.1.

### **17.7.2 Esplanade Reserves and Strips**

General subdivision must comply with Rule 10.3.1.

### **17.7.3 Firefighting**

General subdivision must comply with Rule 9.3.3.

### **17.7.4 Service Connections**

General subdivision must comply with Rule 9.3.2.

### **17.7.5 Minimum Site Size**

1. The minimum site size for new resultant sites in the Rural Residential 1 Zone is 2ha.
2. Resultant sites created and used solely for the following purposes are exempt from the minimum site size standard:
  - a. reserve;
  - b. access;
  - c. network utilities; or
  - d. road.
3. Subdivision activities that contravene this standard are non-complying, except in the following circumstances where the subdivision is discretionary:
  - a. all resultant sites are at least 75% of the minimum site size;
  - b. a minimum of 50% of the resultant sites are not less than the minimum site size; and
  - c. the average area of the resultant sites is not less than the minimum site size.

### **17.7.6 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. ~~NA~~;
  - b. **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. reserve;
  - c. access;
  - d. network utility; or
  - e. road.
5. Subdivision activities that do not meet this standard are restricted discretionary activities.

~~17.7.X~~ **17.7.7** **Setback from National Grid (Subdivision Activities)**

Subdivision activities must comply with Rule 5.6.1.X.

**Rule 17.Y** **17.7A** **Structure Plan Mapped Area Rules**

~~17.Y.1~~ **17.7A.1** Introduction

1. In addition to the performance standards in 17.5, 17.6 and 17.7 and any relevant overlay zones or mapped areas, activities in a **structure plan mapped area** must meet the area-specific performance standards below. Where a performance standard in this section specifically provides an exemption or alternative to a standard in 17.5, 17.6 or 17.7, the standard in this section supersedes that standard.

~~17.Y.X~~ **17.7A.2** **Signal Hill Road Structure Plan Mapped Area Rules**

~~17.Y.X.1~~ **17.7A.2.1** Land use performance standards

- a. Density
  - i. Standard residential activities must not exceed a density of one residential activity per site (note that Rule ~~17.Y.X.3~~ **17.7A.2.3** limits the maximum number of sites in the **structure plan mapped area**).
  - ii. One family flat is allowed per site in association with a standard residential activity that meets this performance standard for density.
  - iii. Standard residential activity that contravenes this performance standard is a non-complying activity.
  - iv. For the sake of clarity, this performance standard supersedes Rule 17.5.2.

~~17.Y.X.2~~ **17.7A.2.2** Development performance standards

- a. Buildings and structures associated with any residential activity, except for the residential activity in existence at 235 Signal Hill Road on 19 February 2021, and the residential activity consented by LUC-2020-159, must be located outside the Flagstaff-Mt Cargill Significant Natural Landscape Overlay Zone.
- b. Development activities that do not meet this standard are non-complying activities.

~~17.Y.X.3~~ **17.7A.2.3** Subdivision performance standards

- a. Access
  - i. Subdivision activities must provide suitably designed and formed public walking access through the mapped area, to connect:
    1. North Road (the point marked '1' on Figure ~~17.Y.XA~~ **17.7A.2A**) with the paper road at Thirstane Street (the point marked '2' on Figure ~~17.Y.XA~~ **17.7A.2A**); and
    2. the new accessway within the subdivision (the point marked '3' on Figure ~~17.Y.XA~~ **17.7A.2A**) with the eastern corner of the mapped area (the point marked '4' on Figure ~~17.Y.XA~~ **17.7A.2A**).
  - ii. The required timing of the creation of these accessways is as follows:
    1. where the subdivision is not staged:
      1. legal access for pedestrians to fulfil clause i above must be created, and access from point 1 to point 2 must be formed, prior to the issuing of the section 224c certificate for the subdivision; and
      2. access from point 3 to point 4 must be formed within five years of the issuing of the section 224c certificate for the subdivision; and
    2. where the subdivision is staged (either via multiple resource consents or via multiple stages of one resource consent):
      1. legal access for pedestrians to fulfil clause i must be created prior to the issuing of the section 224c certificate for the first stage that creates any residential site(s) located



wholly or partly outside the SNL;

2. access from point 1 to point 2 must be formed in accordance with staging; and
  3. access from point 3 to point 4 must be formed within five years of the issuing of the section 224c certificate for the first stage that creates any residential site(s) located wholly or partly outside the SNL.
- iii. Subdivision activities must ensure that the accessway corridor that provides vehicle and pedestrian access to dwellings located along the north-western boundary of the site, outside the SNL, is: accessible to the public; and designed with a carriageway formation that is consistent with the standard required for a legal road.
  - iv. Subdivision activities must provide legal access for pedestrians between 534 North Road and the accessway described in clause iii above. Where the subdivision is not staged, this legal access must be created prior to the issuing of the section 224c certificate for the subdivision. Where the subdivision is staged, it must be created prior to the issuing of the section 224c certificate for the first stage that creates any site(s) located wholly or partly outside the SNL.
  - v. There is no requirement to form the access for pedestrians described at clause iv.
  - vi. Subdivision activities that do not meet this standard are non-complying activities.
  - vii. For the sake of clarity, this standard is additional to Rule 17.7.1.
- b. Minimum site size
- i. There is no minimum site size for new resultant sites, but the average area of the resultant sites must be no less than 2ha.
  - ii. Resultant sites created and used solely for the following purposes are exempt from the minimum site size standard:
    1. scheduled ASBV;
    2. any covenant created to protect the Proposed Vegetation Protection Area;
    3. reserve;
    4. access;
    5. utility; or
    6. road.
  - iii. For the sake of clarity, this performance standard supersedes Rule 17.7.5.
  - iv. Subdivision activities that contravene this performance standard are non-complying activities.

~~17.Y.X.4~~ **17.7A.2.4** Assessment guidance

- a. In addition to the assessment guidance for subdivision provided in rules 17.10.4, 6.11.2.7 and 6.11.2.8, the following guidance is provided for the assessment of subdivision activities in the **Signal Hill Road structure plan mapped area**.

*General assessment guidance:*

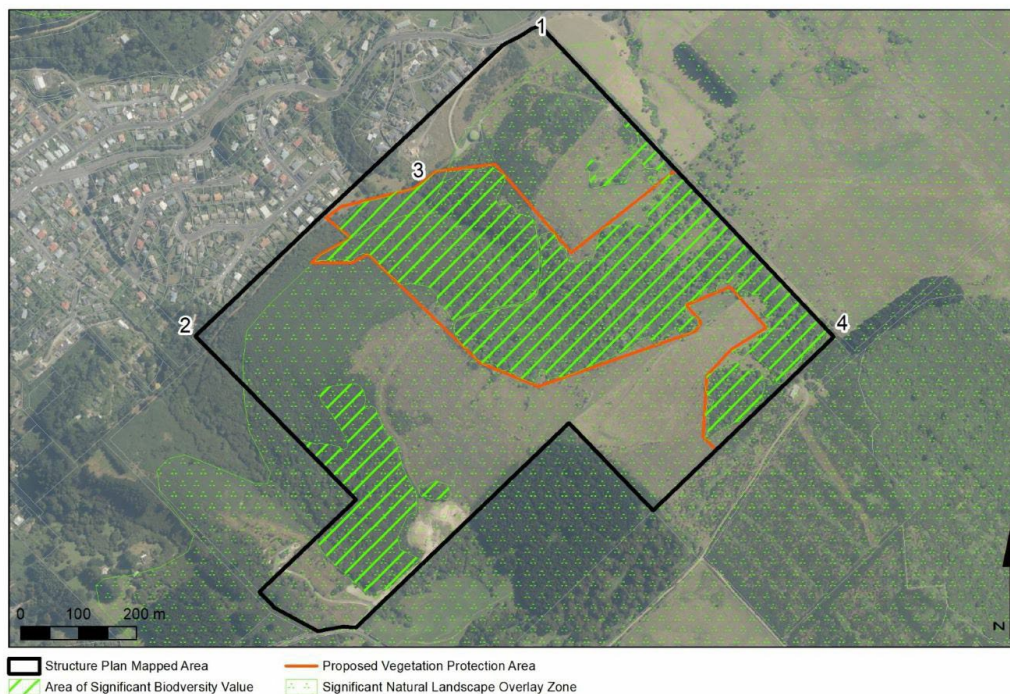
- b. To appropriately manage effects on the safety and efficiency of the transport network, Council will generally prefer that the accessway described at Rule ~~17.Y.X.3.a.iii~~ **17.7A.2.3.a.iii** is vested in Council as road, unless an assessment of the physical constraints of the site demonstrates that it is not practicable for the full length of the accessway to be of sufficient width to vest in Council as road.

*Conditions that may be imposed include:*

- c. A bond to ensure formation of the public walking access described at Rule ~~17.Y.X.3.a.i.2~~ **17.7A.2.3.a.i.2**, in accordance with

the timeframe specified at Rule 47.Y.X.3.a.ii **17.7A.2.3.a.ii**.

Figure 47.Y.XA **17.7A.2A**: Signal Hill Road structure plan



## 47.Y.Y **17.7A.3** Patmos Avenue (Rural Residential) Structure Plan Mapped Area Rules

### 47.Y.Y.1 **17.7A.3.1** Land use performance standards

#### a. Density

- i. Standard residential activities must not exceed a density of one residential activity per site, with a maximum of one residential activity located in Area A and up to three residential activities located in Area B (see Figure 47.Y.YA **17.7A.3A**).
- ii. One family flat is allowed per site in association with a standard residential activity that complies with this performance standard for density, provided it is located in the same residential building as the primary residential activity.
- iii. Standard residential activity that contravenes this performance standard is a non-complying activity.
- iv. For the sake of clarity, this performance standard supersedes Rule 17.5.2.

### 47.Y.Y.2 **17.7A.3.2** Development performance standards

#### a. Footprint of residential buildings

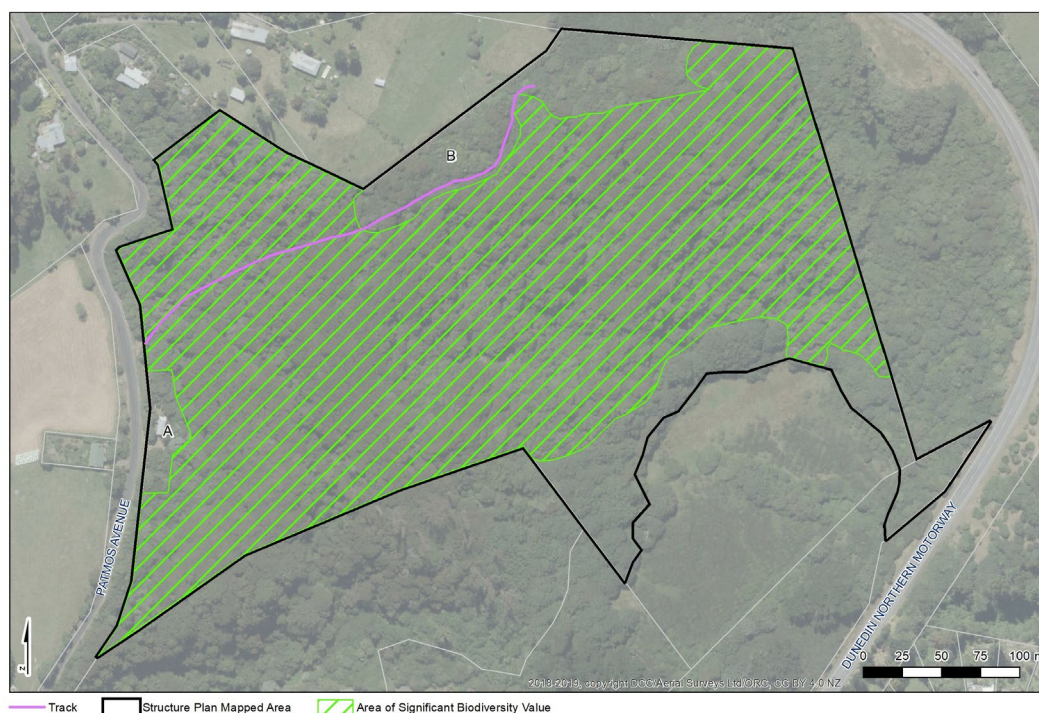
- i. New residential buildings must not exceed 250m<sup>2</sup> footprint and additions and alterations must not result in a residential building that is greater than 250m<sup>2</sup> footprint.
- ii. Activities that contravene this performance standard and result in a residential building less than or equal to 300m<sup>2</sup> footprint are discretionary activities.
- iii. Activities that contravene this performance standard and result in a residential building greater than 300m<sup>2</sup> footprint are non-complying activities.

#### b. Setbacks

- i. Boundary setbacks must meet Rule 17.6.9, except that in Area A the minimum setback from road boundary for residential buildings is 6m.
- c. Vegetation clearance
- i. Indigenous vegetation clearance must meet Rule 10.3.2.1, except that:
    - 1. additional indigenous vegetation clearance is permitted, if necessary, to widen the existing track (represented by the pink line in Figure 47.Y.Y.A **17.7A.3A**) up to the minimum necessary to meet Rule 6.6.3.9 Width of driveways;
    - 2. an additional 50m<sup>2</sup> of indigenous vegetation clearance is permitted for the formation of passing bays immediately adjacent to the existing track in order to form the shared driveway; and
    - 3. in Area B, indigenous vegetation clearance must not exceed a maximum area of 350m<sup>2</sup> per new resultant site over an initial 3-year time period from the issuing of new certificates of title to be considered indigenous vegetation clearance - small scale, after which indigenous vegetation clearance must meet Rule 10.3.2.1.c.ix.
  - ii. For the sake of clarity, all vegetation clearance must meet Rule 10.3.2.2 and all indigenous vegetation clearance must meet Rule 10.3.2.3.
- ~~17.Y.Y.3~~ **17.7A.3.3** Subdivision performance standards
- a. Access
    - i. Subdivision activities must provide for a shared driveway to serve the residential activities in Area B, following the existing track, with individual driveways to building platforms constructed from the closest practicable point along the shared driveway.
    - ii. Subdivision activities that contravene this performance standard are non-complying activities.
    - iii. For the sake of clarity, this performance standard applies in addition to Rule 17.7.1.
  - b. Minimum site size and maximum number of sites
    - i. Subdivision activities must create no more than four resultant sites within the **structure plan mapped area**.
    - ii. The sites must be of a size, shape and location that enables all relevant performance standards to be met.
    - iii. Resultant sites created and used solely for the following purposes are exempt from this performance standard:
      - 1. scheduled ASBV or QEII covenant;
      - 2. reserve;
      - 3. access;
      - 4. network utilities; or
      - 5. road.
    - iv. Subdivision activities that contravene this performance standard are non-complying activities.
    - v. For the sake of clarity, this performance standard supersedes Rule 17.7.5.
  - c. Shape
    - i. Each resultant site must provide for a building platform outside of the area mapped as an ASBV and must enable Rule ~~17.Y.Y.1.a~~ **17.7A.3.1.a** to be met.
    - ii. Resultant sites created and used solely for the following purposes are exempt from the shape standard:
      - 1. scheduled ASBV or QEII covenant;

2. reserve;
  3. access;
  4. network utilities; or
  5. road.
- iii. Subdivision activities that contravene this performance standard are non-complying activities.
  - iv. For the sake of clarity, this performance standard applies in addition to Rule 17.7.6.

Figure 17.Y.YA **17.7A.3A**: Patmos Avenue (Rural Residential) structure plan



**Note 17.Y.YA 17.7A.3A - Other requirements outside of the District Plan**

1. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to electricity transmission and distribution lines. Compliance with this code is mandatory. Compliance with this Plan does not ensure compliance with NZECP 34:2001

**17.Y.Z. 17.7A.4 Green Island Bush Road Structure Plan Mapped Area Rules**

**17.Y.Z.1 17.7A.4.1 Land use performance standards**

a. Density

- i. Standard residential activities must not exceed a density of one residential activity per site (note that Rule 17.Y.Z.3 **17.7A.4.3** limits the maximum number of sites in the **structure plan mapped area**).
- ii. One family flat is allowed per site in association with a standard residential activity that meets this performance standard for density.
- iii. Activities that contravene this performance standard are non-complying activities.
- iv. For the sake of clarity, this performance standard supersedes Rule 17.5.2.

**17.Y.Z.2 17.7A.4.2 Development performance standards**

- a. Maximum number of vehicle crossings
- i. The maximum number of vehicle crossings permitted within the **structure plan mapped area** is:
    1. three on the Blackhead Road frontage; and
    2. three on the Green Island Bush Road frontage.
  - ii. For the sake of clarity, the maximum number of vehicle crossings includes all existing and proposed vehicle crossings.
  - iii. Activities that contravene this performance standard are non-complying activities.
  - iv. For the sake of clarity, this performance standard supersedes Rule 6.6.3.1.

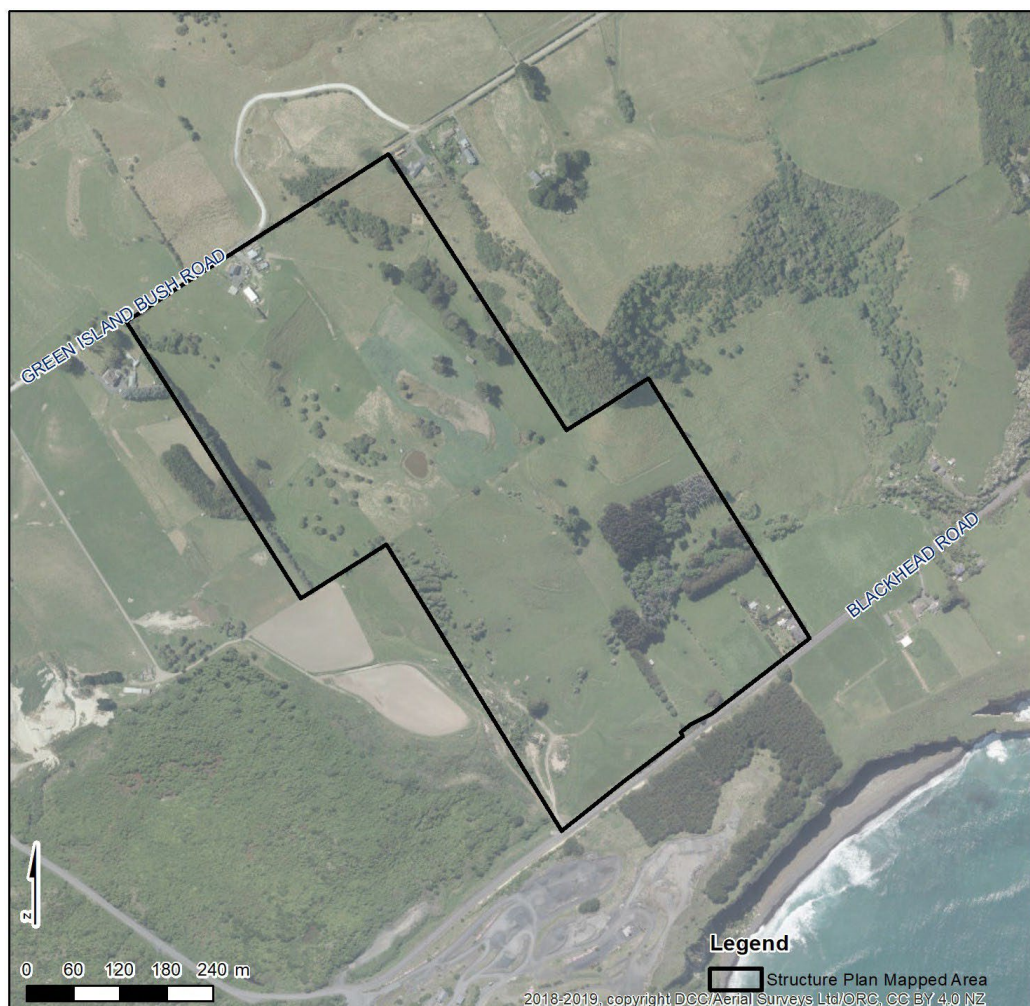
~~17.Y.Z.3~~ **17.7A.4.3** Subdivision performance standards

- a. Access
- i. No more than three sites within the **structure plan mapped area** may have access for vehicles onto Blackhead Road.
  - ii. Activities that contravene this performance standard are non-complying activities.
  - iii. For the sake of clarity, this standard is additional to Rule 17.7.1.
- b. Maximum number of sites
- i. Subdivision activities must not result in more than 10 sites within the **structure plan mapped area**.
  - ii. Resultant sites created and used solely for the following purposes are exempt from this standard:
    1. scheduled ASBV or QEII covenant;
    2. reserve;
    3. access;
    4. network utilities; or
    5. road.
  - iii. Activities that contravene this performance standard are non-complying activities.
  - iv. For the sake of clarity, this standard is additional to Rule 17.7.5.

~~17.Y.Z.4~~ **17.7A.4.4** Information requirements

- a. Geotechnical investigation report
- i. Applications for subdivision activities in the **structure plan mapped area** must include a comprehensive geotechnical investigation report by a suitably qualified geotechnical consultant. The geotechnical report must examine the ground stability over the entire area and identify areas suitable for development and, if required, suitable building platforms, and any areas where development, including earthworks, should be restricted.

Figure ~~17.Y.ZA~~ **17.7A.4A**: **Green Island Bush Road structure plan**



**17.Y.YY 17.7A.5 Ōtākou Golf Course Road Structure Plan Mapped Area Rules**

**17.Y.YY.1 17.7A.5.1 Earthworks performance standards**

- a. Small scale thresholds
  - i. Earthworks not listed in Rule 8A.5.1.1 must not exceed the earthworks - small scale thresholds provided for earthworks in NCC overlays in Rule 8A.5.1.3, Rule 8A.5.1.4 or Rule 8A.5.1.5 to be considered earthworks - small scale (note that earthworks in an ASBV or within 5m of a water body or MHS must not exceed the earthworks - small scale thresholds provided for earthworks in these areas).
  - ii. Earthworks that exceed these thresholds are treated as earthworks - large scale.

**Note 17.Y.Y.1A 17.7A.5.1A - Other relevant District Plan provisions**

1. Earthworks - large scale must comply with the setback from coast and water bodies performance standard (Rule 10.3.3).

**17.Y.YY.2 17.7A.5.2 Land use performance standards**

- a. Density

- i. Standard residential activities must not exceed a density of 12 standard residential activities within the whole **structure plan mapped area** (note that Rule 17.7.4.b **17.7A.5.4.b** limits the maximum number of sites in the **structure plan mapped area**).
- ii. Activities that contravene this performance standard are non-complying activities.
- iii. For the sake of clarity, this performance standard applies in addition to Rule 17.5.2.

~~17.7.3~~ **17.7A.5.3** Development performance standards

- a. Maximum height
  - i. New buildings, new structures, and additions and alterations must not exceed a maximum height above ground level of 5.5m.
  - ii. Activities that contravene this performance standard are restricted discretionary activities.
  - iii. For the sake of clarity, this performance standard supersedes Rule 17.6.5.
- b. Reflectivity
  - i. New buildings, new structures (except fences), and additions and alterations, must have exterior surfaces, including roofs, that have a light reflectance value (LRV) of 30% or less, except that this rule does not apply to:
    1. natural wood finishes;
    2. glass;
    3. clear plastic;
    4. soffits; or
    5. flues.
  - ii. For the purposes of this standard, for exterior surface materials whose LRV changes due to weathering (e.g. stone), the LRV will be measured based on an 'as weathered' condition.
  - iii. Activities that contravene this performance standard are restricted discretionary activities.
- c. Area of buildings and structures
  - i. New buildings and structures up to 60m<sup>2</sup> footprint are permitted activities.
  - ii. New buildings and structures that are no more than 300m<sup>2</sup> footprint are controlled activities.
  - iii. New buildings and structures that contravene this performance standard (are more than 300m<sup>2</sup> footprint) are non-complying activities.
- d. Access
  - i. Site development activities must provide suitably designed and formed public walking access through the area marked 'Development Area' on Figure 17.7.5A **17.7A.5A**, to connect Ōtākou Golf Course Road with Harwood Street and the coast, in general alignment with the route marked as 'Indicative Walking Track' in blue on Figure 17.7.5A **17.7A.5A**, unless this has already been provided.
  - ii. The public accessway must provide for public access in perpetuity.
  - iii. Site development activities that contravene this performance standard are non-complying activities.
  - iv. For the sake of clarity, this performance standard is additional to Rule 6.6.

~~17.7.4~~ **17.7A.5.4** Subdivision performance standards

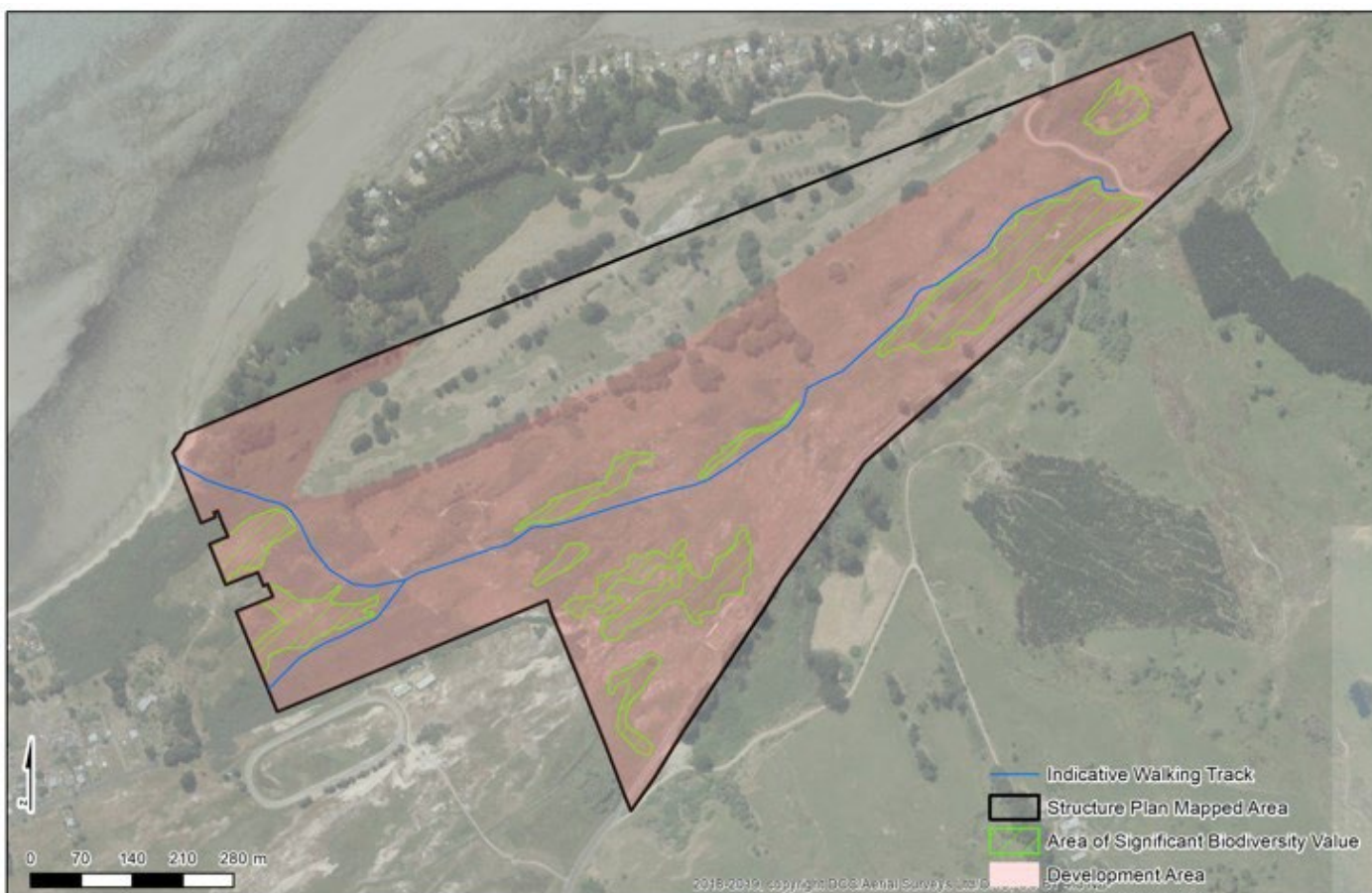
- a. Access
  - i. Subdivision activities must provide suitably designed and formed public walking access through the area marked 'Development Area' on Figure 17.7.5A **17.7A.5A**, to connect Ōtākou Golf Course Road with Harwood Street and the coast, in general alignment with the route marked as 'Indicative Walking Track' in blue on Figure 17.7.5A **17.7A.5A**, unless this has already been provided.



- ii. Legal access to fulfil clause i. above must be created, and accessways must be formed, prior to the issuing of the section 224c certificate for the subdivision.
  - iii. Subdivision activities that do not meet this standard are non-complying activities.
  - iv. For the sake of clarity, this performance standard is additional to Rule 6.8.1.
- b. Maximum number of sites
- i. Subdivision activities must not result in more than 12 sites within the area marked 'Development Area' on Figure 17.Y.YYA 17.7A.5A, plus an additional 'balance lot' provided that the use of the 'balance lot' is restricted through an appropriate legal instrument to only rural or community activities.
  - ii. Resultant sites created and used solely for the following purposes are exempt from this standard:
    - 1. scheduled ASBV, QEII covenant and/or any covenant created to protect biodiversity restoration areas;
    - 2. reserve;
    - 3. access;
    - 4. network utilities; or
    - 5. road.
  - iii. Activities that contravene this performance standard are non-complying activities.
  - iv. For the sake of clarity, this standard applies in addition to Rule 17.7.5 (Minimum Site Size).
- c. Shape
- i. Each resultant site must provide for a building platform within the area marked 'Development Area' (outside of ASBVs) on Figure 17.Y.YYA 17.7A.5A.
  - ii. Resultant sites created and used solely for the following purposes are exempt from this standard:
    - 1. scheduled ASBV, QEII covenant and/or any covenant created to protect biodiversity restoration areas;
    - 2. reserve;
    - 3. access;
    - 4. network utilities;
    - 5. road; or
    - 6. a single balance lot that may only be used for rural activities and community activities.
  - iii. Subdivision activities that contravene this performance standard are non-complying activities.
  - iv. For the sake of clarity, this performance standard applies in addition to Rule 17.7.6.

Figure 17.Y.YYA 17.7A.5A: Ōtākou Golf Course Road structure plan





**Note 17.Y.YY.4A 17.7A.5.4A - Other requirements outside of the District Plan**

1. Minimum floor levels are required by the New Zealand Building Code to safeguard people from injury or illness and other property from damage caused by surface water. These are implemented through the building consent process. Surface water is defined in the Building Code as "all naturally occurring water, other than sub-surface water, which results from rainfall on the site or water flowing onto the site, including that flowing from a drain, stream, river, lake or sea" (Schedule 1, Building Regulations 1992).
2. The discharge of human sewage through on-site wastewater treatment systems is managed by rules in the Regional Plan: Water for Otago. Resource consent may be required from the Otago Regional Council for new systems.

**17.Y.YY.5 17.7A.5.5 Additional matter of discretion and assessment guidance for earthworks - large scale**

- a. In addition to the assessment guidance for earthworks - large scale provided in Rule 8A.7, the following guidance is provided for the assessment of earthworks - large scale in the **Ōtākou structure plan mapped area**.
- b. Matter of discretion
  - i. Effects on special values and other design outcomes to be achieved.
- c. Guidance on the assessment of resource consents  
*Relevant objectives and policies:*
  - i. Objective 17.2.3.
  - ii. Activities in the **structure plan mapped area** are designed to:
    1. maintain or enhance any special values of the site listed in Appendix A12; and
    2. ensure any other design outcomes listed in Appendix A12 are achieved (Policy 17.2.3.X **17.2.3.6**).

*General assessment guidance:*

- iii. See relevant guidance in Appendix A12, and, in relation to biodiversity values, the special information requirements in Rule ~~17.Y.YY.9.e~~ **17.7A.5.9.c**.

~~17.Y.YY.6~~ **17.7A.5.6** Assessment of controlled activities

- a. The following guidance is provided for new buildings and structures greater than 60m<sup>2</sup> footprint in the **Ōtākou structure plan mapped area**.
- b. Matter of control
  - i. Size, location and appearance of buildings and structures.
- c. Guidance on the assessment of resource consents

*Relevant objectives and policies:*

- i. Objective 17.2.3.
- ii. Activities in the **structure plan mapped area** are designed to:
  1. maintain or enhance any special values of the site listed in Appendix A12; and
  2. ensure any other design outcomes listed in Appendix A12 are achieved (Policy ~~17.2.3.X~~ **17.2.3.6**).

*General assessment guidance:*

- iii. See relevant guidance in Appendix A12, and, in relation to biodiversity values, the special information requirements in Rule ~~17.Y.YY.9.e~~ **17.7A.5.9.c**.

*Conditions that may be imposed include:*

- iv. Restrictions on the location and size of buildings and structures.
- v. Requirements for landscaping and other forms of screening of buildings and structures.

~~17.Y.YY.7~~ **17.7A.5.7** Additional matter of discretion and assessment guidance for development performance standard contraventions

- a. In addition to the assessment guidance for development performance standard contraventions provided in Rule 17.9.4, the following guidance is provided for the assessment of contraventions of the maximum height and reflectivity performance standards in Rule ~~17.Y.YY.2~~ **17.7A.5.2**.
- b. Matter of discretion
  - i. Effects on special values and other design outcomes to be achieved.
- c. Guidance on the assessment of resource consents

*Relevant objectives and policies:*

- i. Objective 17.2.3.
- ii. Activities in the **structure plan mapped area** are designed to:
  1. maintain or enhance any special values of the site listed in Appendix A12; and
  2. ensure any other design outcomes listed in Appendix A12 are achieved (Policy ~~17.2.3.X~~ **17.2.3.6**).

*General assessment guidance:*

- iii. See relevant guidance in Appendix A12.

~~17.Y.YY.8~~ **17.7A.5.8** Additional matters of discretion and assessment guidance for subdivision and land use consents

- a. In addition to the matters of discretion and assessment guidance for subdivision consents provided in rules

17.10.4 and 9.6.2.1, the following guidance is provided for the assessment of subdivision activities in the **Ōtākou Golf Course Road structure plan mapped area**. This guidance also applies to applications for land use consent for any discretionary or non-complying activities.

- b. Matters of discretion
  - i. Effects of wastewater from future development.
  - ii. Effects on special values and other design outcomes to be achieved.
- c. Guidance on the assessment of resource consents  
*Relevant objectives and policies (priority considerations):*
  - i. Strategic Directions: Objective 2.4.1, Policy 2.4.1.8.
  - ii. Objective 17.2.3.
  - iii. Activities in the **structure plan mapped area** are designed to:
    - 1. maintain or enhance any special values of the site listed in Appendix A12; and
    - 2. ensure any other design outcomes listed in Appendix A12 are achieved (Policy 17.2.3.X **17.2.3.6**).

*General assessment guidance:*

- iv. In addition to the matters covered by Rule 9.6.2.1, Council will consider as part of the assessment of any consent application for subdivision or for any activity requiring wastewater disposal:
  - 1. the effectiveness of proposed wastewater management on any sites to be used for residential development or for any activities that require wastewater disposal. This includes, but is not limited to, how the subdivision layout or activity provides for appropriate areas to be used for effluent dispersal that will ensure effluent dispersal does not create adverse effects on the amenity or health and safety of neighbours, or adverse environmental effects on water bodies and the coastal environment, and is able to achieve the objectives and policies of this Plan as well as any relevant regional or national plans and policies. Council may identify the Otago Regional Council as an affected party in relation to this matter.
- v. See relevant guidance in Appendix A12 and the special information requirements in Rule 17.Y.YY.9.a **17.7A.5.9.a**.

*Conditions that may be imposed include:*

- vi. The locations of effluent dispersal areas.
- vii. A legal instrument that requires all wastewater treatment systems (including dispersal fields) meet the following standards:
  - 1. wastewater treatment to a minimum of secondary standard before discharge;
  - 2. design and location of wastewater discharge that ensures there will be no off-site surface discharge or runoff;
  - 3. design and location of wastewater systems that ensures ready access for system testing;
  - 4. the wastewater system is designed and installed by suitably qualified persons/entities; and
  - 5. requirements for owners of the wastewater treatment system to comply with maintenance and operational requirements set by the manufacturer or designer.

~~17.Y.YY.9~~ **17.7A.5.9** Special information requirements

- a. Wastewater management
  - i. Applications for land use activities which require wastewater disposal or subdivision must include a proposal for on-site wastewater management prepared by a chartered professional engineer or other suitably qualified person with suitable experience in wastewater system design. The proposal must include:

1. an up to date assessment of the predicted impact of sea level rise on the site, using the NZSearise website: <https://www.searise.nz> (4739 SSP5-8.5 Projection to 2150 including Vertical Land Movement (VLM) values), or any future updated source approved by Council;
  2. the results of soil permeability testing; and
  3. demonstrate one or more options for effective on-site wastewater management for all sites to be used for residential activity or for any activities which require wastewater disposal.
- ii. The proposal must include suggestions for conditions that will ensure future development will effectively manage wastewater in a way that does not create adverse effects on the amenity or health and safety of neighbours, or adverse environmental effects on the coastal environment or water bodies, and is able to achieve the objectives and policies of this Plan as well as any relevant regional or national plans and policies.
- b. Stormwater management
- i. Applications for subdivision or for any activities which require stormwater disposal must comply with Rule 9.9.3.7 and include:
    1. an up to date assessment of the predicted impact of sea level rise, using the NZSearise website: <https://www.searise.nz> (4739 SSP5-8.5 Projection to 2150 including Vertical Land Movement (VLM) values), or any future updated source approved by Council; and
    2. the results of soil permeability testing.
  - ii. The proposal must include suggestions for conditions that will ensure future development will effectively manage stormwater in a way that does not create adverse effects on the amenity or health and safety of neighbours, or adverse environmental effects on the coastal environment or water bodies, and is able to achieve the objectives and policies of this Plan as well as any relevant regional plans and policies.
- c. Biodiversity restoration
- i. Applications for earthworks - large scale, land use, site development or subdivision activities must include a proposed biodiversity restoration plan for the **structure plan mapped area**, prepared by a suitably qualified or experienced ecologist, unless this plan has been provided and accepted through an earlier consent application. The restoration plan should include the following:
    1. an outline of the objectives of the restoration plan;
    2. a description of the site, including existing biodiversity values (both flora and fauna);
    3. proposed restoration areas that will enhance or restore biodiversity values, including a description of restoration that will be undertaken of the existing golf course area, should this area no longer be used as a golf course;
    4. an assessment of how biodiversity restoration will contribute to the maintenance and enhancement of the biodiversity values of the ASBV areas within the **structure plan mapped area** and enhance ecological connectivity in the surrounding area;
    5. a planting plan that includes a list of ecologically appropriate species to be planted within the whole **structure plan mapped area**, including for any mitigation planting established to screen built development;
    6. a description of site preparation, and the location, species density and staging of planting; and
    7. a description of measures to be used to protect, monitor and maintain plantings and habitats.

## ~~17.Y.ZZ~~ **17.7A.6 Double Hill Road Structure Plan Mapped Area Rules**

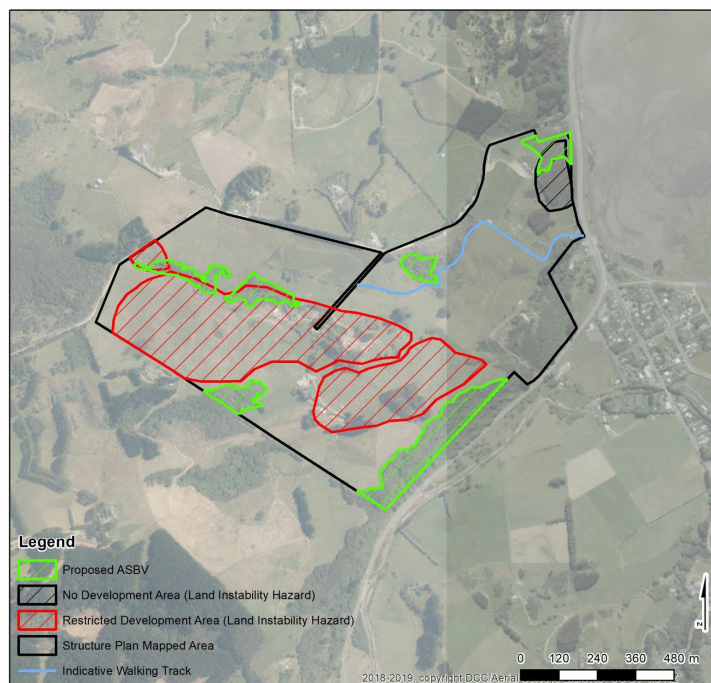
### ~~17.Y.ZZ.1~~ **17.7A.6.1** Development performance standards

- a. Natural hazards
- i. Earthworks in the areas shown hatched red on the Double Hill Road structure plan and labelled 'Restricted Development Area (Land Instability Hazard)' (see Figure 47.Y.ZZA 17.7A.6A), for the purposes of Rule 8A.5.1, will be treated as earthworks in a Hazard 2 (land instability) Overlay Zone.
  - ii. New buildings must not be located in the area of land shown hatched black on the Double Hill Road structure plan and labelled 'No Development Area (Land Instability Hazard)' (see Figure 47.Y.ZZA 17.7A.6A).
  - iii. Activities that contravene clause ii of this performance standard are prohibited activities.

~~17.Y.ZZ.2~~ 17.7A.6.2 Subdivision performance standards

- a. Access
- i. Subdivision activities must provide a suitably designed and formed public walking accessway through the **structure plan mapped area**, in general alignment with the route marked in blue on Figure 47.Y.ZZA 17.7A.6A.
  - ii. Legal access to fulfil clause i above must be created, and accessways must be formed, prior to the issuing of the section 224c certificate for the subdivision.
  - iii. Subdivision activities that do not meet this standard are non-complying activities.
  - iv. For the sake of clarity, this performance standard is additional to Rule 6.8.1.

Figure 47.Y.ZZA 17.7A.6A: Double Hill Road structure plan



~~17.Y.ZZ.3~~ 17.7A.6.3 Additional matter of discretion and assessment guidance

- a. In addition to the matters of discretion and assessment guidance for subdivision consents provided in rules 17.10.4 and 9.6.2.1, the following guidance is provided for the assessment of subdivision activities in the **Double Hill Road structure plan mapped area**.
- b. Matter of discretion

- i. Effects of wastewater from future development.
- c. Guidance on the assessment of resource consents  
*Relevant objectives and policies (priority considerations):*
  - i. Strategic Directions: Objective 2.4.1, Policy 2.4.1.8.
  - ii. Objective 17.2.3.
  - iii. Activities in the **structure plan mapped area** are designed to:
    1. maintain or enhance any special values of the site listed in Appendix A12; and
    2. ensure any other design outcomes listed in Appendix A12 are achieved (Policy ~~17.2.3.X~~ **17.2.3.6**).

*General assessment guidance:*

- iv. In addition to the matters covered by Rule 9.6.2.1, Council will consider as part of the assessment of any consent application for subdivision:
  1. the effectiveness of proposed wastewater management on any sites to be used for residential development, including, but not limited to, how the subdivision layout provides for appropriate areas to be used for effluent dispersal that will ensure effluent dispersal does not create adverse effects on the amenity or health and safety of neighbours, or adverse environmental effects on water bodies, and is able to achieve the objectives and policies of this Plan as well as any relevant regional plans and policies (see Special Information Requirements ~~17.Y.ZZ.4~~ **17.7A.6.4**).

*Conditions that may be imposed include:*

- v. The locations of effluent dispersal areas.
- vi. A legal instrument that requires all wastewater treatment systems (including dispersal fields) installed on the resultant sites to meet the following standards:
  1. wastewater treatment to a minimum of secondary standard before discharge;
  2. design and location of wastewater discharge that ensures there will be no off-site surface discharge or runoff;
  3. design and location of wastewater systems that ensures ready access for system testing;
  4. the wastewater system is designed and installed by suitably qualified persons/entities; and
  5. requirements for owners of the wastewater treatment system to comply with maintenance and operational requirements set by the manufacturer or designer.

**Note ~~17.Y.ZZ.3A~~ **17.7A.6.3A** - Other requirements outside of the District Plan**

- a. **1.** The discharge of human sewage through on-site wastewater treatment systems is managed by rules in the Regional Plan: Water for Otago. Resource consent may be required from the Otago Regional Council for new systems.

~~17.Y.ZZ.4~~ **17.7A.6.4** Special information requirements

- a. Wastewater management
  - i. Applications for subdivision within the **Double Hill Road structure plan mapped area** must include a proposal for on-site wastewater management prepared by a chartered professional engineer or other suitably qualified person with suitable experience in wastewater system design. The proposal must demonstrate one or more options for effective on-site wastewater management for all sites to be used for residential activity and include suggestions for conditions that will ensure future development will effectively manage wastewater in a way that does not create adverse effects on the amenity or health and safety of neighbours, or adverse environmental effects on water bodies, and is able to achieve the objectives and policies of this Plan as well as any relevant regional plans and policies.

- b. Geotechnical investigation report
- i. Applications for subdivision activities in the area shown hatched red on the Double Hill Road structure plan and labelled 'Restricted Development Area (Land Instability Hazard)' (see Figure 47.Y.ZZA 17.7A.6A) must include a comprehensive geotechnical investigation report by a suitably qualified geotechnical consultant. The geotechnical report must examine the ground stability within the red hatched area to be subdivided and identify areas suitable for development and, if required, suitable building platforms, and any areas where development, including earthworks, should be restricted.
- c. Integrated Transport Assessment
- i. Applications for subdivision of the **Double Hill Road structure plan mapped area** must include an Integrated Transport Assessment (ITA) for the whole mapped area. The ITA must include, but is not limited to, the following matters (see also further information on the content of ITAs in Rule 6.14.2):
    1. An assessment of the effects of subdivision on the safety and efficiency of the existing transport network, which identifies any transport infrastructural improvements deemed necessary to ensure adverse effects on the safety and efficiency of the transport network, for all modes, are appropriately addressed in accordance with Objective 6.2.3 and Policy 6.2.3.8. The assessment must include information on the upgrade of the State Highway 1/Double Hill Road intersection, and widening and sealing of Double Hill Road and Kilpatrick Road.
    2. Identification of any areas of land that will need to be vested in Council as road, in order to achieve an appropriate minimum legal road width.
    3. Consideration of internal roading design, layout, and connection points to the existing transportation network for all modes of transport in accordance with the Dunedin Code of Subdivision and Development 2010.

## **Rule ~~17.X~~ 17.7B Landscape Building Platform Mapped Area Rules**

### ~~17.X.1~~ 17.7B.1 Introduction

1. In addition to the performance standards 17.5, 17.6 and 17.7 and any relevant overlay zones or mapped areas, activities in a landscape building platform mapped area must meet the area-specific performance standards below. Where a performance standard in this section specifically provides an exemption or alternative performance standard to a standard in 17.5, 17.6 or 17.7, the standard in this section supersedes that standard.

### ~~17.X.2~~ 17.7B.2 Porteous Road Landscape Building Platform Mapped Area Rules

1. All buildings must be located within the area marked A (landscape building platform) on the **Porteous Road landscape building platform mapped area** (see Figure 47.X.2A 17.7B.2A).
2. Driveways must be provided from Porteous Road (marked B in Figure 47.X.2A 17.7B.2A).
3. Activities that contravene this performance standard are non-complying activities.

### **Figure 47.X.2A 17.7B.2A: Porteous Road landscape building platform plan**



Landscape Building Platform Mapped Area
  Landscape Building Platform

**Note 17.X.2A 17.7B.2A - Other relevant District Plan provisions**

1. As the **Porteous Road landscape building platform mapped area** is within a Significant Natural Landscape Overlay Zone, additional rules apply. In addition to the performance standards for development activities in rural residential zones, activities must also comply with Rule 10.3.5 Area, Number and Location of Buildings and Structures and 10.3.6 Reflectivity.

**17.X.3 17.7B.3 Raynbird Street Landscape Building Platform Mapped Area Rules**

**17.X.3.1 17.7B.3.1 Development performance standards**

- a. All buildings must be located within the areas marked 'landscape building platform' on the **Raynbird Street landscape building platform mapped area** (see Figure 17.X.3A 17.7B.3A).
- b. Driveways must access Raynbird Street from the location marked 'vehicle access location' (see Figure 17.X.3A 17.7B.3A).
- c. Activities that contravene this performance standard are non-complying activities.



17.X.3.2 **17.7B.3.2** Subdivision performance standards

- a. Subdivision activities must provide for the landscape building platforms shown in Figure 17.X.3A **17.7B.3A**.
- b. Activities that contravene this performance standard are non-complying activities.

**Figure 17.X.3A **17.7B.3A**: Raynbird Street landscape building platform plan**



**Note 17.X.3A **17.7B.3A** - Other relevant District Plan provisions**

1. As the **Raynbird Street landscape building platform mapped area** is within a Significant Natural Landscape Overlay Zone, additional rules apply. In addition to the performance standards for development activities in rural residential zones, activities must also comply with Rule 10.3.5 Area, Number and Location of Buildings and Structures and 10.3.6 Reflectivity.

## **Rule 17.8 Assessment of Controlled Activities**

### **Rule 17.8.1 Introduction**

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rule 17.8.2:
  - a. lists the matters over which Council has reserved its control; and
  - b. provides guidance on how consent applications will be assessed, including:
    - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
    - ii. conditions that may be imposed.
3. Where a controlled activity does not meet a performance standard, the following apply as relevant:

- a. if the contravention of the performance standard defaults to **restricted discretionary** then:
  - i. the activity, as a whole, will be treated as **restricted discretionary**;
  - ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard;
  - iii. the performance standard contravention will be assessed as indicated in Section 17.9; 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 17.11; 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 17.12; and
  - iii. the assessment guidance in this section will also be considered.

17.8.2 Assessment of controlled activities		
Activity	Matters of control	Guidance on the assessment of resource consents
1. Affecting a scheduled heritage building or a scheduled heritage structure: <ul style="list-style-type: none"> <li>• Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.</li> <li>• 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)</li> </ul>	a. Effects on heritage values	See Rule 13.4
2. In the <b>NCC Overlay Zone</b> : <ul style="list-style-type: none"> <li>• New buildings greater than 60m<sup>2</sup> footprint on a landscape building platform</li> </ul>	a. Size, design and appearance of buildings	See Rule 10.4
3. In the <b>ONL</b> or <b>SNL overlay zones</b> : <ul style="list-style-type: none"> <li>• New buildings greater than 60m<sup>2</sup> footprint on a landscape building platform</li> </ul>	a. Size, design and appearance of buildings	See Rule 10.4

## **Rule 17.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)**

### **Rule 17.9.1 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 17.9.2 - 17.9.6:
  - 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 17.9.2 - 17.9.6 apply as follows:
  - a. Rule 17.9.2 applies to all performance standard contraventions;
  - b. Rule 17.9.3 applies to land use performance standard contraventions;
  - c. Rule 17.9.4 applies to development performance standard contraventions;
  - d. Rule 17.9.5 applies to subdivision performance standard contraventions; and
  - e. Rule 17.9.6 applies to performance standard contraventions in an overlay zone, mapped area or affecting a scheduled item.

### 17.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
<p>1. Performance standard contraventions</p>	<p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>a. The degree of non-compliance with the performance standard is minor.</li> <li>b. The need to meet other performance standards, or site specific factors including topography, make meeting the standard impracticable.</li> <li>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.</li> <li>d. In any landscape overlay zone, the development incorporates key design elements as set out in Appendix A3.</li> <li>e. 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.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>f. Where more than one standard is contravened, the combined effects of the contraventions should be considered</li> <li>g. In any landscape overlay zone, the assessment will consider the landscape values outlined in Appendix A3.</li> <li>h. In any coastal character overlay zone, the assessment will consider the natural character values outlined in Appendix A5.</li> </ul>

### 17.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Family flats - design	a. Effects on rural residential character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objectives 17.2.1 and 17.2.3</li> <li>ii. The character and visual amenity of the rural residential zones is maintained (Policy 17.2.3.1).</li> <li>iii. 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 17.2.1.7).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. For contravention of maximum gross floor area, the family flat shares the same residential building as the primary residential unit.</li> <li>v. For family flats in separate buildings to the primary dwelling, the design of the family flat matches the design of the primary residential unit.</li> <li>vi. 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.</li> <li>vii. For family flats in separate buildings to the primary dwelling, the family flat will not be easily viewed from outside the site.</li> <li>viii. 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</li> </ul>
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"> <li>i. Objective 17.2.2</li> <li>ii. Rural ancillary retail and working from home operate in a way (including hours of operations) that avoids or, if avoidance is not practicable, adequately mitigates noise or adverse effects on the amenity of surrounding properties (Policy 17.2.2.4).</li> </ul>
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"> <li>i. Objectives 2.3.2, 2.4.3, policies 2.3.2.2 and 2.4.3.4</li> <li>ii. Objective 17.2.1</li> <li>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 17.2.1.3.a).</li> </ul>

### 17.9.3 Assessment of land use performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
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"> <li>i. Objective 17.2.2</li> <li>ii. Residential buildings minimise, as far as practicable, the potential for reverse sensitivity by being set back an adequate distance from forestry, intensive farming, domestic animal boarding and breeding (including dogs), mining, landfills and wind generators - large scale (Policy 17.2.2.1.b).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. For non-compliance with separation distance from forestry, the new residential activity is located to the north of the forestry activity.</li> </ul>
8.	Tree species	a. Effects on biodiversity values	See Rule 10.5
		b. Effects on natural character of the coast	
		c. Effects on landscape values	

#### 17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary setbacks	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.2</li> <li>ii. Buildings that house animals are set back from site boundaries an adequate distance to ensure adverse effects on adjoining residential activities are avoided or, if avoidance is not practicable, are no more than minor (Policy 17.2.2.2).</li> <li>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 17.2.2.3).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. Screening or landscaping will be used in the development to ensure a good level of amenity for residential activities on adjoining sites.</li> <li>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 minimised.</li> </ul>
		b. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.2</li> <li>ii. Residential buildings minimise, as far as practicable, the potential for reverse sensitivity by being set back an adequate distance from site boundaries (Policy 17.2.2.1.a).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Screening or landscaping will ensure potential for reverse sensitivity is minimised as far as practicable.</li> </ul>

### 17.9.4 Assessment of development performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
	c. Effects on rural residential character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.3</li> <li>ii. Buildings and structures are set back from site boundaries to maintain the character and visual amenity of the rural residential zones (Policy 17.2.3.1).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Landscaping or other forms of screening will be used to reduce the visibility of buildings or structures.</li> <li>iv. Colours and materials used in the development will blend in with the character of the surrounding rural residential environment, with natural finishes and low levels of reflectivity.</li> <li>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.</li> <li>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.</li> <li>vii. There are already existing buildings on the site in breach of the same setback.</li> <li>viii. There would be positive effects from maintaining open space through the clustering of buildings on the site.</li> </ul>
2.	Firefighting	a. Effects on health and safety See Rule 9.5
3.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety See Rule 9.5



#### 17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
4.	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"> <li>i. Objective 17.2.2</li> <li>ii. Forestry and shelterbelts and small woodlots are set back an adequate distance to avoid or minimise, as far as practicable, significant effects from shading on residential buildings on surrounding properties (Policy 17.2.2.6).</li> <li>iii. Forestry is located and designed to avoid or, if avoidance is not practicable, adequately mitigate shading, noise, traffic and other nuisance effects on surrounding properties (Policy 17.2.2.7).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. The area to be planted is to the south of any adjoining residential zone or residential buildings on an adjoining site.</li> <li>v. 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.</li> </ul>
		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
5.	Maximum height	a. Effects on rural residential character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.3</li> <li>ii. Buildings and structures are of a height that maintains the character and visual amenity of the rural residential zones (Policy 17.2.3.1).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. As for Rule 17.9.4.1.c.iii-vi</li> <li>iv. The terrain provides an adequate backdrop to the proposed building or structure and mitigates any adverse visual effects from the building or structure.</li> </ul>

#### 17.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
6.	Number, location and design of ancillary signs	a. Effects on rural residential character and visual amenity	<i>Relevant objectives and policies:</i> i. Objective 17.2.3 ii. Ancillary signs are located and designed to maintain the character of the rural residential zones, 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 17.2.3.4).
		b. Effects on the safety and efficiency of the transport network	See Rule 6.10
7.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
8.	Setback from coast and water bodies	a. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.5
		b. Effects on public access	
		c. Risk from natural hazards	See Rule 11.4
9.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6
10.	Vegetation clearance standards: • Protected species (indigenous vegetation clearance)	a. Effects on biodiversity values	See Rule 10.5
11.	Vegetation clearance standards: • Protected areas (vegetation clearance)	a. Effects on biodiversity values and natural character of the coast and riparian margins	See Rule 10.5

### 17.9.5 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 the natural character of the coast and riparian margins	See Rule 10.5
		b. Effects on public access	
3.	Firefighting	a. Effects on health and safety	See Rule 9.5
4.	Service connections	a. Effects on efficiency and affordability of infrastructure	See Rule 9.5

### 17.9.5 Assessment of subdivision performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
5. Shape		<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>a. Objective 2.4.1</li> <li>b. Subdivision is designed to ensure any future land use or development is able to meet the performance standards in the zone, or where in a <b>structure plan mapped area</b>, reflects the requirements of the <b>structure plan mapped area</b> performance standards, unless: <ul style="list-style-type: none"> <li>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</li> <li>ii. the resultant site is required for: <ul style="list-style-type: none"> <li>1. scheduled ASBV or QEII covenant; or</li> <li>2. reserve; or</li> <li>3. access; or</li> <li>4. utility; or</li> <li>5. road (Policy 2.4.1.8).</li> </ul> </li> </ul> </li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>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"> <li><del>i. NA;</del></li> <li><del>ii. i. boundary setbacks;</del></li> <li><del>iii. ii. setbacks from water bodies; and</del></li> <li><del>iv. iii. setback from scheduled tree.</del></li> <li><del>v. NA.</del></li> </ul> </li> <li>d. For contravention of the building platform slope part of the shape performance standard (Rule 17.7.6.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1).</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>e. A building platform registered against the certificate of title by way of a consent notice.</li> <li>f. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site.</li> <li>g. A building platform may be required to be registered against the title by way of consent notice.</li> </ul>

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

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	<p>In a <b>hazard overlay zone</b>:</p> <ul style="list-style-type: none"> <li>• Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones)</li> <li>• Relocatable buildings (Hazard 3 (coastal) Overlay Zone)</li> <li>• Outdoor Storage (Hazard 1 (flood) Overlay Zone)</li> <li>• Hazardous substances quantity limits and storage requirements</li> </ul>	a. Risk from natural hazards	See Rule 11.4
2.	<p>In the <b>ONL or SNL overlay zones</b>:</p> <ul style="list-style-type: none"> <li>• Maximum height</li> <li>• Reflectivity</li> <li>• Area, number and location of buildings and structures</li> </ul>	a. Effects on landscape values	See Rule 10.5
3.	<p>In the <b>ONL, SNL or ONF overlay zones</b>:</p> <ul style="list-style-type: none"> <li>• Number, location and design of ancillary signs</li> </ul>	a. Effects on landscape values	See Rule 10.5
4.	<p>In the <b>NCC or HNCC overlay zones</b>:</p> <ul style="list-style-type: none"> <li>• Number, location and design of ancillary signs</li> </ul>	a. Effects on natural character of the coast	See Rule 10.5
5.	<p>In the <b>NCC Overlay Zone</b>:</p> <ul style="list-style-type: none"> <li>• Maximum height</li> <li>• Reflectivity</li> <li>• Area, number and location of buildings and structures</li> </ul>	a. Effects on natural character of the coast	See Rule 10.5
<del>X.</del>	<p>In an <del><b>ASBV</b></del>:</p> <ul style="list-style-type: none"> <li>• <del>Area of buildings and structures</del></li> </ul>	<del>a. Effects on biodiversity values</del>	<del>See Rule 10.5.</del> <b>{Moved to end - renumbered as 17.9.6.10}</b>
6.	<p>In an <b>urban biodiversity mapped area</b>:</p> <ul style="list-style-type: none"> <li>• Vegetation clearance standards: Maximum area of vegetation clearance (UBMA)</li> </ul>	a. Effects on biodiversity values	See Rule 10.5
7.	<p>In the <b>Taieri Aerodrome flight fan mapped area</b>:</p> <ul style="list-style-type: none"> <li>• Maximum height (Rule 17.6.5.1.d)</li> </ul>	a. Effects on health and safety	See Rule 9.5

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

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
8.	Affecting a <b>scheduled heritage building or scheduled heritage structure:</b> Materials and design	a. Effects on heritage values	See Rule 13.5
9.	In a <b>wāhi tūpuna mapped area:</b> <ul style="list-style-type: none"> <li>• Maximum height</li> <li>• Setback from coast and water bodies</li> <li>• Esplanade reserves and strips</li> <li>• Vegetation clearance standards: Protected areas (vegetation clearance), Protected species (indigenous vegetation clearance)</li> </ul>	a. Effects on cultural values of Manawhenua	See Rule 14.3
<del>X.</del> <b>10.</b>	In an <b>ASBV:</b> Area of buildings and structures	a. Effects on biodiversity values	See Rule 10.5. <b>{Moved from above to minimise renumbering}</b>
<del>Y.</del> <b>11.</b>	In the <b>Critical Electricity Distribution Infrastructure Corridor mapped area:</b> <ul style="list-style-type: none"> <li>• Setback from Critical Electricity Distribution Infrastructure (forestry)</li> </ul>	a. Effects on the safety and efficiency of network utilities	See Rule 5.7.
<del>Z.</del> <b>12.</b>	In the <b>Critical Electricity Distribution Infrastructure Corridor mapped area:</b> <ul style="list-style-type: none"> <li>• Setback from Critical Electricity Distribution Infrastructure (buildings, structures, city-wide activities)</li> </ul>	a. Effects on health and safety b. Effects on efficient and effective operation of network utilities	See Rule 5.7.

## **Rule 17.10 Assessment of Restricted Discretionary Activities**

### **Rule 17.10.1 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 17.10.2 - 17.10.5:
  - 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 17.10.2 - 17.10.5 apply as follows:
  - a. Rule 17.10.2 applies to restricted discretionary land use activities;
  - b. Rule 17.10.3 applies to restricted discretionary development activities;
  - c. Rule 17.10.4 applies to restricted discretionary subdivision activities; and
  - d. Rule 17.10.5 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 17.9; 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 17.11; 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 17.12; 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 residential zones.

### 17.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All restricted discretionary land use activities in the rural residential zones that also involve development activities	a. Effects on rural residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.3</li> <li>ii. Any adverse effects from development on rural residential character and amenity will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 17.2.3.3).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Landscaping or other forms of screening will be used to reduce the visibility of development from surrounding properties and public viewpoints.</li> <li>iv. Signage and entranceways are in character with the surrounding environment.</li> </ul>
2. All high trip generators, which include: <ul style="list-style-type: none"> <li>• any activities that generate 250 or more vehicle movements a day</li> </ul>	<ul style="list-style-type: none"> <li>a. Effects on accessibility</li> <li>b. Effects on the safety and efficiency of the transport network</li> </ul>	See Rule 6.11



### 17.10.2 Assessment of restricted discretionary land use activities

Land use activities	Matters of discretion	Guidance on the assessment of resource consents
3. Forestry	a. Effects on amenity of surrounding properties	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.2</li> <li>ii. Forestry is located and designed to avoid or, if avoidance is not practicable, adequately mitigate shading, noise, traffic and other nuisance effects on surrounding properties (Policy 17.2.2.7).</li> </ul>
	b. Effects on rural residential character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.3</li> <li>ii. Forestry is located, designed and managed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the character and visual amenity of the rural residential zones (Policy 17.2.3.2).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The forestry is located on land that is not visually prominent.</li> <li>iv. The forestry is of a size and on-site location that will lessen visual effects.</li> <li>v. Screen planting with other species will be used to reduce visual effects.</li> </ul>
	c. Effects on the safety and efficiency of the transport network	See Rule 6.11
4. 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"> <li>i. Objective 17.2.2</li> <li>ii. Any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not practicable, are adequately mitigated (Policy 17.2.2.5).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The activity is set back a sufficient distance from its own boundaries to mitigate adverse effects on surrounding residential activities.</li> </ul>
	b. Effects on the safety and efficiency of the transport network	See Rule 6.11

### 17.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. High trip generators: <ul style="list-style-type: none"> <li>• New or additions to parking areas that result in 50 or more new parking spaces</li> </ul>	a. Effects on the safety and efficiency of the transport network  b. Effects on accessibility	See Rule 6.11
2. Indigenous vegetation clearance - large scale	a. Effects on biodiversity values	See Rule 10.6

#### 17.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. General subdivision	a. Effects on on-site amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.2</li> <li>ii. Subdivisions deliver sites that achieve a high quality of on-site amenity through being large enough and of a shape that is capable of supporting rural residential development (Policy 17.2.2.8).</li> </ul>
	b. Effects on rural residential character and visual amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 17.2.3</li> <li>ii. Subdivisions are designed to ensure any associated future land use and development will maintain or enhance the character and visual amenity of the rural residential zones (Policy 17.2.3.5).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. Sites are designed to respond to the topography and characteristics of the land and surrounding environment.</li> <li>iv. Building platforms are located to respond to land form and avoid significant visual effects.</li> <li>v. Driveways, network utilities and services are designed and located to minimise the need for significant earthworks.</li> </ul>
	c. 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"> <li>i. Objective 17.2.4</li> <li>ii. Subdivisions are designed to ensure sites are of shape and size that enable lifestyle blocks or hobby farms, including the keeping of livestock, and avoid sites that will be used purely as large lot residential living (Policy 17.2.4.3).</li> </ul>
	d. Effects on biodiversity values and natural character of riparian margins and the coast	See Rule 10.6
	e. Effects on public access	
	f. NA	NA
	g- f. Effects on efficiency and affordability of infrastructure	See Rule 9.6
	h- g. Effects on the safety and efficiency of the transport network	See Rule 6.11
	i- h. Risk from natural hazards	See Rule 11.5

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

Activity		Matters of discretion	Guidance on the assessment of resource consents
1.	In the <b>ONF Overlay Zone</b> : <ul style="list-style-type: none"> <li>• Indigenous vegetation clearance - large scale</li> <li>• Shelterbelts and small woodlots</li> <li>• General subdivision</li> </ul>	a. Effects on landscape values	See Rule 10.6
2.	In the <b>ONL or SNL overlay zones</b> : <ul style="list-style-type: none"> <li>• Forestry</li> <li>• General subdivision</li> </ul>	a. Effects on landscape values	See Rule 10.6
3.	In the <b>HNCC Overlay Zone</b> : <ul style="list-style-type: none"> <li>• Shelterbelts and small woodlots</li> <li>• General subdivision</li> </ul>	a. Effects on natural character of the coast	See Rule 10.6
4.	In the <b>NCC Overlay Zone</b> : <ul style="list-style-type: none"> <li>• Forestry</li> <li>• Indigenous vegetation clearance - large scale</li> <li>• General subdivision</li> </ul>	a. Effects on natural character of the coast	See Rule 10.6
5.	In a <b>wāhi tūpuna mapped area</b> where activity is identified as a threat: <ul style="list-style-type: none"> <li>• New buildings and structures</li> <li>• General subdivision</li> <li>• Forestry</li> <li>• Indigenous vegetation clearance - large scale</li> <li>• Shelterbelts and small woodlots</li> </ul>	a. Effects on cultural values of Manawhenua	See Rule 14.4
6.	Activities affecting a <b>scheduled heritage building or scheduled heritage structure</b> : <ul style="list-style-type: none"> <li>• Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure</li> <li>• Removal for relocation</li> <li>• All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure</li> </ul>	a. Effects on heritage values	See Rule 13.6
7.	In <b>all hazard overlay zones, swale mapped areas and dune system mapped areas</b> : <ul style="list-style-type: none"> <li>• General subdivision</li> </ul>	a. Risk from natural hazards	See Rule 11.5

**17.10.5 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
8. In a <b>hazard 1 or 2 (flood) overlay zone</b> (see Rule 17.3.6): New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m <sup>2</sup> of new ground floor area	a. Risk from natural hazards	See Rule 11.5
9. In the <b>Hazard 2 (flood) Overlay Zone</b> : <ul style="list-style-type: none"> <li>• Natural hazards sensitive activities</li> <li>• Natural hazards potentially sensitive activities</li> </ul>	a. Risk from natural hazards	See Rule 11.5
10. In the <b>National Grid Subdivision Corridor mapped area</b> : <ul style="list-style-type: none"> <li>• All subdivision activities</li> </ul>	a. Risk to the safety of people and property	See Rule 5.8.
	b. Reverse sensitivity effects	
	c. Effects on efficient and effective operation of the National Grid and access to it	
11. In an <b>ASBV</b> : <ul style="list-style-type: none"> <li>• General subdivision</li> <li>• Shelterbelts and small woodlots</li> <li>• Site development activities (except for outdoor storage, parking, loading and access, vegetation clearance, storage and use of hazardous substances)</li> </ul>	a. Effects on biodiversity values	See Rule 10.6
12. In the <b>radio transmitters mapped area</b> : <ul style="list-style-type: none"> <li>• General subdivision</li> </ul>	a. Reverse sensitivity effects	See Rule 5.8
<del>12.</del> <b>13.</b> In the <b>Critical Electricity Distribution Infrastructure Corridor mapped area</b> : <ul style="list-style-type: none"> <li>• All subdivision activities</li> </ul>	a. Effects on health and safety	See Rule 5.8.
	b. Reverse sensitivity effects	
	c. Effects on efficient and effective operation of network utilities	

**17.10.5 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><del>X.</del> <b>14.</b> In a <b>Residential Transition Overlay Zone (RTZ)</b> (prior to release):</p> <ul style="list-style-type: none"> <li>• Forestry</li> <li>• General subdivision (rules 17.3.5.1 and 17.3.5.2)</li> </ul>	<p>a. Effects on future urban development</p>	<p>See Rule 12.X.</p>

## Rule 17.11 Assessment of Discretionary Activities

### Rule 17.11.1 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 17.11.2 - 17.11.3 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
  - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
  - b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
  - c. general assessment guidance, including any effects that will be considered as a priority; and
  - d. conditions that may be imposed.
3. Rules 17.11.2 - 17.11.3 apply as follows:
  - a. Rule 17.11.2 applies to discretionary land use activities; and
  - b. Rule 17.11.3 applies to discretionary 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 residential 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.

### 17.11.2 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> <li>• Rural tourism</li> <li>• Rural research</li> <li>• Community and leisure - large scale</li> <li>• Early childhood education</li> <li>• Sport and recreation</li> <li>• Visitor accommodation</li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objectives 17.2.2, 17.2.3, 17.2.4</li> <li>b. Any adverse effects on the amenity of surrounding rural residential properties are avoided or, if avoidance is not practicable, are adequately mitigated (Policy 17.2.2.5).</li> <li>c. Any adverse effects from development on rural residential character and amenity are avoided or, if avoidance is not practicable, are adequately mitigated (Policy 17.2.3.3).</li> <li>d. Where in a <b>high class soils mapped area</b>, adverse effects on high class soils are avoided or, if avoidance is not practicable, adverse effects are no more than minor (Policy 17.2.4.2).</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>e. 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.</li> </ol> <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> <li>f. The activity is set back a sufficient distance from its own boundaries and existing sensitive activities on surrounding sites.</li> <li>g. Development activities meet relevant performance standards.</li> </ol>

**17.11.2 Assessment of discretionary land use activities**

Activity	Guidance on the assessment of resource consents
	<p>h. Development is not situated on visually prominent land.</p> <p>i. The form, scale and materials used in buildings and structures are compatible with the character and visual amenity of the rural residential zones.</p> <p>j. Colours and materials used in development are chosen to blend in with the rural residential setting and minimise reflectivity.</p> <p>k. Landscaping or other forms of screening are used to reduce the visibility of development from surrounding properties and public viewpoints.</p> <p><i>Conditions that may be imposed include:</i></p> <p>l. Restriction on hours of operation.</p> <p>m. Controls on on-site lighting.</p> <p>n. A requirement for screening of storage areas.</p> <p>o. A requirement to control dust.</p> <p>p. Provision of car parking areas.</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>q. 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 transportation network and its affordability to the public.</p> <p>r. 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.</p> <p>s. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.</p> <p>t. 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>u. 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>v. For activities taking place within the <b>radio transmitters mapped area</b>, 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>w. 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>



### 17.11.3 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> <li>• Acoustic insulation</li> <li>• Noise - where the limit is exceeded by less than 5 dB LAeq (15min)</li> <li>• Light spill - where the limit is exceeded by 25% or less</li> </ul>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.</p>
2. Minimum site size (Rule 17.7.5.3)	<p><i>Potential circumstances that may support a consent application:</i></p> <p>a. The parent site contains significant topographical features such as water bodies or human-made features such as roads or rail corridors which make meeting the minimum site size impractical.</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>b. See Section 9.7 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>
<del>X.</del> <b>3.</b> Area of buildings and structures in the <b>ONL, SNL or NCC overlay zones</b> (Rule 10.3.5.X.b.ii)	See Rule 10.7.
<del>Y.</del> <b>4.</b> <b>Structure plan mapped area</b> performance standards	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Strategic Directions: Objective 2.4.1, Policy 2.4.1.8.</p> <p>b. Objective 17.2.3.</p> <p>c. Activities in a <b>structure plan mapped area</b> are designed to:</p> <ol style="list-style-type: none"> <li>i. maintain or enhance any special values of the site listed in Appendix A12; and</li> <li>ii. ensure any other design outcomes listed in Appendix A12 are achieved (Policy 17.2.3.X <b>17.2.3.6</b>).</li> </ol>

## **Rule 17.12 Assessment of Non-complying Activities**

### **Rule 17.12.1 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 17.12.2 - 17.12.6 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
  - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
  - b. general assessment guidance, including any effects that will be considered as a priority.
3. Rules 17.12.2 - 17.12.6 apply as follows:
  - a. Rule 17.12.2 applies to all non-complying activities;
  - b. Rule 17.12.3 applies to non-complying land use activities;
  - c. Rule 17.12.4 applies to non-complying development activities;
  - d. Rule 17.12.5 applies to non-complying subdivision activities; and
  - e. Rule 17.12.6 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 residential 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.

### 17.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
<p>1. All non-complying activities, including but not limited to the activities listed below</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objectives 17.2.1 – 17.2.4</li> <li>b. The activity is consistent with the strategic directions. including but not limited to:               <ul style="list-style-type: none"> <li>i. Objective 2.2.4</li> <li>ii. Objective 2.7.1</li> <li>iii. Objective 2.3.2 and Policy 2.3.2.2</li> <li>iv. Objective 2.4.3 and Policy 2.4.3.4</li> </ul> </li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>c. 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.</li> </ul> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> <li>d. For activities taking place within the <b>radio transmitters mapped area</b>, 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.</li> <li>e. See Section 6.13 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public.</li> <li>f. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.</li> <li>g. For activities that may have effects on biodiversity values, see Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.1.</li> <li>h. For activities adjacent to water bodies and the coast, see Section 10.8 for guidance on the assessment of resource consents in relation to Objective 10.2.2.</li> </ul>

### 17.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
<p>1. Commercial advertising</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 2.4.1</li> <li>b. Policy 2.4.1.6.c</li> </ul>

### 17.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
2. <ul style="list-style-type: none"> <li>• Cemeteries</li> <li>• Crematoriums</li> <li>• Landfills</li> </ul>	<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>
3. In the <b>ONF or HNCC overlay zones</b> : <ul style="list-style-type: none"> <li>• Domestic animal boarding and breeding (not including dogs)</li> <li>• Forestry</li> <li>• Standard residential</li> <li>• Veterinary services - large animal practice</li> <li>• Visitor accommodation</li> <li>• Emergency services</li> </ul>	<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 effects related to natural character of the coast and landscape values.</p>
4. In the <b>hazard 1 (flood) overlay zones</b> (see Rule 17.3.6): <ul style="list-style-type: none"> <li>• Natural hazards potentially sensitive activities</li> <li>• Natural hazards sensitive activities</li> </ul>	<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>
5. In a <b>wāhi tūpuna mapped area</b> : <ul style="list-style-type: none"> <li>• Forestry</li> <li>• Mining</li> </ul>	<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>
6. In an <b>ASBV</b> : <ul style="list-style-type: none"> <li>• Rural activities (except for rural ancillary retail, rural tourism and rural research)</li> <li>• Residential activities (except for working from home)</li> <li>• Early childhood education</li> <li>• Commercial activities (except for stand-alone car parking)</li> <li>• Industrial activities</li> <li>• Major facility activities</li> </ul>	<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>
7. In the <b>SNL or NCC overlay zones</b> : <ul style="list-style-type: none"> <li>• Emergency services</li> </ul>	<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 effects related to natural character of the coast and landscape values.</p>

**17.12.3 Assessment of non-complying land use activities**

Activity	Guidance on the assessment of resource consents
<p> <del>X.</del>  <b>8.</b> In a <b>Residential Transition Overlay Zone (RTZ)</b> (prior to release):           <ul style="list-style-type: none"> <li>• Intensive farming</li> <li>• Landfills</li> <li>• Mining</li> <li>• <del>General subdivision in the RR2 Zone (Rule 17.3.5.3)</del></li> <li>• <del>Cross lease, company lease and unit title subdivision</del> <b>cl.16 - moved to assessment table 17.12.5.4</b></li> </ul> </p>	<p> <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 residential activity.         </p>

#### 17.12.4 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	<i>Relevant guidance from other sections (priority considerations):</i> 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.
2. In the <b>ONF or HNCC overlay zones:</b> <ul style="list-style-type: none"> <li>New buildings or structures</li> <li>Additions and alterations</li> <li>Indigenous vegetation clearance - large scale (HNCC Overlay Zone)</li> </ul>	<i>Relevant guidance from other sections (priority considerations):</i> 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 effects related to natural character of the coast and landscape values.
3. In a <b>wāhi tūpuna mapped area:</b> <ul style="list-style-type: none"> <li>New buildings or structures</li> <li>Additions and alterations</li> </ul>	<i>Relevant guidance from other sections (priority considerations):</i> 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.
4. In an <b>ASBV:</b> <ul style="list-style-type: none"> <li>Indigenous vegetation clearance - large scale</li> </ul>	<i>Relevant guidance from other sections (priority considerations):</i> 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.
5. In a <b>dune system mapped area:</b> <ul style="list-style-type: none"> <li>Hazard exclusion areas</li> </ul>	<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.

#### 17.12.5 Assessment of non-complying subdivision activities

Activity	Guidance on the assessment of resource consents
1. All other general subdivision in the Rural Residential 2 Zone	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 17.2.4 b. General subdivision of sites in the Rural Residential 2 Zone is avoided unless it does not result in an increase in residential development potential (Policy 17.2.4.4).
2. Cross lease, company lease and unit title subdivision	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 17.2.1 b. Cross lease, company lease and unit title subdivision is avoided in the rural residential zones unless it does not result in an increase in development potential beyond that which might be achieved through a general subdivision (Policy 17.2.1.6).

### 17.12.5 Assessment of non-complying subdivision activities

Activity	Guidance on the assessment of resource consents
<p>3. In an <b>ASBV</b>:</p> <ul style="list-style-type: none"> <li>All other general subdivision in the Rural Residential 2 Zone</li> <li>Cross lease, company lease and unit title subdivision</li> </ul>	<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>4. In a <b>Residential Transition Overlay Zone (RTZ)</b> (prior to release):</p> <ul style="list-style-type: none"> <li>General subdivision in the Rural Residential 2 Zone <b>[cl.16]</b> (Rule 17.3.5.3)</li> <li>Cross lease, company lease and unit title subdivision</li> </ul>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>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 residential activity. <b>[cl.16 – moved from 17.12.3.X]</b></p>

### 17.12.6 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
<p>1. Density</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 2.6.1, Policy 2.6.1.5</p> <p>b. Objective 17.2.1</p> <p>c. Residential activity in the rural residential zone is at a density that enables lifestyle blocks and hobby farms (Policy 17.2.1.2).</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>d. 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>2.</p> <ul style="list-style-type: none"> <li>Setback from National Grid (buildings, structures, city-wide activities, and National Grid sensitive activities) (Rule 5.6.1.1)</li> <li>Setback from National Grid (subdivision activities) (Rule 47.7.X <b>17.7.7</b>)</li> </ul>	<p><i>Relevant guidance from other sections:</i></p> <p>a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.X and effects related to the operation, maintenance, upgrading and development of the National Grid.</p>
<p>3.</p> <ul style="list-style-type: none"> <li>Light spill - where the limit is exceeded by greater than 25%</li> <li>Noise - where the limit is exceeded by 5 dB LAeq (15 min) or more</li> <li>Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2)</li> </ul>	<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>

4. Hazard exclusion areas (hazard overlays)

*Relevant guidance from other sections (priority considerations):*

- 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.



### 17.12.6 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
5.	Minimum site size	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objectives 2.2.4 and 2.6.1</li> <li>b. Policies 2.2.4.4 and 2.6.1.5</li> <li>c. Objectives 17.2.2, 17.2.3, 17.2.4</li> <li>d. Policies 17.2.2.8, 17.2.3.5, 17.2.4.2, 17.2.4.3</li> </ul> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> <li>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.</li> </ul>
6.	Family flats - Tenancy	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Strategic Directions: Objective 2.6.1, Policy 2.6.1.2</li> <li>b. Objective 17.2.1, Policy 17.2.1.7</li> </ul>
<del>8.</del> 7.	In an <b>ASBV</b> : <ul style="list-style-type: none"> <li>• Tree species</li> </ul>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> <li>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.</li> </ul>
<del>9.</del> 8.	In the <b>ONF Zone</b> : <ul style="list-style-type: none"> <li>• Tree species</li> </ul>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> <li>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.</li> </ul>
<del>10.</del> 9.	In the <b>HNCC and NCC overlay zones</b> : <ul style="list-style-type: none"> <li>• Tree species</li> </ul>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> <li>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.</li> </ul>
<del>X.</del> 10	In a <b>wāhi tūpuna mapped area</b> : <ul style="list-style-type: none"> <li>• Density</li> <li>• Minimum site size</li> <li>• Tree species</li> </ul>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> <li>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.</li> </ul>
<del>Y.</del> 11	<b>Landscape building platform mapped area</b> performance standards	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Objective 10.2.5.</li> <li>b. Adverse effects on landscape values, as identified in Appendix A3, are avoided or, if avoidance is not practicable: <ul style="list-style-type: none"> <li>i. no more than minor; or</li> <li>ii. where there are no practicable alternative locations, adequately mitigated (Policy 10.2.5.9).</li> </ul> </li> </ul>

**17.12.6 Assessment of non-complying performance standard contraventions**

Performance standard	Guidance on the assessment of resource consents
<p>Z. 12</p> <p><b>Structure plan mapped area</b> performance standards</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> <li>a. Strategic Directions: Objective 2.4.1, Policy 2.4.1.8.</li> <li>b. Objective 17.2.3.</li> <li>c. Activities in a <b>structure plan mapped area</b> are designed to:               <ul style="list-style-type: none"> <li>i. maintain or enhance any special values of the site listed in Appendix A12; and</li> <li>ii. ensure any other design outcomes listed in Appendix A12 are achieved (Policy <del>17.2.3.X</del> <b>17.2.3.6</b>).</li> </ul> </li> </ul>