

# SECTION FOUR

## METHODS OF IMPLEMENTATION

### 4.1 INTRODUCTION

4.1.1 Section 3 states the Objectives and Policies which arose out of the Significant Resource Management Issues identified in Section 2. Section 3 also indicated in broad terms the methods for implementing the objectives and policies. This Section expands on these methods of implementation.

4.1.2 Methods have been selected from the following to implement the objectives and policies of the District Plan:

Methods of Implementation	
<b>Non-Regulatory Methods</b>	4.3 Do nothing 4.4 Brochures and leaflets 4.5 Environmental Advocacy 4.6 Field days 4.7 Seminars and Workshops 4.8 Care Groups 4.9 Environmental Awards 4.10 Consultation 4.11 Policy Statements, Plans and Strategies 4.12 Guidelines 4.13 Sectorial Responses 4.14 Economic Instruments
<b>Publication of Information</b>	4.16 Hazard Information Maps 4.17 District Planning Maps 4.18 District Plan Appendices 4.19 District Plan Infograms 4.20 Geographic Information System: GIS
<b>Regulatory Methods</b>	4.22–4.32 District Wide Rules 4.33 Activity Table 4.34–4.43 Environmental Standards 4.44 Concept Plans 4.45 Temporary Military Training

4.1.3 All of these methods are initiated by Council. Appropriate levels of funding to enable all the methods of implementation to be developed and promoted will be identified in Council's Annual Plan.

4.1.4 Methods of implementation other than rules and standards provide more flexibility and choice for resource users, developers or protectors. Rules are required to ensure that minimum environmental standards can be enforced. Only the rules have the force and effect of a regulation under the Resource Management Act 1991.

4.1.5 Each of the methods of implementation will be dealt with in turn.

# NON - REGULATORY METHODS

## 4.2 INTRODUCTION

4.2.1 Non-regulatory methods are based on the provision of information. They have been selected to empower and encourage owners and occupiers of properties to manage their environment in more sustainable ways. Council will endeavour to make available the best and most up to date information.

4.2.2 These methods will be implemented mainly when:

- (A) Public inquiries are made of Council;
- (B) A building consent is applied for;
- (C) A resource consent is applied for; and/or
- (D) A complaint is received.

4.2.3 Such information will be disseminated as widely as is practicable by Council to ensure landowners and occupiers are aware of the features and how they may be protected.

## 4.3 Do NOTHING

4.3.1 Although the following are resource management matters, they are already implemented under other legislation and therefore no action is proposed in this Plan:

- (A) Provision for car parking for disabled persons (New Zealand Building Code);
- (B) Control of vegetation fire (Rural Fire Authority);
- (C) Hazard mitigation - wind loadings (New Zealand Building Code); and
- (D) Safety and method of storage of hazardous substances (Dangerous Goods Regulations)

## 4.4 BROCHURES AND LEAFLETS

4.4.1 Brochures and leaflets will be developed and disseminated on:

- (A) Methods to protect the aesthetic character and coherence of outstanding natural features and landscapes
- (B) Methods to protect heritage values
- (C) Promoting alternative methods for achieving public access to water bodies and the coast
- (D) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, together with information aimed at increasing the community's knowledge on the values and risks to these areas
- (E) The principle of kaitiakitanga
- (F) Appropriate landscaping, planting and screening
- (G) Rights and responsibilities of individuals under the Property Law Act 1952
- (H) Methods for attenuating noise effects from transportation networks and other sources

- (I) Appropriate procedures to be followed upon the discovery of an archaeological site
- (J) Appropriate methods for managing noise and vibration
- (K) Appropriate management of odour, wind effects, lightspill and glare
- (L) Promoting the relocation of dwellings in a manner that maintains or enhances amenity values.

## **4.5 ENVIRONMENTAL ADVOCACY**

### **4.5.1** Environmental advocacy will be initiated for:

- (A) Protection of the aesthetic character and coherence of outstanding natural features and landscapes
- (B) Protection of heritage values
- (C) Advising the public about hazards
- (D) Encouraging sustainable land management practices
- (E) Rehabilitation of mineral extraction sites existing as at 1 December 1997 where no management plan has been approved by Council
- (F) Preservation of the natural character of wetlands and rivers and their margins, and their protection from inappropriate land use activities
- (G) Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna
- (H) Preservation of the natural character of the coastal environment and its protection from inappropriate land use activities
- (I) Promotion of the principle of kaitiakitanga
- (J) Promotion of early and ongoing consultation with iwi
- (K) Promotion of well maintained structures and lands
- (L) Mitigation or avoidance of nuisance arising from glare and accentuation of windflow effects
- (M) Support for the acoustic insulation of all buildings containing noise sensitive activities within the Outer Control Boundary, as shown on the District Planning Maps

## **4.6 FIELD DAYS**

### **4.6.1** Council will co-operate with other organisations in organising field days on:

- (A) Encouraging sustainable land management practices; and
- (B) Protection and rehabilitation of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

## **4.7 SEMINARS AND WORKSHOPS**

### **4.7.1** Council will co-operate with other organisations in facilitating seminars and workshops on:

- (A) Encouraging sustainable land management practices; and
- (B) Promoting appropriate landscaping, planting and screening.

## **4.8 CARE GROUPS**

**4.8.1** Council will support care groups that wish to promote:

- (A) Sustainable land management practices; and
- (B) The protection and rehabilitation of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

## **4.9 ENVIRONMENTAL AWARDS**

**4.9.1** Environmental awards may be given for:

- (A) Outstanding examples of sustainable land management practices
- (B) Outstanding examples of protection and/or rehabilitation of areas of significant indigenous vegetation and significant habitats of indigenous fauna
- (C) Outstanding examples of the protection, restoration, maintenance and enhancement of heritage sites, buildings, places and areas
- (D) Outstanding examples of the protection and/or rehabilitation of wetlands, and rivers and their margins

## **4.10 CONSULTATION**

**4.10.1** The Resource Management Act 1991 sets out the circumstances under which consultation must take place, and the persons or parties that must be consulted. The Plan preparation process has identified particular persons and parties that wish to be consulted, and particular issues on which they wish to be consulted. These are as follows:

### **4.10.2 Iwi**

Consultation may be particularly appropriate with iwi on:

- (A) Sites, structures, places, areas and wahi taoka as identified by iwi that are of heritage value
- (B) Safeguarding the life supporting capacity of the soil resource
- (C) Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna
- (D) Preservation of the natural character of the coastal environment
- (E) Land use activities proposed in areas of mahika kai, tauraka waka, wahi taoka, and wahi tapu
- (F) Land use activities which impinge on the values of takata whenua
- (G) Integrated management of the natural character of wetlands and rivers and their margins

### **4.10.3 Other Councils**

Consultation may be particularly appropriate with Southland District Council and the Southland Regional Council on:

- (A) Outstanding natural features and landscapes
- (B) Transportation
- (C) Natural Hazards
- (D) Mineral Extraction

- (E) Water
- (F) Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna
- (G) Coastal Environment
- (H) Manawhenua
- (I) Integrated management of the natural character of wetlands and rivers and their margins
- (J) Hazardous Substances
- (K) Odour

#### **4.10.4 Central Government**

Consultation may be particularly appropriate with Central Government agencies such as:

- (A) New Zealand Historic Places Trust on sites, structures, places and areas including wahi tapu and wahi taoka that are of heritage value
- (B) New Zealand Transport Agency on road transport issues
- (C) Department of Conservation on wetlands, rivers, areas of significant indigenous vegetation and significant habitats of indigenous fauna, the coastal environment, matters pertaining to mana whenua and sea level rise/storm surge

#### **4.10.5 Scientific Community**

Consultation may be particularly appropriate with the scientific community on:

- (A) Life supporting capacity of the soil.

#### **4.10.6 Other Organisations**

Consultation may be particularly appropriate with the following organisations:

- (A) New Zealand Archaeological Association on sites, structures, places, areas that are of heritage value, and wahi taoka (including urupa and koiwi o nga Tupuna)
- (B) Landcare New Zealand and Ministry of Agriculture and Forestry (MAF) Policy on sustainable land management practices
- (C) Southland Fish and Game Council on wetlands, rivers, areas of significant indigenous vegetation and significant habitats of indigenous fauna
- (D) Royal Forest and Bird Protection Society on areas of significant indigenous vegetation and significant habitats of indigenous fauna, the natural character of the coastal environment
- (E) Te Ao Marama Inc on matters pertaining to Kai Tahu
- (F) Queen Elizabeth II National Trust on the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna

#### **4.10.7 Landowners and Occupiers**

Consultation may be particularly appropriate with landowners and occupiers on:

- (A) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna
- (B) Outstanding natural features and landscapes
- (C) The coastal environment

- (D) Wetlands, and rivers and their margins
- (E) Soil resources
- (F) Heritage
- (G) Natural Hazards

#### **4.10.8 Landcare Groups**

Consultation may be particularly appropriate with landcare groups on:

- (A) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

### **4.11 POLICY STATEMENTS, PLANS AND STRATEGIES**

Policy statement, plans and strategies referred to in the Plan are:

- (A) *Te Whakatau Kaupapa o Murihiku*, Ed. Maaire Goodall, published by Aoraki Press with Southland Regional Council and Kai Tahu Runaka O Murihiku, February 1997;
- (B) Reserve Management Plans developed under the Reserves Act 1977; and
- (C) The Regional Pest Management Strategy: Southland Regional Council.

### **4.12 GUIDELINES**

Council will publish guidelines on:

- (A) Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- (B) Promotion, enhancement and conservation of heritage values; and
- (C) Signage.

### **4.13 SECTORIAL RESPONSES**

The Plan recognises published sectorial responses such as:

- (A) New Zealand Transport Agency published guidelines, for road transportation issues
- (B) Codes of practice published by primary production organisations
- (C) The International Charter for the Conservation and Restoration of Monuments and Sites (ICOMOS) New Zealand Charter for the Conservation of Places of Cultural Heritage Value
- (D) Occupational Safety and Health Code of Practice for the "Design, Installation and Operation of Underground Petroleum Storage Systems (1992)". Supplement No. 1 Management of Existing Underground Petroleum Storage Systems, Department of Labour, 1995
- (E) Environmental Guidelines for Above-ground Bulk Tank Containment Systems, Ministry for the Environment, 1995
- (F) Australian/New Zealand Standard for "Storage and Handling of LP Gas AS/NZS 1596:1997

#### **4.14 ECONOMIC INSTRUMENTS**

Economic Instruments will be used as a method of encouraging:

- (A) The protection of areas of outstanding natural features and landscapes;
- (B) The protection of sites, structures, places and areas that are of heritage value, wahi tapu and wahi taoka that are of heritage value;
- (C) The protection of wetlands, and rivers and their margins and provision of public access to them;
- (D) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, including the establishment of buffer strips; and
- (E) The provision of public access to the coast.

# **PUBLICATION OF INFORMATION**

## **4.15 INTRODUCTION**

Council will publish and disseminate information to assist property owners and developers to make informed decisions about land use activities. The information will be made available:

- (A) Upon an application for a Project Information Memorandum
- (B) Upon an application for a Land information Memorandum
- (C) Upon an application for a building consent
- (D) Upon an application for a resource consent
- (E) Upon an inquiry about a property

## **4.16 HAZARD INFORMATION MAPS**

The Hazard Information Maps provide the public with the best information known to Council on the nature and extent of hazards to land use activity in the District. In this context Council is the “honest broker” of this information.

## **4.17 DISTRICT PLANNING MAPS**

The District Planning Maps delineate the following:

- (A) Outstanding natural features and landscapes
- (B) Sites, structures, places, and areas that are of heritage value and wahi taoka that are identified by iwi
- (C) Areas of significant indigenous vegetation and significant habitats of indigenous fauna
- (D) Sub-Areas of the District
- (E) Coastal environment
- (F) Wetlands and rivers
- (G) The Outer Control, Airnoise and Single Event Sound Exposure Boundaries associated with Invercargill Airport
- (H) The Inner Noise Boundary associated with the seaport at Bluff

## **4.18 DISTRICT PLAN APPENDICES**

The following are the Appendices to the Plan:

- (A) Appendix I: Information to be included with a resource consent
- (B) Appendix II: Sites, structures, places and areas that are of heritage value
- (C) Appendix III: Designations
- (D) Appendix IV: Noise sensitive insulation requirements
- (E) Appendix V: Hazardous substances
- (F) Appendix VI: Statutory acknowledgements
- (G) Appendix VII: Concept plans
- (H) Appendix VIII: Educational Activity (Existing)



- (I) Appendix IX: Council's Reticulated Sewerage System – Rural Sub-Area

#### **4.19 DISTRICT PLAN INFOGRAMS**

The following are shown as Infograms within the Plan:

- (A) Infogram 1: Invercargill City District
- (B) Infogram 2: Population Projection
- (C) Infogram 3: Age-Sex Pyramid 2001 - 2021
- (D) Infogram 4: Transportation Networks of the District
- (E) Infogram 5: Rooding Hierarchy of the District
- (F) Infogram 6: Prominent Wind Directions
- (G) Infogram 7: Recession Planes

#### **4.20 GEOGRAPHIC INFORMATION SYSTEM: GIS**

The following information from the Plan will be displayed on Council's Geographic Information System:

- (A) Outer Control Boundary for Invercargill Airport
- (B) Surfaces associated with Invercargill Airport Limited, Airport approach and landuse control designation
- (C) Inner Noise Boundary for the seaport at Bluff
- (D) Areas susceptible to inundation
- (E) Areas susceptible to seismic activity
- (F) Areas of filled land
- (G) Areas susceptible to liquefaction
- (H) Areas susceptible to sea level rise/storm surge
- (I) Areas susceptible to coastal erosion
- (J) Areas susceptible to wind
- (K) Outstanding natural features and landscapes
- (L) Sites, structures, places, and areas that are of heritage value, wahi tapu and wahi taoka and all recorded archaeological sites
- (M) Hierarchy for the rooding network
- (N) Areas of versatile soils
- (O) Known sites of mineral extraction
- (P) Wetlands, and rivers and their margins which have natural character worthy of protection
- (Q) Areas of significant indigenous vegetation and significant habitats of indigenous fauna
- (R) Areas and Sub-Areas of the District
- (S) The coastal environment
- (T) Identification of mahika kai, tauraka waka, wahi taoka, and wahi tapu
- (U) Urban land subject to lead contamination

# REGULATORY METHODS (RULES)

## 4.21 INTRODUCTION

Regulatory methods have been selected where Council considers they are needed. The regulatory methods are divided into three sections.

### 4.21.1 District Wide Rules

The district wide rules apply throughout the District, and all land use activities must be considered in terms of each of the district wide rules. The district wide rules are:

- (A) 4.22 Outstanding natural features and landscapes
- (B) 4.23 Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna
- (C) 4.24 Soil Resource
- (D) 4.25 Mineral Extraction
- (E) 4.26 Heritage
- (F) 4.27 Transportation
- (G) 4.28 Natural Hazards
- (H) 4.29 Subdivision of Land
- (I) 4.30 Demolition or Removal Activities
- (J) 4.30A Relocated Buildings
- (K) 4.31 Public Open Space
- (L) 4.32 Infrastructure

### 4.21.2 Activity Table

Activities have been categorised into permitted, discretionary, and non-complying on the basis of their potential environmental effects. The rule in this section is:

- (A) 4.33 Activity Table

### 4.21.3 Environmental Standards

The environmental standards set out the conditions that activities are required to meet. Environmental standards differ between Sub-Areas, recognising the different amenity values of those areas. The environmental standards are:

- (A) 4.34 Noise
- (B) 4.35 Electrical Interference
- (C) 4.36 Lightspill
- (D) 4.37 Signage
- (E) 4.38 Hazardous Substances
- (F) 4.39 Height of Structures
- (G) 4.40 Private Open Space and Density
- (H) 4.41 Weather Protection
- (I) 4.42 North Road Sewerage Reticulation Area
- (J) 4.43 Industrial A Sub-Area (Awarua)

#### **4.21.4 Concept Plans**

- (A) 4.44 Concept Plans

#### **4.21.5 Temporary Military Training**

- (A) 4.45 Temporary Military Training

#### **4.21.6** Activities are provided for in this Plan as permitted, controlled, discretionary and non-complying. By way of explanation:

- (A) Permitted activities are listed in the Activity Table (Rule 4.33). If the activity meets all of the relevant District Wide Rules (Rules 4.22 – 4.32) and all of the relevant environmental standards (Rules 4.34 – 4.41) or (where relevant) the provisions of 4.42 and 4.43 it can proceed as of right and no resource consent is required. For the avoidance of any doubt any extension or increase in the scale of a permitted activity can proceed as of right provided that any extension or increase in scale meets the relevant environmental standards or District Wide Rules.

- (B) Controlled activities are listed in the District Wide Rules (Rules 4.23 and 4.29). Resource consent is required for controlled activities with Council considering only those matters listed in the relevant rule. Controlled activities will be approved, but consideration is required as to the conditions that will be imposed.

If controlled activities do not comply with provisions in Rules 4.23 or 4.29, or other rules, their status will alter as provided for within these Rules.

- (C) Discretionary activities are listed in the Activity Table (Rule 4.33). They are land use activities that are allowed only if a resource consent is obtained.

- (D) Discretionary activity status is also given to the majority of activities that do not comply with provisions of the District Wide Rules (Rules 4.22 - 4.32), the Environmental Standards (Rules 4.34 – 4.41), 4.42 Concept Plans or 4.43 Temporary Military Activities. In these instances Council has restricted the matters over which it will exercise its discretion, and these are specified in the Plan.

- (E) Non-complying activities are listed in the Activity Table (Rule 4.33). Non-complying activity status is also given to the some activities that do not comply with the District Wide Rules (Rules 4.22 - 4.32) or the Environmental Standards (Rules 4.34 - 4.41). Non-complying activities are allowed only if resource consent is obtained.

## DISTRICT WIDE RULES

### 4.22 OUTSTANDING NATURAL FEATURES AND LANDSCAPES

This rule applies only to the areas identified on the District Planning Maps as Outstanding Natural Features and Landscapes:

- (A) For sites outside of the Otatara Sub-Area, any land use activity, other than agriculture, is required to meet the following performance standards:
- (1) Land use activities shall not alter the contours of the land by no more than 2m over an area of 200m<sup>2</sup>
  - (2) Structures shall have a footprint area of less than 200m<sup>2</sup>
  - (3) Structures shall be less than 10m in height
  - (4) Structures shall not appear above ridge lines in the Omaui – Greenhills – Bluff area, when viewed from State Highway No 1 or Omaui Road.
- (B) Where an activity can not meet the standards above, the activity shall be a restricted discretionary activity. The matters over which Council shall restrict its discretion are:
- (1) The general shape, character and form of the outstanding natural feature or landscape
  - (2) The effect of the proposal on the visual character and coherence of the outstanding natural feature or landscape
  - (3) The values derived from the outstanding natural feature or landscape
  - (4) Any methods proposed to address any adverse effects of the development on the outstanding natural feature or landscape
  - (5) The extent to which the natural feature or landscape has already been modified
- (C) Within the Otatara Sub-Area on sites where the natural contour of the land varies by more than two metres it is a restricted discretionary activity to undertake earthworks that:
- (1) Alter the ground level existing as at 31 March 2010 by more than two metres, or
  - (2) Alter the ground level existing as at 31 March 2012 by more than 500mm over an area exceeding 100m<sup>2</sup>

The matters over which Council shall restrict its discretion are:

- (1) The effects on any natural feature of landscape that may be disturbed or otherwise altered in its appearance
- (2) The effects on the visual character and amenity of the locality

~~(A) Any land use activity, other than agriculture, is required to meet the following performance standards:~~

~~(1) Land use activities shall alter the contours of the land by no more than 2m over an area of 200m<sup>2</sup>~~

~~(2) Structures shall have a footprint area of less than 200m<sup>2</sup>~~

~~(3) Structures shall be less than 10m in height~~

~~(4) Structures shall not appear above ridge lines in the Omaui Greenhills Bluff area, when viewed from State Highway No. 1 or Omaui Road~~

~~(B) Where an activity cannot meet the standards above, the activity shall be a discretionary activity.~~

~~The matters to which Council shall exercise its discretion are:~~

~~(1) The general shape, character and form of the outstanding natural feature or landscape~~

~~(2) The effect of the proposal on the aesthetic character and coherence of the outstanding natural feature or landscape~~

~~(3) The values derived from the outstanding natural feature or landscape~~

~~(4) Any methods proposed to avoid, remedy or mitigate any adverse effects of the development on the outstanding natural feature or landscape~~

~~(5) The extent to which the natural feature or landscape have already been modified~~

#### **4.23 AREAS OF SIGNIFICANT INDIGENOUS VEGETATION AND SIGNIFICANT HABITATS OF INDIGENOUS FAUNA**

Except as provided for in subsection (D) below, this rule applies only to areas of significant indigenous vegetation and significant habitats of indigenous fauna within the Otatara Sub-Area delineated on the district planning maps:

(A) It is a permitted activity to:

(1) Undertake maintenance, restoration or amenity planting

(2) Remove diseased, dead or damaged trees, where this is necessary to avoid adverse effects on remaining trees or vegetation or to avoid risk to buildings

(3) Remove pest plants as identified in the Regional Pest Management Strategy and other exotic plants.

(4) Trim or remove any vegetation (including indigenous vegetation) that encroaches into the Airport Approach and Land Use Controls as identified in the District Planning Maps

(5) Trim vegetation:

(a) Within formed legal roadways, where such trimming is required to maintain road safety

- (b) On formed vehicle accessways, where such trimming is required to enable use by vehicles (including emergency vehicles where necessary)
- (c) Immediately adjacent to structures and lines, where such trimming is required to avoid damage to such structures and lines
- (d) Immediately adjacent to open drains, where such trimming is required in order to undertake maintenance of the drain

provided that trimming shall relate to the removal of parts of trees for reasons as set out above, while retaining the biological viability of the vegetation.

(B) It is a ~~controlled~~ discretionary activity to:

- (1) Construct any access way or road
- (2) Construct utility services

in a manner that will require the trimming, removal or changes to any indigenous vegetation or parts thereof, including any branches or roots or disturbance of the ground within the area of significant indigenous vegetation or significant habitats of indigenous fauna.

(a) ~~Council shall exercise control over the following matters. The matters over which Council shall exercise its discretion include, but are not limited to:~~

- (i) The quantity of ~~native~~ indigenous vegetation to be cleared
- (ii) The need for replanting of locally-sourced indigenous species appropriate to the Otatara Sub-Area ~~vegetation~~ to compensate for that which is lost
- (iii) The treatment of the area surrounding any clearances created so that vegetation within the adjoining area of significant indigenous vegetation and significant habitats of indigenous fauna is not adversely affected
- (iv) The degree of modification or damage that will occur to the areas of significant indigenous vegetation and significant habitats of indigenous fauna
- (v) The effect on the overall ecological integrity biological diversity and functioning of the area of significant indigenous vegetation and significant habitats of indigenous fauna

(C) It is a ~~discretionary~~ non-complying activity to:

- (1) Remove or alter any live indigenous vegetation, ~~or alter such vegetation in a manner that destroys the biological viability of that vegetation, except where such vegetation removal or alteration is permitted under subsection (A) above.~~
- (2) Erect any building or other structure.

(D) It is a non-complying activity to plant exotic woodlots and commercial forestry within any area of significant indigenous vegetation and significant habitats of indigenous fauna in the Invercargill District.

## **4.24 SOIL RESOURCE**

**4.24.1** This rule does not apply in the Smelter Sub Area or the Seaport Sub-Area.

- 4.24.2** The following land use activities which fill or re-contour land are permitted activities: (A) Gardening, agriculture, landscaping, and including such practices as drainage, tilling, harrowing, ploughing, fertilising, mulching, silage making, farm tracks, repairing storm or flood damage and planting
- (B) Movement, deposition or removal of material when it is a necessary consequence of building a structure for which a building consent has been obtained on that site
  - (C) Deposition of material for the purpose of forming hard surfaces such as accessways and paths
  - (D) Removal and deposition of material for the purposes of work in compliance with Council's Code of Practice for Land Development
  - (E) Activities associated with the construction, operation, maintenance, repair and upgrading of infrastructure.

Note: Under Rule 4.32.3 of the Plan, the operation, maintenance, upgrading and replacement of infrastructure is a permitted activity not required to comply with other rules or standards in the Plan. Therefore, this Rule 4.24, does not apply to filling and/or recontouring of land associated with the operation, maintenance, upgrading or replacement of infrastructure.

**4.24.3** All land use activities and development which fill or re-contour land not permitted by Rule 4.24.2 shall be a discretionary activity.

**4.24.4** In considering any resource consent the matters Council shall consider include, but are not limited to:

- (A) The effects on the life supporting capacity of the District's soil resource
  - (B) Potential effects of dust and noise nuisance
  - (C) Visual effects
  - (D) Traffic generation and its effect on neighbouring properties and the transportation network
  - (E) Effects on natural water flows and established drainage networks
  - (F) Any effect upon areas of significant indigenous vegetation and significant habitats of indigenous fauna and outstanding natural features and landscapes
  - (G) Any effect on heritage or archaeological sites
  - (H) The nature and volume of any fill material proposed
  - (I) The effect on sites or areas of significance to Tangata Whenua
  - (J) The need for a site management plan. This shall describe how the site will be managed and what measures will be put in place to address actual and potential environmental effects of the operation
  - (K) Site rehabilitation including the need for a rehabilitation plan
- (L) The future development potential of land for permitted activities

**4.25 Mineral Extraction** starts on page 4-14 overleaf



## **4.25 MINERAL EXTRACTION**

- 4.25.1** Subject to Rule 4.22 Outstanding Natural Features and Landscapes, Rule 4.23 Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna and Rule 4.26 Heritage, the excavation, stockpiling and use of material from a borrow pit shall be a permitted activity.
- 4.25.2** Except as provided for in subsection 4.25.1 above, all land use activities involving the extraction of minerals shall be a discretionary activity.
- 4.25.3** Any application for resource consent is to be accompanied by a plan for rehabilitation of the area likely to be affected by the application.

## **4.26 HERITAGE**

- 4.26.1** Maintenance to preserve the integrity of buildings and structures listed in Appendix II:1. Sites of Heritage Value within the District shall be a permitted activity.
- 4.26.2** With respect to any Class 2 and 3 building listed in Appendix II: 1. Sites of Heritage Value within the District, except New Zealand Historic Places Trust Category II Buildings, land use activities other than demolition shall be a permitted activity.
- 4.26.3** Where:
- (A) The demolition of Class 2 and 3 buildings listed in Appendix II:1. Sites of Heritage Value within the District (other than New Zealand Historic Places Trust Category II Buildings) is proposed; and
  - (B) The façade of the building is to be retained;
- the provisions of Rule 4.30 (Demolition or Removal) shall apply.
- 4.26.4** Except as provided for in Rules 4.26.1 and 4.26.2 above, any demolition or alteration of structures, places or areas identified in Appendix II:1. Sites of Heritage Value within the District shall be a discretionary activity.
- (A) The matters to which council will restrict its discretion are:
    - (1) The class awarded to the site, structure, place or area under Appendix II of the Plan and the scope of protection that it is intended to provide
    - (2) The effects upon the historical characteristics of the site, structure, place or area
    - (3) The effect of the proposal on the streetscape
    - (4) Tunnelling, digging, vibration or excavation that destabilises the site, structure, place or area
    - (5) Any recommendations of iwi, the New Zealand Historic Places Trust, and the New Zealand Archaeological Association File Keeper
    - (6) The degree to which any demolition, extension, modification, alteration or removal of any structure alters the heritage values of the site, structure, place, or area

- (7) Whether the site, structure, place or area is capable of adaptive re-use or can be retained by making alterations that retain its heritage character and values
- (8) The measures to avoid, remedy or mitigate the adverse effects of land use activities on sites, structures, places or areas of heritage value

**Note:** Rule 4.26.4 does not apply to archaeological sites, including those recorded in Appendix II:2. Archaeological Sites Within the District. This is because, where an activity will damage, modify or destroy an archaeological site, the provisions of sections 9 to 21 of the Historic Places Act 1993 apply. Under the Historic Places Act 1993, it is an offence to damage, modify or destroy any archaeological site knowing, or having reasonable cause to suspect, that it is an archaeological site unless an Authority has first been granted by the New Zealand Historic Places Trust. For a more detailed explanation on archaeological sites refer to Appendix II:2. Archaeological Sites Within the District.

## 4.27 TRANSPORTATION

### 4.27.1 Off Street Car Parking Requirements

- (A) All land use activities specified in the table below, except within the City Centre and Smelter Sub-Areas, shall provide the following minimum off-street car parking facilities:

*(Note: Where more than one activity takes place on the site, parking shall be assessed for each activity separately and be cumulative)*

Where staff parking is to be provided, all such spaces shall be so identified.

ACTIVITY	PARKING REQUIREMENT
Animal Boarding Activity	One staff car park per two staff or part thereof on the site at any time (other than persons resident on the site), plus one car park for the first twenty animals boarded, thereafter two car parks
Commercial Activity	Retail and Hire Activities: Supermarkets: One car park per 20m <sup>2</sup> retail floor space or part thereof plus one staff car park per 100m <sup>2</sup> retail floor space or part thereof  Other Retail and Hire Premises: One car park per 50m <sup>2</sup> retail floor space or part thereof plus one staff car park per 100m <sup>2</sup> retail floor space or part thereof  Offices: One car park per 50m <sup>2</sup> gross floor space or part thereof  Restaurants: One staff car park per two staff or part thereof on the site at any time, plus one car park per four persons to be accommodated in the restaurant  Activities with outdoor display areas: One staff car park per two staff or part thereof on the site at any time, plus one car park per 50m <sup>2</sup> of indoor retail space or part thereof, plus one car park per 100m <sup>2</sup> of outdoor display area (covered or uncovered) or part thereof

ACTIVITY	PARKING REQUIREMENT
	<p>Other: One staff car park per two staff or part thereof on the site at any time, plus one car park per 50m<sup>2</sup> or part thereof of gross floor area of commercial activity</p>
Commercial Recreation Activity	<p>Indoor: One staff car park per two staff or part thereof on the site at any time, plus one car park per ten persons (including spectators) or part thereof provided for on the site</p> <p>Outdoor: One staff car park per two staff or part thereof on the site at any time, plus one car park per 750m<sup>2</sup> or part thereof of commercial recreational activity</p>
Communal Activity	One staff car park per two staff or part thereof on the site at any time, plus one car park per ten persons or part thereof provided for on the site
Day Care Activity	One staff car park per two staff or part thereof on the site at any time, plus one car park per 100m <sup>2</sup> gross floor area or part thereof
Educational Activity (Existing )	<p>One staff car park per additional two staff members or part thereof, plus one car park per ten students or part thereof over the legal driving age, for students and staff in structures erected after 15 October 2002</p> <p>Where on site recreational facilities are erected and used by persons not part of the educational activity (existing), the additional parking on site shall be sufficient to provide one car-park per ten persons or part thereof, including spectators, that the recreation facilities are designed to accommodate</p>
Educational Activity	<p>One staff car park per two staff members or part thereof on site at any one time, plus one car park per ten students or part thereof over the legal driving age</p> <p>Where educational activities include recreational facilities that are available for wider community use, the total parking on-site shall be sufficient to provide one car park per ten persons designed to be accommodated in the facility</p>
Essential Services	One car park per 100m <sup>2</sup> of gross floor area or part thereof, plus where provision is made for the public to visit the site, an additional car park shall be provided
Health Care Activity	One car park per 50m <sup>2</sup> gross floor area or part thereof, plus one car park for each two staff (including professionals) or part thereof on the site at any one time
Home Occupation	One car park space for any non-resident person employed on the site
Home Stay	One car park per two guests or part thereof
Hospital Activity	One staff car park per two staff or part thereof on the site at any time, plus one car park per four beds or part thereof
Industrial Activity	One car park per 50m <sup>2</sup> or part thereof up to 200m <sup>2</sup> , thereafter one car park per 200m <sup>2</sup> gross floor area or part thereof
Marae Activity	<p>Residences: One car park per residential unit</p> <p>Administrative Activities: One car park per 50m<sup>2</sup> gross floor space or part thereof</p> <p>Educational Facilities: One car park per two staff members or part thereof on site at any one time, plus one car park per ten students or part thereof over the legal driving age</p> <p>Other Activities: One car park per ten persons or part thereof provided for on the site</p>

ACTIVITY	PARKING REQUIREMENT
Recreational Activity	One staff car park per two staff or part thereof on the site at any time, plus one car park per ten persons or part thereof provided for on the site
Residential Activity	One car park per residential unit, except that where the residential unit has an area (excluding any garaging) greater than 100m <sup>2</sup> two car parks shall be provided Where multiple units are provided on the site, one car park for each five units shall be provided for visitors
Residential Care Activity	One staff car park per two staff or part thereof on site at any one time, plus one car park per four care residents or part thereof
Roadside Sales Activity on state highways	One car park per 25m <sup>2</sup> of retail floor area or part thereof
Service Station	One staff car park per two staff or part thereof on the site at any time
Veterinary Clinic	One staff car park per two staff or part thereof on the site at any time, plus one car park per 200m <sup>2</sup> gross floor space or part thereof
Visitor Accommodation	One staff car park per two staff or part thereof on the site at any time, plus: Unit type construction (e.g. motels, cabins): One car park per unit Guest room type construction (e.g. hotels, hostels): One car park per four guests or part thereof Camping ground accommodation: One car park per camp site
Filming and Recording Activity	One car park per 50 metres gross floor area or part thereof

#### 4.27.2 Parking Spaces for Non-Residential Activities

- (A) Where parking spaces are provided for a non-residential activity located within or adjoining a Domicile Sub-Area, the area comprising the off street parking spaces, together with their respective access drives and aisles, shall:
- (1) be screened by a close boarded fence, solid wall or hedge not less than 1.8m in height.
  - (2) be designed to comply with Council's Code of Practice for Land Development

4.27.3 Where any of the provisions of subsections 4.27.1 and 4.27.2 above will not be met then the activity shall be a discretionary activity.

#### 4.27.4 Loading Facilities

- (A) Loading facilities are not required:
- (1) in the City Centre Sub-Area
  - (2) for residences fronting the street in the Domicile Sub-Area
  - (3) for infrastructure
- (B) Except as provided for in subsection 4.27.4(A) above, provision shall be made for loading and unloading facilities and manoeuvring spaces on site for vehicles servicing that activity.
- (C) Where any loading facility is provided:
- (1) it shall be so designed that vehicles using the facility are able to enter and leave the site in forward gear
  - (2) the facility and any associated vehicle manoeuvring area, shall be designed to comply with Council's Code of Practice for Land Development

- (D) Where any of the provisions of subsections 4.27.4(B) and 4.27.4(C) are not complied with then the activity shall be a discretionary activity.
- (1) The matter over which Council shall exercise its discretion is:
- (a) The effect of the non-provision of loading and unloading facilities and manoeuvring spaces on site on the transportation network and the amenities of the area

#### **4.27.5 Accesses to, and Egresses from, Roads**

- (A) It is a discretionary activity to construct and use new vehicle accesses from, and egresses on to, state highways:
- (1) for any activity, where the speed limit exceeds 50 kph
- (2) for any activity not listed as permitted in Rule 4.33 Activity Table, where the speed limit equals or is less than 50 kph
- (B) In considering any discretionary activity resource consent in terms of subsection 4.27.5(A) above, the matters over which Council shall exercise its discretion are:
- (1) The location of the vehicle accesses and egresses
- (2) The dimensions, formation and surfacing of the vehicle accesses and egresses
- (3) Any additional works that may be required on site or on the roadway itself to avoid, remedy or mitigate any potential traffic safety problems

In considering these matters, Council shall have particular regard to:

- (a) All relevant traffic safety issues
- (b) The location of, and options for, other vehicle crossings to the property
- (c) The location of vehicle crossings to other properties
- (d) Proximity to road intersections
- (e) Existing and forecast volumes of traffic, pedestrians and other road users in the vicinity
- (f) The timing, duration and volume of traffic, pedestrians and other road users that will be generated by the use of the accesses or egresses
- (g) The potential for conflicts and confusion to arise from vehicle manoeuvres and movement by other road users in the vicinity
- (h) Traffic speeds in the vicinity
- (i) Sight distances, including the effects of any landscaping, existing or proposed, that could impact upon sight distances
- (j) Any accident history in the vicinity
- (k) Any cumulative effects of additional accesses or egresses
- (l) Road design features
- (m) The need for any provision for the queuing of vehicles using the accesses or egresses
- (n) The status of the road
- (o) The proposed surface of the accesses or egresses, and any provision that may be appropriate to prevent water, gravel or other material affecting the road surface of the highway

- (p) Any signage proposed, or that may be warranted and its effect on other signage in the area
  - (q) The degree to which the accesses or egresses comply with any guidelines of the road controlling body (New Zealand Transport Agency)
  - (r) The views of the road controlling body (New Zealand Transport Agency)
- (C) Except as provided in subsection 4.27.5(A) above, the dimensions, formation and surfacing of vehicle accesses to, and egresses from, roads shall comply with Council's Code of Practice for Land Development.
- (D) Any vehicle access or egress that does not comply with Council's Code of Practice for Land Development is a discretionary activity.

The matter over which Council shall exercise its discretion is:

- (1) The adverse environmental effects of the matters with which there is non-compliance with Council's Code of Practice for Land Development

## **4.28 NATURAL HAZARDS**

**4.28.1** This rule applies only to the erection of new residences and extensions to existing residences in those areas identified on the Hazard Information Maps as having either Level 2, 2A or 3 risk from riverine inundation or a high level of risk from sea level rise/storm surge:

- (A) Within those areas identified on the Hazard Information Maps having a minimum floor level:
- (1) The erection of new residences and extensions to residences existing as at 11 May 2002 is a permitted activity, provided that there is compliance with the minimum floor level specified on the Hazard Information Maps.
  - (2) Notwithstanding paragraph 4.28.1(A)(1) above, the extensions to residences existing as at 11 May 2002 is a permitted activity to a maximum of 50m<sup>2</sup> above the size that existed as at 11 May 2002.
  - (3) Except as provided for in paragraphs 4.28.1(A)(1) and (A)(2) above, the erection of any residence, or any extension to a residence, is a discretionary activity.

The matters over which Council shall exercise its discretion are:

- (a) The siting of the building
  - (b) The length of time the building shall be on the site
  - (c) The need for new or upgraded hazard protection works
- (B) Within those areas identified on the Hazard Information Maps as having either a Level 3 degree of risk of riverine inundation or a High degree of risk from sea level rise/storm surge but excluding those areas with a minimum floor level:

- (1) The erection of extensions to residences existing as at 11 May 2002 is a permitted activity provided that the ground floor area of the building is not increased by more than 50m<sup>2</sup> above the size that existed as at 11 May 2002.
- (2) Except as provided for in paragraph 4.28.1(B)(1) above, the erection of any residence, or any extension to a residence, is a discretionary activity.
- (3) The matters over which Council shall exercise its discretion are:
  - (a) The siting of the building
  - (b) Measures to avoid, remedy or mitigate the adverse effects of either riverine inundation and/or sea level rise/storm surge on the building and the effects of these measures
  - (c) The length of time the building shall be on the site
- (C) For the purpose of Rule 4.28, residence excludes attached carports, garages, laundries and non-habitable accessory buildings.

## **4.29 SUBDIVISION OF LAND**

- 4.29.1** Except as provided for in paragraphs 4.29.2 – 4.29.4~~11~~, subdivision shall be a controlled activity. Council shall exercise control over the following matters:
- (A) Granting of easements
  - (B) Access from formed public roads. Wherever practical access shall be to side roads rather than arterial roads
  - (C) In the case of existing land uses, ensuring that the minimum environmental standards specified in this Plan can be met on the same allotment as the building
  - (D) The provision of esplanade strips
  - (E) The provision of services and the avoidance, remedying or mitigation of any adverse effects associated with these services
  - (F) Density of new housing within the Outer Control Boundary and Single Event Sound Exposure Boundary as shown on the District Planning Maps
  - (G) Any potential effect on existing land use activities on other land
  - (H) Any adverse effects on natural features, landscape, ecological, cultural or heritage values
- 4.29.2** Where any allotment being subdivided relies on a Limited Access Road for physical access and legal frontage, the subdivision will be a discretionary activity for which the relevant roading authority will be deemed to be an affected party.
- 4.29.3** Where a subdivision has the effect of making an existing land use discretionary or increasing the degree of non-conformity in terms of the Plan then the subdivision itself is deemed to be a discretionary activity for which a resource consent is required.
- 4.29.4** Subdivision of land in areas identified on the Hazard Information Maps as having a Level 2, 2A or 3 risk from riverine inundation and/or a high degree of risk from sea level rise/storm surge shall be a discretionary activity.

**4.29.5** Subdivision of land which creates new boundaries within an area measured 20m from either side of the centre point of an electrical transmission line designed to operate at or above 110kV shall be a discretionary activity.

In addition to the matters specified in 4.29.1 the matters to which Council shall exercise its discretion are:

- (A) The subdivision design including the location of any earthworks, roads, reserves and building platforms
- (B) The height and location of any associated tree planting

**4.29.6** The subdivision of an area of significant indigenous vegetation and significant habitats of indigenous fauna is a discretionary activity (restricted) where any new boundary line or any proposed building platform falls within the identified area of significant indigenous vegetation and significant habitats of indigenous fauna.

In addition to the matters outlined in 4.29.1 above, Council shall restrict its discretion to the following:

- (A) The significance of the area of significant indigenous vegetation and habitat of significant indigenous fauna
- (B) Effect of the proposed subdivision on the overall ecological integrity, functioning and continued sustainability/viability of the area of significant indigenous vegetation and habitat of significant indigenous fauna
- (C) Any relevant objective or policy of the plan relating to the protection of areas of significant indigenous vegetation and habitat of significant indigenous fauna
- (D) Any relevant national policy statement
- (E) Any relevant regional plan or proposed regional plan
- (F) Any methods proposed to avoid, remedy or mitigate actual or potential adverse effects on the area of significant indigenous vegetation and habitat of significant indigenous fauna
- (G) Any mechanisms proposed to protect the area of significant indigenous vegetation and habitat of significant indigenous fauna to be subdivided

**4.29.7** It is a discretionary activity to undertake any subdivision within the Airport Protection Sub- Area.

- (A) In addition to the matters listed in 4.29.1 above, the matters the Council shall consider in the exercise of its discretion include but are not limited to:
  - (1) Consideration of the proposed location of the subdivision and/or noise sensitive activity in relation to airport activities together with the nature, size and scale of the proposed development including the number of people likely to be accommodated.
  - (2) Effects, or potential effects arising from the proximity of the airport, aircraft approach/takeoff paths, lead-in lighting, navigational aids; and the potential of buildings or structures to create glare, electromagnetic interference, smoke, mechanical turbulence, or other adverse effects.
  - (3) The effect, or potential effect of the subdivision or noise sensitive activity on the operation of Invercargill Airport; particularly having regard to the runway centreline alignment for a distance of 1km beyond the runway ends and for a width of 300m, in specific recognition of the Global Positioning System (GPS) requirements for



aircraft on approach, and aircraft utilising Instrument Landing system (ILS). (Consent will not generally be given for new residential activity in the vicinity of the runway centreline, or the extended runway centreline, and new residential activity is restricted to the outer edges of the Airport Protection Sub–Area).

- (4) The effect, or potential effect of airport operations, in particular noise, and health/safety effects from low flying aircraft, on the proposed subdivision and/or noise sensitive activity, given low ground clearances for aircraft on approach/takeoff over this area, and rising ground to the south-west.
- (5) Relevant objectives and policies as they relate to the protection of a regionally significant transportation resource.
- (6) Any remedial measures to avoid, remedy, or mitigate potential conflict with the safe and efficient operation of the airport including noise attenuation and ventilation measures.
- (7) Evidence of a legally binding commitment (acceptable to the relevant Airport authority) on behalf of the applicant and any successors in title not to complain as to current or potential effects associated with the operation of the airport resource and/or to waive all rights of action under the Resource Management Act 1991 or otherwise at law against the Airport. A legally binding commitment may take the form of a restrictive non-complaint covenant or memorandum of encumbrance entered against the title to the property.

(B) Conditions of Consent

Any application for land use or subdivision consent for a residential or other noise sensitive activity in the Airport Protection Sub-Area will be required to show that any proposed building(s) have been, or will be acoustically insulated in accordance with the requirements for new noise sensitive activities set out in Appendix IV- Noise Sensitive Insulation Requirements.

(C) Notification

Council has identified reverse sensitivity effects subdivision and new noise sensitive activities may have on the safe and efficient operation of the Invercargill Airport. It has also identified potential adverse effects of the Airport on new subdivisions or noise sensitive activities. Therefore, applications for resource consent require the written approval of the Invercargill Airport Ltd as an affected party if such applications are to be considered on a non notified basis.

**4.29.8** The subdivision of land within the Rural Sub-Area of the North Road Sewerage Reticulation Area is a non-complying activity.

**4.29.9** The Subdivision of land within the Industrial Sub-Area of the North Road Sewerage Reticulation Area into allotments of less than 1 hectare is a non-complying activity.

**4.29.10** The subdivision of land within the Industrial A Sub-Area shall be a discretionary activity.

- (A) In addition to the matters specified in 4.29.1 above, the matters to which Council shall exercise its discretion include but are not limited to:
- (1) Provision to be made for the ongoing supply of water to the site
  - (2) Provision to be made for the treatment and disposal of sewage tradewaste and stormwater from the site

- (3) The extent to which wetland and indigenous vegetation values will be protected and enhanced on the site
- (4) Provision to be made for landscaping associated with future use of the site, and the extent to which this is consistent with the Concept Plan in Appendix VII.
- (5) Provision to be made for the protection of any heritage or archaeological values on the site.
- (6) Providing suitable ground conditions for the erection of any buildings on the site.
- (7) Provision for any upgrading of the Colyer Road / State Highway 1 intersection arising from any increased use by traffic accessing the site via that intersection
- (8) Provision to be made for water drainage corridors
- (9) Provision to be made for road and rail transport corridors
- (10) Provision for street lighting
- (11) Setting aside as Local Purpose Reserve areas shown on the Concept Plan attached in Appendix VII:
  - (a) Areas less than 3 metres above mean sea level, and
  - (b) riparian areas adjoining waterways as shown on the Concept Plan attached in Appendix VII, as Local Purpose Reserve

4.29.11 Within the Otatara Sub-Area subdivision of land, where the natural contour of the land varies by more than two metres, shall be a restricted discretionary activity.

In addition to the matters specified in Rule 4.29.1, and where applicable Rule 4.29.6, the matters to which Council shall restrict its discretion are:

- (A) The number of sections created, their layout and size and overall subdivision design.
- (B) The effect of the proposed subdivision and its implementation on any natural feature or landscape.
- (C) The future use of the land, including the extent of future earthworks and the location of building platforms.

~~4.29.11~~ Esplanade reserves will not be required.

~~4.29.12~~ Esplanade strips shall not be greater than 20m wide.

~~4.29.13~~ Allotments less than four hectares: Where an allotment of less than four hectares is created when land is subdivided adjacent to a river 3m or greater in width or the coastal marine area, an esplanade strip up to 20m in width shall be required within the allotment along the bank of the river or along the mark of mean high water springs of the sea as that case may be.

~~4.29.14~~ Allotments greater than four hectares: Where an allotment of greater than four hectares is created, when land is subdivided adjacent to a river 3m or greater in width or the coastal marine area, Council may require an esplanade strip in the following circumstances:

- (A) Where reserves already exist adjacent to or in the general vicinity of the subdivision and the acquisition of an esplanade strip would complement or increase the width of that land already in public ownership.
- (B) On any water body where such a strip or reserve may be necessary to provide for the purposes set out in section 229 of the Resource Management Act 1991.

~~4.29.4516~~ Esplanade strips will not be required around the Island Harbour of the Seaport Sub-Area or in relation to the Smelter Sub-Area unless agreed with the landowner and occupier for practical access reasons.

### **4.30 DEMOLITION OR REMOVAL ACTIVITIES**

**4.30.1** Demolition or removal of all buildings and structures with an area of less than:

- (A) 80m<sup>2</sup> in the Domicile Sub-Areas
- (B) 1000m<sup>2</sup> in the Smelter Sub-Area
- (C) 120m<sup>2</sup> in other Sub-Areas

shall be a permitted activity, unless Rule 4.26 Heritage applies.

**4.30.2** Demolition or removal of buildings and structures with an area of:

- (A) 80m<sup>2</sup> or greater in the Domicile Sub-Areas
- (B) 1000m<sup>2</sup> or greater in the Smelter Sub-Area
- (C) 120m<sup>2</sup> in other Sub-Areas

shall be a restricted discretionary activity, unless Rule 4.26 Heritage applies.

The matters to which Council shall exercise its discretion are:

- (1) Screening mechanisms if needed
- (2) Mitigation of the effects of any earthworks undertaken in association with the demolition
- (3) Site rehabilitation
- (4) The imposition of a bond or financial contribution (if required) to ensure the completion of rehabilitation

### **4.30A RELOCATED BUILDINGS**

**4.30A.1** This Rule applies to the Domicile, Rural, and Otatara Sub-Areas.

**4.30A.2** The relocation of any accessory building onto a site shall be a permitted activity.

**4.30A.3** The relocation of any previously unoccupied, pre-built residence onto a site shall be a permitted activity.

**4.30A.4** The relocation of a previously used building intended for use as a residence onto a site shall be a permitted activity subject to the following performance standards:

- (A) A building inspection report shall accompany the application for a building consent. That report is to identify all reinstatement work required to the exterior of the building.
- (B) All work required to reinstate the exterior of any relocated dwelling, including painting if required, shall be completed within twelve months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.
- (C) The building shall be placed on permanent foundations within 90 days of the building being delivered to the site.

**4.30A.5** The relocation of a previously used building intended for use as a residence onto a site that does not comply with the standards set out in Rule 4.30A.4 above shall be a restricted discretionary activity.

The matters over which Council shall exercise its discretion are:

- (A) The timing and scope of external reinstatement works, including, but not restricted to, the following:
  - (1) Any maintenance, repair or replacement of parts of the building proposed, including steps, windows, chimney spaces, guttering and any rotten or otherwise defective exterior cladding.
  - (2) The provision and installation of suitable sub-floor wall claddings.
  - (3) Any additions proposed to the building, including building extensions, porches and decks.
  - (4) The exterior finish (but not colour) of the building (including walls and roof areas)
  - (5) Damage occurring to the building during relocation
- (B) Structural integrity and weatherproofing:
- (C) Stormwater management on the site:
- (D) Visibility from public places and screening:
- (E) Site rehabilitation;
- (F) The inspection of the building once relocated to the site and the monitoring of progress of work;
- (G) Historic Heritage value of the site where applicable.

**4.30A.6** Applications made under Rule 4.30A.5 shall include:

- (A) Plans and photographs of the building proposed to be relocated together with a report of the structural integrity of the building.
- (B) A site plan showing the location of the building on its new site and layout of any accesses and paths proposed.
- (C) Plans of the building as it is intended in its final form, including profiles showing that relevant bulk and location rules in the district plan are complied with.
- (D) A programme, timeline and estimate of cost for:
  - (1) placing of the building on to permanent foundations
  - (2) completion of work required to the external portions of the building
  - (3) undertaking any additions or other changes to the external appearance of the building
  - (4) connecting the building to associated services, including where relevant water, sewerage or septic tank, and electricity
  - (5) construction of any accesses or paths from the street to the building

**4.30A.6** Unless special circumstances apply, any application made under Rule 4.30A.5 will generally not be notified or served where the written approval of affected persons has been obtained.

## **4.31 PUBLIC OPEN SPACE**

**4.31.1** All activities proposed within areas administered under the Reserves Act 1977 are permitted where they comply with a Management Plan approved by the Minister.

**4.31.2** All activities proposed within areas administered under the Reserves Act 1977 shall be a discretionary activity where:

- (A) There is no approved Management Plan for the area; or
- (B) The Management Plan does not make provision for the proposed activity.

## **4.32 INFRASTRUCTURE**

### **4.32.1 General**

Except as provided below, infrastructure is a permitted activity.

### **4.32.2 Infrastructure Standards**

- (A) Where applicable all infrastructure shall comply with Council's Code of Practice for Land Development.
- (B) Any infrastructure that does not comply with Council's Code of Practice for Land Development (where applicable) is a discretionary activity.

The matter over which Council shall exercise its discretion is:

- (1) The adverse environmental effects of the matters with which there is non-compliance with Council's Code of Practice for Land Development

Note: Land use activities requiring on-site foul sewage system are required to comply with the Regional Land Effluent Application Plan.

### **4.32.3 Maintenance**

The operation, maintenance, and upgrading and replacement of infrastructure is a permitted activity not required to comply with any other Rules or standards in this Plan.

### **4.32.4 Electricity lines**

- (A) Electricity lines up to (and including) 110kV are a permitted activity in all Sub-Areas of the District, subject to the following standards:
  - (1) New lines are to be located underground in the Domicile, Suburban Service, Business, City Centre, Otatara Sub-Areas and Hospital Sub-Area
  - (2) Any lines crossing a navigable water body are located more than 10m above the level of the water body
- (B) For the purposes of 4.32.4(A) above, lines supported on poles are exempt from
  - (1) The height and recession plane standards of the Plan
  - (2) The private open space and density standards, except where the aboveground line is to be located on a site adjacent to the Domicile Sub-Area. In such circumstances a yard requirement of 4m shall apply.
- (C) Any electricity lines up to (and including) 110kV that do not comply with any part of paragraph 4.32.4 (A) and/or any applicable District Wide Rule and/or Sub-Area standard is a discretionary activity.

The matter over which Council shall exercise its discretion is:

- (1) The adverse environmental effects of the matter(s) with which there is non-compliance
- (D) Except in the Smelter Sub-Area electricity lines greater than 110kV are a discretionary activity.

#### **4.32.5 Electricity Substations**

- (A) Electricity substations are a permitted activity, subject to the following standards:
- (1) Except in the Rural, Seaport, Enterprise, Industrial, Industrial A and Smelter Sub-Areas, no ground-mounted structure shall exceed 6m<sup>2</sup> in area or 2m in height
  - (2) No pole mounted structure shall exceed a volume of 0.6m<sup>3</sup>
- (B) Any electricity substation that does not comply with any part of paragraph 4.32.5(A) above is a discretionary activity.

The matter over which Council shall exercise its discretion is:

- (1) The adverse environmental effects of the matters with which there is non-compliance

#### **4.32.6 Communications**

- (A) Lines used for the conveying of telecommunications, television, electronic data and other such communications are a permitted activity in all Sub-Areas of the District, subject to the following standard:
- (1) Such lines are located underground in the Domicile, Suburban Service, Business, City Centre, Otatara Sub-Areas and Hospital Sub-Areas
- (B) For the purposes of paragraph 4.32.6(A) above, lines, supported on poles not exceeding 0.6m in diameter, are exempt from:
- (1) The height and recession standards of the Plan
  - (2) The private open space and density standards of the Plan, except where the above ground line is to be located on a site contiguous with the Domicile Sub-Area. In such circumstances the poles supporting the above ground line shall be located no closer than 4m from the boundary of the Domicile Sub-Area.
- (C) Within the City Centre, Seaport, Industrial A, Airport Operations and Smelter Sub-Areas the electronic sending and receiving of communications and associated structures, including (but not limited to) telecommunication and radio communication facilities, is a permitted activity subject to the following standard:
- (1) No antenna dish shall exceed 3m in diameter
- (D) Within the Enterprise, Business and Industrial Sub-Areas the electronic sending and receiving of communications and associated structures, including (but not limited to) telecommunication and radio communication facilities, is a permitted activity subject to the following standards:
- (1) No antenna dish shall exceed 3m in diameter
  - (2) No antenna or support structure shall extend more than 3m above the maximum permitted height specified in Rule 4.39: Height of Structure
  - (3) All structures shall comply with the height limits in the "Airport approach and land use controls" as detailed in the Planning Maps

- (E) Within the following Sub-Areas, the electronic sending and receiving of communications and associated structures, including (but not limited to) telecommunication and radiocommunication facilities, is a permitted activity subject to the following standards:

**(1) Domicile Sub-Area**

- (a) No antenna shall exceed a diameter of 1.2m
- (b) No antenna or structure shall extend more than 3m above the maximum height specified in Rule 4.39: Height of structures
- (c) Masts, poles and towers for radiocommunications facilities exceeding 0.6m in diameter at a point 4m above ground level, must be located no closer than 4m or half the height of the support structure (whichever is the greatest) from any boundary

**(2) Suburban Service Sub-Area and Business A Sub-Area**

- (a) No antenna shall exceed a diameter of 3m
- (b) No antenna or support structure shall extend more than 3m above the maximum permitted height specified in Rule 4.39: Height of Structures, except that:  
Where associated with radiocommunication facilities, the maximum height for masts, poles and towers not exceeding 0.6m in diameter at a point 4m above ground level shall be 18m
- (c) Masts, poles and towers for radiocommunications facilities, exceeding 0.6m in diameter at a point 4m above ground level, shall not be located within 25m of a boundary with the Domicile Sub-Area

**(3) Rural and Rural Service Sub-Areas**

- (a) No antenna shall exceed a diameter of 3m
- (b) No antenna or support structure shall extend more than 3m above the maximum permitted height specified in Rule 4.39: Height of Structures, except that:  
Where associated with radiocommunication facilities, the maximum height for masts, poles and towers not exceeding 0.6m in diameter at a point 4m above ground level shall be 25m
- (c) Masts, poles and towers for radiocommunications facilities, exceeding 0.6m in diameter at a point 4m above ground level, shall not be located within 50m of a residence, or within 50m of a boundary with the Domicile Sub-Area

**(4) Airport Protection Sub-Area**

- (a) No antenna shall exceed a diameter of 3m
- (b) All support structures shall comply with the height limits specified in the "Airport approach and land use controls" as detailed in the Plan
- (c) No structure shall be located within the runway centreline alignment for a distance of 1km beyond the end of the runway and within a width of 300m.

**(5) Otatara Sub-Area**

- (a) No antenna shall exceed a diameter of 1.2m
  - (b) No antenna or support structure shall extend more than 3m above the maximum permitted height specified in Rule 4.39 Height of Structures
  - (c) Masts, poles and towers for radiocommunication facilities exceeding 0.6m in diameter at a point 4m above ground level, must be located no closer than 4m or half the height of the support structure (whichever is the greatest) from any boundary
- (F) Any communications infrastructure that does not comply with any part of paragraphs 4.32.6(A) to (E) above is a discretionary activity.

The matter over which Council shall exercise its discretion is:

- (1) The adverse environmental effects of the matters with which there is non-compliance

Note:

- (a) Network utility structures and equipment, such as lines and support structures, telephone booths, and equipment cabinets, located within the road reserve require approval from the Invercargill City Council as the relevant roading authority only. No resource consent is required.
- (b) Antennas and aerials and lightning rods and their mounting fixtures, and utility masts and poles and towers that do not exceed 0.6m in diameter at a point 4m above ground level, are exempt from the recession plane rules.



# ACTIVITY TABLE

## 4.33 ACTIVITY TABLE

The Activity Table identifies the permitted, controlled, restricted discretionary, discretionary and non-complying activities for the District:

SUB-AREA	PERMITTED ACTIVITIES	CONTROLLED ACTIVITIES	RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES	NON-COMPLYING ACTIVITIES
<b>Domicile</b>	<ul style="list-style-type: none"> <li>* Home Occupation</li> <li>* Home Stay</li> <li>* Residential Activity</li> <li>* Residential Care Activity limited to a maximum of 8 persons</li> <li>* Educational Activity existing as at 15 October 2002</li> </ul>		<ul style="list-style-type: none"> <li>* Agriculture</li> <li>* Animal Boarding Activity</li> <li>* Commercial Activity limited to a maximum of 150m<sup>2</sup></li> <li>* Commercial Recreation Activity</li> <li>* Communal Activity</li> <li>* Education Activity other than those existing as at 15 October 2002</li> <li>* Essential Services</li> <li>* Habilitation Centre</li> <li>* Health Care Activity</li> <li>* Hospital Activity</li> <li>* Marae Activity</li> <li>* Residential Care Activity for 9 or more persons</li> <li>* Service Stations on sites accessed from major and minor arterial roads</li> <li>* Visitor Accommodation</li> <li>* Veterinary Clinic</li> </ul>	<ul style="list-style-type: none"> <li>* Any activity not listed as permitted or discretionary</li> </ul>
<b>Enterprise</b>	<ul style="list-style-type: none"> <li>* Any activity not listed as discretionary</li> <li>* Educational Activities existing as at 15 October 2002</li> </ul>		<ul style="list-style-type: none"> <li>* Noise Sensitive Activity including Habilitation Centres</li> </ul>	
<b>Suburban Service</b>	<ul style="list-style-type: none"> <li>* Commercial Activity</li> <li>* Commercial Recreation Activity</li> </ul>		<ul style="list-style-type: none"> <li>* Animal Boarding Activity</li> <li>* Habilitation Centre</li> </ul>	<ul style="list-style-type: none"> <li>* Any activity not listed as permitted or discretionary</li> </ul>

SUB-AREA	PERMITTED ACTIVITIES	CONTROLLED ACTIVITIES	RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES	NON-COMPLYING ACTIVITIES
	<ul style="list-style-type: none"> <li>* Communal Activity</li> <li>* Education Activities</li> <li>* Essential Services</li> <li>* Home Occupation</li> <li>* Home Stay</li> <li>* Health Care Activity</li> <li>* Residential Activity</li> <li>* Residential Care Activity</li> <li>* Service Stations</li> <li>* Visitor Accommodation</li> <li>* Veterinary Clinic</li> </ul>		<ul style="list-style-type: none"> <li>* Hospital Activity</li> <li>* Industrial Activity</li> <li>* Marae Activity</li> </ul>	
<b>Business</b>	<ul style="list-style-type: none"> <li>* Commercial Activity</li> <li>* Commercial Recreation Activity</li> <li>* Communal Activity</li> <li>* Education Activities</li> <li>* Essential Services</li> <li>* Habilitation Centre</li> <li>* Home Occupation</li> <li>* Home Stay</li> <li>* Health Care Activity</li> <li>* Hospital Activity</li> <li>* Residential Activity</li> <li>* Residential Care Activity</li> <li>* Service Stations</li> <li>* Visitor Accommodation</li> <li>* Veterinary Clinic</li> </ul>		<ul style="list-style-type: none"> <li>* Animal Boarding Activity</li> <li>* Industrial Activity</li> <li>* Marae Activity</li> </ul>	<ul style="list-style-type: none"> <li>* Any activity not listed as permitted or discretionary</li> </ul>
<b>Business A</b>	<ul style="list-style-type: none"> <li>* Supermarket</li> </ul>		<ul style="list-style-type: none"> <li>* Service Stations</li> <li>* Restaurants and takeaway food premises with a gross floor area of less than 350m<sup>2</sup></li> <li>* Accessory buildings for any of the foregoing activities</li> </ul>	<ul style="list-style-type: none"> <li>* Any activity not listed as permitted or discretionary</li> </ul>

SUB-AREA	PERMITTED ACTIVITIES	CONTROLLED ACTIVITIES	RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES	NON-COMPLYING ACTIVITIES
<b>City Centre</b>	<ul style="list-style-type: none"> <li>* Commercial Activity</li> <li>* Commercial Recreation Activity</li> <li>* Communal Activity</li> <li>* Education Activities</li> <li>* Essential Services</li> <li>* Habilitation Centre</li> <li>* Health Care Activity</li> <li>* Home Occupation</li> <li>* Home Stay</li> <li>* Hospital Activity</li> <li>* Residential Activity</li> <li>* Residential Care Activity</li> <li>* Visitor Accommodation</li> </ul>		<ul style="list-style-type: none"> <li>* Industrial Activity</li> <li>* Marae Activity</li> <li>* Service Stations</li> <li>* Veterinary Clinic</li> </ul>	<ul style="list-style-type: none"> <li>* Any activity not listed as permitted or discretionary</li> </ul>
<b>Hospital</b>	<ul style="list-style-type: none"> <li>* Hospital Activity</li> </ul>			<ul style="list-style-type: none"> <li>* Any activity not listed as permitted</li> </ul>
<b>Seaport</b>	<ul style="list-style-type: none"> <li>* Seaport Activity</li> <li>* Recreational activity</li> <li>* Commercial recreational activity</li> <li>* Reserves</li> <li>* Infrastructure</li> <li>* Industrial Activity</li> <li>* Commercial Activity</li> <li>* Educational Activity</li> </ul>		<ul style="list-style-type: none"> <li>* Noise sensitive activities</li> </ul>	<ul style="list-style-type: none"> <li>* Any activity not listed as permitted</li> </ul>

SUB-AREA	PERMITTED ACTIVITIES	CONTROLLED ACTIVITIES	RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES	NON-COMPLYING ACTIVITIES
<b>Rural</b>	<ul style="list-style-type: none"> <li>* Agriculture</li> <li>* Animal Boarding Activity</li> <li>* Educational activities as at 15 October 2002</li> <li>* Health Care Activity</li> <li>* Home Occupation</li> <li>* Home Stay</li> <li>* Residential Activity</li> <li>* Residential Care Activity limited to a maximum of 8 persons</li> <li>* Roadside Sales Activity, other than on State Highways</li> <li>* Temporary Military Training</li> <li>* Veterinary Clinic</li> </ul>		<ul style="list-style-type: none"> <li>* Commercial Activity, limited to a maximum area of 150m<sup>2</sup></li> <li>* Commercial Recreation Activity</li> <li>* Communal Activity</li> <li>* Education Activity other than those existing at 15 October 2002</li> <li>* Essential Services</li> <li>* Habilitation Centre</li> <li>* Hospital Activity</li> <li>* Industrial Activity</li> <li>* Marae Activity</li> <li>* Residential Care Activity for 9 or more persons</li> <li>* Roadside Sales Activity on State Highways</li> <li>* Service Stations</li> <li>* Visitor Accommodation</li> </ul>	<ul style="list-style-type: none"> <li>* Any activity not listed as permitted or discretionary</li> </ul>
<b>Industrial</b>	<ul style="list-style-type: none"> <li>* Agriculture</li> <li>* Essential Services</li> <li>* Health Care Activity</li> <li>* Industrial Activity</li> <li>* Service Station</li> <li>* Veterinary Clinic</li> </ul>		<ul style="list-style-type: none"> <li>* Any activity not listed as permitted or non-complying</li> </ul>	<ul style="list-style-type: none"> <li>* Noise Sensitive Activity</li> </ul>

SUB-AREA	PERMITTED ACTIVITIES	CONTROLLED ACTIVITIES	RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES	NON-COMPLYING ACTIVITIES
<b>Industrial A</b>	<ul style="list-style-type: none"> <li>* Agriculture (with the exception of associated dwellings).</li> <li>* Essential Services</li> <li>* The creation and enhancement of wetland areas</li> <li>* The creation of stormwater / surface water runoff corridors and associated landscaping and planting</li> </ul>	<ul style="list-style-type: none"> <li>* Railways shown on the Concept Plan attached in Appendix VII</li> <li>* Industrial Activity, except:               <ul style="list-style-type: none"> <li>- within the Awarua Historic Area shown on the Planning Maps</li> <li>- on Pt Lot 1 DP 6760 and Lot 1 DP 6874</li> <li>- the treatment of human effluent or industrial waste in facilities serving more than one site</li> <li>- The erection of buildings within areas shown on the Concept Plan as being less than 5 metres above mean sea level</li> </ul> </li> <li>* Service Station</li> <li>* Tour Operations</li> <li>* Caretakers Accommodation</li> </ul> <p>Refer to Rule 4.43</p>	<ul style="list-style-type: none"> <li>* The treatment of human effluent or industrial waste in facilities serving more than one site</li> <li>* The erection of buildings within areas shown on the Concept Plan as being less than 5 metres above mean sea level</li> <li>* Ground disturbance to a depth greater than 500mm below existing ground level, other than associated with the erection of buildings.</li> <li>* Filming and Recording Activities – Refer to Rule 4.43.5.</li> <li>* Any activity not listed as Permitted, Controlled or Non-Complying</li> </ul>	<ul style="list-style-type: none"> <li>* Commercial Activity</li> <li>* Communal Activity</li> <li>* Habilitation Centre</li> <li>* Noise Sensitive Activity</li> <li>* Industrial Activity, Service Station and Filming and Recording Activity within the Awarua Historic Area shown on the Planning Maps</li> <li>* Dwellings associated with Agriculture.</li> </ul>

SUB-AREA	PERMITTED ACTIVITIES	CONTROLLED ACTIVITIES	RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES	NON-COMPLYING ACTIVITIES
<b>Otatara</b>	<ul style="list-style-type: none"> <li>* Agriculture on sites equal to and greater than 4,000 m<sup>2</sup></li> <li>* Educational Activity existing as at 15 October 2002</li> <li>* Home Occupation</li> <li>* Home Stay</li> <li>* Residential Activity</li> <li>* Residential Care Activity limited to a maximum of 8 persons</li> </ul>		<ul style="list-style-type: none"> <li>* Agriculture on sites less than 4,000m<sup>2</sup></li> <li>* Animal Boarding Activity</li> <li>* Commercial Activity, limited to a maximum area of 150m<sup>2</sup></li> <li>* Commercial Recreation Activity</li> <li>* Communal Activity</li> <li>* Education Activity other than those existing at 15 October 2002</li> <li>* Essential Services</li> <li>* Health Care Activity</li> <li>* Hospital Activity</li> <li>* Marae Activity</li> <li>* Residential Care Activity for 9 or more persons</li> <li>* Service Stations on sites accessed from minor arterial roads</li> <li>* Veterinary Clinic</li> <li>* Visitor Accommodation</li> </ul>	<ul style="list-style-type: none"> <li>* Any activity not listed as permitted or discretionary</li> </ul>
<b>Airport Operations</b>	<ul style="list-style-type: none"> <li>* Airport Activities</li> <li>* Aviation related services</li> </ul>			<ul style="list-style-type: none"> <li>* Any activity not listed as permitted or discretionary</li> </ul>
<b>Airport Protection</b>	<ul style="list-style-type: none"> <li>* Agriculture other than forestry and shelter planting</li> <li>* Home Occupations</li> <li>* Buildings for the purpose of agriculture provided that such buildings comply with location and height limits designed to promote the safe operation of the airport</li> <li>* Alterations or additions to existing buildings or parts of buildings used or able to be used for noise sensitive activities provided that</li> </ul>		<ul style="list-style-type: none"> <li>* Noise Sensitive Activities<sup>+x</sup></li> <li>* Buildings or structures beneath airport flight paths<sup>x</sup></li> </ul> <p style="margin-left: 40px;"><sup>+</sup> An application for a noise sensitive activity will be assessed in accordance with the criteria listed in 4.29 (7)</p>	<ul style="list-style-type: none"> <li>* Any activity not listed as permitted or discretionary</li> </ul>

SUB-AREA	PERMITTED ACTIVITIES	CONTROLLED ACTIVITIES	RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES	NON-COMPLYING ACTIVITIES
	<p>the height limits designed to promote the safe operation of the airport are complied with; and</p> <p>Any alteration or addition has the appropriate acoustic insulation under Appendix IV to ensure a satisfactory internal noise environment</p>			
<b>Smelter</b>	<ul style="list-style-type: none"> <li>* Agriculture</li> <li>* Aluminium Smelting</li> <li>* Commercial Activity, limited to a maximum area of 150m<sup>2</sup></li> <li>* Essential Services</li> <li>* Health Care Activity</li> <li>* Industrial Activity</li> <li>* Service Stations</li> </ul>		<ul style="list-style-type: none"> <li>* Any activity not listed as permitted or non-complying</li> </ul>	<ul style="list-style-type: none"> <li>* Noise Sensitive Activity</li> </ul>
<b>Rural Service Sub-Area</b>		<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>▲ Rural Servicing Activity in accordance with the Lorneville Concept Plan in Rule 4.43.3 is a restricted discretionary activity.</li> </ul> <p>The matters over which Council has restricted its discretion are listed below</p> <ul style="list-style-type: none"> <li>i. disposal of effluent</li> <li>ii. disposal of stormwater</li> <li>iii. off street parking and loading</li> <li>iv. Traffic movements from/onto SH99</li> <li>v. odour</li> <li>vi. dust</li> <li>vii. noise</li> <li>viii. light spill</li> <li>ix. hazardous substances</li> </ul>	<ul style="list-style-type: none"> <li>* Rural Servicing Activity that does not comply with the Lorneville Concept Plan in Rule 4.43.3</li> <li>* Any activity not listed as permitted or restricted discretionary</li> </ul>

SUB-AREA	PERMITTED ACTIVITIES	CONTROLLED ACTIVITIES	RESTRICTED DISCRETIONARY AND DISCRETIONARY ACTIVITIES	NON-COMPLYING ACTIVITIES
			<ul style="list-style-type: none"> <li>x. landscape</li> <li>xi. signage</li> <li>xii. nature of the activity</li> </ul> <p>Applications for resource consent shall be decided without notification and/or service unless special circumstances exist</p>	

<sup>x</sup>**Note:** All buildings will be subject to the restrictions of the Invercargill Airport Approach and Land Use Controls Designation



#### **4.33.2 Explanation**

The Activity Table lists activities and assigns a status to them having regard to their effects and the values of each Sub-Area. The values that have been identified for each Sub-Area are as follows:

#### **4.33.3 Domicile Sub-Area**

**4.33.3.1** The primary purpose of this Sub-Area is to provide for “residential land use activities” including residences and associated buildings, reserves. The amenity values that are envisaged for the area include:

- (A) Low levels of adverse effects that could lower the quality of the environment for those living in such areas, including glare, noise, odour, lightspill and signage
- (B) Well maintained land and structures
- (C) Freedom from nuisance from demolition activities and electrical interference
- (D) Private and public open space
- (E) Low to moderate levels of traffic
- (F) Adequate off-street parking
- (G) Low to medium height of structures
- (H) Presence of heritage values

**4.33.3.2** These values give the Domicile Sub-Area a particular character and require the list of permitted activities, with associated environmental standards, to be narrow. Those activities that could be suitable on some, but not all sites, in the Sub-Area are listed as discretionary. Other activities are generally unsuitable for a residential area because they conflict with its values, and therefore they are listed as non-complying.

#### **4.33.4 Enterprise Sub-Area**

The primary purpose of this Sub-Area is to provide the opportunity for a wide range of different activities to operate side by side. As the name indicates this Sub-Area is highly permissive because it’s aim is to encourage enterprise. It is tolerant of effects which would be detrimental to the amenity and character of other Sub-Areas such as Domicile and Rural. In particular this area gives the opportunity for:

- (A) The generation of odour and moderate noise levels at any time of the day and night
- (B) High levels of lightspill and glare
- (C) Signage for business promotion
- (D) Use of significant amounts of hazardous substances
- (E) Large structures
- (F) Large areas of impermeable surfaces e.g. car parks
- (G) High levels of traffic and heavy vehicles
- (H) Retail, commercial and industrial activities

Those noise sensitive activities that could give rise to “reverse sensitivity” issues are listed as discretionary activities.

#### **4.33.5 Suburban Service Sub-Area**

The primary purpose of this Sub-Area is to provide focal points for community (commercial, cultural and social) activities near where people live. Within these areas balance is required, providing for a variety of business activities, whilst not adversely affecting the amenity values of the surrounding residential areas. Thus, business and other non-residential activities must be in keeping with the overall character of residential areas. The characteristics of the Suburban Sub-Area are:

- (A) Low to moderate traffic levels, but with a provision for loading

- (B) A control on the height of new buildings to maintain aesthetic coherence with residences
- (C) Proximity to areas of public open space
- (D) Moderate noise levels, but low glare and light

#### **4.33.6 Business Sub-Area**

The main purpose of this Sub-Area is to provide for commercial/retail and service activities which are a focal point for the Southland area as well as Invercargill. It allows for a diversity of commercial activities, vehicles and pedestrians, large structures and bright and vibrant building facades. This Sub-Area has the following characteristics:

- (A) Moderate noise levels
- (B) Moderate – high traffic density
- (C) An abundance of bright vibrant signage
- (D) Opportunity to use significant amounts of hazardous substances
- (E) Well kept and maintained land and structures
- (F) Opportunity to create large areas of impermeable surfaces
- (G) Large buildings subject to controls near Domicile Sub-Areas and within the Invercargill Airport approaches
- (H) Provision for loading areas

As these areas are not in the central city there is control of structure heights to maintain aesthetic coherence, and activities also need to have low levels of glare and lightspill.

#### **4.33.7 Business A Sub-Area**

The purpose of this Sub-Area located close to Otepunui Creek is to provide for vehicle oriented retail and commercial activities with a predominance of vehicles and large structures, located close to major transportation routes. The characteristics of the Business A Sub-Area are:

- (A) Moderate noise levels and moderate to high density of traffic
- (B) Low levels glare and lightspill
- (C) Opportunity to use significant amounts of hazardous substances with regard to the wider environment
- (D) Control of the height of structures especially at the interface with Domicile Sub-Areas
- (E) Ease of access to transport networks and site layout to facilitate vehicle movements

#### **4.33.8 City Centre Sub-Area**

Like the Business Sub-Areas, the objectives for the centre city include providing for a diversity of retail and commercial activities and services contributing to a focal point for the District, and the wider Southland Region. This includes a predominance of vehicles, pedestrians and large structures. The characteristics of the City Centre Sub-Area include:

- (A) Moderate levels of noise and lightspill
- (B) High traffic density
- (C) Low levels of glare
- (D) Abundance of bright, vibrant signage
- (E) Low level of risk from hazardous substances
- (F) Proximity to areas of public open spaces
- (G) Provision for shelter from rain
- (H) An abundance of structures with heritage features

- (I) High pedestrian activity
- (J) Provision for loading
- (K) Opportunity for a diversity of commercial activities

#### **4.33.9 Hospital Sub-Area**

The purpose of the Hospital Sub-Area is to provide for the activities that take place at Kew Hospital, and to facilitate redevelopment of the site. The Sub-Area includes the following characteristics:

- (A) Low levels of noise
- (B) Low levels of odour emissions
- (C) Low levels of glare
- (D) Low levels of lightspill at the Sub-Area boundary
- (E) Opportunity to store and use hazardous substances in association with hospital activities
- (F) Proximity to areas of public open spaces
- (G) Protection of existing area of significant indigenous vegetation
- (H) Structure with heritage features
- (I) Opportunity for a diversity of hospital related activities

#### **4.33.10 Seaport Sub-Area**

The purpose of the Seaport Sub-Area is to provide for a variety of seaport activities such as visitation from boats, fish processing, engineering industries, slip-way facilities, cool stores, boat charters, recreational activities as well as commercial offices. The characteristics of the Seaport Sub-Area are:

- (A) Levels of noise associated with the operation of a seaport
- (B) Moderate levels of glare and odour emissions
- (C) Opportunity to generate high levels of lightspill
- (D) Opportunity to store and use large quantities of hazardous substances
- (E) Moderate to high density of traffic, visits from heavy vehicles

#### **4.33.11 Rural Sub-Area**

The purpose of the Rural Sub-Area is to provide for rural activities such as agriculture, horticulture and forestry as well as recreational and industrial activities requiring large areas of land and residential activities on larger land allotments. These activities give a characteristic openness to the area. The characteristics of the Rural Sub-Area are:

- (A) Low noise levels, particularly at night, except for agricultural activities and where the Sub-Area adjoins areas with large scale industrial development
- (B) Intermittent emissions of agricultural related odours
- (C) Low to moderate density of traffic
- (D) Low levels of lightspill and glare
- (E) Low level of visual intrusion from signage
- (F) Opportunity to store and use moderate quantities of hazardous substances
- (G) Control of structure height
- (H) The opportunity to have large areas of open space
- (I) Proximity to natural features

#### **4.33.12 Industrial Sub-Areas**

The purpose of the Industrial Sub-Areas is to allow for industries to locate together where their associated adverse effects will have the least impact, while providing for the economic well-being of the people of Invercargill. The amenity in industrial areas is not suitable for non-sensitive activities because of “reverse sensitivity” issues. The characteristics of the Industrial Sub-Area are:

- (A) Moderate levels of noise day and night
- (B) The opportunity to generate odour emissions
- (C) High levels of glare and lightspill
- (D) Storage and use of hazardous substances
- (E) Tall structures
- (F) Car parks, yards, storage areas
- (G) Heavy vehicles and hazardous substances transporters

#### **4.33.13 Otatara Sub-Area**

Otatara is recognised as a separate Sub-Area because it has an amenity that differs from domicile areas elsewhere in the City, where low density residential lifestyle activity dominates. This includes large properties, high degree of privacy, scenic values and the protection and enhancement of indigenous vegetation. The characteristics of the Otatara Sub-Area are:

- (A) Peace and tranquillity, within a semi rural environment and associated farming noise, but with very low noise levels from other activities
- (B) Low levels of glare and lightspill
- (C) Low levels of visual intrusion from signs
- (D) Low to medium height of structures
- (E) Provision of public and private open space
- (F) Proximity to the coast and waterways
- (G) Presence of archaeological sites
- (H) Significant indigenous vegetation
- (I) Low density of traffic

#### **4.33.14 Airport Operations Sub-Area**

The purpose of this Sub-Area is to provide for the airport to carry out its functions including aircraft flight operations, servicing aircraft and storage of large quantities of fuel. This Sub-Area also allows for all activities ancillary to the operation of a regional airport. The characteristics of the Airport Operations Sub-Area are:

- (A) High levels of noise
- (B) Aircraft landing/taking off and manoeuvring
- (C) Storage and use of large quantities of hazardous substances
- (D) Low levels of glare and avoidance of visual intrusion of signage

#### **4.33.15 Airport Protection Sub-Area**

The purpose of this Sub- Area is to enable a buffer to be provided between noise sensitive activities and the airport and to protect aircraft operations safety and efficiency. Any activities that may be incompatible with airport operations will be identified applying rigorous assessment criteria for resource consent applications.

The characteristics of the Airport Protection Sub-Area are:

- (A) Subject to high levels of noise from, and the presence of, low-flying aircraft
- (B) Maintenance of an open, rural environment with low density of development to limit the potential exposure of the community to the effects of living in proximity to the airport
- (C) Subject to restrictions on the height and location of structures that may adversely affect the safe and efficient operation of the airport

#### **4.33.16 Smelter Sub-Area**

The objective of this Sub-Area is to allow the NZAS Smelter to operate and to provide for additional related industrial activities. The area is unsuitable for noise sensitive activities because of the characteristics associated with a smelter. The characteristics of the Smelter Sub-Area are:

- (A) High noise, light and glare levels
- (B) The opportunity to generate odour emissions
- (C) Storage and use of hazardous substances
- (D) Heavy vehicles and hazard transporters

#### **4.33.17 Rural Service Sub-Area**

The primary purpose of the Rural Service Sub-Area is to provide the opportunity for a range of land uses that are primarily servicing the rural hinterland of the city. In order to encourage co-location at Lorneville, the definition of Rural Servicing Activity is wide. The method of management via a restricted discretionary activity enables each proposal to be assessed in terms of its effects on the environment as identified for the Sub-Area, without notification where those effects are acceptable within and beyond the site.

# ENVIRONMENTAL STANDARDS

## 4.34 NOISE

### 4.34.1 Noise Measurement

Sound levels shall be measured in accordance with the provisions of NZS 6801:1991:Measurement of Sound and assessed in accordance with the provisions of NZS 6802:1991: Assessment of Environmental Sound, except where expressly provided elsewhere in the Plan.

### 4.34.2 Noise Levels from Activities

(A) All activities shall be designed and operated so that the following noise limits, measured on or beyond the site boundary, are not exceeded:

	7.00 am - 10.00 pm L10 dBA	10.00 pm - 7.00 am L10 dBA	Lmax dBA
<b>URBAN AREA</b>			
Domicile Sub-Areas	55	40	70
Enterprise Sub-Areas	65	65	80
Suburban Service Sub-Areas	65	65	75
Business and Business A Sub-Areas	65	65	80
City Centre Sub-Area	65	65	85
Hospital Sub-Area	55	45	75
<b>COUNTRY AREA</b>			
Rural Sub-Area	55	45	70
Otatara Sub-Area	55	40	70
Airport Protection Sub-Area	55	45	75
Rural Service Sub-Area	65	45	70

(B) Within the Smelter and Industry Sub-Areas all activities shall be designed and operated so that the following noise limits are not exceeded:

	L10 dBA	Lmax dBA
Industrial and Industrial A Sub-Areas – Measured on or beyond the Sub-Area boundary	65	85
Industrial and Industrial A Sub-Areas – Measured at any point within the notional boundary of any residence located outside the Sub-Area.	Noise limit of relevant Sub-Area referred to in paragraph 4.34.2(A) above	
Smelter Sub-Area – Measured on or beyond the Sub-Area boundary	No limit	No limit
Smelter Sub-Area – Measured at any point within the notional boundary of any residence located outside the Sub-Area.	Noise limit of relevant Sub-Area referred to in paragraph 4.34.2(A) above	

### 4.34.3 Noise levels at Sub-Area Boundaries

At the boundaries of Sub-Areas referred to in paragraph 4.34.2(A) above the sound emissions shall be the lesser of the two limits.

#### 4.34.4 Agricultural Activities

Agricultural activities (excluding forestry between 10.00 pm and 7.00 am the following day, factory farming and bird scaring devices) on sites within the Rural, and Otatara Sub-Areas where agriculture is the dominant activity, are exempt from the noise limits detailed in paragraph 4.34.2(A) above.

#### 4.34.5 Aircraft

- (A) Aircraft operations, including take-offs and landings, flight operations, routine engine testing or ground running, and the running of auxiliary power units (being the subject of designations by Invercargill Airport Limited) are exempt from the noise limits detailed in paragraph 4.34.2(A) above.
- (B) Notwithstanding paragraph 4.34.5(A) above, the maximum levels of noise that shall be generated from aircraft operations are as follows:
- (1) Airnoise Boundary: 65 Ldn dBA at or outside the Airnoise Boundary as detailed on the District Planning Maps. Noise shall be measured in accordance with New Zealand Standard NZS 6805:1992 Airport Noise Management And Land Use Planning.
- (C) Acoustic Insulation
- All new noise sensitive activities and additions to existing noise sensitive activities within the Single Event Sound Exposure boundary as shown on the District Planning Maps shall comply with the insulation requirements of Appendix IV. Alternatively a certificate of compliance from an acoustic engineer stating that the new noise sensitive activities or additions to existing noise sensitive activities meet the required internal noise environment should be provided.

#### 4.34.6 Seaport Sub-Area

- (A) Long-term Noise Limit
- The night-weighted sound exposure from activities undertaken in the Seaport Sub-Area shall not exceed:
- (1) an average sound level of 65dBA  $L_{dn}$  beyond the Inner Control Boundary calculated over five consecutive days.
- (2) an average sound level of 68dBA  $L_{dn}$  beyond the Inner Control Boundary calculated over any continuous 24 hour period.
- (B) Short-term Noise Limits
- Sound from activities undertaken shall not exceed the following noise limits at any point beyond the Inner Control Boundary:
- 10.00 p.m. to 7.00 a.m. the following day 60dBA  $L_{eq(9hr)}$  provided that:
- (1) no single 15 minute sound measurement shall exceed 65dBA  $L_{eq}$
- (2) no single sound measurement shall exceed 85dBA  $L_{max}$
- For the purpose of this rule:
- (3) Sound shall be measured using a representative 15 minute  $L_{eq}$  value when calculating the  $L_{dn}$  or 9 hour  $L_{eq}$  values.
- (4) Sound shall be measured and assessed in accordance with the provisions of NZS 6809:1999 Acoustics–Port Noise: Management and Land Use Planning

#### **4.34.7 Temporary Military Training**

Temporary military activities shall not exceed the following noise levels when measured at the notional boundary:

Time on any day	L 10 dBA	L(max) dBA
0730 – 1800	75	90
1800 – 2000	70	85
2000 – 0730 the following day	55	75

Provided the limits for impulsive noise arising from any use of explosives ammunition, or pyrotechnics at any time, shall not exceed a peak non-frequency weighted sound pressure level of 122 dBC (peak).

#### **4.34.8 Emergencies**

- (A) Aircraft operations for defence purposes, civil defence, search and rescue, human organ transplant, transport of medical personnel in a medical emergency or patient transport either by airplane or helicopter, or during any emergency landing of any aircraft, shall be exempt from all noise limits.
- (B) Sound from warning devices used by emergency vehicles shall be exempt from all noise limits.

#### **4.34.9 Non-Compliance With Rules**

- (A) Where an activity does not comply with the noise limits specified in subsections 4.34.2, 4.34.3, 4.34.5, 4.34.6 or 4.34.7 above the activity shall be a discretionary activity.

The matter over which Council shall exercise its discretion is:

- (1) The adverse environmental effects of the matter(s) with which there is non-compliance

### **4.35 ELECTRICAL INTERFERENCE**

**4.35.1** No land use activities shall create electrical interference at the boundary of the property, or to navigation equipment for transportation networks.

**4.35.2** Where there is non-compliance with subsection 4.35.1 above, the activity shall be a discretionary activity.

The matter over which Council shall exercise its discretion is:

- (A) The adverse environmental effects of the matter(s) with which there is non-compliance

### **4.36 LIGHTSPILL**

**4.36.1** All activities shall be designed, constructed and operated to comply with the following maximum levels of lightspill:

- (A) Lightspill shall be measured and assessed in accordance with the Interim Australian Standard AS 4282 (Int) 1995: Control of the Obtrusive Effects of Outdoor Lighting



**4.36.2** The generation of lightspill, measured at the boundary of the site, shall not exceed the following:

	<b>Sunset through midnight to sunrise</b>
<b>URBAN AREA</b>	
Domicile Sub-Areas	5 lux
Enterprise Sub-Areas	10 lux
Suburban Service, Business, and Business A Sub-Areas	10 lux
City Centre Sub-Area	10 lux
Hospital Sub-Area	5 lux
Seaport Sub-Area	No limit
<b>COUNTRY AREA</b>	
Rural Sub-Area	5 lux
Industrial and Industrial A Sub-Areas	10 lux
Otatara Sub-Area	5 lux
Airport Operations Sub-Area	No limit
Airport Protection Sub-Area	5 lux
Smelter Sub-Area	No limit
Rural Service Sub-Area	5 lux

**4.36.3** At the boundaries of Sub-Areas, the lightspill standard shall be the lower of the two levels.

**4.36.4** Where an activity cannot meet the standards above, the activity shall be a discretionary activity.

The matter over which Council shall exercise its discretion is:

- (A) The adverse environmental effects of the matter(s) with which there is non-compliance

## **4.37 SIGNAGE**

**4.37.1** All signage shall comply with the following maximum levels:

	<b>Maximum area of free standing signage and signage attached at an angle to buildings</b>	<b>Maximum height of free standing signage</b>	<b>Maximum area m<sup>2</sup> of signage painted on to, or attached parallel to, buildings</b>
<b>URBAN AREA</b>			
Domicile Sub-Areas	1.5m <sup>2</sup>	2m	<b>OR</b> 1.5m <sup>2</sup>
Enterprise Sub-Areas	14m <sup>2</sup>	12m	1m <sup>2</sup> per metre of street frontage
Suburban Service Sub-Areas	8m <sup>2</sup>	9m	1m <sup>2</sup> per metre of street frontage
Business Sub-Areas	14m <sup>2</sup>	9m	1m <sup>2</sup> per metre of street frontage

	Maximum area of free standing signage and signage attached at an angle to buildings	Maximum height of free standing signage	Maximum area m <sup>2</sup> of signage painted on to, or attached parallel to, buildings
<b>URBAN AREA</b>			
Business A Sub-Area	0.5m <sup>2</sup> per metre of street frontage, except that only two free standing signs are permitted and the areas of such signs shall not exceed 14m <sup>2</sup>	12m (excluding a single flagpole of which one may be permitted not to exceed 27m in height)	1m <sup>2</sup> per metre of street frontage
City Centre Sub-Area	No limit	No limit	No limit
Hospital Sub-Area	12m <sup>2</sup>	8m	3m <sup>2</sup>
Seaport Sub-Area	No limit	No limit	No limit
<b>COUNTRY AREA</b>			
Rural Sub-Area	3m <sup>2</sup>	2m	<b>OR</b> 1.5m <sup>2</sup>
Industrial and Industrial A Sub-Areas	14m <sup>2</sup>	9m	1m <sup>2</sup> per metre of street frontage
Otatara Sub-Area	1.5 m <sup>2</sup>	2m	<b>OR</b> 1.5 m <sup>2</sup>
Airport Operations Sub-Area	4.5m <sup>2</sup>	12m	1m <sup>2</sup> per metre of street frontage
Airport Protection Sub-Area	2m <sup>2</sup>	2m	<b>OR</b> 2m <sup>2</sup>
Rural Service Sub-Area	14m <sup>2</sup> (calculated per tenancy)	9m	1m <sup>2</sup> per metre of frontage to a street and/or legal access
Smelter Sub-Area	No limit	No limit	No limit

**4.37.2** In addition to the signage provided for in subsection (1) above, under verandah attached signage is also permitted, provided that:

- (A) it does not exceed the width of the verandah; and
- (B) there shall be at least 2.6m clearance to the footpath.

**4.37.3** Subject to subsections 4.37.1 and 4.37.2 above:

- (A) The signage shall directly relate to the activity that is occurring on the site
- (B) All signage other than that attached to verandahs shall be contained within the legal boundaries of the site
- (C) Any signage attached to a building shall not exceed the height of that building
- (D) Any signage attached parallel to a building shall not extend from the building by more than 200 mm
- (E) No signage shall be mobile or rotate

- (F) Illuminated signage shall be permitted within all Sub-Areas other than the Domicile, Rural and Otatara Sub-Areas
- (G) Flashing signage shall be permitted in the City Centre Sub-Area only

**4.37.4** In measuring the area of any signage:

- (A) The area of any double sided signage, with less than 200mm between each face, shall be calculated on the basis of a single sided sign
- (B) The area of any three dimensional signage shall be calculated as the sum of up to four visible perpendicular faces

**4.37.5** This rule does not apply to any signage described in the 4<sup>th</sup> Schedule of the Traffic Regulations 1976.

**4.37.6** Temporary non-illuminated signage not provided for by subsections 4.37.1 to 4.37.3 above, with an area not exceeding 3m<sup>2</sup> and displayed for a period no longer than six weeks is a discretionary activity.

The matters to which Council shall exercise its discretion are:

- (A) Any effect on transportation networks
- (B) Character of the signage
- (C) Any cumulative effects of signage
- (D) Removal of signage

**4.37.7** Any signage which does not comply with any part of subsections 4.37.1 to 4.37.4 above is a discretionary activity.

The matters to which Council will exercise its discretion are:

- (A) The effects of signage on the safety and visibility of transportation networks and on aircraft operations
- (B) The size and character of the signage
- (C) The illumination of the signage and the effects of lightspill
- (D) The siting of the signage with respect to sight lines pertaining to any road or rail intersection, or accessway on to a road
- (E) Effects on the visual and aesthetic coherence of the surrounding environment
- (F) Effects on outstanding natural features and landscapes
- (G) Effects on heritage values of sites, structures, places and areas
- (H) Cumulative effects of signage

## **4.38 HAZARDOUS SUBSTANCES**

**4.38.1** All activities shall comply with the maxima for the storage of hazardous substances as detailed in Appendix V.

**4.38.2** Where an activity cannot meet the maxima detailed in Appendix V, the activity is a discretionary activity.

The matter over which Council shall exercise its discretion is:

- (A) The adverse environmental effects of the matters with which there is non-compliance.

## 4.39 HEIGHT OF STRUCTURES

4.39.1 All new buildings and structures, and additions to existing buildings and structures, shall be designed and constructed to comply with the following maximum height and recession planes for the Sub-Area in which they are located:

	MAXIMUM HEIGHT	RECESSION PLANES
<b>URBAN AREA</b>		
Domicile Sub-Areas	10m	Infogram 7 applies
Enterprise Sub-Areas	25m	Within 20m of a boundary with the Domicile Sub-Area, Infogram 7 applies
Suburban Service Sub-Areas	10m	Within 20m of a boundary with the Domicile Sub-Area, Infogram 7 applies
Business Sub-Area	25m	Within 20m of a boundary with the Domicile Sub-Area, Infogram 7 applies
Business A Sub-Area	12m for permitted activities 10m for discretionary activities except as provided for by Rule 4.42(1)(a)	Within 20m of a boundary with the Domicile Sub-Area Infogram 7 applies
City Centre Sub-Area	No limit	N/A
Hospital Sub-Area	30m	Within 20m of a boundary with the Domicile Sub-Area Infogram 7 applies
Seaport Sub-Area	No limit	N/A
<b>COUNTRY AREA</b>		
Rural Sub-Area	10m	Infogram 7 applies to sites less than 0.5 ha
Industrial and Industrial A Sub-Areas	25m	N/A
Otatara Sub-Area	10m	Infogram 7 applies to sites less than 0.5 ha
Airport Operations Sub-Area	No limit	N/A
Airport Protection Sub-Area	6m	N/A
Smelter Sub-Area	No limit	N/A
Rural Service Sub-Area	10m	N/A

4.39.2 All buildings and structures located within the Invercargill Airport Limited's designation for Airport Approach and Land Use Controls, shall be designed and constructed to be contained within the maximum height imposed by that designation as shown on the District Planning Maps and in Appendix III.

4.39.3 Where an activity does not comply with any of the provisions of subsections 4.39.1 and 4.39.2 above, the activity is a discretionary activity.

The matter over which Council shall exercise its discretion is:

- (A) The adverse environmental effects of the matter(s) with which there is non-compliance

## 4.40 PRIVATE OPEN SPACE AND DENSITY

4.40.1 The following provisions apply to outdoor private open space, density and building coverage of a property's net area:

	RESIDENTIAL ACTIVITIES/NOISE SENSITIVE ACTIVITIES	NON-RESIDENTIAL ACTIVITIES
<b>URBAN AREA</b>		
Domicile Sub-Areas	<p>1. Ground Level - An outdoor living space must adjoin the living area of each residence and be located to the north, east or west of the residence it serves.</p> <p>Minimum dimension measured at 90 degrees from the northernmost wall of the living area shall be 5.5m.</p> <p>Minimum area shall be 66m<sup>2</sup>.</p> <p>2. Above Ground Level – A minimum outdoor living space of 66m<sup>2</sup> shall be provided for each residence and be located to the north, east or west of the residence it serves.</p> <p>Minimum dimension shall be 5.5m.</p> <p>The minimum outdoor living space may be reduced to 30m<sup>2</sup> provided that it is supplemented by a balcony which adjoins and is accessible from the living area. The balcony shall have a minimum area of 8 m<sup>2</sup> and a minimum dimension to the north of 2m.</p> <p>3. Maximum coverage of buildings shall not exceed 40% of the net site area.</p> <p>4. Maximum density of one residence per 500m<sup>2</sup> where the residence is located within the Single Event Sound Exposure Boundary as shown on the District Planning Maps.</p>	<p>Side yard and/or rear yard of 4m where the site adjoins a residence or vacant site.</p> <p>Maximum coverage of buildings shall not exceed 40% of the net site area.</p>
Enterprise Sub-Areas	No requirement	Side yard and/or rear yard of 4m where the site adjoins a Domicile Sub-Area.
Suburban Service and Business Sub-Areas	No requirement	Side yard and/or rear yard of 4m where the site adjoins a Domicile Sub-Area.

	<b>RESIDENTIAL ACTIVITIES/NOISE SENSITIVE ACTIVITIES</b>	<b>NON-RESIDENTIAL ACTIVITIES</b>
Business A Sub-Area	No requirement	Maximum coverage of all buildings shall not exceed:  40% for permitted activities  60% for discretionary activities
City Centre Sub-Area	No requirement	No requirement
Hospital Sub-Area	No requirement	Front yard minimum dimension of 15m. Where the boundary adjoins a residence or a vacant site, the side and/or rear yard shall be 10m.
Seaport Sub-Area	No requirement	No requirement
<b>COUNTRY AREA</b>		
Rural Sub-Area	<p>Maximum density:</p> <ol style="list-style-type: none"> <li>One residence per 2 ha under contiguous ownership.</li> <li>For sites under 2 ha:  Where a residence is to be connected to Council's reticulated sewerage system (as shown on Maps in Appendix IX) the maximum density is one residence per Certificate of Title existing as at 30 May 2004.  Except as provided for or required by Rule 4.42, a boundary of that Certificate of Title must be within 30m of the Council reticulated sewerage system.</li> <li><u>For sites identified in Appendix X, the maximum density is one residence per Certificate of Title</u>  If the property is less than 0.5 ha, maximum coverage of buildings shall not exceed 40% of the net site area.</li> </ol>	Side yard and/or rear yard of 4m. For plantation forestry, 20m side yard and/or rear yard are required.
Industrial Sub-Area	No requirement	Side yards and rear yard of 4m where they adjoin a Rural Sub-Area.
Industrial A Sub-Area	No requirement	Maximum site coverage of 25%
Otatara Sub-Area	<p>Maximum density:</p> <ol style="list-style-type: none"> <li>One residence per 4000m<sup>2</sup> under contiguous ownership, where the proposed residence is to be connected to a reticulated foul sewerage system <u>existing as at 31 March 2010 and shown on the map in Appendix X, and a boundary of that Certificate of Title is within 30 metres of the Council reticulated sewerage system.</u></li> <li>One residence per 10,000m<sup>2</sup> under contiguous ownership, where the proposed residence <del>is not to be connected to a reticulated foul sewerage system</del> <del>or falls</del> is to be located within the</li> </ol>	Side yards and rear yard of 4m.

	RESIDENTIAL ACTIVITIES/NOISE SENSITIVE ACTIVITIES	NON-RESIDENTIAL ACTIVITIES
	Outer Control Boundary as shown on the District Planning Maps. <u>(3) One residence per 10,000m<sup>2</sup> under contiguous ownership where the proposed residence is not to be connected to a reticulated foul sewerage system</u>	
Airport Operations Sub-Area	Not applicable as residential activities are prohibited under the Airnoise Boundary designation.	No requirement
Airport Protection Sub-Area	No standard specified.  All new residential or other noise sensitive activities are required to be assessed on a case-by-case basis by way of resource consent application. This will include an assessment of whether or not the proposed density is appropriate given the potential for conflict with the safe and efficient operation of the airport.	No requirement
Smelter Sub-Area	No requirement	No requirement
Rural Service Sub-Area	Not applicable	Compliance with Concept Plan  Side yard and/or rear yard of 4m where the site adjoins the Rural Sub-Area

**4.40.2** Within the outdoor living space:

- (A) Conservatories or gazebos may be erected.
- (B) Vehicle manoeuvring and parking for the exclusive use of an individual residence may take place.

**4.40.3** Eaves of up to 600mm are exempt from the maximum site coverage calculations.

**4.40.4** Except as provided for in Rule 4.40.5 below, where an activity fails to meet the density standards in Rule 4.40.1 above, the activity is a discretionary activity.

The matter over which Council shall exercise its discretion is:

- (A) The adverse environmental effects of the failure to comply with density standards

**4.40.5** Where an activity fails to meet the density standards for either the Single Event Sound Exposure Boundary within the Domicile Sub-Area, or the Outer Control Boundary within the Otatara Sub-Area, that activity shall be a discretionary activity. In exercising its discretion, the Council shall take into account, but not be limited to the following

- (A) Proximity of the Airport, its approach and take-off paths;
- (B) The effect of the activity on the operation of Invercargill Airport; and
- (C) The effect of airport operations (in particular noise) on the proposed activity.

#### **4.41 WEATHER PROTECTION**

**4.41.1** All sites within the City Centre Sub-Area shall provide weather protection across the public footpath for the full width of its frontage.

**4.41.2** Any verandahs across the public footpaths shall be designed and constructed to comply with the following standards:

- (A) Have a maximum height of 3.5m and minimum height of 3m above the footpath.
- (B) Be set back 0.6m from the kerb line.
- (C) Be so related to verandahs on adjacent sites to provide continuous pedestrian cover.

**4.41.3** Where a verandah does not meet any of the standards in subsection 4.41.2 above, the activity is a discretionary activity.

The matter over which Council shall exercise its discretion is:

- (A) The adverse environmental effects of the matters with which there is non-compliance

**4.41.4** It is a discretionary activity to provide weather protection by means other than a verandah.

The matter over which Council shall exercise its discretion is:

- (A) The degree to which the public footpath is provided with adequate weather protection

#### **4.42 NORTH ROAD SEWERAGE RETICULATION AREA**

##### **RURAL SUB-AREA**

**4.42.1** Except as provided for in Rule 4.42.2, any land use activity on any site within the Rural Sub-Area of the NRSRA that generates sewage or other liquid effluent (other than storm water) shall be a non-complying activity.

**4.42.2** Rule 4.42.1 does not apply to:

- (A) One residence on any land holding used for Agriculture.
- (B) One residence on any Certificate of Title existing as at 30 May 2004 that is intended to be used as a Residential Activity within the Rural Sub-Area.
- (C) Home Stay on sites within the Rural Sub-Area.

##### **INDUSTRIAL SUB-AREA**

**4.42.3** Within the Industrial Sub-Area of the NRSRA the generation of sewerage or other liquid effluent (other than trade waste) shall be a permitted activity:

- (A) On any land held within a Certificate of Title less than 1 hectare existing as at 30 May 2004, provided that the volume of sewage or other liquid effluent (other than trade waste) does not exceed 1,000 litres per day.
- (B) On any land held within a Certificate of Title of more than 1 hectare where the volume of sewage or other liquid effluent (other than trade waste) does not exceed a pro-rata rate of 1,000 litres per day per hectare.

**4.42.4** Other than provided for by Rule 4.42.3, the generation of sewage or other liquid effluent (other than trade waste) within the Industrial Sub-Area of the NRSRA shall be a non-complying activity.

##### **RURAL AND INDUSTRIAL SUB-AREAS**

**4.42.5** Except as provided for by Rule 4.42.6, any activity on any site within the NRSRA that disposes of sewage or other liquid effluent by means other than to Council's reticulated sewerage scheme shall be a non-complying activity.



**4.42.6** Rule 4.42.5 does not apply to:

- (A) Sewage from a single residence on any Certificate of Title existing as at 30 May 2004 provided that such residence is located more than 60 metres from a sewer pipeline forming part of the Council's reticulated sewerage scheme.
- (B) Sewerage from up to ten staff on any site within the Industrial Sub-Area provided that all building(s) used or occupied by such staff are located more than 60 metres from a sewer pipeline forming part of the Council's reticulated sewerage scheme.

## **AREAS OUTSIDE OF THE NRSRA**

**4.42.7** The connection to, and use of, any Council reticulated sewer within the NRSRA from any site or activity outside of the NRSRA shall be a non-complying activity.

## **4.43 INDUSTRIAL A SUB-AREA (AWARUA)**

### **Access**

**4.43.1** Except as provided for in 4.43.2, any activity utilising any road for access to the Industrial A Sub-Area other than Colyer Road shall be a discretionary activity.

The matters over which Council shall exercise its discretion are:

- (A) The potential adverse effects on road safety
- (B) The adequacy and design of that part of the roading network used to gain access to the Sub-Area.

**4.43.2** Rule 4.43.1 does not apply to:

- (A) Vehicles using the farm access road shown on the Concept Plan for the Industrial A Sub-Area, for the purposes of travelling to and from:
  - (i) the residential units locate on that road
  - (ii) the heritage area shown on the Concept Plan
- (B) Vehicles associated with the carrying out of agricultural activities on land within the Industrial A Sub-Area

### **Development**

**4.43.3** Any buildings and structures associated with Industrial Activities and Service Stations within the Industrial A Sub-Area shall be a controlled activity.

The matters over which Council shall exercise its control are:

- (A) The manner in which the design of buildings and structures may create a hazard to the flight of birds
- (B) The colour of buildings and structures
- (C) The provision for the management of stormwater, sewerage and tradewaste
- (D) The avoidance of glare and lightspill
- (E) Landscaping
- (F) The effect of the bulk and location of buildings on:
  - (i) the amenity of the Heritage Area shown on the Concept Plan
  - (ii) the amenity of any residence located on adjoining land within the Rural Sub-Area within a distance of 100 metres from that building
  - (iii) views from State Highway 1 towards Bluff Hill
  - (iv) views from the Heritage Area shown on the Concept Plan towards Bluff Hill, Stewart Island and Omaui

(G) The avoidance of reverse sensitivity effects on any lawfully established activities or facilities in or adjacent to the Industrial A Sub-Area.  
Applications under this rule need not be publicly notified, but may be served on potentially affected persons.

**4.43.4** The formation of any areas of hard surfaces (including concrete, asphalt or bitumen) and any surfaces used for the movement and parking of vehicles and the external storage of goods and materials shall be a controlled activity.

The matters over which Council shall exercise its control are:

- (A) The provision for the management of stormwater
- (B) Landscaping

Applications under this rule need not be publicly notified, nor will written approvals be necessary.

**4.43.5** Any buildings and structures associated with Filming and Recording Activities within the Industrial A Sub-Area shall be a discretionary activity (restricted).

The matters over which Council shall exercise its discretion are:

- (A) The manner in which the design of buildings and structures may create a hazard to the flight of birds
- (B) The colour of buildings and structures
- (C) The provision for the management of stormwater, sewage and tradewaste
- (D) The avoidance of glare and lightspill
- (E) Landscaping
- (F) The effect of the bulk and location of buildings on:
  - (i) the amenity of the Heritage Area shown on the Concept Plan
  - (ii) the amenity of any residence located on adjoining land within the Rural Sub-Area within a distance of 100 metres from that building
  - (iii) views from State Highway 1 towards Bluff Hill
  - (iv) views from the Heritage Area shown on the Concept Plan towards Bluff Hill, Stewart Island and Omaui
- (G) The avoidance of reverse sensitivity effects on any lawfully established activities or facilities in or adjacent to the Industrial A Sub-Area.

Applications under this rule need not be publicly notified but may be served on any potentially affected persons.

## CONCEPT PLANS

### 4.44 CONCEPT PLANS

#### 4.44.1 Business A Sub-Area

- (A) Within that part of the Business A Sub-Area illustrated on the Concept Plans in Appendix VII, all land use activities shall comply with the Concept Plans and the terms detailed therein.
- (B) Any permitted activity that does not comply with the Business A Sub-Area Concept Plans and terms detailed therein are a discretionary activity.

The matters to which Council shall exercise its discretion are:

- (1) The adverse environmental effects arising from any non-compliance
- (C) For any discretionary activity, other than in paragraph 4.44.1(B) above, the matters to which Council shall exercise its discretion are:
- (1) The scale of the development
  - (2) Traffic management
  - (3) The design and location of vehicle crossings
  - (4) On site layout
  - (5) Landscaping
  - (6) Parking

#### **4.44.2 Awarua Industrial Sub-Area**

- (A) Within that part of the Industrial Sub-Area at Awarua, illustrated on the Concept Plans in Appendix VII, all land use activities shall comply with the Concept Plans.
- (B) Within that part of the Industrial Sub-Area at Awarua, illustrated on the Concept Plans in Appendix VII:
- (1) Notwithstanding Rule 4.39(1), the maximum height of any building or structure shall not exceed 35m
  - (2) Access to the site shall be via the existing formed access road shown on the Concept Plans
  - (3) No activity shall commence until such time that the state highway access is upgraded to the standard shown on the Concept Plans incorporating a minimum of two flag lights and all other accesses on to the state highway are permanently and physically closed
  - (4) All on site lighting shall be directed away from the state highway and shielded to avoid glare reaching the state highway

Advice note:

New Zealand Transport Agency's written permission must be obtained prior to commencing any works within the state highway reserve under the Transit New Zealand Act 1989.

- (C) Any activity that does not comply with paragraph 4.44.2(A) above is a non-complying activity.
- (D) Any activity that does not comply with any of the rules and environmental standards referred to in paragraph 4.44.2(B) above is a discretionary activity.

The matter to which Council will exercise its discretion is:

- (1) The adverse environmental effects of non-compliance on the surrounding environment

#### **4.44.3 Rural Service Sub-Area**

- (A) Within that part of the Rural Service Sub-Area illustrated on the Concept Plan-Lorneville in Appendix VII, all land use activities shall comply with the Concept Plan.

# TEMPORARY MILITARY ACTIVITIES

## 4.45 TEMPORARY MILITARY ACTIVITIES

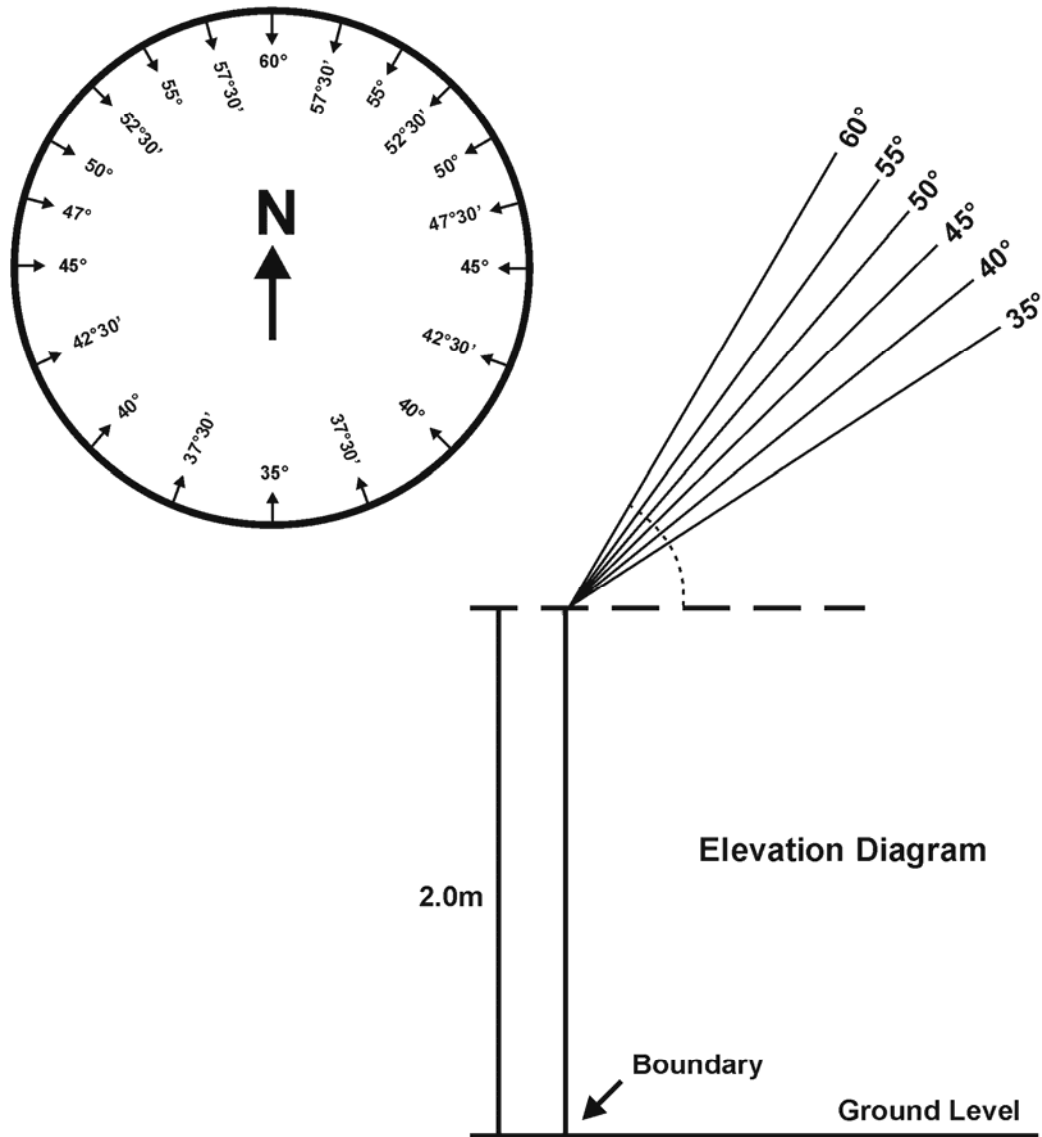
4.45.1 Any structures erected shall be removed within 30 days of the Temporary Military Activity being undertaken.

4.45.2 No earthworks shall be undertaken as part of any Temporary Military Activity.

4.45.3 Any Temporary Military Activity that does not comply with any part of subsections 4.45.1 and 4.45.2 is a discretionary activity.

The matter over which Council shall exercise its discretion is:

(A) The adverse environmental effects of the matters with which there is non-compliance.



The recession plane angle shall be calculated by orienting both site plan and relevant diagram to the true north, placing the recession diagram over the site plan with the circle tangential to the inside of the site boundary under consideration. The recession plane angle shall be indicated by the diagram at the point where it touches the site boundary. Where recession lines fall between those indicated on the diagram, interpolations shall be made.

In the Domicile Sub-Area and on sites less than 0.5 Ha in the Otatara Sub-Area, the recession planes for accessory buildings shall commence at points 2.2 metres above site boundaries.

In all other instances the recession planes shall commence at 2.0 metres above site boundaries.