

18. Commercial and Mixed Use Zones

18.1 Introduction

It is important for the economic and social success of Dunedin that it is a vibrant and exciting city. A vibrant city is lively and full of activity, due to a high level of pedestrian activity in the central city and centres and a wide range of activities occurring in these places. Key qualities that contribute to the success of the central city and centres are that there are attractions to encourage people to go there, that they are accessible (easy to get to and around) and that they are safe and enjoyable places to be.

To achieve a vibrant city it is important that Dunedin has an urban form that is accessible, clusters activities into walkable centres and a built form which supports pedestrian activity.

The key resource management issues that are being experienced or are anticipated in the commercial and mixed use zoned areas of Dunedin are:

- The retention and enhancement of the vitality and viability of the Central Business District and Centres is a key resource management issue for Dunedin City. There is a need to provide for a wide range of commercial, community, industrial and residential activities, at high densities in the CBD and centres in order to realise the social and economic agglomeration benefits that derive from the co-location of different activities.
- A need to provide a sufficient supply for the projected demand for retail and office space while avoiding an oversupply and decentralisation of activities, which could have adverse effects on the economic viability and vitality of the CBD.
- Different types of retail activity have different effects on the economic viability and vitality of the CBD and centres. For instance, having trade related and yard based retail in different parts of the city (including some areas currently zoned as Industrial) does not affect the vibrancy of centres in the same manner as general retail does. As such, a highly specific zoning response is necessary.
- While streetscape amenity values vary within the commercial and mixed use zones, land uses and development can have adverse effects on streetscape amenity values and it is important to maintain and enhance the existing amenity of all commercial areas, albeit to different levels.

There is the potential for conflicts to arise between different activities provided for within the commercial and mixed use zones as well as at the edges of the commercial and mixed use zones (for instance between residential and noisier activities) and these need to be well managed.

In response to the issues, the Plan establishes a group of 13 commercial and mixed use zones in the city. These zones provide for a hierarchy of centres, anchored around one Central Business District (CBD), which provides a focus for economic and employment growth, driven by:

- attraction of businesses to these areas based on density of activity in the area and higher visitation;
- opportunities for social interaction, exchange of ideas and business cooperation;
- public investment in public amenities and other infrastructure in the CBD; and
- opportunities for agglomeration benefits from the co-location of activities.

The CBD Zone is supported by six different types of commercial centres within the suburban and rural parts of the city. These zones are collectively known as the Central Business District and centres zones. In order to make sure these areas are attractive places to visit, a wide range of commercial, community and residential activities are provided for in the CBD and centres, with design controls on buildings and structures to ensure a safe and good quality streetscape environment, for people to spend time in, which has a high level of pedestrian amenity.

The centres hierarchy is supported by a group of other commercial and mixed use zones which either surround the

Central Business District or are more separated from the CBD. There are four zones within the CBD edge mixed use zone group, which are the Warehouse Precinct Zone (WP), Princes, Parry and Harrow Street Zone (PPH), Smith Street and York Place Zone (SSYP) and Harbourside Edge Zone (HE). There are also two zones within the other commercial group of zones, which are the Trade Related Zone (TR) and CBD Edge Commercial zones (CEC).

These zones have characteristics (including built form, site size, land use activities and location) which make them distinct from each other and from the CBD and centres. A tailored range of land use activities and performance standards are applied to each zone. As such, the range of activities, the types of controls that are applied to development activities (including new buildings and site development activities) and the expected level of amenity vary between the zones.

Where any of the commercial and mixed use zones adjoin residential or recreation zoned areas, performance standards are applied to these commercial zones to ensure the character and amenity of these more sensitive adjoining environments will be protected.

18.1.1 Zone descriptions

18.1.1.1 Central Business District (CBD) Zone

The Central Business District (CBD) Zone encompasses the central part of the city and extends northwards along George Street to Albany Street. It includes the Octagon and Moray Place, extends south along upper Princes Street to Hope Street, east to include the Dunedin Railway Station and Toitū Otago Settlers Museum and west to the Smith Street and York Place (SSYP) Zone. The CBD is the focus for employment, retail, entertainment, leisure, visitor accommodation and art and culture activities.

Most of the CBD also has a **primary pedestrian street frontage mapped area** or **secondary pedestrian street frontage mapped area** applied to it, to ensure the best possible streetscape environment for users, and is covered by a heritage precinct overlay to protect the distinctive character of the area. Performance standards are applied to protect the streetscape amenity and heritage streetscape character, respectively, of these areas.

18.1.1.2 Centres Zones

A range of different sized commercial centres are spread throughout the urban area of Dunedin and within outlying towns of the wider district. Principal, suburban and rural centre zones provide hubs for social and economic activity for suburban and rural communities. The Principal Centre Zone includes former pre-amalgamation town centres and is located at Green Island, Mosgiel, Port Chalmers and South Dunedin. The Suburban Centre Zone includes Caversham, Gardens, Mornington and Roslyn, and the Rural Centre Zone includes Outram, Middlemarch, Waikouaiti and Waitati.

There are also Neighbourhood Centre zones, which provide for the day to day needs of individual neighbourhoods, with the Neighbourhood Destination Centre Zone also servicing visitor needs, and the Neighbourhood Convenience Centre Zone also servicing the needs of passing motorists. The Neighbourhood Centre Zone includes Andersons Bay Terminus, Brighton, Brockville, Corstorphine, Forbury, Helensburgh, Hillside, Larnach, Macandrew Bay, Māori Hill, Musselburgh, the southern part of Andersons Bay Road, the area adjoining the University and Wakari. The Neighbourhood Convenience Centre Zone includes Kaikorai North, Kaikorai South, North Dunedin and South Mosgiel; and the Neighbourhood Destination Centre Zone includes St Clair and Portobello.

Primary pedestrian street frontage mapped area and **secondary pedestrian street frontage mapped area** are applied within these centres and the Port Chalmers Principal Centre Zone also contains a heritage precinct protecting part of the centre.

18.1.1.3 Warehouse Precinct Zone (WP)

The Warehouse Precinct Zone adjoins the southern part of the CBD Zone and is bounded by Queens Gardens, Bond Street, Police Street and Cumberland Street. The zone provides for a mix of inner city living, visitor accommodation,

conference, meeting and function, entertainment and exhibition, light industrial, restaurant and bulky goods and trade related retail activity. General retail - retail services and office activity is also provided for, if it occurs in scheduled heritage buildings, in order to encourage their restoration.

The entire zone is within a heritage precinct and has a **secondary pedestrian street frontage mapped area** applied to it.

18.1.1.4 Princes, Parry and Harrow Street Zone (PPH)

The Princes, Parry and Harrow Street Zone encompasses the southern part of Princes Street and an area around Parry and Harrow Streets. The PPH Zone provides for a mix of inner-city residential living, training and education, visitor accommodation, industrial, trade and yard based retail activities.

Performance standards applied to this zone reflect the lower expectations for pedestrian amenity.

18.1.1.5 Smith Street and York Place Zone (SSYP)

The Smith Street and York Place Zone is a small zone adjoining the CBD. The SSYP Zone provides for visitor accommodation, training and education and residential activity in keeping with its existing character. Offices are also provided for where undertaken within scheduled heritage buildings, to encourage their restoration.

Performance standards applied to this zone reflect the residential and commercial character of this zone.

18.1.1.6 Harbourside Edge Zone (HE)

The Harbourside Edge Zone encompasses an area adjoining Birch, Kitchener, Wharf and Fryatt Streets and extends to the waterfront. The zone provides for the continuation of the existing industry, while allowing for a transition toward a more mixed use environment by also providing for conference, meeting and function, entertainment and exhibition, restaurant, training and education, visitor accommodation, small scale food and beverage and residential activities and a limited amount of office activity. In order to ensure an attractive place to live, work, and visit, new buildings within the HE Zone will be required, through a restricted discretionary resource consent process, to be designed and located to provide a high level of amenity. In addition, a performance standard requires the provision of public pedestrian access to and along the coast.

18.1.1.7 Trade Related Zone (TR)

The Trade Related Zone is an area around Andersons Bay Road which provides for large format food and beverage retail, trade related, and yard based retail as well as other specific categories of activities which generate high traffic volumes and require larger sites than are available within the CBD and centres. These characteristics mean that such retail types are likely to be incompatible with the amenity expectations of the CBD and centres. Performance standards applied to this zone reflect the more car-focused characteristics and the lower expectations for pedestrian amenity of this environment.

18.1.1.8 CBD Edge Commercial Zones (CEC)

There are two CBD Edge Commercial zones:

- an area south of the CBD (CEC - South Zone) around Cumberland Street that provides for large format food and beverage, bulky goods, trade related and yard based retail, as well as industry; and
- an area to the north-east of the CBD (CEC - North Zone) between Hanover Street and Stuart Street. This area provides for all the activities in the CEC - South Zone, as well as additional activities, including hospital and office activity. The additional activities are provided due to its closer proximity to the main retail area and Dunedin Hospital.

~~18.1.1.X~~ **18.1.1.9 South Dunedin Large Format Zone (SDLF)**

The SDLF Zone adjoins the South Dunedin principal centre zone and extends along the western side of Andersons

Bay Road. This area provides for large format and bulky goods retail activities, in addition to the range of activities provided for in the adjoining Trade Related Zone, as these activities are likely to be incompatible with the amenity expectations of the CBD and the adjoining principal centre zone and often require larger sites than available in these locations.

18.2 Objectives and Policies

Objective 18.2.1	
<p>Dunedin has a well-structured and economically and socially successful range of commercial and mixed use environments based on:</p> <ol style="list-style-type: none"> the CBD, which is the focus for employment, retail, entertainment, leisure, visitor accommodation, and arts and culture activities; vibrant and viable principal centre, suburban and rural centre zones, which provide hubs for social and economic activity for rural, suburban and principal communities; Neighbourhood Centre Zone, which provides for the day to day needs of local areas, with the Neighbourhood Destination Centre Zone also servicing visitor needs, and the Neighbourhood Convenience Centre Zone also servicing the needs of passing motorists; a range of mixed use zones (WP, PPH, SSYP and HE zones) around the edge of the CBD, which provide for a compatible mix of inner-city living, commercial, and light industrial activities; an area south of the CBD (CEC - South Zone) and an area which adjoins the principal centre zone in South Dunedin (SDLF Zone) and extends along the western side of Andersons Bay Road, which provides for high trip generators, large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD or adjoining principal centre zone and which may require larger sites than available in the CBD or adjoining centre; an area to the north-east of the CBD (CEC - North Zone), similar to the CEC - South but also containing a mix of activities which support the adjoining CBD and Hospital zones; an area around Andersons Bay Road (TR Zone), which provides for trade related retail and specific categories of high trip generators, which are likely to be incompatible with the amenity expectations of the CBD; and an area adjoining Birch, Kitchener, Wharf and Fryatt Streets and the coast (HE Zone) which provides for the continuation of the existing environment characterised by industrial activity, while allowing for a transition toward a vibrant and attractive place to live, work and visit by also providing for conference, meeting and function, entertainment and exhibition, restaurant, visitor accommodation, training and education and residential activities. 	
Policy 18.2.1.1	Provide for a wide range of commercial, residential and community activities in the CBD and all centres zones in order to encourage economically and socially vibrant and viable centres.
Policy 18.2.1.2	Enable general retail and office activities in the CBD and centres zones and restrict their establishment in other commercial and mixed use zones in order to maintain the vibrancy of existing centres.
Policy 18.2.1.3	<p>Avoid retail and office activities in areas where they are not provided for unless:</p> <ol style="list-style-type: none"> it is an ancillary and secondary component of a general retail - retail services or office activity that is undertaken in a scheduled heritage building as provided for by Policy 13.2.1.9 on the same or adjacent site; or there is a significant and sustained increase in the amount of retail activity across the city and it has been demonstrated that as a result there is a medium to longer term under-supply of retail land across all the areas where general retail is provided for; or in the HE Zone, it is associated with port, industrial or marine related activities operating in the area; or in the PPH Zone it is associated with campus activity.

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- b. vibrant and viable principal centre, suburban and rural centre zones, which provide hubs for social and economic activity for rural, suburban and principal communities;
- c. Neighbourhood Centre Zone, which provides for the day to day needs of local areas, with the Neighbourhood Destination Centre Zone also servicing visitor needs, and the Neighbourhood Convenience Centre Zone also servicing the needs of passing motorists;
- d. a range of mixed use zones (WP, PPH, SSYP and HE zones) around the edge of the CBD, which provide for a compatible mix of inner-city living, commercial, and light industrial activities;
- e. an area south of the CBD (CEC - South Zone) and an area which adjoins the principal centre zone in South Dunedin (SDLF Zone) and extends along the western side of Andersons Bay Road, which provides for high trip generators, large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD or adjoining principal centre zone and which may require larger sites than available in the CBD or adjoining centre;
- f. an area to the north-east of the CBD (CEC - North Zone), similar to the CEC - South but also containing a mix of activities which support the adjoining CBD and Hospital zones;
- g. an area around Andersons Bay Road (TR Zone), which provides for trade related retail and specific categories of high trip generators, which are likely to be incompatible with the amenity expectations of the CBD; and
- h. an area adjoining Birch, Kitchener, Wharf and Fryatt Streets and the coast (HE Zone) which provides for the continuation of the existing environment characterised by industrial activity, while allowing for a transition toward a vibrant and attractive place to live, work and visit by also providing for conference, meeting and function, entertainment and exhibition, restaurant, visitor accommodation, training and education and residential activities.

Policy 18.2.1.4	Provide for food and beverage retail: <ol style="list-style-type: none"> a. in the CBD and centres; ✗. b. where 500m² or less in gross floor area, in the HE Zone; and ✗. c. where 1500m² or more in gross floor area, in the CEC, SDLF and TR zones.
Policy 18.2.1.5	Provide for bulky goods retail and large format retail in the CEC, SDLF and WP zones in recognition that often these activities require larger sites than are available in the CBD and centres.
Policy 18.2.1.6	Provide for trade related retail and yard based retail to locate in the TR, PPH, CEC and SDLF zones in recognition that often these activities require a built form that cannot meet the requirements within the CBD and centres, and their location in these areas is unlikely to detract from the vibrancy and vitality of the CBD and centres.
Policy 18.2.1.X	Only allow general retail 750m² or more in the SDLF Zone where any adverse effects on the vibrancy and viability of the CBD and centres are no more than minor. {Moved to end – renumbered as Policy 18.2.1.19}
Policy 18.2.1.7	Limit the scale of retail ancillary to industry to a size that: <ol style="list-style-type: none"> a. is clearly subordinate to and part of the operation of the primary industry activity; b. does not conflict with objectives 2.3.2 and 2.4.3; and c. does not create adverse effects on other industry activities, for example from traffic, parking, or reverse sensitivity.

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- c. Neighbourhood Centre Zone, which provides for the day to day needs of local areas, with the Neighbourhood Destination Centre Zone also servicing visitor needs, and the Neighbourhood Convenience Centre Zone also servicing the needs of passing motorists;
- d. a range of mixed use zones (WP, PPH, SSYP and HE zones) around the edge of the CBD, which provide for a compatible mix of inner-city living, commercial, and light industrial activities;
- e. an area south of the CBD (CEC - South Zone) and an area which adjoins the principal centre zone in South Dunedin (SDLF Zone) and extends along the western side of Andersons Bay Road, which provides for high trip generators, large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD or adjoining principal centre zone and which may require larger sites than available in the CBD or adjoining centre;
- f. an area to the north-east of the CBD (CEC - North Zone), similar to the CEC - South but also containing a mix of activities which support the adjoining CBD and Hospital zones;
- g. an area around Andersons Bay Road (TR Zone), which provides for trade related retail and specific categories of high trip generators, which are likely to be incompatible with the amenity expectations of the CBD; and
- h. an area adjoining Birch, Kitchener, Wharf and Fryatt Streets and the coast (HE Zone) which provides for the continuation of the existing environment characterised by industrial activity, while allowing for a transition toward a vibrant and attractive place to live, work and visit by also providing for conference, meeting and function, entertainment and exhibition, restaurant, visitor accommodation, training and education and residential activities.

Policy 18.2.1.8	Limit the scale of activities in neighbourhood and rural centres to ensure activities: <ol style="list-style-type: none"> a. are not a destination retail activity designed to attract customers from across suburbs, which are more appropriately located in the CBD or other central city commercial and mixed use zones; and b. do not dominate the centre and reduce the diversity of different activities that are able to establish there.
Policy 18.2.1.9	Provide for licensed premises where these are ancillary to activities that are provided for in the zone, including: <ol style="list-style-type: none"> a. bottle shops where food and beverage retail or dairies are provided for; and b. taverns and bars where restaurants are provided for; except in neighbourhood centres (see Policy 18.2.2.9).
Policy 18.2.1.10	Provide for hospital activity in the CEC - North Zone, to allow for the relocation of Dunedin Hospital into this zone.
Policy 18.2.1.11	Limit the gross floor area of dairies to a size that reflects these activities operating as a local convenience store rather than a destination supermarket.
Policy 18.2.1.12	Only allow food and beverage retail in the WP, HE and PPH zones where the activity is of a size, and designed in a manner, to cater to people living or working locally or using the area for recreational purposes.

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- c. Neighbourhood Centre Zone, which provides for the day to day needs of local areas, with the Neighbourhood Destination Centre Zone also servicing visitor needs, and the Neighbourhood Convenience Centre Zone also servicing the needs of passing motorists;
- d. a range of mixed use zones (WP, PPH, SSYP and HE zones) around the edge of the CBD, which provide for a compatible mix of inner-city living, commercial, and light industrial activities;
- e. an area south of the CBD (CEC - South Zone) and an area which adjoins the principal centre zone in South Dunedin (SDLF Zone) and extends along the western side of Andersons Bay Road, which provides for high trip generators, large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD or adjoining principal centre zone and which may require larger sites than available in the CBD or adjoining centre;
- f. an area to the north-east of the CBD (CEC - North Zone), similar to the CEC - South but also containing a mix of activities which support the adjoining CBD and Hospital zones;
- g. an area around Andersons Bay Road (TR Zone), which provides for trade related retail and specific categories of high trip generators, which are likely to be incompatible with the amenity expectations of the CBD; and
- h. an area adjoining Birch, Kitchener, Wharf and Fryatt Streets and the coast (HE Zone) which provides for the continuation of the existing environment characterised by industrial activity, while allowing for a transition toward a vibrant and attractive place to live, work and visit by also providing for conference, meeting and function, entertainment and exhibition, restaurant, visitor accommodation, training and education and residential activities.

Policy 18.2.1.13	Avoid industrial activities in the SSYP Zone due to its residential character.
Policy 18.2.1.14	Avoid service stations, restaurant - drive through and yard based retail in the CBD, SSYP, HE and WP zones unless: <ol style="list-style-type: none"> a. they are designed and located to meet the built form expectations of the zone, as set out in the development activities performance standards; b. any drive-through components will not be accessed or visible from the primary pedestrian street frontage mapped area; and c. there are no, or only insignificant, adverse effects on streetscape and pedestrian amenity from vehicle movements.
Policy 18.2.1.15	Enable training and education in the CBD, all centres, CEC - North Zone, and WP, PPH, SSYP and HE zones, and Campus in the Campus mapped area , to enable tertiary (including the University of Otago and Otago Polytechnic) and specialist education providers.
Policy 18.2.1.16	Avoid conference, meeting and function or entertainment and exhibition in the NEC, NECC, SSYP, PPH and CEC zones unless: <ol style="list-style-type: none"> a. it is ancillary to visitor accommodation; or b. it has specific operational requirements that require it to locate in these zones.

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- c. Neighbourhood Centre Zone, which provides for the day to day needs of local areas, with the Neighbourhood Destination Centre Zone also servicing visitor needs, and the Neighbourhood Convenience Centre Zone also servicing the needs of passing motorists;
- d. a range of mixed use zones (WP, PPH, SSYP and HE zones) around the edge of the CBD, which provide for a compatible mix of inner-city living, commercial, and light industrial activities;
- e. an area south of the CBD (CEC - South Zone) and an area which adjoins the principal centre zone in South Dunedin (SDLF Zone) and extends along the western side of Andersons Bay Road, which provides for high trip generators, large format general retail and bulky goods retail which are likely to be incompatible with the amenity expectations of the CBD or adjoining principal centre zone and which may require larger sites than available in the CBD or adjoining centre;
- f. an area to the north-east of the CBD (CEC - North Zone), similar to the CEC - South but also containing a mix of activities which support the adjoining CBD and Hospital zones;
- g. an area around Andersons Bay Road (TR Zone), which provides for trade related retail and specific categories of high trip generators, which are likely to be incompatible with the amenity expectations of the CBD; and
- h. an area adjoining Birch, Kitchener, Wharf and Fryatt Streets and the coast (HE Zone) which provides for the continuation of the existing environment characterised by industrial activity, while allowing for a transition toward a vibrant and attractive place to live, work and visit by also providing for conference, meeting and function, entertainment and exhibition, restaurant, visitor accommodation, training and education and residential activities.

Policy 18.2.1.17	Only allow restaurants outside the CBD, WP, HE and centres where the activity is not of a scale or nature that is more appropriate to locate in the CBD, centres, WP or HE because: <ol style="list-style-type: none"> a. it is unlikely to contribute to the vibrancy and vitality of those zones; and b. it has specific operational requirements that do not fit with those locations.
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Policy 18.2.1.18	Provide for restaurants ancillary to trade related retail or food and beverage retail where they are designed to only service people engaged in the primary activity and are unlikely to attract significant patronage outside this purpose.
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Policy 18.2.1.X19	Only allow general retail 750m ² or more in the SDLF Zone where any adverse effects on the vibrancy and viability of the CBD and centres are no more than minor. {Moved from above to minimise renumbering}
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Objective 18.2.2

The potential for conflict between activities within the commercial and mixed use zones and in adjoining zones is minimised, as far as practicable, through adequate separation distances and other mitigation measures which ensure:

- a. the amenity of adjoining residential and recreation zoned sites is maintained; and
- b. the potential for reverse sensitivity effects is minimised as far as practicable.

Policy 18.2.2.1	Require fencing along property boundaries that adjoin residential or school zoned sites to be of an adequate height and design to provide screening for the purposes of privacy and security.
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Objective 18.2.2

The potential for conflict between activities within the commercial and mixed use zones and in adjoining zones is minimised, as far as practicable, through adequate separation distances and other mitigation measures which ensure:

- a. the amenity of adjoining residential and recreation zoned sites is maintained; and
- b. the potential for reverse sensitivity effects is minimised as far as practicable.

Policy 18.2.2.2	Only allow restaurants, and conference, meeting and function, and entertainment and exhibition ancillary to visitor accommodation in the PPH and SSYP zones where: <ol style="list-style-type: none"> a. the activities are secondary to the visitor accommodation activity; and b. any adverse effects on the amenity of surrounding residential activities, from noise, anti-social behaviour, or other effects will be avoided or, if avoidance is not practicable, adequately mitigated; and c. the potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated.
Policy 18.2.2.3	Require buildings to be of a height in relation to boundary, and setback from side and rear boundaries, that maintains a reasonable level of sunlight access for: <ol style="list-style-type: none"> a. current and future residential buildings and their outdoor living spaces in adjoining residential zones; and b. sites in the recreation and school zones.
Policy 18.2.2.4	Only allow restaurants - drive through and service stations in commercial and mixed use zones, where significant adverse effects on the amenity of existing residential activities are avoided or mitigated as far as practicable.
Policy 18.2.2.5	Avoid crematoriums in all commercial and mixed use zones that provide for residential activity, because of the potential adverse social and cultural effects on activities that are provided for in these zones.
Policy 18.2.2.6	Avoid early childhood education and residential activities in the CEC South, SDLF and TR zones, and visitor accommodation in the SDLF and TR zones unless the potential for reverse sensitivity is insignificant.
Policy 18.2.2.7	Only allow community and leisure - large scale and visitor accommodation in neighbourhood centre zones (other than the Neighbourhood Destination Centre Zone) where the adverse effects on the amenity of surrounding residential activities will be avoided or, if avoidance is not practicable, adequately mitigated.
Policy 18.2.2.8	Only allow early childhood education and residential activity in the CBD, centres, CEC - North and CBD edge mixed use zones in locations where their establishment will not constrain (have reverse sensitivity effects on) activities that are provided for in the commercial and mixed use zone.
Policy 18.2.2.9	Only allow ancillary licensed premises in the NECC and NEC zones where the adverse effects on the amenity of adjacent residential activities and the surrounding neighbourhood will be avoided or, if avoidance is not practicable, adequately mitigated.
Policy 18.2.2.10	Only allow visitor accommodation in the CEC - South Zone where the potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated.
Policy 18.2.2.11	Only allow residential activity in the Speights buffer mapped area where the potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated.

Objective 18.2.2

The potential for conflict between activities within the commercial and mixed use zones and in adjoining zones is minimised, as far as practicable, through adequate separation distances and other mitigation measures which ensure:

- a. the amenity of adjoining residential and recreation zoned sites is maintained; and
- b. the potential for reverse sensitivity effects is minimised as far as practicable.

Policy ~~18.2.2.1~~
18.2.2.12

In the **Campus mapped area** in the Harbourside Edge Zone only allow campus, restaurants, conference, meeting and function, entertainment and exhibition, visitor accommodation, residential activities and large-scale community and leisure activity where the potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated.

Objective 18.2.3

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

Policy 18.2.3.1

Require development to maintain or enhance streetscape amenity in all commercial and mixed use zones, by ensuring:

- a. an attractive street interface is maintained through landscaping where buildings are not built to the street frontage;
- b. large parking areas which are visible from the street are visually broken up with internal landscaping, which also provides for rainwater absorption;
- c. service areas and outdoor storage areas associated with industrial or other activities are not visible from ground level of a public place; and
- d. an architecturally interesting façade through building modulation and use of glazing.

Policy 18.2.3.2

Require buildings along a **primary pedestrian street frontage mapped area** to be located, designed and operated to provide a high level of pedestrian amenity by:

- a. providing a continual frontage of buildings along the street, apart from pedestrian alleyways;
- b. providing a clear and direct visual connection between the street and the building interior;
- c. providing a direct physical connection to the building interior through clearly identified pedestrian entrances on the highest order pedestrian street frontage mapped area;
- d. providing shelter for pedestrians on footpaths, in the form of a verandah;
- e. being of a height that maintains existing sunlight access to footpaths and public open spaces;
- f. providing an architecturally interesting façade and human-scale design, through building modulation and consistent alignment of windows;
- g. being designed to have commercial activities at the ground floor, with an adequate ground floor to ceiling height to accommodate these activities; and
- h. providing customer-facing activities on the ground floor.

Objective 18.2.3

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

Policy 18.2.3.3	<p>Require buildings in a secondary pedestrian street frontage mapped area to provide a good level of pedestrian amenity by:</p> <ol style="list-style-type: none"> providing a regular frontage of buildings along the street, with limited interruptions for vehicle accesses; providing a clear and direct visual connection between the street and the building interior; providing an architecturally interesting façade and human-scale design, through building modulation and consistent alignment of windows; and providing shelter for pedestrians at pedestrian entrances.
Policy 18.2.3.4	<p>Require new buildings and additions and alterations to buildings in the Harbourside Edge Zone to be designed and located to provide a high level of amenity by:</p> <ol style="list-style-type: none"> being built to the street frontage along the entire length of Birch Street, and for no less than 60% of the street frontage on Kitchener Street, except for: <ol style="list-style-type: none"> any setbacks required to allow pedestrian entrances; and the provision of amenity space for customers or residents at the front of buildings; including appropriate building modulation, window alignment, use of glazing, floor height, colour, architectural detail to provide visual interest and a human-scale design; being of a design that is coherent, appropriate to the setting and history of the area, and providing a positive relationship to both the street and the harbour; and having active edges with strong visual and physical connections from the street to the inside of buildings.
Policy 18.2.3.5	<p>Require development in the Harbourside Edge Zone to be designed and located to provide a high level of amenity by:</p> <ol style="list-style-type: none"> requiring public pedestrian access to and along the coast that is attractive, safe, durable, and readily accessible to the public; ensuring the design and location of on-site car parking does not compromise streetscape or harbour amenity; ensuring development activities incorporate the principles of CPTED; and maintaining viewshafts from Roberts Street and Kitchener Street to and across the Steamer Basin.
Policy 18.2.3.6	<p>Require fences visible from public places to be designed to maintain or enhance streetscape amenity.</p>
Policy 18.2.3.7	<p>Limit the size and number of ancillary signs to ensure they are able to convey information about the name, location and nature of the business to passing pedestrians and vehicles while not being oversized or too numerous for that purpose.</p>
Policy 18.2.3.8	<p>Require car parking (including stand-alone car parking) in a primary pedestrian street frontage mapped area to be located behind or within buildings with a customer-facing function (for example retail) adjoining the street.</p>

Objective 18.2.3	
Land use and development maintains or enhances the amenity of the streetscape, including the visual and environmental amenity for pedestrians along identified pedestrian street frontage mapped areas.	
Policy 18.2.3.9	Avoid land use activities (including stand-alone car parking) that require buildings or site design that is incompatible with: <ol style="list-style-type: none"> the high level of pedestrian streetscape amenity expected for the location in a primary pedestrian street frontage mapped area and secondary pedestrian street frontage mapped area; and the higher level of urban neighbourhood amenity anticipated in the HE, SSYP and WP zones.
Policy 18.2.3.10	Require industrial activities to avoid or, if avoidance is not practicable, adequately mitigate any adverse effects on streetscape amenity, by locating any part of the industrial operation that involves machinery or metal work within a part of a building that does not include any doors or windows that open to a primary pedestrian street frontage mapped area or secondary pedestrian street frontage mapped area .
Policy 18.2.3.11	Require new buildings and structures to be of a height that: <ol style="list-style-type: none"> reflects the general heights of the block; and minimises, as far as practicable, adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the upper harbour toward the Otago Peninsula, including through the use of quality and contextually appropriate architectural design.
Policy 18.2.3.12	Require network utility structures - small scale to be of a design, location and scale that maintains a high level of pedestrian amenity in pedestrian street frontage mapped areas.
Policy 18.2.3.13	Require buildings and additions and alterations, as part of the Dunedin Hospital redevelopment to maintain or enhance streetscape amenity by ensuring: <ol style="list-style-type: none"> the use of verandahs where appropriate; and buildings and structures above 20m minimise, as far as practicable, adverse effects of shading and wind on pedestrian amenity.
Policy 18.2.3.X 18.2.3.14	In the Campus mapped area north of Albany Street, only allow buildings and structures over 25m in height where: <ol style="list-style-type: none"> the height is essential to the efficient and effective operation of campus activity; they are designed to minimise, as far as practicable, adverse effects of shading and wind on pedestrian amenity; and effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, are minimised, as far as practicable, through the use of quality and contextually appropriate architectural design.

Rules

Rule 18.3 Activity Status

18.3.1 Rule Location

The activity status tables in rules 18.3.3 to 18.3.8 specify the activity status of land use activities, development activities, and subdivision activities in the commercial and mixed use zones and relevant overlay zones, except rules for the following city-wide activities, which are contained in Part B of the Plan:

- Public Amenities (Section 3)

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

18.3.2 Activity Status Introduction

1. The activity status tables in rules 18.3.3 to 18.3.7 show the activity status of activities in the commercial and mixed use 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 2 (flood) Overlay Zone, the activity statuses in Rule 18.3.8 apply to the following activities:
 - a. natural hazards sensitive activities;
 - b. natural hazards potentially sensitive activities; and
 - c. new buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area.
9. Where the activity status in Rule 18.3.8 differs from that in rules 18.3.3 - 18.3.7, the most restrictive activity status always applies.
10. In addition to the rules in Rule 18.3.8, performance standards for development activities within hazard overlay zones are included in rules 18.3.3 - 18.3.7.
11. Activities in a hazard overlay zone must comply with rules 18.3.3 - 18.3.7.

Performance Standards

12. Performance standards are listed in the far right column of the activity status tables.
13. Performance standards apply to permitted, controlled and restricted discretionary activities.

14. If a permitted or controlled activity does not meet one or more performance standards, then the activity status of the activity is indicated in the relevant performance standard rule.
15. If a restricted discretionary activity does not meet one or more performance standards, then the activity status remains restricted discretionary, unless otherwise indicated in the performance standard.

Note 18.3.2A – 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
N/A	Not Applicable
P	Permitted Activity
C	Controlled Activity
RD	Restricted Discretionary Activity
D	Discretionary Activity
NC	Non-complying Activity
Central Business District and Centres Zones (Centres Hierarchy)	
CBD	Central Business District Zone
PC	Principal Centre Zone
SC	Suburban Centre Zone
RC	Rural Centre Zone
NEC	Neighbourhood Centre Zone
NECC	Neighbourhood Convenience Centre Zone
NEDC	Neighbourhood Destination Centre Zone
CBD Edge Mixed Use Zones	
WP	Warehouse Precinct Zone
PPH	Princes, Parry and Harrow Street Zone
SSYP	Smith Street and York Place Zone
HE	Harbourside Edge Zone
Other Commercial Zones	
TR	Trade Related Zone
CEC-N	CBD Edge Commercial North Zone
CEC-S	CBD Edge Commercial South Zone
SDLF	South Dunedin Large Format Zone
Pedestrian Street Frontage Mapped Areas	

PPF	Primary Pedestrian Street Frontage Mapped Area
SPF	Secondary Pedestrian Street Frontage Mapped Area
Hazard Overlay Zones	
Haz1	Hazard 1 Overlay Zones
Haz2	Hazard 2 Overlay Zones
Haz3	Hazard 3 Overlay Zones

18.3.3 Land Use Activity Status Table (Central Business District and Centres)

1.	Performance standards that apply to all land use activities	<ul style="list-style-type: none"> a. Acoustic insulation (noise sensitive activities) b. NA c. b. Light spill d. c. Location e. d. Noise f. e. Maximum gross area of centre (NEC, NECC, NEDC and RC only) g. f. Setback from National Grid (National Grid sensitive activities only) 			
Commercial activities		Activity status			Performance standards
		a. CBD	b. PC/SC/RC/NEDC	c. NECC/NEC	
2.	Ancillary licensed premises	Same activity status as underlying activity		D	
3.	Conference, meeting and function	P	P	NC	i. Minimum mobility car parking
4.	Commercial advertising	NC	NC	NC	
5.	Entertainment and exhibition	P	P	NC	i. Minimum mobility car parking
6.	Office	P	P	P	i. Minimum mobility car parking (registered health practitioners)
7.	Retail (except yard based retail)	P	P	P	<ul style="list-style-type: none"> i. Minimum mobility car parking ii. Minimum vehicle loading
8.	Retail ancillary to industry	P	P	P	i. Maximum gross floor area of retail ancillary to industry
9.	Yard based retail	NC	P	P	<ul style="list-style-type: none"> i. Minimum mobility car parking ii. Minimum vehicle loading (centres)
10.	Restaurants	P	P	P	
11.	Restaurant - drive through	NC	D	D	

12.	Service stations	NC	RD	RD	i. Service station standards ii. Minimum mobility car parking
13.	Stand-alone car parking	P	P	P	
14.	Visitor accommodation	P	P	RD	i. Minimum mobility car parking ii. Minimum vehicle loading
Community activities		a. CBD	b. PC/SC/RC/NEDC	c. NECC/NEC	Performance standards
15.	Community and leisure - small scale	P	P	P	i. Minimum mobility car parking
16.	Community and leisure - large scale	P	P	RD	i. Minimum mobility car parking
17.	Conservation	P	P	P	
18.	Early childhood education	RD	RD	RD	i. Minimum mobility car parking
19.	Sport and recreation	P	P	P	i. Minimum mobility car parking
Residential activities		a. CBD	b. PC/SC/RC/NEDC	c. NECC/NEC	Performance standards
20.	Supported living facilities	P	P	P	i. Minimum mobility car parking
Y. 21	Standard residential	P	P	P	
Z. 22	Working from home	P	P	P	ii. i. Minimum mobility car parking
Industrial activities		a. CBD	b. PC/SC/RC/NEDC	c. NECC/NEC	Performance standards
24. 23	All activities in the industrial activities category	P	P	P	
Major facility activities		a. CBD	b. PC/SC/RC/NEDC	c. NECC/NEC	Performance standards
22. 24	Emergency services	P	P	P	i. Minimum mobility car parking
X. 25	Campus in the Campus mapped area	N/A	P	N/A	
23. 26	All other activities in the major facility activities category	NC	NC	NC	
Rural activities		a. CBD	b. PC/SC/RC/NEDC	c. NECC/NEC	Performance standards
24. 27	All activities in the rural activities category	NC	NC	NC	

Note ~~18.3.3X~~ 18.3.3A - 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.

18.3.4 Land Use Activity Status Table (CBD Edge and Mixed Use Zones)

1.	Performance standards that apply to all land use activities					a. Acoustic insulation (noise sensitive activities) b. NA c. b. Light spill d. c. Location e. d. Noise f. e. Setback from National Grid (National Grid sensitive activities only)
Commercial activities		Activity status				Performance standards
		a. WP	b. PPH	c. SSYP	d. HE	
2.	Ancillary licensed premises	Same activity status as underlying activity				
3.	Bulky goods retail	P	NC	NC	NC	i. Minimum mobility car parking ii. Minimum vehicle loading
4.	Conference, meeting and function	P	NC	NC	P outside the Campus mapped area ; RD in the Campus mapped area	i. Minimum mobility car parking
5.	Commercial advertising	NC	NC	NC	NC	
6.	Dairies	P	P	P	P	i. Maximum gross floor area of dairies

7.	Entertainment and exhibition	P	NC	NC	P outside the Campus mapped area ; RD in the Campus mapped area	i. Minimum mobility car parking
AE.8	Food and beverage retail 500m ² or less in gross floor area	D	D	NC	RD	
AF.9	Food and beverage retail more than 500m ² in gross floor area but no more than 750m ² in gross floor area	D	D	NC	D	
8.10	All other food and beverage retail	D	D	NC	NC	
9.11	General retail - retail services in a scheduled heritage building	P	NC	NC	NC	i. Minimum mobility car parking ii. Minimum vehicle loading
44.12	General retail 1500m ² or more in gross floor area	P	NC	NC	NC	i. Minimum mobility car parking ii. Minimum vehicle loading
X.13	All other general retail	NC	NC	NC	NC	
42.14	Training and education	P	P outside a hazard facility mapped area ; NC within a hazard facility mapped area	P	P	
43.15	Office in a scheduled heritage building	P	NC	P	P	i. Maximum gross floor area of office activity in HE Zone
44.16	Office not in a scheduled heritage building	NC	NC	NC	P	i. Maximum gross floor area of office activity in HE Zone

45. <u>17</u>	Restaurants	P	D	D	P outside the Campus mapped area ; RD in the Campus mapped area	i. Minimum mobility car parking
46. <u>18</u>	Restaurant - drive through	NC	D	NC	NC	
47. <u>19</u>	Retail ancillary to industry	P	P	NC	P	i. Maximum gross floor area of retail ancillary to industry
48. <u>20</u>	Service stations	NC	RD	NC	NC	i. Service station standards ii. Minimum mobility car parking
49. <u>21</u>	Stand-alone car parking	P	P	P	P	
20. <u>22</u>	Trade related retail	P	P	NC	NC	i. Minimum mobility car parking ii. Minimum vehicle loading
21. <u>23</u>	Visitor accommodation	P	P outside a hazard facility mapped area ; NC within a hazard facility mapped area	P	P outside the Campus mapped area ; RD in the Campus mapped area	i. Minimum mobility car parking ii. Minimum vehicle loading
22. <u>24</u>	Conference, meeting and function and entertainment and exhibition ancillary to visitor accommodation	P	RD outside a hazard facility mapped area ; NC within a hazard facility mapped area	RD	P	i. Minimum mobility car parking

23- <u>25</u>	Yard based retail	NC	P	NC	NC	i. Minimum mobility car parking ii. Minimum vehicle loading
Community activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
24- <u>26</u>	Community and leisure - small scale	P	P outside a hazard facility mapped area ; NC within a hazard facility mapped area	P	P	i. Minimum mobility car parking
25- <u>27</u>	Community and leisure - large scale	P	P outside a hazard facility mapped area ; NC within a hazard facility mapped area	P	P outside the Campus mapped area ; RD in the Campus mapped area	i. Minimum mobility car parking
26- <u>28</u>	Conservation	P	P	P	P	
27- <u>29</u>	Early childhood education	RD	RD outside a hazard facility mapped area ; NC within a hazard facility mapped area	RD	RD	i. Minimum mobility car parking
28- <u>30</u>	Sport and recreation	P	P	P	P	i. Minimum mobility car parking

Residential activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
29 31	Supported living facilities	P	P outside a hazard facility mapped area ; NC within a hazard facility mapped area	P	P outside the Campus mapped area ; RD in the Campus mapped area	i. Minimum mobility car parking
AG 32	Standard residential	P	P outside a hazard facility mapped area ; NC within a hazard facility mapped area	P	P outside the Campus mapped area ; RD in the Campus mapped area	
AH 33	Working from home	P	P outside a hazard facility mapped area ; NC within a hazard facility mapped area	P	P outside the Campus mapped area ; RD in the Campus mapped area	i. Minimum mobility car parking
Industrial activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
30 34	All activities in the industrial activities category	P	P	NC	P	i. Minimum mobility car parking ii. Minimum vehicle loading
Major facility activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards

34 35	Emergency services	P	P outside a hazard facility mapped area ; NC within a hazard facility mapped area	P	P	i. Minimum mobility car parking
AD. 36	Campus in the Campus mapped area	N/A	N/A	N/A	RD	
32 37	All other activities in the major facility activities category	NC	NC	NC	NC	
Rural activities		a. WP	b. PPH	c. SSYP	d. HE	Performance standards
33 38	All activities in the rural activities category	NC	NC	NC	NC	

Note ~~18.3.4X~~ 18.3.4A - Other requirements outside of the District Plan

- 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.

18.3.5 Land Use Activity Status Table (Trade Related Zone and CBD Edge Commercial Zones)

1.	Performance standards that apply to all land use activities					a. Acoustic insulation (noise sensitive activities) b. NA c. b. Light spill d. c. Noise e. d. Setback from National Grid (National Grid sensitive activities only)
Commercial activities		Activity status				Performance standards
		a. CEC - North	b. CEC - South	X. c. SDLF	e. d. TR	
2.	Ancillary licensed premises	Same activity status as underlying activity				
3.	Bulky goods retail	P	P	RD	NC	i. Minimum mobility car parking ii. Minimum vehicle loading

4.	Conference, meeting and function	NC	NC	NC	NC	
5.	Commercial advertising	NC	NC	NC	NC	
6.	Dairies	P	P	P	P	i. Maximum gross floor area of dairies
7.	Entertainment and exhibition	NC	NC	NC	NC	
8.	Food and beverage retail less than 1500m ² in gross floor area	NC	NC	NC	NC	
9.	Food and beverage retail 1500m ² or more in gross floor area	P	P	P	P	i. Minimum mobility car parking ii. Minimum vehicle loading
10.	Office	P	NC	NC	NC	
11.	General retail less than 750m ² in gross floor area	NC	NC	NC	NC	
12.	General retail 750m ² or more in gross floor area	P	P	RD	NC	i. Minimum mobility car parking ii. Minimum vehicle loading
13.	Restaurants ancillary to trade related retail	D	D	D	P	i. Maximum gross floor area of restaurants in the Trade Related Zone and South Dunedin Large Format Zone ii. Location of ancillary restaurants in the Trade Related Zone and South Dunedin Large Format Zone
14.	Restaurants ancillary to food and beverage retail 1500m ² or more in gross floor area	D	D	D	P	i. Maximum gross floor area of restaurants in the Trade Related Zone and South Dunedin Large Format Zone ii. Location of ancillary restaurants in the Trade Related Zone and South Dunedin Large Format Zone
15.	All other restaurants	D	D	D	D	
16.	Restaurant - drive through	RD	RD	RD	RD	
17.	Retail ancillary to industry	P	P	P	P	i. Maximum gross floor area of retail ancillary to industry
18.	Service stations	RD	RD	RD	RD	i. Service station standards ii. Minimum mobility car parking
19.	Stand-alone car parking	P	P	P	P	
20.	Trade related retail	P	P	P	P	i. Minimum mobility car parking ii. Minimum vehicle loading

21.	Visitor accommodation	P	D	D	NC	i. Minimum mobility car parking ii. Minimum vehicle loading
22.	Yard based retail	P	P	P	P	i. Minimum mobility car parking
Community activities		a. CEC - North	b. CEC - South	✗. c. SDLF	ε. d. TR	Performance standards
23.	Early childhood education	D	NC	NC	NC	
24.	Community and leisure - small scale	P	P	P	P	i. Minimum mobility car parking
25.	Community and leisure - large scale	P	P	P	P	i. Minimum mobility car parking
26.	Conservation	P	P	P	P	
27.	Sport and recreation	P	P	P	P	i. Minimum mobility car parking
Residential activities		a. CEC - North	b. CEC - South	✗. c. SDLF	ε. d. TR	Performance standards
28.	All activities in the residential activities category	D	NC	NC	NC	
Industrial activities		a. CEC - North	b. CEC - South	✗. c. SDLF	ε. d. TR	Performance standards
29.	All activities in the industrial activities category	P	P	P	P	i. Minimum mobility car parking ii. Minimum vehicle loading
Major facility activities		a. CEC - North	b. CEC - South	✗. c. SDLF	ε. d. TR	Performance standards
30.	Emergency services	P	P	P	P	i. Minimum mobility car parking
31.	Hospital	RD	NC	NC	NC	
32.	All other activities in the major facility activities category	NC	NC	NC	NC	
Rural activities		a. CEC - North	b. CEC - South	✗. c. SDLF	ε. d. TR	Performance standards
33.	All activities in the rural activities category	NC	NC	NC	NC	

Note ~~18.3.5X~~ 18.3.5A - Other requirements outside of the District Plan

- 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.

18.3.6 Development Activity Status Table

1.	Performance standards that apply to all development activities		<ul style="list-style-type: none"> a. Boundary treatments and other landscaping b. Natural hazards performance standards c. Setback from scheduled tree d. Harbourside Edge Zone standards (HE Zone only)
2.	Performance standards that apply to all buildings and structures activities		<ul style="list-style-type: none"> a. Firefighting b. Height in relation to boundary c. Height d. Setback from coast and water bodies e. Setback from National Grid f. Building colour ¥. g Setback from Critical Electricity Distribution Infrastructure X. h Setback from designated rail corridor
3.	Performance standards that apply to all new buildings and additions and alterations to buildings		<ul style="list-style-type: none"> a. Minimum glazing and building modulation b. Minimum ground floor to ceiling height c. Pedestrian entrances d. Verandahs e. Setback from road boundaries f. Setback from boundaries of residential or recreation zoned sites g. Parking, loading and access standards (buildings that contain car parks only)
All buildings and structures activities not covered in rows below		Activity status	Performance standards
4.	Signs attached to buildings and structures	P	<ul style="list-style-type: none"> a. Number, location and design of ancillary signs
5.	All other buildings and structures activities not covered in rows 6 to 22 below	P	<ul style="list-style-type: none"> a. Fence height and design b. Number, location and design of ancillary signs
New buildings and additions and alterations to buildings		Activity status	Performance standards

6.	New buildings and additions and alterations to buildings within the Harbourside Edge Zone that are visible from an adjoining public place, or the harbour (other than signs attached to buildings and structures)	RD	
7.	New buildings and additions and alterations to buildings as part of the Dunedin Hospital redevelopment (other than signs attached to buildings and structures)	RD	
Buildings and structures activities in a heritage precinct that are visible from an adjoining public place		Activity status	Performance standards
8.	New buildings	RD	a. Parking, loading and access standards (buildings that contain car parks only)
9.	Demolition or removal for relocation of: <ul style="list-style-type: none"> a. a character-contributing building; b. a non-protected part of a scheduled heritage building; or c. a non character-contributing building that adjoins the road frontage. 	RD	
10.	Additions and alterations to a character-contributing building or non-protected part of a scheduled heritage building (other than signs attached to buildings and structures)	RD	
11.	Additions and alterations to a non character-contributing building that: <ul style="list-style-type: none"> • increase the footprint of the building by 10m² or more; or • increase the height of the building by more than 2m. 	C	
12.	New retaining walls more than 1m high	RD	
13.	All other new structures that are greater than 2.5m tall or have a footprint of 2m ² or more	RD	a. Number, location and design of ancillary signs
Buildings and structures activities that affect a protected part of a scheduled heritage building or scheduled heritage structure		Activity status	Performance standards
14.	Repairs and maintenance	P	
15.	Restoration of a building or structure that has a Heritage New Zealand Pouhere Taonga Category 1 listing as detailed in Appendix A1.1	C	
16.	Restoration of all other scheduled heritage buildings and scheduled heritage structures	P	
17.	Earthquake strengthening where external features only are protected	C	a. Materials and design

18.	All other additions and alterations (other than signs attached to buildings and structures)	RD	
19.	Demolition	NC	
20.	Removal for relocation	RD	
Development activities on a scheduled heritage site, where visible from an adjoining public place or a public place within the heritage site		Activity status	Performance standards
21.	New structures that are greater than 2.5m high or have a footprint of 2m ² or more	RD	a. Number, location and design of ancillary signs
22.	New buildings	RD	
23.	Parking, loading and access	RD	a. Parking, loading and access standards
Site development activities in all areas (except as covered by row 23 above)		Activity status	Performance standards
24.	Parking, loading and access	P	a. Parking, loading and access standards b. Location and screening of car parking
25.	New or additions to parking areas that result in 50 or more new parking spaces.	RD	a. Location and screening of car parking b. Parking, loading and access standards
26.	Outdoor storage	P	a. Location and screening of outdoor storage
27.	Storage and use of hazardous substances	P	a. Hazardous substances quantity limits and storage requirements b. Setback from coast and water bodies
28.	All other site development activities	P	

Note 18.3.6A - 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.

18.3.7 Subdivision Activity Status Table

Subdivision activities		Activity status (all CMU zones)	Performance standards
1.	Subdivision activities	RD	a. Access b. Esplanade reserves and strips c. Firefighting d. Service connections e. Shape X. f. Setback from National Grid (subdivision activities)

Note 18.3.7A - 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 ~~18.3.7X~~ **18.3.7B** - Other relevant District Plan provisions

- Additional matters of discretion apply to the subdivision of land within a **Critical Electricity Distribution Infrastructure Corridor mapped area**. These are set out in Rule 18.10.5.
- Additional matters of discretion apply to the subdivision of land within a **National Grid Subdivision Corridor mapped area**. These are set out in Rule 18.10.5.

18.3.8 Activity Status in the Hazard 2 (Flood) Overlay Zone

Activity	Activity status
Land use activities	
1. Natural hazards sensitive activities	RD
2. Natural hazards potentially sensitive activities	RD
Development activities	
3. New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m ² of new ground floor area	RD

Note 18.3.8A - 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 18.3.8. 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 18.3.8B - 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 18.4 Notification

1. Applications for resource consent for the following activities will be considered without the need to obtain a written approval of affected persons and will not be notified in accordance with section 95A or section 95B of the RMA, unless Council considers special circumstances exist in relation to the application that require public notification:
 1. earthquake strengthening of a scheduled heritage building or scheduled heritage structure where external features only are protected (controlled activity) and that are not listed by Heritage New Zealand Pouhere Taonga; and
 2. contravention of the materials and design performance standard (Rule 13.3.2) where the building or structure is not listed by Heritage New Zealand Pouhere Taonga.
2. With respect to resource consent applications, Heritage New Zealand Pouhere Taonga will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided for the following:
 1. activities that affect a protected part of a scheduled heritage building, scheduled heritage structure, or a scheduled heritage site, that is listed with Heritage New Zealand Pouhere Taonga; and
 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.
3. Applications for resource consent for the following activities will be publicly notified in accordance with section 95A of the RMA:
 1. new vehicle accesses that cross a **primary pedestrian street frontage mapped area** (PPF);
 2. contravention of the Harbourside Edge Zone Standards performance standard (Rule 18.6.17.3); and
 3. it is likely that applications for the following performance standard contraventions will be publicly notified:
 - 4- **a.** acoustic insulation;
 - 2- **b.** light spill;

- 3- **c.** noise; and
 - 4- **d.** setback from National Grid.
4. With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:
 1. 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.
 5. With respect to sections 95D(b) and 95E(2)(a) of the RMA, Council will not consider general retail - retail services in scheduled heritage buildings as part of the permitted baseline when considering the effects of discretionary or non-complying activities in the Warehouse Precinct Zone.
 6. With respect to resource consent applications for the following activities, the Otago Regional Council will be considered an affected person in accordance with section 95B of the RMA where its written approval is not provided:
 1. activities in the Hazard 1 or 1A (flood) overlay zones; and
 2. activities in **swale mapped areas**.
 7. All other activities are subject to the normal tests for notification in accordance with sections 95A-95G of the RMA.

Rule 18.5 Land Use Performance Standards

18.5.1 Acoustic Insulation

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

1. within 20m of an industrial zone;
2. within 70m of a railway line;
3. within 40m of a state highway;
4. Central Business District (CBD) Zone;
5. Warehouse Precinct (WP) Zone;
6. Harbourside Edge (HE) Zone;
7. Princes, Parry and Harrow Street (PPH) Zone; and
8. CEC - North Zone.

~~18.5.10~~ **18.5.2 Setback from National Grid**

National Grid sensitive activities must comply with Rule 5.6.1.1. **{Moved from below to minimise renumbering}**

18.5.3 Light Spill

Land use activities must comply with Rule 9.3.5.

18.5.4 Location

18.5.4.1 Location of activities within pedestrian street frontage mapped areas

- a. In sites that adjoin a **primary pedestrian street frontage mapped area**, activities on the ground floor facing the street frontage, must be retail, restaurants, or entertainment and exhibition, except for entrances, lobbies and accessways that service activities on upper floors.
- b. In sites that adjoin a **secondary pedestrian street frontage mapped area**, residential activities must not occupy the ground floor of buildings facing the street frontage.
- c. Activities that contravene this performance standard are restricted discretionary activities.

18.5.4.2 Location of industrial activities

- a. Within all commercial and mixed use zones, except trade related and CBD edge commercial zones, any part of an industry activity that involves machinery or metal work must be located within a part of a building that does not include any doors or windows that open to a **primary pedestrian street frontage mapped area** or **secondary pedestrian street frontage mapped area**.
- b. Activities that contravene this performance standard are restricted discretionary activities.

18.5.4.3 Location of restaurant - drive through and service stations

- a. Restaurant - drive through and service stations must not have vehicle access across a **primary pedestrian street frontage mapped area**.
- b. Activities that contravene this performance standard are non-complying activities.

18.5.4.4 Location of ancillary restaurants in the Trade Related Zone and South Dunedin Large Format Zone

- a. For restaurants ancillary to food and beverage retail 1500m² or more in gross floor area, or to trade related retail, all customer access must be internal to a building, except for emergency-only access/egress.
- b. Activities that contravene this performance standard are discretionary activities.

18.5.4.5 Location of residential activities

- a. New residential activities or residential buildings must not be located within the **Speights buffer mapped area**.
- b. Activities that contravene this performance standard are restricted discretionary activities.

18.5.5 Maximum Gross Floor Area

18.5.5.1 Maximum gross area of centre

- a. An individual land use activity must not occupy more than 50% of the gross area of a neighbourhood or rural centre.
- b. Activities that contravene this performance standard are restricted discretionary activities.

18.5.5.2 Maximum gross floor area of dairies

- a. The maximum gross floor area for dairies is 200m².
- b. Activities that contravene this performance standard are restricted discretionary activities.

18.5.5.3 Maximum gross floor area of retail ancillary to industry

- a. Retail ancillary to industry must not occupy more than 10% of the gross floor area of the industry activity.
- b. Activities that contravene this performance standard are restricted discretionary activities.

18.5.5.4 Maximum gross floor area of office activity in the Harbourside Edge Zone

- a. The cumulative gross floor area of office activity in the Harbourside Edge Zone must not exceed 6000m².

- b. No more than 3000m² of gross floor area of office activity may be located outside the area covered by designation D214, unless the Otago Regional Council designation allowing office activity on this site is uplifted.
- c. Office activity that is ancillary to port, industry or marine-related activity is exempt from this standard.
- d. Office activity that contravenes this performance standard is a non-complying activity.

18.5.5.5 Maximum gross floor area of restaurants in the Trade Related Zone and South Dunedin Large Format Zone

- a. The maximum gross floor area of restaurants ancillary to food and beverage retail 1500m² or more in gross floor area, or to trade related retail, in the Trade Related Zone and South Dunedin Large Format Zone is 100m².
- b. Activities that contravene this performance standard are discretionary activities.

18.5.6 Minimum Mobility Car Parking

1. ~~NA~~

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

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. **2.** Car parking must be provided on the same property as the activity except in the Harbourside Edge Zone where parking spaces must be provided within 200m walking distance of the activity, with all parking not on the same property as the activity provided as dedicated off-street parking for the activity through a lease agreement.

4. ~~NA.~~

5. **3.** Residential and office activities (excluding registered health practitioners) undertaken entirely within a scheduled heritage building do not need to provide any additional mobility car parking other than what is already on site and may remove any car parking that does not meet the performance standard for location of car parking.

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

7. ~~NA.~~

8. ~~NA.~~

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

Note 18.5.6A - Other relevant District Plan provisions

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

18.5.7 Minimum Vehicle Loading

1. Land use activities must provide on-site vehicle loading and manoeuvring as follows:

Zone		Activities	Minimum vehicle loading
a.	CBD and centres zones	i. Retail activity (except yard based retail)	1. On sites which gain direct vehicular access to a strategic road, arterial road or urban high density corridor or have a gross floor area of 500m ² or more: 1 loading space to accommodate an 8m rigid truck (see Appendix 6B, Figure 6B.10)
		ii. Visitor accommodation	1. Visitor accommodation based on guest rooms (e.g. hotels) for 50 or more guest rooms: 1 loading space to accommodate the turning circle of a coach (see Appendix 6B, Figure 6B.12)
b.	Centres zones	i. Yard based retail	1. On sites which gain direct vehicular access to a strategic road, arterial road or urban high density corridor, or have a gross floor area of 500m ² or more: 1 loading space to accommodate an 8m rigid truck (see Appendix 6B, Figure 6B.10).
c.	Warehouse Precinct Zone	i. General retail - retail services (in a scheduled heritage building)	1. On sites which gain direct vehicular access to a strategic road, arterial road or urban high density corridor or have a gross floor area of 500m ² or more: 1 loading space to accommodate an 8m rigid truck (see Appendix 6B, Figure 6B.10)
		ii. General retail 1500m ² or more in gross floor area	
		iii. Trade related retail	
		iv. Visitor accommodation	1. Visitor accommodation based on guest rooms (e.g. hotels) for 50 or more guest rooms: 1 loading space to accommodate the turning circle of a coach (see Appendix 6B, Figure 6B.12)
		v. Bulky goods retail	1. Activities with a gross floor area of less than 1000m ² : 1 loading space to accommodate an 8m rigid truck (see Appendix 6B, Figure 6B.10); and 2. Activities with a gross floor area of 1000m ² or more: 1 loading space to accommodate a B-train truck (see Appendix 6B, Figure 6B.11).
d.	CBD edge commercial zones	i. General retail (750m ² or more in gross floor area)	1. On sites which gain direct vehicular access to a strategic road, arterial road or urban high density corridor: 1 loading space to accommodate an 8m rigid truck (see Appendix 6B, Figure 6B.10)
		ii. Trade related retail	
		iii. Industry	
		iv. Food and beverage retail (1500m ² or more in gross floor area)	

		v. Visitor accommodation (CEC - North)	1. Visitor accommodation based on guest rooms (e.g. hotels) for 50 or more guest rooms: 1 loading space to accommodate the turning circle of a coach (see Appendix 6B, Figure 6B.12)
		vi. Bulky goods retail	1. Activities with a gross floor area of less than 1000m ² : 1 loading space to accommodate an 8m rigid truck (see Appendix 6B, Figure 6B.10); 2. Activities with a gross floor area of 1000m ² or more: 1 loading space to accommodate a B-train truck (see Appendix 6B, Figure 6B.11).
e.	Princes, Parry and Harrow Street Zone	i. Trade related retail	1. On sites which gain direct vehicular access to a strategic road, arterial road or urban high density corridor, or have a gross floor area of 500m ² or more: 1 loading space to accommodate an 8m rigid truck (see Appendix 6B, Figure 6B.10).
ii. Yard based retail			
iii. Industry			
f.	Harbourside Edge Zone	i. Industry	1. 1 loading space to accommodate an 8m rigid truck (see Appendix 6B, Figure 6B.10).
ii. Visitor accommodation		1. Visitor accommodation based on guest rooms (e.g. hotels) for 50 or more guest rooms: 1 loading space to accommodate the turning circle of a coach (see Appendix 6B, Figure 6B.12)	
g.	Trade Related Zone	i. Trade related retail	1. On sites which gain direct vehicular access to a strategic road, arterial road or urban high density corridor, with a gross floor area of 500m ² or more: 1 loading space to accommodate an 8m rigid truck (see Appendix 6B, Figure 6B.10) 2. Activities with a gross floor area of less than 1000m ² : 1 loading space to accommodate an 8m rigid truck (see Appendix 6B, Figure 6B.10) 3. Activities with a gross floor area of 1000m ² or more: 1 loading space to accommodate a B-train truck (see Appendix 6B, Figure 6B.11)
ii. Food and beverage retail (1500m ² or more in gross floor area)			
iii. Industry			
X. h.	South Dunedin Large Format Zone	i. Trade related retail	1. On sites which gain direct vehicular access to a strategic road, arterial road or urban high density corridor, with a gross floor area of 500m ² or more: 1 loading space to accommodate an 8m rigid truck (see Appendix 6B, Figure 6B.10); 2. Activities with a gross floor area of less than 1000m ² : 1 loading space to accommodate an 8m rigid truck (see Appendix 6B, Figure 6B.10); 3. Activities with a gross floor area of 1000m ² or more: 1 loading space to accommodate a B-train truck (see Appendix 6B, Figure 6B.11).
ii. Food and beverage retail (1500m ² or more in gross floor area)			
iii. Industry			
iv. Bulky goods retail			
v. General retail 750m ² or more in gross floor area			

2. Required vehicle loading must be designed and constructed to comply with Rule 6.6.2.
3. Activities that contravene this performance standard are restricted discretionary activities.

18.5.8 Noise

Land use activities must comply with Rule 9.3.6.

18.5.9 Service Station Standards

Service stations must comply with Rule 6.7.1.

~~18.5.10 Setback from National Grid~~

National Grid sensitive activities must comply with Rule 5.6.1.1. **{Moved to position above – renumbered as 18.5.2}**

Rule 18.6 Development Performance Standards

18.6.1 Boundary Treatments and Other Landscaping

1. New buildings, additions and alterations that increase the gross floor area of a building, demolition or removal for relocation of buildings and new or additions to parking areas must provide, if not already present, a landscaping area with a minimum width of 1.5m along the full length of any road boundary that does not have a building within 1.5m of that boundary (except for where vehicle access is provided), except that this standard does not apply where:
 - a. the building subject to demolition or removal for relocation is not visible from the street frontage.
2. Landscaping areas required by Rule 18.6.1.1 must:
 - a. be planted with a mix of trees and shrubs and/or ground cover plants that achieves a total coverage of the ground area in planting (when mature), except for 10% of the area, which may be used for pedestrian paths;
 - b. have an average of one tree for every 5m of frontage;
 - c. not have more than 10% cover in impermeable surfaces (for pedestrian paths);
 - d. be designed to allow surface water run-off from surrounding areas to enter;
 - e. be protected by a physical barrier that prevents cars damaging plants;
 - f. for required trees, use trees that are at least 1.5m high at the time of planting and capable of growing to a minimum height of 5m within 10 years of planting;
 - g. be planted prior to occupation of any relevant building(s) or upon completion of site development activities; and
 - h. be maintained to a high standard, which means trees and under-planting are healthy and areas are regularly cleared of rubbish and weeds.
3. Any road boundary fences provided must be placed on the property side of any road frontage landscaping required by this rule.
4. Within any parking areas greater than 200m² (excluding loading areas), a minimum of 1m² of additional landscaped area must be provided for every parking space, with an average of one tree per 10m² of landscaping. This standard does not apply to sites used for yard based retail or sites with a street frontage of 12m or less.
5. Fencing must be provided along any boundaries which adjoin a residential or school zoned property (excluding roads). Fencing must:
 - a. be constructed from solid timber paling;
 - b. have vertical palings which are butted together;
 - c. only have palings visible from the residential zone; and

- d. be a minimum of 1.8m high.
6. Activities that contravene this performance standard are restricted discretionary activities.

Note 18.6.1A - Other requirements outside of the District Plan

1. The Dunedin City Council Commercial Use of Footpaths Policy applies to all objects placed on the footpath or suspended over it up to a height of 2.6m. Contact customer services on 03 477 4000 or visit the DCC website www.dunedin.govt.nz for more information.

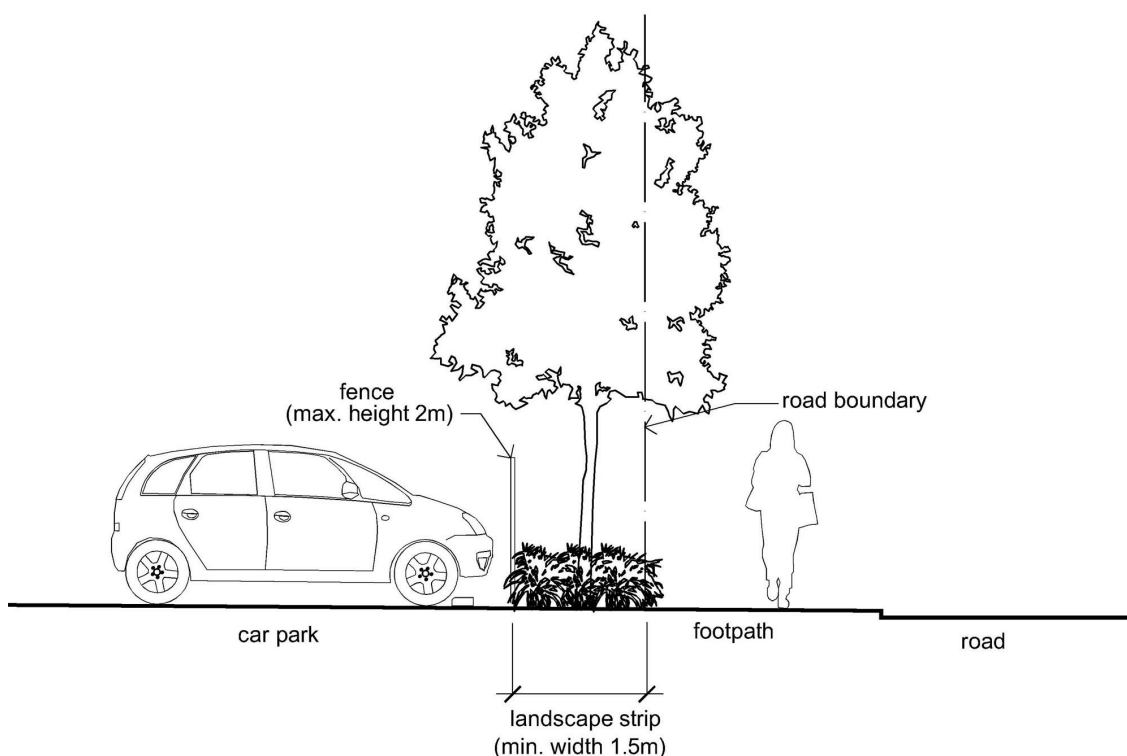
18.6.2 Building Colour

New buildings, new structures, additions and alterations, and repairs and maintenance in a commercial heritage precinct must comply with Rule 13.3.1.

18.6.3 Fence Height and Design

1. The maximum height of a fence, freestanding wall, or gate is 2m along any side boundary or within 10m of the front boundary, unless completely screened from public view by buildings or established landscaping. For the purposes of calculating maximum height, where a fence or wall is erected atop a retaining wall, the height will be calculated as the combined height measured from ground level to the top of the fence, from the external side of the boundary.
2. Where landscaping is required by Rule 18.6.1, fences must be set back from the road an adequate distance to allow the landscaping to be located between the fence and the road (see Figure 18.6.3A).
3. Activities that contravene this performance standard are restricted discretionary activities.

Figure 18.6.3A: Street frontage landscaping and fencing



18.6.4 Firefighting

New residential buildings must comply with Rule 9.3.3.

18.6.5 Height

18.6.5.1 Height in relation to boundary

- a. New buildings and additions and alterations to buildings on sites which adjoin a residential zone along their side or rear boundary must comply with the height in relation to boundary performance standard of that residential zone, along the adjoining boundary (see Rule 15.6.6.1).
- b. New buildings and additions and alterations to buildings on sites which adjoin the Recreation Zone along their side or rear boundary must comply with the height in relation to boundary performance standard of the Recreation Zone, along the adjoining boundary (see Rule 20.6.4.1).
- c. Activities that contravene this performance standard are restricted discretionary activities.

18.6.5.2 Maximum and minimum height

- a. New buildings, new structures, and additions and alterations must comply with the following:

Zone/Centre		1. Minimum height of buildings (above ground level)	2. Minimum number of storeys for buildings (above ground level)	3. Maximum height of buildings and structures (above ground level)	4. Maximum number of storeys for buildings (above ground)
i.	Central Business District Zone (CBD)				
	1. On sites which adjoin George Street	8m	2 storeys	12m	3 storeys
	2. On sites which do not adjoin George Street	8m	2 storeys	16m	4 storeys
ii.	Warehouse Precinct Zone	8m	2 storeys	16m	4 storeys
iii.	Princes, Parry and Harrow Street Zone				
	1. On sites located in the PPH Zone height mapped area (see Figure 18.6.5.2A)	6m	1 storey	20m	—
	2. On sites located outside the PPH Zone height mapped area	6m	1 storey	12m	—
iv.	CBD Edge Commercial North Zone	6m	1 storey	20m	—
v.	CBD Edge Commercial South Zone	6m	1 storey	16m	—
v. vi.	Smith Street and York Place Zone	8m	2 storeys	12m	3 storeys
vi. vii.	Trade Related and South Dunedin Large Format zones	—	—	16m	—
vii. viii.	Centres	—	—	12m	3 storeys

- viii. **ix.** Except:

1. Additions to scheduled heritage buildings and character-contributing buildings may exceed the

maximum height limit within the Central Business District and centres zones and CBD Edge Mixed Use zones, as long as that addition is:

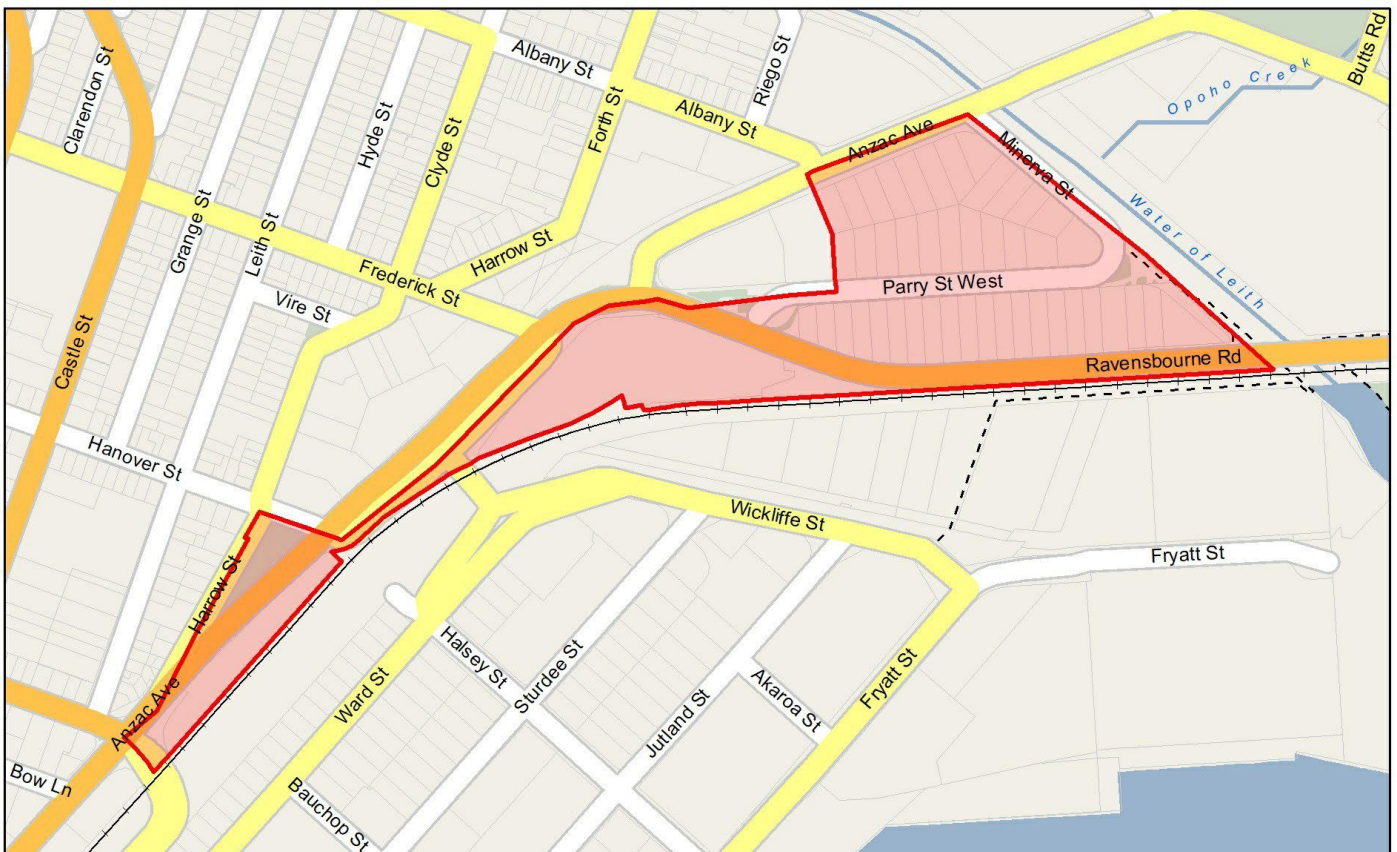
1. set back a minimum of 6m from the street frontage façade of the building;
 2. set back a minimum of 6m from the façade of the building which adjoins a residential or recreation zoned site; and
 3. a maximum height of 4m above the maximum height of an existing building.
2. Rooftop structures are exempt from the performance standard for height provided they do not exceed the maximum height limit for all other buildings and structures by more than one third of that limit or 5m, whichever is the lesser.

✗ **3.** In the **Campus mapped area** north of Albany Street:

1. The maximum height for new buildings, new structures, and additions and alterations is 12m above ground level at the boundary of the **Campus mapped area** along road frontages, then following a plane rising at an angle of 30 degrees up to a maximum height of 25m.
2. Rooftop structures are exempt from the performance standard for maximum height provided they do not exceed the maximum height limit by more than 5m.
3. Activities that contravene the performance standard for maximum height but are no greater than 40m in height are a restricted discretionary activity.
4. Activities that are over 40m in height are non-complying activities.

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

Figure 18.6.5.2A: PPH Zone height mapped area



Note 18.6.5.2A - Other relevant District Plan provisions

1. The performance standard for Height for the Harbourside Edge Zone is included in Rule 18.6.17.1.

18.6.6 Natural Hazards Performance Standards

18.6.6.1 Hazard exclusion areas (swale mapped area)

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

18.6.6.2 Maximum area of vegetation clearance in the hazard overlay zones

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

18.6.6.3 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.

18.6.7 Hazardous Substances Quantity Limits and Storage Requirements

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

18.6.8 Location and Screening of Car Parking

1. Within a heritage precinct (except View Street Heritage Precinct) or on sites that adjoin a **primary pedestrian street frontage mapped area**, new extensions to parking areas must be located behind or within a building.
2. Parking areas that contravene this performance standard are a non-complying activity.

Note 18.6.8A - Other relevant District Plan provisions

1. Car parking that is provided within a building is subject to the performance standards for new buildings. Within a **primary pedestrian street frontage mapped area** there are also restrictions on the activities that can occupy the ground floor facing the primary pedestrian street frontage (Rule 18.5.4.1)
2. New or additions to parking areas are also subject to Rule 18.6.1 Boundary treatments and other landscaping.

18.6.9 Location and Screening of Outdoor Storage

1. Outdoor storage of raw materials associated with industrial activities must be located or screened so it is not visible from ground level of a public place or a residential or recreation zoned property.
2. Service areas must be located or screened so that they are not visible at ground level from adjacent residential activities, residential zoned properties, or public places.
3. Outdoor storage, including service areas, must not encroach into required parking, loading or landscaping areas.
4. Materials stored outside must be stored in a way that prevents them contaminating any off-site area.
5. Activities that contravene this performance standard are restricted discretionary activities.

18.6.10 Materials and Design

Earthquake strengthening must comply with Rule 13.3.2.

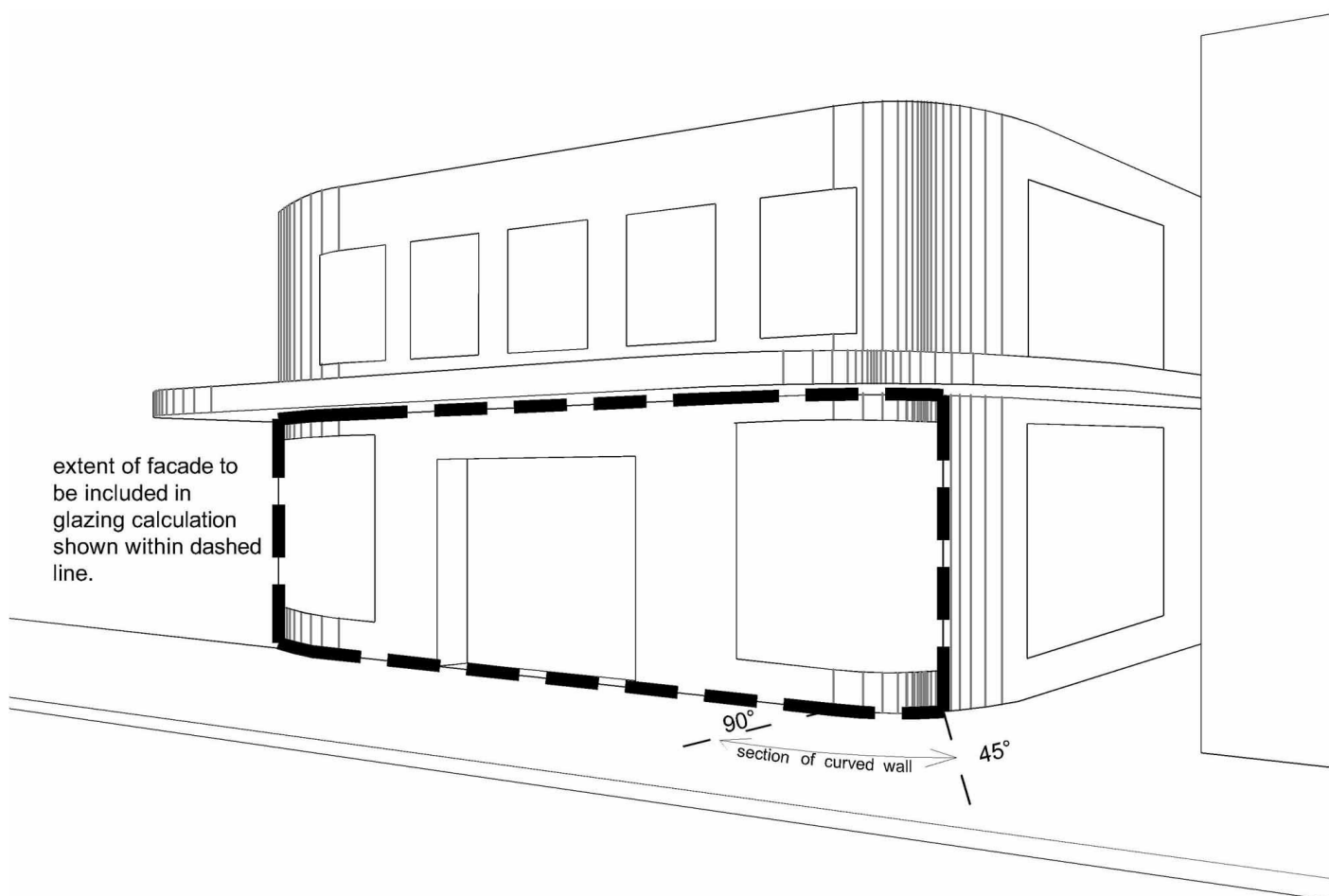
18.6.11 Minimum Glazing and Building Modulation

- The minimum building modulation and minimum glazing requirements for any parts of a new building or additions and alterations to a building which face, and are visible from, the following street frontages, is as follows:

Street frontage		i. Floor level		ii. 1. Maximum distance between building modulation elements	iii. 2. Minimum glazing
a.	Primary pedestrian street frontage mapped area	i.	Ground floor	10m	60%
		ii.	Upper floors	10m	30%
b.	Secondary pedestrian street frontage mapped area	i.	Ground floor	15m	30%
		ii.	Upper floors	15m	20%
c.	Other street frontage	i.	All floors	20m	20%

- Buildings must meet both the building modulation and minimum glazing standards in pedestrian street frontage mapped areas; in all other street frontages, they must only meet one of the standards.
- The required glazing will be calculated as a percentage of the total wall area (from floor to ceiling) that faces the street frontage and that includes clear glass. In the case of curved walls, the wall area will be calculated as the part of the wall which is 45° either side of a point directly facing (parallel to) the street frontage (see Figure 18.6.11A).
- Ground floor glazing that is required by this rule must be clear (unobstructed from signage, glass frosting or other materials attached to the glazing that prevents glazing being visually permeable) for a minimum of 50% of the glazed area.
- This standard does not apply to scheduled heritage buildings or within the Trade Related and South Dunedin Large Format zones.
- Activities that contravene this performance standard are restricted discretionary activities.

Figure 18.6.11A: Extent of building façade included in minimum glazing calculation



18.6.12 Minimum Ground Floor to Ceiling Height

1. New buildings and additions and alterations to buildings adjacent to a **primary pedestrian street frontage mapped area** must have a minimum ground floor to ceiling height of 4m for a minimum depth of 6m from the front of the building along the **primary pedestrian street frontage mapped area**.
2. Activities that contravene this performance standard are restricted discretionary activities.

18.6.13 Number, Location and Design of Ancillary Signs

18.6.13.1 General

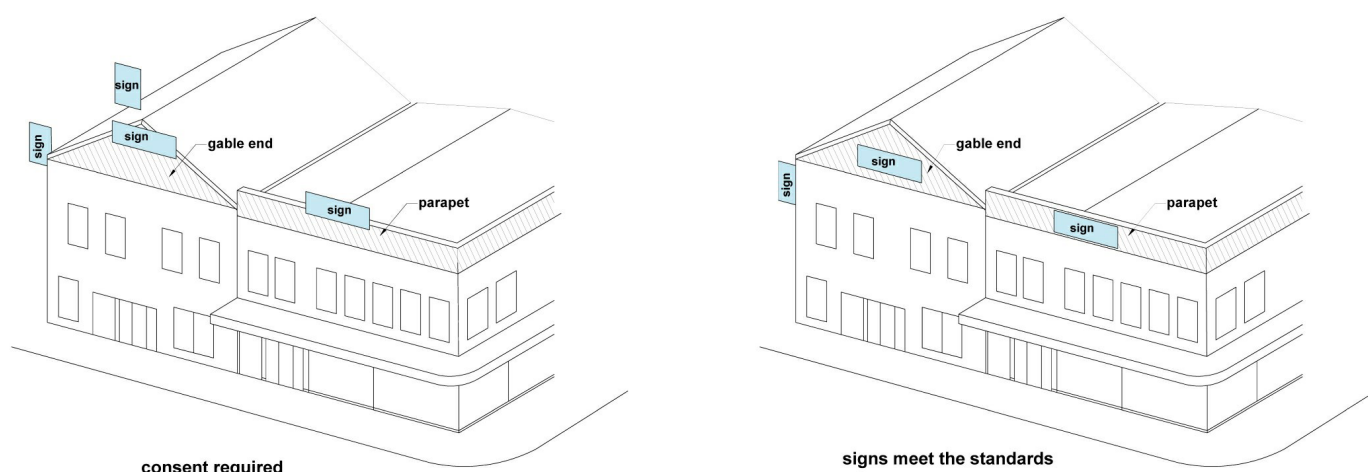
- ~~X.~~ **a.** Signs must comply with the following standards, except the following signs are exempt from these standards:
- i. signs that are ancillary to campus activity that are not visible from outside of the **Campus mapped area**;
 - ii. regulatory signs, warning signs, or directional signs; and
 - iii. building name signs (excluding sponsorship names) in the **Campus mapped area**.
- ~~Y.~~ **b.** Signs located on or above the footpath must comply with Rule 6.7.2.
- ~~Z.~~ **c.** Signs must comply with Rule 6.7.3 where visible from a road.
- ~~AA.~~ **d.** Signs must not be flashing within heritage precincts or the Harbourside Edge Zone or where visible from road reserves adjoining pedestrian street frontage mapped areas and must not be illuminated or digital within heritage precincts.
- ~~AB.~~ **e.** Signs higher than 4m above ground level must only display the business name.

- AG. **f.** Signs must comply with Rules 18.6.13.2-18.6.13.6 (where relevant).
- AD. **g.** Signs related to restaurants ancillary to: food and beverage retail 1500m² or more in gross floor area or trade related retail, in the Trade Related and South Dunedin Large Format zones must not be externally facing (i.e. must not be visible from a public place).
- AE. **h.** Signs that contravene the performance standard for number, location and design of ancillary signs are restricted discretionary activities.

18.6.13.2 Signs attached to buildings

- a. The height above ground level at the highest point of any sign attached to a building is:
 - i. 4m within heritage precincts or the Harbourside Edge Zone or where visible from road reserves adjoining pedestrian street frontage mapped areas (see Figure 18.6.13.6A); and
 - ii. 8m in all other locations.
- b. Signs must not be attached to roofs.
- c. Signs must not project higher than the lowest point of the roof, or, where mounted against a parapet or gable end, the parapet or gable end they are mounted against.
- d. Signs must be made of a solid material and may not be in the form of a flag, banner or other type of fabric sign in heritage precincts or the Harbourside Edge Zone or where visible from road reserve adjoining pedestrian street frontage mapped areas.

Figure 18.6.13.2A: Signs attached to buildings



18.6.13.3 Signs attached flat against buildings (including verandah fascia)

- a. The maximum area of walls facing the street that signs may occupy (excluding signs in windows) is:
 - i. 50% of the area up to 4m or the bottom of a verandah, whichever is the lesser, in heritage precincts or the Harbourside Edge Zone or where visible from road reserves adjoining pedestrian street frontage mapped areas (see Figure 18.6.13.6A); and
 - ii. 15% or 8m², whichever is the lesser, in all other locations.
- b. Signs attached to a verandah fascia must not exceed a height of 500mm, or the height of a verandah fascia, whichever is greater.

18.6.13.4 Signs attached at a right angle to the façade of a building (including attached to the underside of a verandah)

- a. Signs must not exceed:
 - i. a maximum of 1 per 5m of street frontage, in heritage precincts or the Harbourside Edge Zone or where visible from road reserves adjoining pedestrian street frontage mapped areas (see Figure 18.6.13.6A);
 - ii. a maximum of 1 per 15m of street frontage, for a site with a single premise, or 1 per 7.5m, for a site with multiple premises; and
 - iii. in all locations, a total of 3 signs per building.
- b. Signs must have a maximum of 2 display faces.
- c. Signs must have a maximum area per display face of:
 - i. 1.5m² in heritage precincts or the Harbourside Edge Zone or where visible from road reserves adjoining pedestrian street frontage mapped areas; and
 - ii. 2m² in all other locations.
- d. Signs must not protrude from a façade more than:
 - i. 1m in heritage precincts or the Harbourside Edge Zone or where visible from road reserves adjoining pedestrian street frontage mapped areas; and
 - ii. 1.5m in all other locations.

18.6.13.5 Portable freestanding signs on footpaths

- a. In heritage precincts, the CBD Zone, centres zones, Harbourside Edge Zone, Princes, Parry and Harrow Street Zone, CBD Edge Commercial Zones, or where visible from road reserves adjoining pedestrian street frontage mapped areas, portable freestanding signs on footpaths are only allowed for premises that have no ground floor street frontage (other than entranceways).
- b. Portable freestanding signs on footpaths must not exceed:
 - i. a maximum height of 900mm above ground level; and
 - ii. a maximum width of 600mm.
- c. Portable freestanding signs on footpaths must be spaced at least 5m from any other portable sign.
- d. Portable freestanding signs on footpaths must not exceed 1 sign per site, except where a site has a street frontage of 30m or more, then a maximum of 1 sign per 15m of street frontage is allowed.
- e. In the Trade Related and South Dunedin Large Format zones, portable signs on footpaths are not allowed.

18.6.13.6 Freestanding signs

- a. The maximum number of freestanding signs is:
 - i. 1 per site in heritage precincts or the Harbourside Edge Zone or where visible from road reserves

adjoining pedestrian street frontage mapped areas; and

- ii. 2 per site or 1 per 50m of street frontage, whichever is the lesser, for permanently fixed freestanding signs in all other locations.
- b. The maximum dimensions of freestanding signs are:
- i. In heritage precincts or the Harbourside Edge Zone or where visible from road reserves adjoining pedestrian street frontage mapped areas:
 1. maximum height of 4m;
 2. maximum area of 3m² per display face;
 3. maximum width of 2m; and
 4. maximum depth of 400mm.
 - ii. In Trade Related and South Dunedin Large Format zones (see Figure 18.6.13.6B):
 1. maximum height of 8m for permanently fixed freestanding signs;
 2. maximum height of 4m for portable freestanding signs;
 3. maximum area of 16m² per display face for permanently fixed freestanding signs;
 4. maximum area of 8m² per display face for portable freestanding signs;
 5. maximum width of 2m; and
 6. maximum depth of 400mm.
 - iii. In all other locations (see Figure 18.6.13.6C):
 1. maximum height of 6m for permanently fixed freestanding signs;
 2. maximum height of 4m for portable freestanding signs;
 3. maximum area of 12m² per display face for permanently fixed freestanding signs;
 4. maximum area of 8m² per display face for portable freestanding signs;
 5. maximum width of 2m; and
 6. maximum depth of 400mm.
- c. Freestanding signs must:
- i. not obstruct parking, loading and access areas; and
 - ii. be positioned entirely within site boundaries, except:
 1. flag signs within the CBD and centres zones (outside heritage precincts, and areas of the road reserve that adjoin pedestrian street frontage mapped areas) and within PPH, CEC and TR zones may project a maximum of 1.5m over a footpath if the flag sign is located at least 2.5m, at its lowest point, above the footpath; and
 2. portable freestanding signs on footpaths provided for in Rule 18.6.13.5.

Figure 18.6.13.6A: Signs in pedestrian street frontage mapped areas, heritage precincts and Harbourside Edge Zone

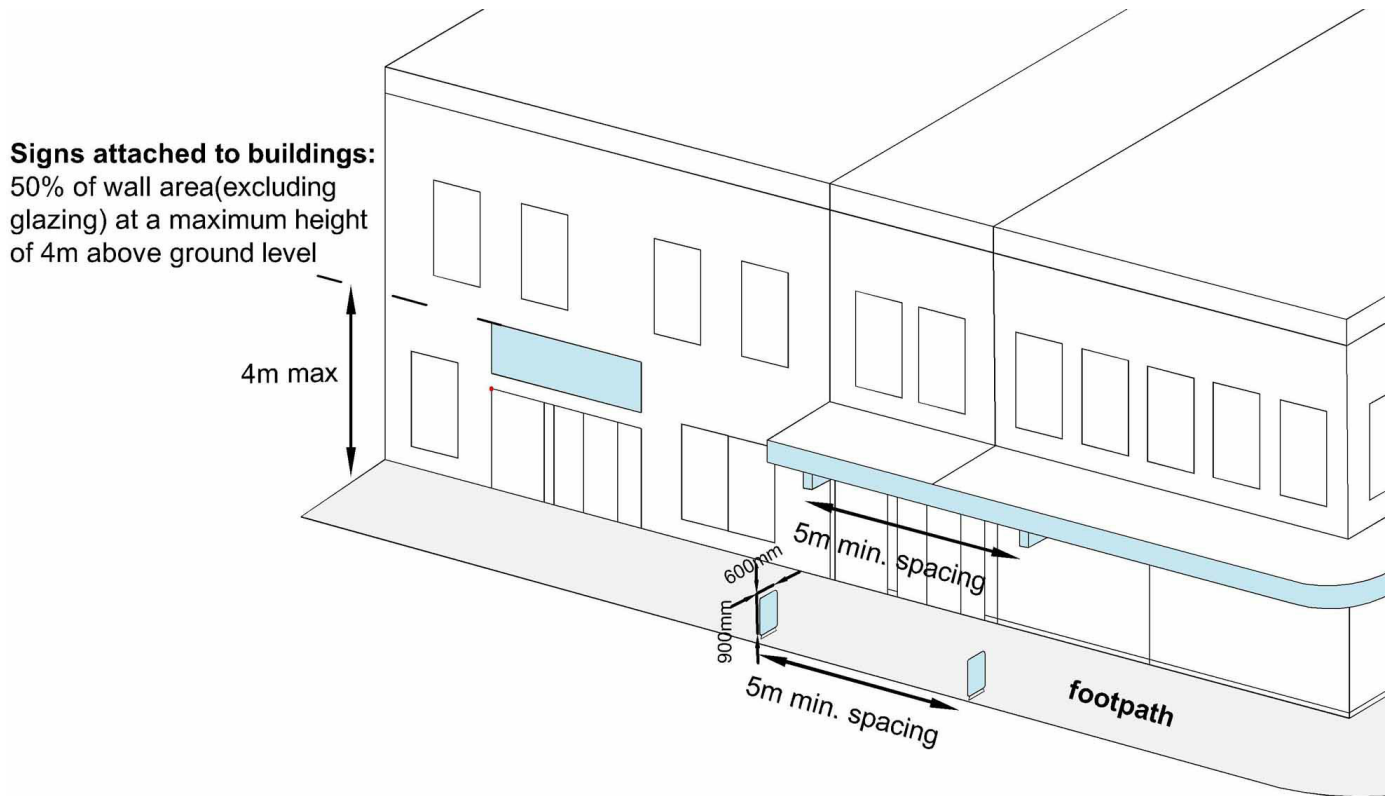


Figure 18.6.13.6B: Signs in the Trade Related and South Dunedin Large Format zones

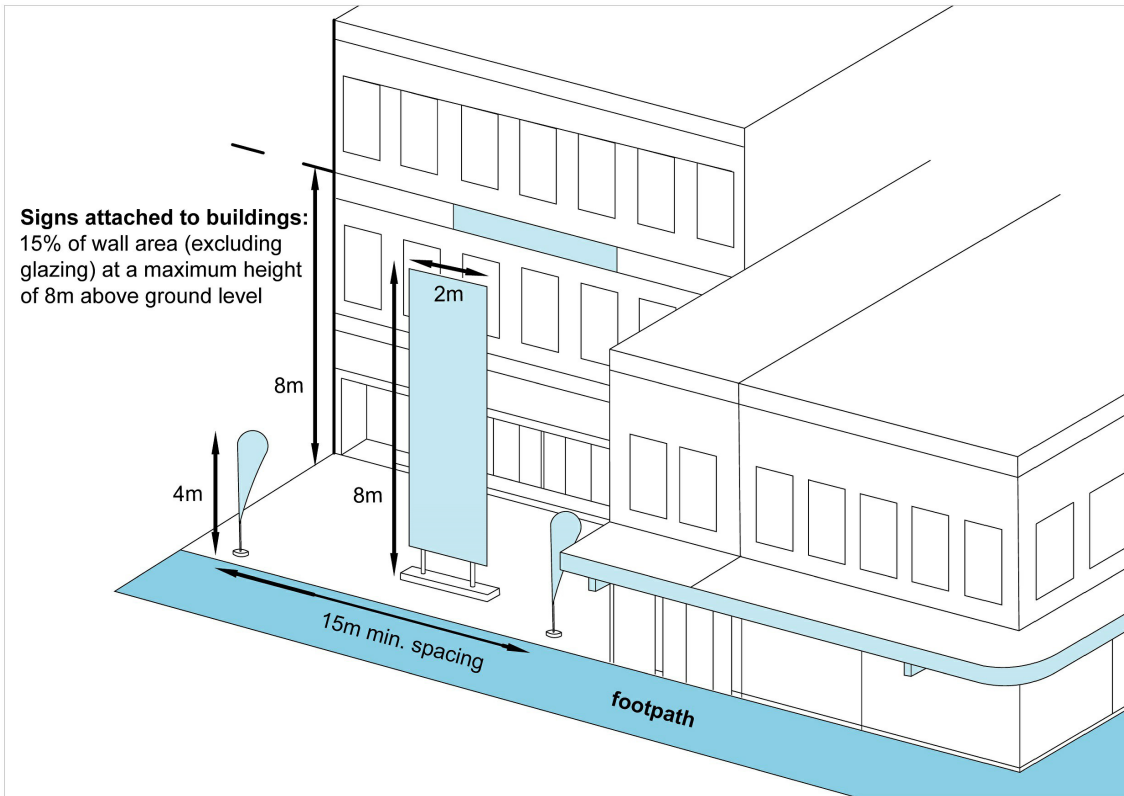
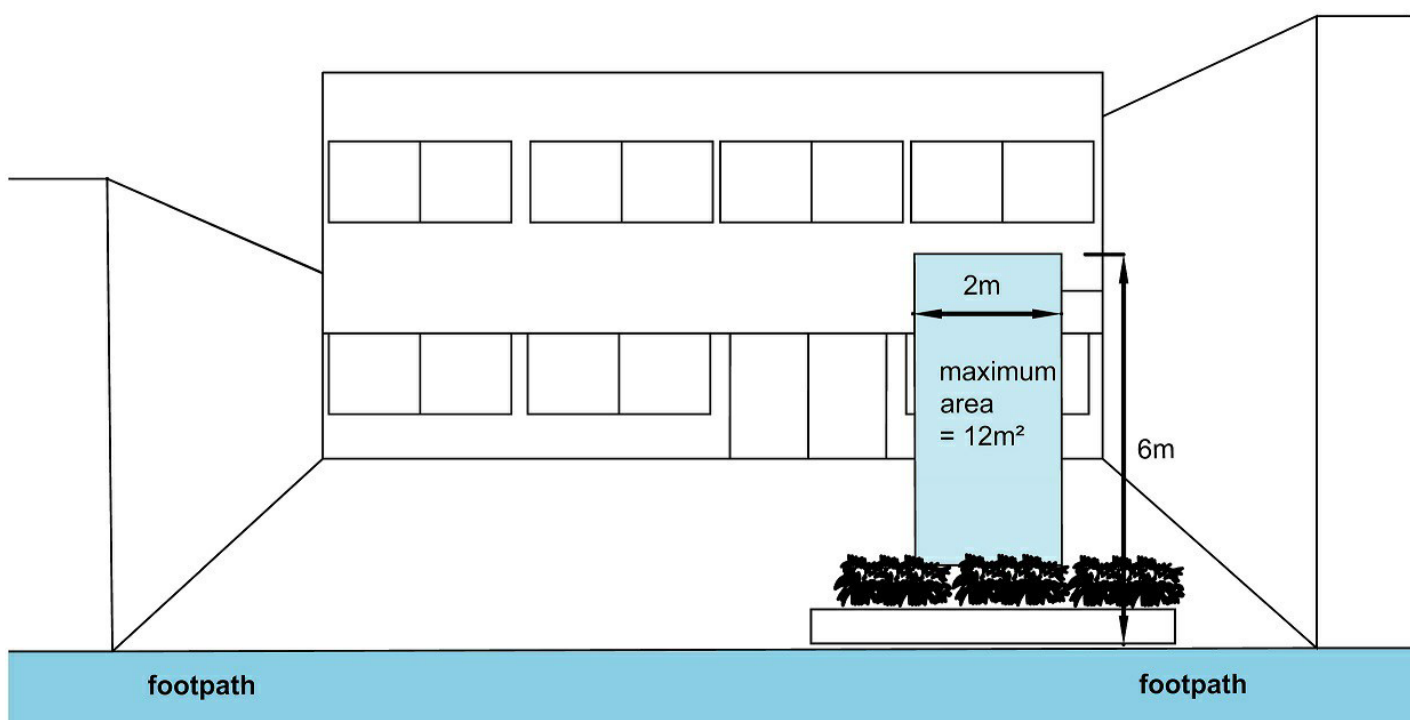


Figure 18.6.13.6C: Signs in all other locations



Note 18.6.13A - Other relevant District Plan provisions

1. Commercial advertising is a non-complying land use activity in all zones, except for the Airport Zone.
2. See Section 3 Public Amenities for the rules related to public noticeboards.
3. See Section 4 Temporary Activities for the rules related to temporary signs.
4. Illuminated signs must comply with the standards in Rule 6.7.3.

Note 18.6.13B - Other requirements outside of the District Plan

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

18.6.14 Parking, Loading and Access Standards

1. Parking, loading and access must comply with Rule 6.6.
2. New vehicle accesses are not allowed across any **primary pedestrian street frontage mapped area**.
3. Vehicle accesses that contravene the performance standard in Rule 18.6.14.2 are a non-complying activity.

18.6.15 Pedestrian Entrances

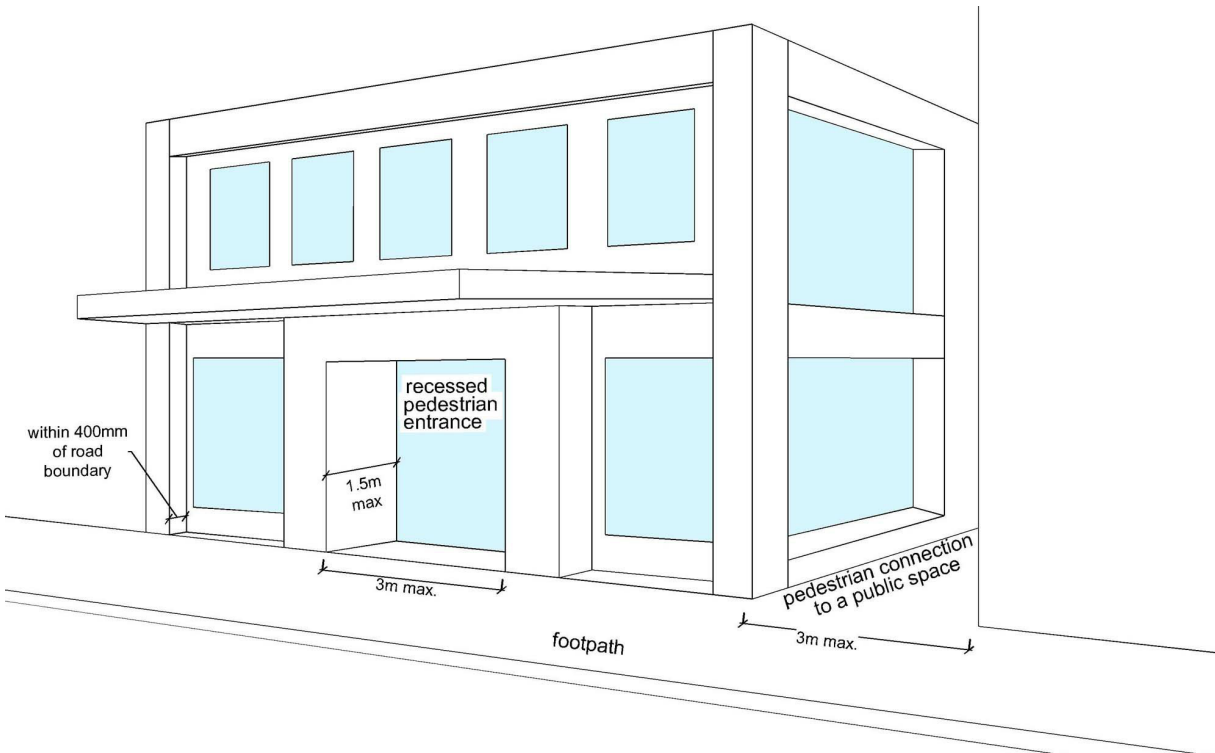
1. For new buildings and additions and alterations to buildings built adjacent to a **primary pedestrian street frontage mapped area** or **secondary pedestrian street frontage mapped area**:
 - a. the principal pedestrian entrance must be located on the pedestrian street frontage mapped area; and
 - b. if a building is adjacent to both a **primary pedestrian street frontage mapped area** and a **secondary pedestrian street frontage mapped area**, the principal pedestrian entrance must be located on the primary pedestrian street frontage.
- e- **2.** Activities that contravene this performance standard are restricted discretionary activities.

18.6.16 Setbacks

18.6.16.1 Setback from road boundaries

- a. New buildings and additions and alterations to buildings must be built within 400mm of any road boundary that is a **primary pedestrian street frontage mapped area** (i.e. they must occupy the full width of the site, parallel to the road boundary), for the entire length of the **primary pedestrian street frontage mapped area**, except:
 - i. a setback of up to 1.5m for a maximum width of 3m may be provided to allow for a recessed pedestrian entrance;
 - ii. a gap adjacent to the side boundary of up to 3m may be provided to allow for a publicly accessible pedestrian connection from the street to an existing or proposed public walkway, road, reserve or other public place (see Figure 18.6.16.1A); and
 - iii. on any part of a site that adjoins a residential or recreation zone and where Rule 18.6.16.2 (setback from boundaries of residential or recreation zone) applies.
- b. New buildings and additions and alterations to buildings must be built within 400mm of any road boundary that is a **secondary pedestrian street frontage mapped area** for 60% of the length of the **secondary pedestrian street frontage mapped area**, except a setback of up to 1.5m for a maximum width of 3m may be provided to allow for a recessed pedestrian entrance.
- c. On a **secondary pedestrian street frontage mapped area**, any part of a building not built within 400mm of the road boundary must be set back a minimum of 1.5m from the street frontage, in order to meet Rule 18.6.1.
- d. Activities that contravene this performance standard are restricted discretionary activities.

Figure 18.6.16.1A: Setback from a **primary pedestrian street frontage mapped area**



18.6.16.2 Setback from boundaries of residential or recreation zoned sites

- a. Along any boundaries that adjoin a residential or recreation zone, all new buildings or additions and alterations to buildings must have a minimum boundary setback of 3m.
- b. Activities that contravene this performance standard are restricted discretionary activities.

18.6.16.3 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.

18.6.16.4 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.

18.6.16.5 Setback from National Grid

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

~~18.6.16.X~~ **18.6.16.6** Setback from designated rail corridor

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

~~18.6.16.Y~~ **18.6.16.7** Setback from Critical Electricity Distribution Infrastructure

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

18.6.17 Harbourside Edge Zone Standards

The following standards apply only within the Harbourside Edge Zone.

1. New buildings must comply with the following:

Area	i. Minimum height	ii. Maximum height
a. Harbourside edge height mapped area (see Figure 18.6.17A)	6m	20m
b. Harbourside Edge Zone outside the harbourside edge height mapped area	6m	16m
c. Harbourside Edge Transition Overlay Zone (when it is released)	6m	16m

2. New buildings, new structures, and additions and alterations must be designed to enable public pedestrian access through from Birch, Fryatt and Kitchener Streets to the public walkway required in Rule 18.6.17.3, at a minimum of five locations, as follows:
- one accessway must be located within 5m of the 'Roberts Street public accessway' shown on Figure 18.6.17B;
 - four further accessways must be located in the general area of the 'other public accessways' shown on Figure 18.6.17B;
 - the accessways must be available for public use between the hours of 8.00am and 10.00pm; and
 - the accessways may be external to or internal to (through) buildings.
3. For all sites that have a boundary with the coastal marine area, before any new building on a site is occupied, a public walkway must be provided along the full length of the seaward side of the site in the general location of the **harbourside edge public walkway mapped area** (see also Figure 18.6.17B). The public walkway must be either:
- along the wharf, if it is upgraded to a safe standard;
 - along the land between the external seaward wall of the building and mean high water springs; or
 - partly along the wharf and partly on the land between the external seaward wall of the building and mean high water springs.
4. The public walkway required by Rule 18.6.17.3 must:
- have a minimum width of 5m;
 - be designed and located to enable the continuation of the walkway into any adjacent site where it is required by this plan;
 - be free of all obstructions to pedestrian movement;
 - not be used by vehicles, except for using or accessing the slipway, or vehicles being used for maintenance of the wharf, the walkway or any adjacent structure or building;
 - be constructed with a non-slip finish with materials complementary in colour to the materials used for the adjoining sections of walkway, if already constructed; and
 - be lit to the Lighting for Roads and Public Spaces AS/NZS 1158.3.1:2005, P4 Standard.
5. Activities that contravene rules 18.6.17.1, 18.6.17.2, or 18.6.17.4 are restricted discretionary activities.
6. Activities that contravene Rule 18.6.17.3 are non-complying activities.

Figure 18.6.17A: Harbourside Edge height mapped area

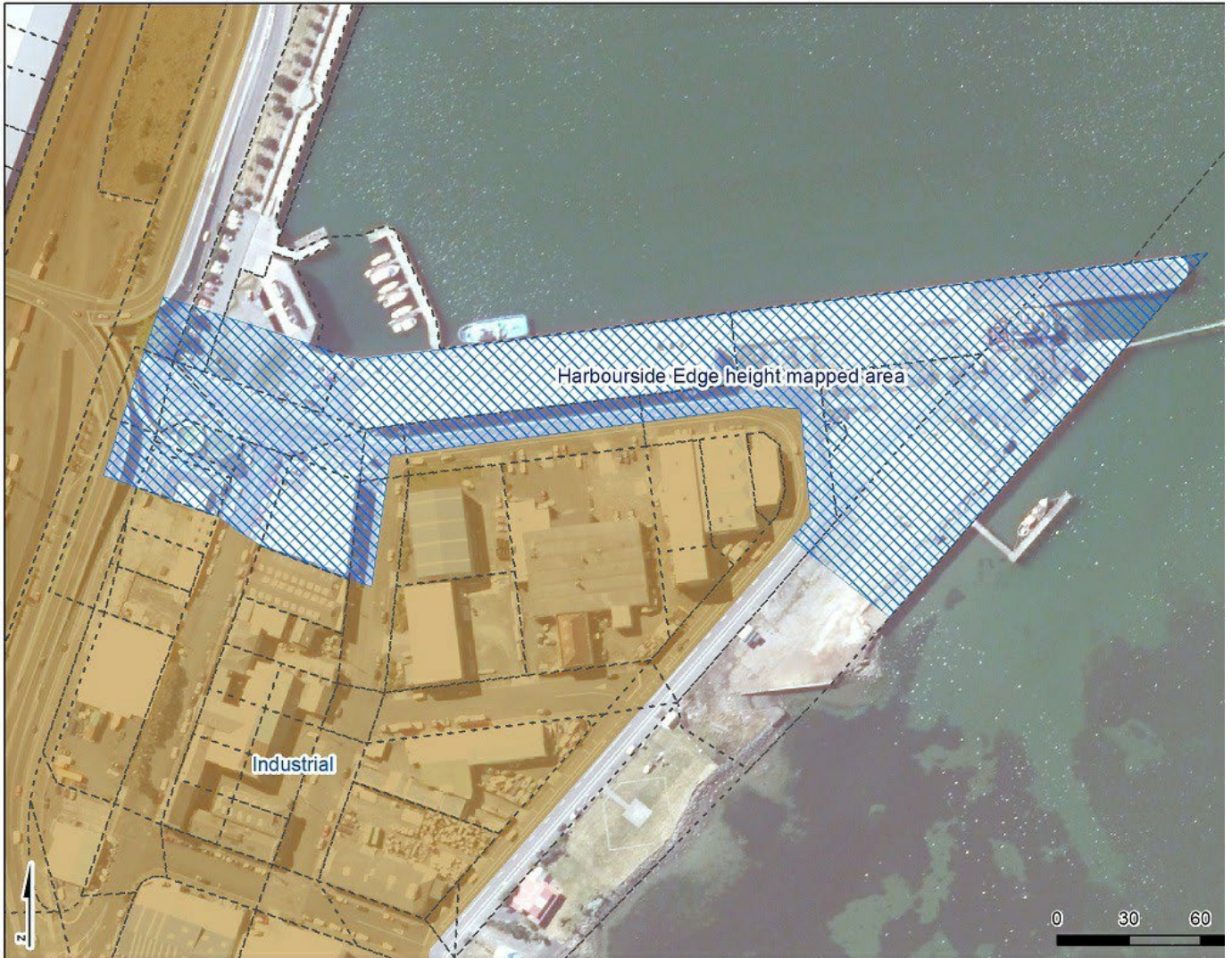


Figure 18.6.17B: Harbourside Edge public walkway mapped area and location of accessways



18.6.18 Verandahs

1. New buildings and additions and alterations to buildings along a **primary pedestrian street frontage mapped area**, except within the St Clair Neighbourhood Destination Centre, must have a verandah that:
 - a. extends the full length of building frontage along the **primary pedestrian street frontage mapped area** and adjoins its neighbours (except across any existing vehicle access) to provide continuous pedestrian cover of the footpath;
 - b. has a maximum depth of 3m or is no closer than 500mm from the adjacent kerb (whichever is the lesser);
 - c. the bottom of which is between 3m and 4m above the footpath;
 - d. has a fascia that is no higher than 500mm;
 - e. provides under lighting unless the building provides lighting of the footpath under the verandah; and
 - f. on corner sites, continues around the corner for the full length of the **primary pedestrian street frontage mapped area**.

2. Along a **secondary pedestrian street frontage mapped area**, except within the Warehouse Industrial Commercial Heritage Precinct, new buildings and additions and alterations to buildings must have a verandah that covers the full width of the main pedestrian entrance.
3. Scheduled heritage buildings that do not have an existing verandah are exempt from this standard.
4. Activities that contravene this performance standard are restricted discretionary activities.

Rule 18.7 Subdivision Performance Standards

18.7.1 Access

Subdivision activities must comply with Rule 6.8.1.

18.7.2 Esplanade Reserves and Strips

Subdivision activities must comply with Rule 10.3.1.

18.7.3 Firefighting

Subdivision activities must comply with Rule 9.3.3.

18.7.4 Service Connections

Subdivision activities must comply with Rule 9.3.7.

18.7.5 Shape

1. Each resultant site that is intended to be developed must be of a size and shape that is large enough to contain a building platform of at least 100m² that meets the performance standards of this Plan including, but not limited to:
 - a. ~~NA~~;
 - b. **a.** setbacks from boundaries, water bodies, scheduled trees; and
 - c. **b.** esplanade reserves or strips.
2. Building platforms must have a slope of 12° (1:4.7 or 21%) or less and must not contain:
 - a. scheduled heritage buildings or scheduled heritage structures; or
 - b. right-of-way easements.
 - c. ~~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.

~~18.7.X~~ **18.7.6 Setback from National Grid (Subdivision Activities)**

Subdivision activities must comply with Rule 5.6.1.X.

Rule 18.8 Assessment of Controlled Activities

Rule 18.8.1 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 18.8.2:
 - 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 occurs:
 - 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 18.9; 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 18.11; and
 - iii. the assessment guidance in this section will also be considered.
 - c. if the contravention of the performance standard defaults to **non-complying** then:
 - i. the activity, as a whole, will be **non-complying**;
 - ii. the performance standard contravention will be assessed as indicated in Section 18.12; and
 - iii. the assessment guidance in this section will also be considered.

18.8.2 Assessment of controlled development activities

Activity	Matters of control	Guidance on the assessment of resource consents
<p>1. Affecting a scheduled heritage building or a scheduled heritage structure:</p> <ul style="list-style-type: none"> • Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected; or • Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Pouhere Taonga Category 1 listing (as detailed in Appendix A1.1). 	a. Effects on heritage values	See Rule 13.4
<p>2. In a heritage precinct, additions and alterations to a non character-contributing building that involve:</p> <ul style="list-style-type: none"> • an increase in the footprint of 10m² or more; or • an increase in the height of the building by more than 2m. 	a. Effect on heritage streetscape character	See Rule 13.4

Rule 18.9 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 18.9.1 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 18.9.2 - 18.9.6:
 - 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 18.9.2 - 18.9.6 apply as follows:
 - a. Rule 18.9.2 applies to all performance standard contraventions;
 - b. Rule 18.9.3 applies to land use performance standard contraventions;
 - c. Rule 18.9.4 applies to development performance standard contraventions;
 - d. Rule 18.9.5 applies to subdivision performance standard contraventions; and
 - e. Rule 18.9.6 applies to restricted discretionary performance standard contraventions in a pedestrian street frontage, overlay zone, mapped area, heritage precinct, or affecting a scheduled item.

18.9.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Performance standard contraventions	<p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> a. The degree of non-compliance with the performance standard is minor. b. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. c. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. d. There are positive effects on heritage values related to better site design outcomes achieved through not meeting the performance standards. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> e. Where more than one standard is contravened, the combined effects of the contraventions should be considered. f. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, greater weight will usually be placed on heritage policies.

18.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
2. <u>1.</u> Maximum gross area of centre (Rule 18.5.5.1)	a. Effects on the vibrancy, and economic and social success of the CBD and centres	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 18.2.1 ii. Activities in neighbourhood and rural centres: <ul style="list-style-type: none"> 1. are not a destination retail activity designed to attract customers from across suburbs, which are more appropriately located in the CBD or other central city commercial and mixed use zones; and 2. do not dominate the centre and reduce the diversity of different activities that are able to establish within the centre (Policy 18.2.1.8).
3. <u>2.</u> Maximum gross floor area of dairies	a. Effects on the vibrancy, and economic and social success of the CBD and centres	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 18.2.1 ii. Dairies are of a size that ensures they operate as a convenience store rather than a destination supermarket (Policy 18.2.1.11). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The dairy serves the local neighbourhood and primarily sells day-to-day convenience food, beverage and house consumables, for example milk and bread.

18.9.3 Assessment of land use performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
<p>4- 3. Maximum gross floor area of retail ancillary to industry</p>	<p>a. Effects on the vibrancy, and economic and social success of the CBD and centres</p> <p>b. Effects on ability of other commercial and industrial activities to operate</p>	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 18.2.1</p> <p>ii. The size of retail ancillary to industry:</p> <ol style="list-style-type: none"> 1. is clearly subordinate to and part of the operation of the primary industry activity; 2. does not conflict with objectives 2.3.2 and 2.4.3; and 3. does not create adverse effects on other industrial activities, for example from traffic, parking, or reverse sensitivity (Policy 18.2.1.7).
<p>5- 4. Minimum mobility car parking</p>	<p>a. Effects on accessibility</p> <p>b. Effects on the safety and efficiency of the transport network</p>	See Rule 6.10
<p>6- 5. • Minimum vehicle loading</p> <p>• Service station standards</p>	<p>a. Effects on the safety and efficiency of the transport network</p>	See Rule 6.10
<p>7- 6. Location of residential activities</p>	<p>a. Reverse sensitivity effects</p>	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 18.2.2</p> <p>ii. The potential for reverse sensitivity is avoided or, if avoidance is not practicable, adequately mitigated (Policy 18.2.2.11).</p>

18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary treatments and other landscaping	a. Effects on streetscape amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 18.2.3 ii. Development maintains or enhances streetscape amenity by ensuring: <ul style="list-style-type: none"> 1. an attractive street interface is maintained through landscaping where buildings are not built to the street frontage (Policy 18.2.3.1.a); and 2. large parking areas which are visible from the street are visually broken up with internal landscaping, which also provides for rainwater absorption (Policy 18.2.3.1.b).
2.	<ul style="list-style-type: none"> • Boundary treatments and other landscaping • Height in relation to boundary • Setback from boundaries of residential and recreation zoned sites 	a. Effects on amenity of sites in adjoining residential or recreation zones	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 18.2.2 ii. Buildings are of a height in relation to boundary and setback from side and rear boundaries that maintains a reasonable level of sunlight access for: <ul style="list-style-type: none"> 1. current and future residential buildings and their outdoor living spaces in adjoining residential zones; and 2. sites in the Recreation and School zones (Policy 18.2.2.3). iii. Fencing along property boundaries which adjoin residential or school zoned sites are of an adequate height and design to provide screening for the purposes of privacy and security (Policy 18.2.2.1). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. Access to sunlight to the outdoor living space(s) and windows of bedrooms and living areas of nearby residential buildings is maintained or any reduction is minor. v. Access to sunlight on surrounding recreation areas is maintained or any reduction is minor. vi. A reasonable level of privacy is maintained for the windows, doors, and decks of any residential and visitor accommodation on surrounding residential zoned sites.
3.	Fence height and design	a. Effects on streetscape amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 18.2.3 ii. Fences visible from public places are designed to maintain or enhance streetscape amenity (Policy 18.2.3.6).
4.	Firefighting	a. Effects on health and safety	See Rule 9.5

18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
5.	Hazardous substances quantity limits and storage requirements	a. Effects on health and safety	See Rule 9.5
6.	Height (Rule 18.6.5.2) - maximum and minimum height (except as covered under Rule 18.9.6.X 18.9.6.9 below)	a. Effects on streetscape amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 2.4.1 ii. Objective 18.2.3 iii. Buildings and structures maintain or enhance streetscape amenity by ensuring building height reflects the general heights of the block (Policy 18.2.3.11.a). iv. Buildings and additions and alterations as part of the Dunedin Hospital redevelopment maintain or enhance streetscape amenity by ensuring buildings and structures above 20m minimise, as far as practicable, adverse effects of shading and wind on pedestrian amenity (Policy 18.2.3.13.b)
		b. Effects on views across Otago Harbour	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 2.4.3 ii. Objective 18.2.3 iii. Buildings and structures minimise, as far as practicable, adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula, including through the use of quality and contextually appropriate architectural design (Policy 18.2.3.11.b).
7.	Location and screening of outdoor storage	a. Effects on streetscape amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 18.2.3 ii. Development maintains or enhances streetscape amenity by ensuring service areas and outdoor storage areas associated with industrial or other activities are not visible from ground level of a public place (Policy 18.2.3.1.c).
8.	Minimum glazing and building modulation	a. Effects on streetscape amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 18.2.3 ii. Development maintains or enhances streetscape amenity by ensuring an architecturally interesting façade through building modulation and use of glazing (Policy 18.2.3.1.d).

18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
9.	Number, location and design of ancillary signs	a. Effects on streetscape amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 18.2.3 ii. Ancillary signs convey information about the name, location and nature of the business to passing pedestrians and vehicles while not being oversized or too numerous for that purpose (Policy 18.2.3.7). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. An attractive streetscape is maintained. iv. The visual cohesion of the street is not reduced by the increase in size or number of signs. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> v. For signs that do not comply with Rule 18.6.13.1.g (the restriction on signs for restaurants ancillary to trade related retail or food and beverage retail), Council will also consider the effects in terms of policies 18.2.1.17 and 18.2.1.18.
		b. Effects on the safety and efficiency of the transport network	See Rule 6.10
10.	Parking, loading and access standards	a. Effects on the safety and efficiency of the transport network	See Rule 6.10
		b. Effects on the safety of parking and loading areas	
11.	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
12.	Setback from scheduled tree	a. Effects on long term health of tree	See Rule 7.6

18.9.4 Assessment of development performance standard contraventions

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
13.	Harbourside Edge Zone Standards (18.6.17.1) - height	<p>a. Effects on views across Otago Harbour</p> <p>b. Effects on amenity and character of zone</p>	<p><i>Relevant objectives and policies:</i></p> <p>i. Objectives 2.4.1, 18.2.3, Policy 2.4.1.4.</p> <p>ii. Buildings and structures:</p> <ol style="list-style-type: none"> 1. reflects the general heights of the block; and 2. minimises, as far as practicable, adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the upper harbour toward Otago Peninsula, including through the use of quality and contextually appropriate design (Policy 18.2.3.11). <p>iii. Buildings and additions and alterations to buildings provide a high level of amenity by being of a design that is coherent, appropriate to the setting and history of the area, and providing a positive relationship to both the street and the harbour (Policy 18.2.3.4.c).</p>
14.	Harbourside Edge Zone Standards (18.6.17.2) - access	a. Effects on amenity and character of zone	<p><i>Relevant objectives and policies:</i></p> <p>i. Objectives 2.4.1, 18.2.3</p> <p>ii. Development in the Harbourside Edge Zone is designed and located to provide a high level of amenity by:</p> <ol style="list-style-type: none"> 1. requiring public pedestrian access to and along the coast that is attractive, safe, durable, and readily accessible to the public (Policy 18.2.3.5.a); and 2. maintaining viewshafts from Roberts Street and Kitchener Street to and across the Steamer Basin (Policy 18.2.3.5.d).
15.	Harbourside Edge Zone Standards (18.6.17.4) - walkway design	a. Effects on amenity and character of zone	<p><i>Relevant objectives and policies:</i></p> <p>i. Objectives 2.4.1, 18.2.3</p> <p>ii. Development in the Harbourside Edge Zone is designed and located to provide a high level of amenity by requiring public pedestrian access to and along the coast that is attractive, safe, durable, and readily accessible to the public (Policy 18.2.3.5.a).</p>
X. 16	Setback from designated rail corridor	a. Effects on the safety and efficiency of the transport network	See Rule 6.10.6.

18.9.5 Assessment of subdivision performance standard contraventions

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

18.9.5 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> <p>a. Objective 2.4.1</p> <p>b. Subdivisions are designed to ensure any future land use or development of the resultant site is able to meet the performance standards in the zone, or where in a structure plan mapped area, reflects the requirements of the structure plan mapped area performance standards, unless:</p> <p>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</p> <p>ii. the resultant site is required for:</p> <ol style="list-style-type: none"> 1. a scheduled ASBV; 2. a QEII covenant; 3. a reserve; 4. an access; 5. a utility; or 6. a road (Policy 2.4.1.8). <p><i>General assessment guidance:</i></p> <p>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:</p> <p>i. NA;</p> <p>ii. i. boundary setback;</p> <p>iii. ii. setback from scheduled tree; and</p> <p>iv. iii. setback from water bodies.</p> <p>v. NA.</p> <p>d. For contravention of the building platform slope part of the shape performance standard (Rule 18.7.5.2), see the matters of discretion and assessment rules in relation to earthworks - large scale (Rule 8A.7.2.1).</p> <p><i>Conditions that may be imposed:</i></p> <p>e. Restrictions or conditions, including by way of consent notice, on land use or development activities allowed on the site.</p> <p>f. A building platform may be required to be registered against the title by way of consent notice.</p>

18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Affecting a scheduled heritage building or scheduled heritage structure : Materials and design	a. Effects on heritage values	See Rule 13.5
2.	In a hazard overlay zone or swale mapped area : <ul style="list-style-type: none"> • Hazard exclusion areas (Rule 11.3.1.1) – Swale mapped area (Rural Centre Zone only) • Maximum area of vegetation clearance in the hazard overlay zones (Hazard 1 or 2 (land instability) overlay zones) • Relocatable buildings (Hazard 3 (coastal) Overlay Zone) • Hazardous substances quantity limits and storage requirements 	a. Risk from natural hazards	See Rule 11.4
3.	In a heritage precinct : <ul style="list-style-type: none"> • Boundary setbacks • Building colour • Fence height and design • Materials and design • Height • Number, location and design of ancillary signs 	a. Effects on heritage streetscape character	See Rule 13.5
4.	Along or adjacent to a pedestrian street frontage mapped area: <ul style="list-style-type: none"> • Location of industrial activities 	a. Effects on streetscape amenity	<i>Relevant objectives and policies:</i> <ol style="list-style-type: none"> Objective 18.2.3 Industrial activities avoid or, if avoidance is not practicable, adequately mitigate any adverse effects on streetscape amenity by locating any part of the industrial operation that involves machinery or metal work within a part of a building that does not include any doors or windows that open to a primary pedestrian street frontage mapped area or secondary pedestrian street frontage mapped area (Policy 18.2.3.10).

18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
<p>5. Along or adjacent to a primary pedestrian street frontage mapped area:</p> <ul style="list-style-type: none"> • Location of activities within pedestrian street frontage mapped areas • Height • Minimum glazing and building modulation • Minimum ground floor to ceiling height • Pedestrian entrances • Setback from road boundaries • Verandahs 	<p>a. Effects on streetscape amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 18.2.3 ii. Buildings along a primary pedestrian street frontage mapped area are located, designed and operated to provide a high level of pedestrian amenity by: <ol style="list-style-type: none"> 1. providing a continual frontage of buildings along the street, apart from pedestrian alleyways; 2. providing a clear and direct visual connection between the street and the building interior; 3. providing a direct physical connection to the building interior through clearly identified pedestrian entrances on the highest order pedestrian street frontage; 4. providing shelter for pedestrians on footpaths, in the form of a verandah; 5. being of a height that maintains existing sunlight access to footpaths and public open spaces; 6. providing an architecturally interesting façade and human-scale design, through building modulation and consistent alignment of windows; 7. being designed to have commercial activities at the ground floor, with an adequate ground floor to ceiling height to accommodate these activities; and 8. providing customer-facing activities on the ground floor (Policy 18.2.3.2). <p><i>Potential circumstances that may support a consent application include:</i></p> <ol style="list-style-type: none"> iii. The length of the total building frontage that will not meet this standard is short and the context of the building means any effects on streetscape amenity will be no more than minor. iv. It is proposed to only lease the space for a limited period of time, and the consent will be time-limited. v. In neighbourhood centres the setback area between the road boundary and the building is used for outdoor seating for a restaurant. <p><i>Conditions that may be imposed include:</i></p> <ol style="list-style-type: none"> vi. Time limit on consent. vii. A condition that prevents the setback area from being used for car parking or outdoor storage.

18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
<p>6. Along or adjacent to a secondary pedestrian street frontage mapped area:</p> <ul style="list-style-type: none"> • Location of activities within pedestrian street frontage mapped areas • Pedestrian entrances • Minimum glazing and building modulation • Setback from road boundaries • Verandahs 	<p>a. Effects on streetscape amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 18.2.3. ii. Buildings provide a good level of pedestrian amenity by: <ol style="list-style-type: none"> 1. providing a regular frontage of buildings along the street, with limited interruptions for vehicle accesses; 2. providing a clear and direct visual connection between the street and the building interior; 3. providing an architecturally interesting façade and human-scale design, through building modulation and consistent alignment of windows; and 4. providing shelter for pedestrians at pedestrian entrances (Policy 18.2.3.3). <p><i>General assessment guidance:</i></p> <p>iii. iii. For applications that propose an alternative site layout for safety reasons, a CPTED analysis should be provided by a suitably qualified expert to support that assessment.</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>iii. iv. The design and size of the verandah still allows for the shelter of pedestrians from the weather.</p> <p>iv. v. The activities proposed at ground floor have a customer-facing function.</p> <p>v. vi. The length of the total building frontage that will not meet this standard is short and the context of the building means any effects on streetscape amenity will be no more than minor.</p> <p>vi. vii. It is proposed to only lease the space for a limited period of time, and the consent will be time-limited.</p> <p>vii. viii. For retail activities, a CPTED analysis demonstrates that due to hours of car park use a different site layout is necessary for safety reasons and the layout and site landscaping will still achieve a high standard of amenity and safety for pedestrians and people accessing activities by bicycle.</p> <p>viii. ix. For food and beverage retail where store layout is constrained due to site size, shape or existing site or building layout, glazing along pedestrian frontages must be reduced for operational reasons, site constraints and layout efficiencies.</p> <p><i>Conditions that may be imposed include:</i></p> <p>viii. x. Time limit on consent.</p>

18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
<p>7. On a primary or secondary pedestrian street frontage mapped area:</p> <ul style="list-style-type: none"> • Location (network utility activities) (Rule 5.5.2.1) • Maximum volume in pedestrian street frontage mapped areas, heritage precincts and scheduled heritage sites (network utility activities) (Rule 5.5.4) 	<p>a. Effects on pedestrian amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objectives 18.2.3 and 5.2.1 ii. Network utility structures - small scale are of a design, location and scale that maintains a high level of pedestrian amenity in pedestrian street frontage mapped areas (Policy 18.2.3.12).
<p>8. In a wāhi tūpuna mapped area:</p> <ul style="list-style-type: none"> • Setback from coast and water bodies • Esplanade reserves and strips 	<p>a. Effects on cultural values of Manawhenua</p>	<p>See Rule 14.3</p>
<p>X. 9. In the Campus mapped area north of Albany Street:</p> <ul style="list-style-type: none"> • Maximum and minimum height (Rule 18.6.5.2.a.viii.X 18.6.5.2.a.ix.3) 	<p>a. Effects on pedestrian amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 18.2.3. ii. Buildings and structures minimise, as far as practicable, adverse effects of shading and wind on pedestrian amenity (Policy 18.2.3.X.b 18.2.3.14.b).
	<p>b. Effects on the efficient and effective operation of Campus</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 18.2.3. ii. Height is essential to the efficient and effective operation of campus activity (Policy 18.2.3.X.a 18.2.3.14.a). <p><i>Related strategic directions:</i></p> <ul style="list-style-type: none"> iii. Objective 2.3.1, Policy 2.3.1.4.
	<p>c. Effects on views across Otago Harbour</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 18.2.3. ii. Buildings and structures minimise, as far as practicable, adverse effects on the skyline vista of the city, particularly as viewed from Dunedin's inner hill suburbs across the harbour towards the Otago Peninsula through the use of quality and contextually appropriate architectural design (Policy 18.2.3.X.c 18.2.3.14.c).

18.9.6 Assessment of restricted discretionary performance standard contraventions in a pedestrian street frontage mapped area, overlay zone, mapped area, heritage precinct, or affecting a scheduled item

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
Y. 10 In the Critical Electricity Distribution Infrastructure Corridor mapped area: <ul style="list-style-type: none"> Setback from Critical Electricity Distribution Infrastructure (buildings, structures, city-wide activities) 	a. Effects on health and safety b. Effects on efficient and effective operation of network utilities	See Rule 5.7.

Rule 18.10 Assessment of Restricted Discretionary Activities

Rule 18.10.1 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 18.10.2 - 18.10.5:
 - 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 18.10.2 - 18.10.5 apply as follows:
 - a. Rule 18.10.2 applies to restricted discretionary land use activities;
 - b. Rule 18.10.3 applies to assessment of restricted discretionary development activities;
 - c. Rule 18.10.4 applies to restricted discretionary subdivision activities; and
 - d. Rule 18.10.5 applies to restricted discretionary activities in an overlay zone, mapped area, heritage precinct 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 occurs:
 - 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**; and



- ii. the matters of discretion are expanded to include the areas of non-compliance with the performance standard; and
 - iii. the performance standard contravention will be assessed as indicated in Section 18.9; 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**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 18.11; and
 - iii. the assessment guidance in this section will also be considered.
- c. if the contravention of the performance standard defaults to **non-complying** then:
- i. the activity, as a whole, will be **non-complying**; and
 - ii. the performance standard contravention will be assessed as indicated in Section 18.12; and
 - iii. the assessment guidance in this section will also be considered.

18.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All high trip generators, which include any activities that generate 250 or more vehicle movements a day	<p>a. Effects on the safety and efficiency of the transport network</p> <p>b. Effects on accessibility</p>	See Rule 6.11
2. <ul style="list-style-type: none"> • Restaurant - drive through (CEC - North, CEC - South, TR, SDLF) • Service stations (CEC - North, CEC - South, TR, SDLF, Centres, PPH) 	a. Effects on residential amenity	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 18.2.2.</p> <p>ii. Significant adverse effects on the amenity of existing residential activities are avoided or mitigated as far as practicable (Policy 18.2.2.4).</p>
	b. Effects on the safety and efficiency of the transport network	See Rule 6.11.
X. <ul style="list-style-type: none"> • Bulky goods retail (SDLF) • General retail 750m² or greater in gross floor area (SDLF) 	<p>a. Effects on accessibility</p> <p>b. Effects on the safety and efficiency of the transport network</p>	See Rule 6.11. {Moved to end – renumbered as 18.10.2.8}
Y. <ul style="list-style-type: none"> • General retail 750m² or greater in gross floor area (SDLF) 	a. Effects on the vibrancy and viability of the CBD and centres	<p><i>Relevant objectives and policies:</i></p> <p>1. Objective 18.2.1.</p> <p>2. Large format retail in the SDLF Zone has no more than minor adverse effects on the vibrancy and viability of the CBD and centres (Policy 18.2.1.19). {Moved to end – renumbered as 18.10.2.9}</p>
3. Early childhood education (CBD, centres, WP, PPH outside a hazard facility mapped area , SSYP, HE)	a. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 18.2.2</p> <p>ii. Early childhood education and residential activities in the CBD, centres and CBD edge mixed use zones are located where they will not constrain (have reverse sensitivity effects on) activities which are provided for in the commercial and mixed use zone (Policy 18.2.2.8).</p> <p><i>Potential circumstances that may support a consent application include:</i></p> <p>iii. Performance standards for development activities are met.</p> <p>iv. Outdoor play areas of early childhood centres are protected from external noise through acoustic fencing or other building design measures that reduce the noise received in play areas.</p>

18.10.2 Assessment of restricted discretionary land use activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
	b. Effects on the safety and efficiency of the transport network	See Rule 6.11
<p>4.</p> <ul style="list-style-type: none"> • Conference, meeting and function ancillary to visitor accommodation (PPH, SSYP) • Entertainment and exhibition ancillary to visitor accommodation (PPH, SSYP) 	a. Effects on the vibrancy, and economic and social success of the CBD and centres	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 18.2.2 ii. The activities are secondary to the visitor accommodation activity (Policy 18.2.2.2.a).
	b. Effects on residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 18.2.2 ii. Any adverse effects on the amenity of surrounding residential activities, from noise, anti-social behaviour, or other effects will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 18.2.2.2.b). <p><i>Potential circumstances that may support a consent application</i></p> <ul style="list-style-type: none"> iii. Performance standards for development activities are met. iv. The scale and nature of the activity including the number of people involved in the activity, hours of operation means that effects will be avoided or, if avoidance is not possible, adequately mitigated.
	c. Reverse sensitivity effects	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 18.2.2 ii. The potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 18.2.2.2.c).
	d. Effects on the safety and efficiency of the transport network	See Rule 6.11
<p>5.</p> <ul style="list-style-type: none"> • Visitor accommodation (NEC and NECC) • Community and leisure - large scale (NEC and NECC) 	a. Effects on residential amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 18.2.2 ii. Any adverse effects on the amenity of surrounding residential activities are avoided or, if avoidance is not practicable, adequately mitigated (Policy 18.2.2.7). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. Communal outdoor living / gathering areas are located or screened from surrounding properties. iv. Performance standards for development activities are met.

18.10.2 Assessment of restricted discretionary land use activities

Activity		Matters of discretion	Guidance on the assessment of resource consents
6.	Hospital (CEC - North)	<p>a. Effects on accessibility</p> <p>b. Effects on the safety and efficiency of the transport network</p>	See Rule 6.11
Z 7.	Food and beverage retail 500m ² or less in gross floor area (HE)	<p>a. Effects on safety and efficiency of the transport network</p> <p>b. Effects on accessibility</p>	<p>See Rule 6.11.</p> <p>See Rule 6.11.</p>
X 8	<ul style="list-style-type: none"> • Bulky goods retail (SDLF) • General retail 750m² or greater in gross floor area (SDLF) 	<p>a. Effects on accessibility</p> <p>b. Effects on the safety and efficiency of the transport network</p>	See Rule 6.11. {Moved from above to minimise renumbering}
Y 9	General retail 750m ² or greater in gross floor area (SDLF)	a. Effects on the vibrancy and viability of the CBD and centres	<p><i>Relevant objectives and policies:</i></p> <p>4- i. Objective 18.2.1.</p> <p>2- ii. Large format retail in the SDLF Zone has no more than minor adverse effects on the vibrancy and viability of the CBD and centres (Policy 18.2.1.X 18.2.1.19). {Moved from above to minimise renumbering}</p>

18.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>1. • New buildings and additions and alterations to buildings in the Harbourside Edge Zone, that are visible from an adjoining public place or the harbour</p>	<p>a. Effects on streetscape amenity</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 18.2.3 ii. New buildings and additions and alterations to buildings in the Harbourside Edge Zone are designed and located to provide a high level of amenity by: <ul style="list-style-type: none"> 1. being built to the street frontage along the entire length of Birch Street, and for no less than 60% of the street frontage on Kitchener Street, except for: <ul style="list-style-type: none"> 1. any setbacks required to allow pedestrian entrances; and 2. the provision of amenity space for customers or residents at the front of buildings. 2. including appropriate building modulation, window alignment, use of glazing, floor height, colour, architectural detail to provide visual interest and a human-scale design; 3. being of a design that is coherent, appropriate to the setting and history of the area, and provides a positive relationship to both the street and the harbour; and 4. having active edges with strong visual and physical connections from the street to the inside of buildings (Policy 18.2.3.4). iii. Development is designed and located to provide a high level of amenity by: <ul style="list-style-type: none"> 1. ensuring the design and location of on-site car parking does not compromise streetscape or harbour amenity (Policy 18.2.3.5.b); and 2. ensuring development activities incorporate the principles of CPTED (Policy 18.2.3.5.c) <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> iv. Council may place condition on aspects of building design including: <ul style="list-style-type: none"> 1. entry and exit points for pedestrians; 2. building materials; 3. architectural detail; 4. building modulation; 5. colour; and 6. window type and placement.

18.10.3 Assessment of restricted discretionary development activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
2. • New buildings and structures, and additions and alterations as part of the Dunedin Hospital redevelopment	a. Effects on streetscape and pedestrian amenity	<p><i>Relevant objectives and policies:</i></p> <p>i. Objective 18.2.3</p> <p>ii. Development maintains or enhances streetscape amenity by ensuring:</p> <ol style="list-style-type: none"> 1. an attractive street interface is maintained through landscaping where buildings are not built to the street frontage; 2. large parking areas which are visible from the street are visually broken up with internal landscaping, which also provides for rainwater absorption; 3. service areas and outdoor storage areas associated with industrial or other activities are not visible from ground level of a public place; and 4. an architecturally interesting façade through building modulation and use of glazing (Policy 18.2.3.1) <p>iii. Buildings and additions and alterations maintain or enhance streetscape amenity by ensuring the use of verandahs where appropriate (Policy 18.2.3.13.a)</p>
3. High trip generators: <ul style="list-style-type: none"> • New or additions to parking areas that result in 50 or more new parking spaces 	a. Effects on the safety and efficiency of the transport network	See Rule 6.11
	b. Effects on accessibility	

18.10.4 Assessment of restricted discretionary subdivision activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. Subdivision activities	a. Effects on the safety and efficiency of the transport network	See Rule 6.11
	b. Risk from natural hazards	See Rule 11.5

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. In a heritage precinct : <ul style="list-style-type: none"> All RD activities due to being in a heritage precinct 	a. Effects on heritage streetscape character	See Rule 13.6
2. Activities affecting a scheduled heritage building or scheduled heritage structure : <ul style="list-style-type: none"> Additions and alterations that affect a protected part of a scheduled heritage building or scheduled heritage structure Removal for relocation All subdivision activities on sites containing a scheduled heritage building or scheduled heritage structure 	a. Effects on heritage values	See Rule 13.6
3. In all hazard overlay zones, swale mapped areas and dune system mapped areas : <ul style="list-style-type: none"> Subdivision activities 	a. Risk from natural hazards	See Rule 11.5
4. In the Hazard 2 (flood) Overlay Zone (see Rule 18.3.8): <ul style="list-style-type: none"> New buildings and additions and alterations to buildings that create within any two calendar-year period more than 60m² of new ground floor area 	a. Risk from natural hazards	See Rule 11.5.
5. In the Hazard 2 (flood) Overlay Zone : <ul style="list-style-type: none"> Natural hazards sensitive activities Natural hazards potentially sensitive activities 	a. Risk from natural hazards	See Rule 11.5
6. In the National Grid Subdivision Corridor mapped area : <ul style="list-style-type: none"> All subdivision activities 	a. Risks to the safety of people and property	See Rule 5.8.
	b. Reverse sensitivity effects	
	c. Effects on efficient and effective operation of the National Grid and access to it	
Z. 7. In the Critical Electricity Distribution Infrastructure Corridor mapped area : <ul style="list-style-type: none"> All subdivision activities 	a. Effects on health and safety	See Rule 5.8.
	b. Reverse sensitivity effects	
	c. Effects on efficient and effective operation of network utilities	

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

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>7. 8. Activities affecting a scheduled heritage site:</p> <ul style="list-style-type: none"> • New buildings and structures on a scheduled heritage site, where visible from an adjoining public place or a publicly accessible place within the site • Parking, loading and access on a scheduled heritage site, where visible from an adjoining public place or a public place within the site • All subdivision activities 	<p>a. Effects on heritage values</p>	<p>See Rule 13.6</p>
<p>X. 9. In the Campus mapped area north of Albany Street:</p> <ul style="list-style-type: none"> • All subdivision activities 	<p>a. Effects on the efficient and effective operation of Campus</p>	<p>See Rule 34.10.5.1.</p>
<p>Y. 10 In the Campus mapped area:</p> <ul style="list-style-type: none"> • Conference, meeting and function • Entertainment and exhibition • Restaurants • Visitor accommodation • Community and leisure - large scale • All activities in the residential activities category • Campus 	<p>a. Reverse sensitivity effects</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 18.2.2. ii. The potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated. (Policy 18.2.2.X 18.2.2.12).
	<p>b. Effects on the safety and efficiency of the transport network</p>	<p>See Rule 6.11.</p>
	<p>c. Effects on accessibility</p>	<p>See Rule 6.11.</p>

Rule 18.11 Assessment of Discretionary Activities

Rule 18.11.1 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. With respect to section 104(2) of the RMA, Council will not consider retail as a permitted activity in scheduled heritage buildings as part of the permitted baseline in considering the effects of discretionary activities in the Warehouse Precinct Zone.
3. Rules 18.11.2 - 18.11.4 provide guidance on how a consent application for the listed discretionary activities will be assessed, under the heading 'guidance on the assessment of resource consents', including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application. These are examples of situations or mitigation measures that may support consent being granted, but are not requirements that must always be met in order for an activity to be granted consent;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.
4. Rules 18.11.2 - 18.11.4 apply as follows:
 - a. Rule 18.11.2 applies to all land use discretionary activities;
 - b. Rule 18.11.3 applies to discretionary land use activities; and
 - c. Rule 18.11.4 applies to discretionary performance standard contraventions.
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.

18.11.2 Assessment of all discretionary activities

Activity	Guidance on the assessment of resource consents
<p>1. All discretionary land use activities listed below</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to: <ul style="list-style-type: none"> i. Objective 2.3.2, policies 2.3.2.1 - 2.3.2.4 ii. Objective 2.4.3, policies 2.4.3.1 - 2.4.3.4 b. Objective 14.2.1 c. Objective 18.2.3 d. Avoid land use activities (including stand-alone car parking) that require buildings or site design that is incompatible with: <ul style="list-style-type: none"> i. the high level of pedestrian streetscape amenity expected for the location in a primary pedestrian street frontage mapped area and secondary pedestrian street frontage mapped area; and ii. the higher level of urban neighbourhood amenity anticipated in the HE, SSYP and WP zones (Policy 18.2.3.9). <p><i>Potential circumstances that may support a consent application:</i></p> <ul style="list-style-type: none"> e. For discretionary land use activities, whether any associated buildings or structures meet relevant development performance standards, or otherwise achieve the relevant policies for development (see rules 18.9 and 18.12.5 for performance standard contraventions). f. All relevant land use performance standards are met, including noise and light spill standards. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> g. In assessing the significance of effects, consideration will be given to: <ul style="list-style-type: none"> i. both short and long term effects, including effects in combination with other activities; and ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> h. See Section 6.12 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3 and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. i. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety.

18.11.3 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
1. Ancillary licensed premises (NEC/NECC)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 18.2.1 b. Adverse effects on the amenity of adjacent residential activities and the surrounding neighbourhood will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 18.2.2.9). <p><i>Potential circumstances that may support a consent application:</i></p> <ul style="list-style-type: none"> c. The scale and nature of the activity, including hours of operation, and whether the activity has an on and/or off license, is appropriate for a neighbourhood centre and will reduce the potential for any adverse effects.
2. Restaurants (PPH, SSYP, CEC, TR, SDLF)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 18.2.1 b. The activity is not of a scale or nature that is more appropriate to locate in the CBD, centres, WP or HE because: <ul style="list-style-type: none"> i. it is unlikely to contribute to the vibrancy and vitality of those zones; and ii. it has specific operational requirements that do not fit with those locations (Policy 18.2.1.17). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> c. The restaurant is a take-away only restaurant that requires easily accessible short term parking.
3. <ul style="list-style-type: none"> • Food and beverage retail (WP and PPH) • Food and beverage retail more than 500m² in gross floor area but no more than 750m² in gross floor area (HE) 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 18.2.1. b. Food and beverage retail in the WP, HE and PPH zones is of a size, and designed in a manner, to cater to people living or working locally or using the area for recreational purposes (Policy 18.2.1.12).
4. Restaurant - drive through (PPH and Centres)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objectives 18.2.2, 18.2.3. b. - c. Significant adverse effects on the amenity of existing residential activities will be avoided or mitigated as far as practicable (Policy 18.2.2.4). d. The drive-through component of restaurant - drive through will not be visible or accessed from a primary pedestrian street frontage mapped area (Policy 18.2.1.14.b).
5. Development associated with discretionary land use activities	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 18.2.3 b. Policies 18.2.3.1 - 18.2.3.7

18.11.3 Assessment of discretionary land use activities

Activity	Guidance on the assessment of resource consents
6. Visitor accommodation (CEC - South)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 18.2.2 b. The potential for reverse sensitivity will be avoided or, if avoidance is not practicable, adequately mitigated (Policy 18.2.2.10)
7. <ul style="list-style-type: none"> • Early childhood education (CEC - North) • Residential activities (CEC - North) 	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> a. Objective 18.2.2 b. Early childhood education and residential activities are located where their establishment will not constrain (have reverse sensitivity effects on) activities that are provided for in the commercial and mixed use zone (Policy 18.2.2.8). <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> c. Outdoor play areas of early childhood centres are protected from external noise through acoustic fencing or other building design measures that reduce the noise received in play areas.

18.11.4 Assessment of discretionary performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. Acoustic insulation	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
2. <ul style="list-style-type: none"> • Noise - where the limit is exceeded by less than 5dB LAeq (15min) • Light spill - where the limit is exceeded by 25% or less 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> a. See Section 9.7 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects related to public health and safety.
4. 3. Restaurants ancillary to trade related retail or food and beverage retail activity 1500m ² or more in gross floor area <ul style="list-style-type: none"> • Location of ancillary restaurants • Maximum gross floor area of restaurants 	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> a. Objective 18.2.1 b. Restaurants service people engaged in the primary activity and are unlikely to attract significant patronage outside this purpose (Policy 18.2.1.18). c. The activity is not of a scale or nature that is more appropriate to locate in the CBD, centres, WP or HE because: <ul style="list-style-type: none"> i. it is unlikely to contribute to the vibrancy and vitality of those zones; and ii. it has specific operational requirements that do not fit with those locations (Policy 18.2.1.17).

Rule 18.12 Assessment of Non-complying Activities

Rule 18.12.1 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. With respect to section 104(2), Council will not consider retail as a permitted activity in scheduled heritage buildings as part of the permitted baseline in considering the effects of non-complying activities in the Warehouse Precinct Zone.
3. Rules 18.12.2 - 18.12.5 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
4. Rules 18.12.2 - 18.12.5 apply as follows:
 - a. Rule 18.12.2 applies to all non-complying activities;
 - b. Rule 18.12.3 applies to non-complying land use activities;
 - c. Rule 18.12.4 applies to non-complying development activities; and
 - d. Rule 18.12.5 applies to non-complying performance standard contraventions.
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.

18.12.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
<p>1. All non-complying activities, including but not limited to the activities listed below</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to, those related to: <ul style="list-style-type: none"> i. Objective 2.3.2, policies 2.3.2.1 - 2.3.2.4 ii. Objective 2.4.3, policies 2.4.3.1 - 2.4.3.4 b. The activity supports the purpose of the zone as outlined in objectives 2.3.2 and 18.2.1. c. The proposed activities will achieve objectives 18.2.1, 18.2.2 and 18.2.3. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> d. In assessing the significance of effects, consideration will be given to: <ul style="list-style-type: none"> i. both short and long term effects, including effects in combination with other activities. ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent. e. In assessing activities that are non-complying due to being in an overlay zone, mapped area, in a scheduled site, or affecting a scheduled item, that otherwise require resource consent, the assessment guidance provided in relation to the underlying activity status will also be considered. <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> f. See Section 6.13 for guidance on the assessment of resource consents in relation to objectives 6.2.2 and 6.2.3, and effects related to accessibility and the safety and efficiency of the transport network and its affordability to the public. g. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and effects on health and safety. h. 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.

18.12.3 Assessment of non-complying land use activities

Activity	Guidance on the assessment of resource consents
1. Commercial advertising	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 2.4.1 b. Policy 2.4.1.6.c
2. Crematoriums	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 18.2.2, Policy 18.2.2.5 <p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> b. 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.
3. Office and retail outside of CBD and centres, where non-complying	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 2.3.2 b. Objective 18.2.1, Policy 18.2.1.3
4. Industry in SSYP	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 18.2.1, Policy 18.2.1.13
5. Service stations, restaurant - drive through, yard-based retail in CBD, WP, SSYP and HE zones	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 18.2.1, Policy 18.2.1.14 b. Objective 18.2.2, Policy 18.2.2.4 c. Objective 18.2.3, Policy 18.2.3.9
6. Conference, meeting and function, entertainment and exhibition (PPH, SSYP, CEC, TR, SDLF)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 18.2.1, Policy 18.2.1.16
7. <ul style="list-style-type: none"> • Early childhood education and residential activities (CEC - South, SDLF and TR) • Visitor accommodation (TR, SDLF) 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 18.2.2, Policy 18.2.2.6
8. <ul style="list-style-type: none"> • Cemeteries • Landfills 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> 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.
9. Yard-based retail (CBD, SSYP, HE, WP)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ul style="list-style-type: none"> a. Objective 18.2.1, Policy 18.2.1.3
10. In a hazard facility mapped area , bulk fuel storage facilities sensitive activities	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <ul style="list-style-type: none"> a. See Section 9.8 for guidance on the assessment of resource consents in relation to Objective 9.2.2 and Policy 9.2.2.15 and the risks to people from an emergency event occurring at a hazard facility.

18.12.4 Assessment of non-complying development activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.1 and effects on heritage values.</p>
X. 2. In the Campus mapped area north of Albany Street: <ul style="list-style-type: none"> • Maximum and minimum height (Rule 18.6.5.2.a.viii.X 18.6.5.2.a.ix.3) 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 18.2.2, Policy 18.2.3.X 18.2.3.14.</p> <p><i>Related strategic directions:</i></p> <p>b. Objective 2.3.1, Policy 2.3.1.6.</p> <p>c. Objective 2.4.1, Policy 2.4.1.5.</p>

18.12.5 Assessment of non-complying performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> • Light spill - where the limit is exceeded by greater than 25% • Noise - where the limit is exceeded by 5 dB LAeq (15 min) or more • Hazardous substances quantity limits and storage requirements (Rule 9.3.4.2) 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 9.8 for guidance on the assessment of resource consents in relations to Objective 9.2.2, and effects related to public health and safety.</p>
2. <ul style="list-style-type: none"> • Setback from National Grid (buildings, structures, city-wide activities, and National Grid sensitive activities (Rule 5.6.1.1) • Setback from National Grid (subdivision activities) (Rule 18.7.X 18.7.6) 	<p><i>Relevant guidance from other sections:</i></p> <p>a. See Section 5.10 for guidance on the assessment of resource consents in relation to Objective 5.2.X and effects related to the operation, maintenance, upgrading and development of the National Grid.</p>
3. Location and screening of car parking	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 18.2.3</p> <p>b. Policies 18.2.3.8 and 18.2.3.9</p> <p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>c. See Section 13.8 for guidance on the assessment of resource consents in relation to Objective 13.2.3 and effects on heritage streetscape character.</p>
4. Harbourside Edge Zone Standards (Rule 18.6.17.3) - walkway location	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 18.2.3</p> <p>b. Policy 18.2.3.5.a</p>
5. Location of restaurant - drive through and service stations (Rule 18.5.4.3)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 18.2.1</p> <p>b. Policy 18.2.1.14</p>

18.12.5 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
6.	<p>Along a primary pedestrian street frontage mapped area:</p> <ul style="list-style-type: none"> • Access to loading areas (Rule 6.6.2.5.b) 	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Rule 6.13 for guidance on the assessment of resource consents in relation to Objective 6.2.4 and effects on the safety and efficient operation of the transport network.</p>
7.	<p>Maximum gross floor area of office activity in the Harbourside Edge Zone</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 2.3.2</p> <p>b. Objective 18.2.1, policies 18.2.1.2, 18.2.1.3</p>
9.	<p>Parking, loading and access standards (Rule 18.6.14.2) - new vehicle accesses on a primary pedestrian street frontage mapped area</p>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objective 18.2.3</p> <p>b. Policies 18.2.3.2</p>
10.	<p>In a dune system mapped area or swale mapped area: Hazard exclusion areas (except Rural Centre Zone in a swale mapped area)</p>	<p><i>Relevant guidance from other sections (priority considerations):</i></p> <p>a. See Section 11.7 for guidance on the assessment of resource consents in relation to Objective 11.2.1 and effects related to the risk from natural hazards.</p>