



NOTICE OF MEETING

**Notice is hereby given that a Meeting
of the District Plan Hearing Committee
will be held in the Council Chambers
First Floor, Civic Administration Building,
101 Esk Street, Invercargill
On Tuesday 28 April and Wednesday 29 April 2015
at 9.00 am**

Cr D J Ludlow (Chairman)
Cr G J Sycamore
Cr N D Boniface

**EIRWEN HARRIS
MANAGER, SECRETARIAL SERVICES**

AGENDA

Page

1. **APOLOGIES**

2. **REPORT TO THE DISTRICT PLAN HEARING COMMITTEE**

- Report 29 – General Matters**
- Report 30 – Hospital Zone**
- Report 31 – Otatara Zone**
- Report 32 - Definitions**
- Report 33 – Noise**

3. **COMMITTEE IN PUBLIC EXCLUDED SESSION**

Moved, seconded and **RESOLVED** that the public be excluded from the following parts of the proceedings of this meeting; namely

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1)(d) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Consideration of Resource Consent Application	A right of appeal lies to any court or tribunal against the final decision of the Local Authority in these proceedings.	Section 48 (2) (a) (1)

Note 1: Full reports can be viewed at icc.govt.nz/public-documents/dp-review-process

Note 2: The agenda timetable will be set at the Hearing on Monday at 9.00 am.



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 29

General Matters

**28 April 2015, 9.00am
COUNCIL CHAMBERS
CIVIC ADMINISTRATION BUILDING**

**Reporting Officer: Joanna Shirley
POLICY PLANNER**

**Peer Reviewed by: Dan Wells
JOHN EDMONDS AND ASSOCIATES LTD**

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1. EXECUTIVE SUMMARY

Seventeen submission points and five further submissions have been received on general matters of the Proposed District Plan. This report is in response to these submissions.

The key matters discussed in this report are focussed on submissions from Progressive Enterprises Ltd, the New Zealand Defence Force and R T Chapman.

In response to these submissions changes are recommended to the activity status of the Height Rule and Temporary Military Training Activities, and to delete the definition of Recreational Activities from the Plan. It is considered that these changes will partly meet the concerns of the submitters.

Changes of a minor nature are also recommended to the provisions, which are set out in Appendix 2 of this report.

Overall it is considered that the Proposed District Plan along with the recommended changes meet the purpose of the RMA and the Council's function under Section 31.

In this report:

- Part 2 considers several key procedural issues.
- Part 3 summarises the various statutory provisions that apply to the consideration of the Proposed District Plan.
- Part 4 assesses the relevant issues raised by the submitters.
- Part 5 provides a discussion on the Section 32 matters.
- Part 6 sets out the overall conclusions.
- Appendix 1 sets out the recommended changes to the text of the Proposed District Plan.
- Appendix 2 sets out the recommendations on each of the submission points.
- Appendix 3 sets out recommended changes to Hazard Information Maps.
- Appendix 4 sets out the recommended changes to Planning Map 9

2. INTRODUCTION

2.1 Report Author

My name is Joanna Louise Shirley. I am a Policy Planner at the Invercargill City Council, a position I have held since February 2014. I hold a Bachelor of Environmental Management and am an associate member of the New Zealand Planning Institute. I have five years experience in the planning field as a Resource Management Officer, which has involved implementing the District Plan and producing various planning documents.

2.2 Peer Review

This report has been peer reviewed by Dan Wells from John Edmonds and Associates Ltd. Dan Wells is a resource management planner with a variety of experience throughout the plan change preparation process. Dan has a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University.

2.3 How to Read this Report

This report is structured as follows:

- Interpretation (an explanation of some of the terms used).
- A summary of the hearing process.
- Description of the statutory framework within which the proposed provisions have been developed.
- Analysis of the submissions, including a discussion of the key issues raised through the submissions and further submissions received.
- Assessment of the proposed changes under Section 32 of the RMA.
- Concluding comments.
- Recommendations on individual submissions.
- Tracked changes of the Proposed District Plan

To see my recommendation on an individual submission please refer to the table in Appendix 1. The table sets out the name and relevant submission number of those who submitted on the Proposed District Plan and a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

2.4 Interpretation

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“Hearings Committee” means the District Plan Hearings Committee

“Operative District Plan” means the Invercargill City District Plan 2005

“Proposed District Plan” means the Proposed Invercargill City District Plan 2013

“Provisions” is a term used to collectively describe Objectives, Policies and Rules.

“RMA” means the Resource Management Act 1991

“Submitter” means a submitter to the Proposed District Plan.

2.5 The Hearing Process

A number of hearings are to be held to consider the submissions lodged to the Proposed Invercargill City District Plan 2013. The hearings have been divided up to ensure that submissions on similar issues have been grouped together and to enable the District Plan Hearings Committee to make decisions on the provisions relating to those issues. This report applies to general matters of the Proposed District Plan.

The Hearings Committee comprises of accredited Invercargill City Councillors, with the assistance of an Independent Hearings Commissioner. This Committee is to consider the Proposed Plan and the submissions and further submissions lodged. The Hearings Committee has full delegation to issue a decision on these matters.

This report is prepared pursuant to Section 42A of the Resource Management Act 1991 (the "RMA"). Section 42A provides for a report to be prepared prior to a hearing, setting out matters to which regard should be had when considering a Proposed District Plan and the submissions lodged to it. This report highlights those matters that are considered appropriate by the author for the Hearings Committee to consider in making decisions on the submissions lodged. The report has been prepared on the basis of information available prior to the hearing.

While the Hearings Committee is required to have regard to this report, regard must also be given to the matters raised in submissions, and presentations made at the hearing. The comments and recommendations contained in this report are not binding on the Hearings Committee and it should not be assumed that the Hearings Committee will reach the same conclusions set out in the report having heard from the submitters and Council advisers.

The hearing is open to the public, and any person may attend any part of the hearing.

Those persons who lodged a submission have a right to speak at the hearing. They may appear in person, or have someone speak on their behalf. They may also call evidence from other persons in support of the points they are addressing.

At any time during or after the hearing, the Hearings Committee may request the preparation of additional reports. If that is done, adequate time must be provided to the submitters to assess and comment on the report. The Hearings Committee may determine that:

- the hearing should be reconvened to allow responses to any report prepared, or
- any responses be submitted in writing within a specified timeframe.

At the conclusion of the hearing process, the Hearings Committee will prepare a written decision. The decision is sent to all persons who lodged a submission. If not satisfied with the decision the submitters have a right of appeal to the Environment Court. If an appeal is lodged, the RMA requires a copy to be served on all submitters with an interest in that matter. Any submitter served may, if they wish, become a party to the appeal either in support or opposition to it.

If there is an appeal, the Environment Court will provide an opportunity for mediation between the parties. If mediation is not accepted, or does not resolve the issues, a further hearing will take place before a Judge and Court appointed Commissioners. Except on points of law, the decision of the Environment Court is final.

3. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

3.1 Resource Management Act 1991

When reviewing the District Plan, the Council must follow the process outlined in Schedule 1 of the RMA.

The First Schedule procedure includes notification for submissions (clause 5) and further submissions (clause 8), holding a hearing into submissions (clause 8(b)), and determining whether those submissions are accepted or rejected and giving reasons for the decisions (clause 10).

Clause 29(4) of the First Schedule to the RMA states that, after considering a plan, the local authority may decline, approve, or approve with modifications, the plan change, and shall give reasons for its decisions.

Under Section 74 of the RMA, in relation to changes to the District Plan, Council must consider Part 2 of the RMA, (purposes and principles), Section 32 (alternatives, benefits and costs), and relevant regional and district planning documents.

3.1.1 Part 2 of the RMA

I can confirm that the provisions of the Proposed District Plan discussed within this report fall within the purpose of the RMA (Section 5), recognise and provides for the matters of national importance (Section 6), has had regard to other matters set out in Section 7 of the RMA and has taken account of the principles of the Treaty of Waitangi.

3.1.2 Functions of Territorial Authorities under the RMA

Section 31 of the RMA states the functions of a territorial authority under that Act. One of the functions set out in Section 31(1)(a) is:

“The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.”

Under Section 31(1)(b) of the RMA a territorial authority is required to “ ... control ... any actual or potential effects of the use, development, or protection of land ...”

The Proposed District Plan exercises this function through its provisions set out in Sections two and three of the Plan. The provisions have been split into two sections, district wide and zone specific provisions. The district wide provisions apply to all activities, whereas the zone provisions are specific to the zone activities. This approach allows for full consideration of the potential or actual effects on the environment, which may arise from the use or development of land.

3.1.3 Consideration of alternatives, benefits, and costs

Section 32 of the RMA states the Council's obligations in assessing the alternatives, benefits and costs.

Whilst a Section 32 report was released at the time of notification of the Proposed District Plan, the Council is required to carry out a further evaluation through the hearing, consideration and deliberation process before making changes on the Proposed District Plan.

3.2. Relevant Planning Policy Documents

The RMA specifies a number of documents that need to be considered in a decision on a Proposed District Plan and the weight that should be given to these.

The following documents have been given effect to by the Provisions of the Proposed District Plan:

- New Zealand Coastal Policy Statement
- New Zealand National Policy Statements
- New Zealand National Environmental Standards
- Southlands Regional Policy Statement

Regard has also been given to Southland's Proposed Regional Policy Statement, Southland Regional Plans, *Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Taurira*, and management plans and strategies prepared under other Acts.

3.3 Summary

It is considered that the purpose and principles of the RMA are met by the provisions set out in the Proposed District Plan. The proposed provisions fall within the functions of local authorities. The requirements of Section 32 of the RMA have been met through the evaluations carried out prior to notification and in this report. The various documents required to be considered have been appropriately addressed in the preparation of the Proposed District Plan.

4. ANALYSIS OF SUBMISSIONS

Seventeen submission points and five further submissions have been received on general matters of the Proposed District Plan.

The submissions range from being generally supportive of the plan provisions to requesting changes across all of the zone specific provisions. Some of the submission points raised matters outside of the considerations of the RMA.

The key matters raised in the submissions were:

- The activity status of the Height, Signage, Noise, and Transportation Rules
- Activity status of Temporary Military Training Activity.
- Activity status of Recreation Activity.

These are discussed below

4.1 The activity status of the Height, Signage, Noise and Transportation Rules.

Progressive Enterprises Ltd considers that the activity status for the Rules on Height, Signage, Noise and Transportation should be a restricted discretionary activity rather than discretionary, as proposed by the Plan.

Moving to restricted discretionary does not change the ability to decline a resource consent but limits the matters which can be considered. In order to make this change, the Committee need to be satisfied that that all matters of discretion are listed in the Plan. If they are then it is appropriate for the Council to restrict its discretion. If not, discretionary is more appropriate.

In my opinion it is only suitable to make this change to the Height Rule. The effects of not meeting this rule are specific and are unlikely to extend beyond the assessment matters listed in the Plan. However, I am not confident that the same can be recommended for the Signage, Noise and Transportation Rules. I believe that the potential adverse effects arising from these activities may need to be considered more widely, and could extend beyond the scope of the matters listed.

4.1.1 Recommendation

Amend the Height Rule in each of the zones, as set out in Appendix 2.

4.2 Activity status of Temporary Military Training Activity

The New Zealand Defence Force note that Temporary Military Training Activities are recognised in the Noise Rule but do not appear to be permitted in the zone rules. They consider that Temporary Military Training Activity should be permitted in each of the Zones, subject to the noise rule, which they believe is the only potential effect.

As proposed, Temporary Military Training Activities are not specified in the zone specific sections of the Plan and therefore the default activity status of discretionary or non-complying apply, depending on the zone.

Temporary Military Training Activities have the potential to generate adverse effects on the environment. I do not agree with the NZ Defence Force that the only adverse effect likely to create a more than minor effect is noise. Other effects such as amenity or nuisance effects

relating to transportation and height need to be considered, along with all of the District Wide Provisions.

Under the Operative District Plan (Rule 4.45) Temporary Military Activities are permitted in the Rural Sub-Area, subject to performance criteria. In all other Sub-Areas it is a non-complying activity. I consider that a similar approach should be bought across to the Proposed District Plan.

The Rural 1 Zone is, in my opinion, the most appropriate areas of the district for Temporary Military Training Activities to occur. However, I do believe some control is needed to ensure that adverse effects are avoided, remedied, or mitigated and that the site is appropriately rehabilitated. In particular consideration needs to be given to the erection of buildings and structures, and earthwork activities.

I therefore recommend amending the Rural 1 Zone Specific Rules, to provide a controlled activity status for Temporary Military Training Activity, subject to certain criteria being met. In all other zones I believe that the default activity status for Temporary Military Training Activity should be retained as proposed.

4.2.1 Recommendation:

Amend Rule 3.38 Rural 1 Zone to include Temporary Military Training Activity as permitted. Changes are set out in Appendix 2 of this report.

4.3 Activity status of Recreational Activity.

Mr Chapman (submission number 31.1) questions the activity status of "Recreational Activity", commenting that it is neither permitted nor discretionary in the zone rules, and therefore has a default activity status of non-complying. He considers that Recreational Activity should be permitted in each of the zones.

Recreational Activity is defined in Section Four of the Plan as follows:

"Means the use of land and/or buildings for the primary purpose of recreation including, but not limited to, clubrooms and storage buildings associated with recreational activities within the coastal marine area, but excluding recreation ancillary to other activities including residential activities, educational activities and communal activities."

I do not believe that the Plan ever intended to regulate casual recreation that occurs as part of day to day life, but rather intended to control recreational activities that have the potential to generate large groups of people and create adverse effects on the environment e.g. noise and traffic. Day to day recreation such as walking, running, fishing etc. do not need to be regulated by the Plan.

The Plan is not particularly clear on this point, and I believe that this has arisen due to use of the term Recreational Activity. By defining recreational activity and not listing it as an activity under any of the Zone Specific provisions creates uncertainty over the types of activities that can occur as part of normal day to day life and those that are triggered by the definition.

I consider that there would be less confusion if reference to Recreational Activity was completely deleted from the Plan and the activities covered by this definition were instead included within the definition of Communal Activity. Essentially these two definitions encompass the same activities and result in the same envelope of effects. Communal Activity excludes Commercial Recreation Activity, which provides for recreation where the

public pays. Recreation would therefore not be regulated by the Plan unless the scale and nature of the activity falls within the definition of Communal Activity or Commercial Recreation Activity.

4.3.1 Recommendation:

- Delete definition of Recreational Activity as follows:

~~Means the use of land and/or buildings for the primary purpose of recreation including, but not limited to, clubrooms and storage buildings associated with recreational activities within the coastal marine area, but excluding recreation ancillary to other activities including residential activities, educational activities and communal activities.~~

- Amend definition of Communal Activity as follows:

Means any activity carried out on land or in buildings where people gather for meetings, social, cultural or religious ceremonies and socialising including, but not limited to, sport clubs, movie theatres, night clubs, video arcades and churches etc. This also means activities carried out on land or within buildings where people pay to watch sports, displays or other such activities. Communal activity includes, but is not limited to, ancillary sales of food, beverages and other retail items associated with the activity or event, but excludes such activities on reserve land and school sites, and any such use associated with any residential activity, education activity, day care activity, commercial activity, ~~recreation activity~~ and commercial recreation activity.

- Amend the use of the term recreational activities on:

- Pg 2-12 Coastal Environment, Policy 5 Explanation
- Pg 2-35 Natural Features, Landscapes and Townscapes, Introduction, paragraph 10.
- Pg 2-54 Surface of Water Activities, Introduction, paragraph 6.
- Pg 2-55 Surface of Water Activities, Policy 1

The changes are outlined in Appendix 2 of this report.

5. DISCUSSION OF SECTION 32 MATTERS

Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan. This requires the preparation of an Evaluation Report. This Section of the RMA was recently amended (since the notification of the proposed District Plan) and the following summarises the current requirements of this section.

The first step of Section 32 requires that objectives are assessed to determine whether they are the most appropriate way to achieve the purpose of the RMA (as defined in Section 5).

The second step is to examine policies and rules to determine whether they are the most appropriate way to achieve the objectives. In this instance, the objectives are those proposed by the District Plan. This assessment includes requirements to:

- Identify the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth)
- Identify other reasonably practicable options for achieving the objectives; and
- Assess the efficiency and effectiveness of the provisions in achieving the objectives.

An Evaluation Report was released at the time of notification of the Proposed Plan.

Section 32AA of the RMA requires a further evaluation to be released with decisions, outlining the costs and benefits of any amendments made after the Proposed Plan was notified.

Section 32 states that Evaluation Reports need to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. This means that if in its decision the Hearings Panel recommends minor changes from what was in the Proposed Plan, a further evaluation can be relatively brief.

5.1 Section 32AA Further Evaluation

The key changes are set out and discussed below:

5.1.1 Temporary Military Training Activity

It is recommended that Temporary Military Training Activity is included as a controlled activity in the Rural 1 and 2 Zones. This provides the NZ Defence Force with greater flexibility to undertake this activity, but also protects the community's interests by ensuring that adverse effects are appropriately managed and that the site is rehabilitated.

5.1.2 Recreational Activity

It is recommended that the use of the term and definition of Recreational Activity is deleted from the Plan and for the activities covered by the definition to be included as part of a Communal Activity.

This change will enable recreation to occur as part of normal day to day activities but will control larger scale recreation where there is a potential for adverse effects. Recreation plays an important role in the health and wellbeing of the community and it is therefore important that small scale day to day recreation can occur without undue restrictions. It is

considered that this change will enable this to occur by requiring consideration under the Plan for large scale recreation only, which falls under the definition of Communal Activity or Commercial Recreation Activity.

5.1.3 Height Rules

It is recommended that the activity status for activities that do not comply with the Height Rule is changed from discretionary to restricted discretionary. This will provide the users of the Plan with more certainty on the matters that will be considered as part of an application. It is believed that the matters listed in the Plan are suitable in order to fully consider the effects of an activity and to make a decision on an application.

5.1.4 Planning Maps

It is recommended that the stopbank, situated north of the sewerage treatment plant, is shown on Planning Map 17. Rule 3.12.3(B) states that it is a non-complying activity to undertake any earthworks or erect any structures on stopbanks identified on the Hazard Maps. This change will result in the imposition of this rule on the property owners through which the stopbank passes, restricting the ability to use this part of their property. The stopbank protects the property and surrounding land from flooding events which can result in financial loss and harm to the safety of people and their wellbeing. It is therefore considered that any restrictions imposed on the individual landowners are outweighed by the safety, social and economic benefit that the stopbank will provide.

It is also recommended that the green line identifying the stopbank around the riffle range on Hazard Map 16 is realigned to match the actual location on the stopbank on the ground. This is a minor change and will have no effect.

5.1.5 Minor changes

Other minor changes have been recommended to the wording used in the body of the Plan. These changes are considered to be minor in effect and therefore do not require any further evaluation.

6. CONCLUDING COMMENTS

Seventeen submission points and five further submissions were received on general matters of the Proposed District Plan. Several changes are recommended in response to the submission, which is set out in Appendix 2.

It is considered that the provisions of the Proposed District Plan discussed in this report, along with the recommended changes, meet the purpose of the RMA and the Council's function under Section 31.

APPENDIX 1: Recommendations in response to submissions

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
<p>General</p> <p>34.1(b) Silver Fern Farms Ltd</p> <p>(note submission point 34.1(a) was addressed in general formatting)</p>	<p>The submitter is particularly supportive of the use of specific zoning and the discouragement of activities locating outside of designated zones as this reduces the potential for conflict due to reverse sensitivity and differing expectations of amenity.</p> <p>The submitter explains that reverse sensitivity can cause conflict and curtail the ability to operate efficiently, increasing risks and reducing future viability.</p> <p>The submitter states that well serviced industrial areas are often limited and need to be protected. Rural areas are also important in that they offer protection for primary production activities to operate without undue restriction.</p> <p>DECISION SOUGHT Retain industry specific zoning and the provision for primary production.</p> <p>Retain policies to discourage activities locating outside of zoned areas.</p> <p>FS28.1 NZ Transport Agency - Support submission 34.1</p> <p>The further submitter comments that the NZ Transport Agency operates under a large planning window (up to 30 years) given the overall capital investment involved in maintaining and upgrading the state highway network. They believe that their task of planning infrastructure for the future will be enhanced by development occurring as anticipated by the District Plan</p>	<p>Accept</p> <p>The zoning of the district will be retained. However, it is noted that the specifics of each zone will be discussed in the Zone Reports.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>DECISION SOUGHT Allow decision sort.</p>	
<p>56.23 Jenny Campbell</p>	<p>The submitter considers that environmental health monitoring is an essential part of a healthy city so priority needs to be given to this in partnership with other Councils.</p> <p>DECISION SOUGHT Not stated.</p>	<p>The health of the natural and physical environment is monitored by various divisions of the Council. Collaboration with Environment Southland and other government agencies are important in the management of the environment. This is recognised throughout the Proposed District Plan.</p>
<p>56.26 Jenny Campbell</p>	<p>The submitter encourages the promotion of Healthy Homes projects to ensure healthier lifestyles for Invercargill residents.</p> <p>DECISION SOUGHT Not stated.</p>	<p>The Council are involved in and supports a number of non-regulatory energy projects such as the Warm Homes Project, which works toward making existing homes more energy efficient by funding insulation.</p>
<p>56.27 Jenny Campbell</p>	<p>The submitter commends and advocates of the continued use of awards for promoting positive activity in the ICC area.</p> <p>DECISION SOUGHT Not stated.</p>	<p>Non-regulatory approaches, such as awards, are promoted throughout the District Plan. This is seen as an encouraging way for the Council to recognise a person, or groups, positive contribution to the environment.</p>
<p>81.10 Progressive Enterprises Ltd</p>	<p>The submitter considers that non-compliance with a standard or rules relating to height, signage, noise, parking, access, transportation loading, should be provided for as restricted discretionary activity where the Council's restriction is limited to the relevant matters, rather than the proposed discretionary activity status.</p> <p>FS46.1 Leven Investments Ltd and others - Support submission 81.10 The further submitter considers that non-compliance with a standard or rules relating to height, signage, noise, parking, access, transportation loading, should be provided for as restricted discretionary activity where</p>	<p>Accept in part</p> <p><i>See discussion in Section 4 of this report.</i></p> <p>It is recommended that the activity status is changed to restricted discretionary for the Height Rule only.</p> <p>RECOMMENDATION</p> <p>Amend the activity status for Height in in each Zone to restricted</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>the Council's restriction is limited to the relevant matters, rather than the proposed discretionary activity status.</p> <p>DECISION SOUGHT Review standards to change activity status for breaches relating to height, signage, noise, parking, access, and transportation loading to be restricted discretionary rather than the proposed discretionary activity status.</p>	discretionary, as set out in Appendix 2.
<p>107.23 A4 Simpson Architects Ltd</p>	<p>The submitter opposes reference to "lifestyle block" throughout the Plan as it gives a false impression of the reality of living in a rural environment.</p> <p>DECISION SOUGHT Change reference of the term "lifestyle block" to "rural-residential" throughout the Plan.</p>	<p>Accept in part</p> <p>Reference is made to "lifestyle" properties throughout Section 2 of the Plan. The use of this term is not always intended to describe rural-residential properties, as suggested by the submitter, but it is accepted that the use of the word "lifestyle" should be reviewed and replaced with a more suitable term appropriate to the context of the provision.</p> <p>The recommended changes are set out in Appendix 2.</p>
<p>15.25 Ballance Agri-Nutrients Ltd</p>	<p>Oppose (in part).</p> <p>The submitter is concerned that the District Wide rules do not include provision for the construction of buildings and structures to occur as a permitted activity.</p> <p>The submitter notes that the construction of buildings and structures is specifically managed elsewhere within the Proposed Plan. For example, Rule 3.32.2(A) prescribes a Controlled Activity status for the erection buildings and structures within the Industrial 4 (Awarua) Zone.</p> <p>Additionally, the Chapter 4 definitions for individual activities, whilst generally making reference to the use of buildings and structures, do not specifically include the construction of the same.</p>	<p>Reject</p> <p>It is not considered necessary to specifically recognise the construction of buildings and structures as a separate activity in all zones. The Industrial 4 Zone was created through a separate plan change process and had to address specific concerns. The type of buildings and structures located within the zone was identified as a matter that required specific control, in order to ensure adverse effects on the environment were managed. In all other zones the construction of buildings and structures are implicit in the permitted activities list</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>Given the foregoing, and that the default activity status for activities not specifically listed is generally Non-Complying, the submitter is concerned about the uncertainty created by the Proposed Plan in relation to the construction or placement of buildings.</p> <p>DECISION SOUGHT</p> <ul style="list-style-type: none"> i. That section 3 – District Wide Rules be amended to include a default permitted activity status for the erection of buildings in association with permitted activities. ii. Any similar amendments to like effect. iii. Any consequential amendments that stem from the amendment set out above. 	
<p>26.2 NZ Defence Force</p>	<p>Oppose (in part).</p> <p>The submitter notes that although Temporary Military Training Activities are recognised in the District Wide noise rules (Rule 3.13.10), the Proposed Plan does not appear to actually permit the activity itself. The submitter supports Temporary Military Training Activities being given permitted status in all zones, subject to appropriate noise standards. The submitter considers that noise is the only effect with the potential to be more than minor, and therefore is the only effect that needs to be controlled by performance standards.</p> <p>The submitter considers that restricted discretionary activity status is appropriate for Temporary Military Training Activities that do not comply with the permitted noise standards. Noise is the only effect with the potential to be more than minor, and this can be appropriately assessed through listing this as a matter over which discretion is retained in a restricted discretionary.</p>	<p>Reject</p> <p><i>See discussion in Section 4 of this report.</i></p> <p>It is recommended that Rule 3.38 Rural 1 Zone is amended to provide a controlled activity status for Temporary Military Training Activity, subject to meeting certain criteria. It is further recommended that the default activity status is retained for all other zones.</p> <p>RECOMMENDATION:</p> <p>Amend Rule 3.38 Rural 1 Zone as follows:</p> <p><u>Rule 3.38.2 Controlled Activities:</u> The following is a controlled activity in the Rural 1 Zone:</p> <p><u>(A) Temporary Military Training Activity</u></p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>DECISION SOUGHT</p> <p>a) Include a separate permitted activity rule for Temporary Military Training Activities subject to specified noise limits (based on the criteria detailed in Submission Point 3 below) in all zones</p> <p>b) Include a restricted discretionary activity rule for Temporary Military Training Activities that do not comply with specified noise limits, with noise being the only assessment criteria that the Council has restricted discretion over in assessing a resource consent application.</p>	<p><u>Where it meets the following:</u></p> <p>(a) <u>Any building or structure erected is to be removed within 30 days of the Temporary Military Training Activity commencing.</u></p> <p>(b) <u>No earthworks are to occur as part of the Temporary Military Training Activity.</u></p> <p><u>The matters over which the Council will exercise its control are:</u></p> <p>(A) <u>The scale of the activity</u></p> <p>(B) <u>The duration of the activity</u></p> <p>(c) <u>The location, height and type of any building or structure.</u></p> <p>(D) <u>Effects on the transportation network</u></p> <p>(E) <u>Site rehabilitation</u></p> <p>3.38.2</p> <p>3.38.3 Discretionary Activities: The following are discretionary activities in the Rural 1 Zone:</p> <p>(A) Commercial recreation activity</p> <p>(B) Communal activity</p> <p>(C) Education activity other than those on sites listed in Appendix V - Educational Activity (Existing)</p> <p>(D) Essential services</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
		<p>(E) Habilitation centre</p> <p>(F) Healthcare activity</p> <p>(G) Hospital activity</p> <p>(H) Marae activity</p> <p>(I) Nursery activity</p> <p>(J) Residential activity</p> <p>(K) Residential care activity for nine or more persons</p> <p>(L) Roadside sales activity on State Highways</p> <p>(M) Service stations</p> <p>(N) <u>Temporary Military Training Activity not listed as controlled</u></p> <p>(N)(O) Visitor accommodation</p> <p>3.38.3</p> <p>3.38.4 Non-complying Activities: The following are non-complying activities in the Rural 1 Zone:</p> <p>(A) Any activity not listed as either permitted or discretionary.</p>
31.1 R T Chapman	The submitter states that "Recreational Activity" is defined in Section Four but is neither a permitted or discretionary activity in any zone and is therefore a non-complying activity. The submitter considers that	<p>Reject</p> <p><i>See discussion in Section 4 of this report.</i></p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>Recreational Activity should be a permitted activity in every zone.</p> <p>DECISION SOUGHT Amend Section Three to provide for Recreation Activity to be a permitted activity in every zone.</p>	<p>It is recommended that the activities covered by the definition of Recreational activity are included within the definition of Communal Activity and that the definition of Recreational Activity is deleted from the Plan.</p> <p>RECOMMENDATION:</p> <ul style="list-style-type: none"> • Delete definition of Recreational Activity as follows: Means the use of land and/or buildings for the primary purpose of recreation including, but not limited to, clubrooms and storage buildings associated with recreational activities within the coastal marine area, but excluding recreation ancillary to other activities including residential activities, educational activities and communal activities. • Amend definition of Communal Activity as follows: Means any activity carried out on land or in buildings where people gather for meetings, social, cultural or religious ceremonies and socialising including, but not limited to, <u>sport clubs</u>, movie theatres, night clubs, video arcades and churches etc. This also means activities carried out on land or within buildings where people pay to watch sports, displays or other such activities. Communal activity includes, but is not limited to, ancillary sales of food, beverages and other retail items associated with the activity or event, but excludes such activities on reserve land and school sites, and any such use associated with any residential activity, education activity, day care activity, commercial activity, recreation activity and commercial recreation activity.

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
		<ul style="list-style-type: none"> • Amend the use of the term recreational activities on: <ul style="list-style-type: none"> ➤ Pg 2-12 Coastal Environment, Policy 5 Explanation ➤ Pg 2-35 Natural Features, Landscapes and Townscapes, Introduction, paragraph 10. ➤ Pg 2-54 Surface of Water Activities, Introduction, paragraph 6. ➤ Pg 2-55 Surface of Water Activities, Policy 1 <p><i>See Appendix 2 for the full amendments.</i></p>
69.6 ICC Roading Manager	<p>The submitter considers that the mapping of the service lanes is confusing and inaccurate.</p> <p>DECISION SOUGHT Review the mapping of the service lanes, particularly where they have been vested as roads</p>	<p>Accept</p> <p>It is agreed that the two service lanes between Don Street and Spey Street, and Spey Street and Yarrow Street, have not been clearly identified on Planning Map 9. It is therefore recommended that the zone layer is removed from the service lanes so that they can be clearly identified.</p> <p>It is noted that Lot 1 DP 10959 (126 Don Street) is not legal road but is owned by the Council and is used as part of the service lane. It is therefore appropriate for it to be identified on the planning maps for this purpose.</p>
78.32 Ministry of Education	<p>Support in part, but consider the mapping of Designation 34 Waikiwi Kindergarten does not show all of the legal description.</p> <p>DECISION SOUGHT Amend Planning Map 6 by modifying the designation boundary for Designation 34 by including Part Lot 28, DP194</p>	<p>Reject</p> <p>Planning Map 6 already includes Part Lot 28 DP 194. No modification is therefore required.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
67.3 ICC Drainage Manager	<p>The submitter considers the flood banks around the New River Estuary on Hazard Maps 16 and 17 are inaccurate.</p> <p>DECISION SOUGHT That the stopbank position around the New River Estuary be corrected.</p>	<p>Accept</p> <p>The data used to determine the mapping of stopbanks on the Hazard Information Maps is sourced from Environment Southland.</p> <p>A discussion with Environment Southland has confirmed that one of their stopbanks has not been identified on Hazard Map 17. It is therefore recommended that the map is amended to show this.</p> <p>It is also recommended that the stopbank, situated at the top left hand corner of Hazard Map 16, is realigned to match its physical location.</p>
105.10 ICC Environmental Health and Compliance Services	<p>The submitter supports inclusion of zone specific policies relating to dilapidated structures and ill-maintained lands and supports the use of the Building Act 2004 and the RMA to ensure that buildings and sections are well maintained and have a tidy outlook or appearance.</p> <p>DECISION SOUGHT Support zone specific policies on dilapidated structures and ill-maintained lands</p>	<p>Accept</p>
105.13 ICC Environmental Health and Compliance Services	<p>The submitter notes that smoke, odour, dust and fumes create nuisances and recommends that provisions are included in the Plan to deal with these. The submitter does recognise that Environment Southland is responsible for controlling discharge to air.</p> <p>DECISION SOUGHT The submitter recommends:</p> <ol style="list-style-type: none"> a. The inclusion of zone specific policies for odour b. Specific provision is made for smoke, odour, fumes and dust 	<p>Accept in part.</p> <p>While the Proposed District Plan includes provisions on minor nuisances such as odour, responsibility for controlling discharges to air lies with Environment Southland. It is considered that these matters are already addressed by the Regional Air Plan and do not require specific provision in the District Plan. The Council can, however, consider these matters as part of a discretionary or non-complying resource consent application, and also has the ability to manage objectionable, noxious or dangerous</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>FS11.2 HW Richardson Group Ltd - Oppose submission 105.13 The submitter considers these issues to be Regional Council issues and duplication is unnecessary and would create uncertainty.</p>	<p>adverse effects under Section 17 of the RMA.</p> <p>RECOMMENDATION</p> <p>Accept relief (a) to retain zone specific provisions on odour. (b). Reject relief</p>
<p>56.22 Jenny Campbell</p>	<p>The submitter supports the idea of dealing with dangerous dogs by registering the owners rather than the dogs, and requiring that they attend dog obedience and care classes, putting the responsibility back on people rather than the dog.</p> <p>DECISION SOUGHT Not stated.</p>	<p>The submission is noted, however, it is a matter outside of the RMA.</p>
<p>82.3 Neil Thomas</p>	<p>The submitter is concerned that there should be no changes to the status of Vibrant Invercargill without a vote by the CBD business holders</p> <p>DECISION SOUGHT Not stated</p> <p>FS33.3 A4 Simpson Architects Ltd - Support submission 82.3 The further submitter considers that there should be no changes to the status of Vibrant Invercargill without a vote by the CBD business holders.</p>	<p>The submission is noted, however, it is a matter outside of the RMA.</p>
<p>82.4 Neil Thomas</p>	<p>The submitter considers that an I Site should be located within the CBD.</p> <p>DECISION SOUGHT Not stated</p>	<p>The submission is noted, however, it is a matter outside of the RMA.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
	<p>FS33.4 A4 Simpson Architects Ltd - Support submission 82.4 The further submitter considers that an I Site should be located within the CBD</p>	

APPENDIX 2 - RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN

(underline indicates recommended additions, strikethrough indicate recommended deletions).

SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

DISTRICT WIDE

2.4 COASTAL ENVIRONMENT

Policy 5 Functional need (pg 2-12)

Explanation: *The Port of Bluff straddles the coastal marine area and the landward edges of the coastal environment, as do roads and railways around the district. There are several other important utilities and facilities in the coastal environment around the New River Estuary. These include the Invercargill Airport and Waste Water Treatment Plant at Clifton. Other activities, such as the aluminium smelter at Tiwai Point, located in the coastal environment for historic reasons and have invested heavily in their buildings, plant and equipment. The coastal environment contains significant mineral deposits, and parts have been highly modified by mineral extraction activity. ~~Many~~ Much of the district's sporting and recreational ~~activities~~ requiring large areas of land ~~are~~ is located within the coastal environment. All these activities are important in enabling development and diversification to occur to meet the changing needs of the Invercargill city district and the Southland region. Many have a functional need of coastal space. For others, it is not practicable to consider relocation.*

2.10 NATURAL FEATURES, LANDSCAPES AND TOWNSCAPES

Introduction

Paragraph 9 (pg 2-35)

New River Estuary

This area is 4044.4 hectares in size and is part of a chain of five estuaries along the Southland coast. The estuary is a main spawning ground for a variety of fish species and supports a large number of bird species, with up to 74 different species having been observed. A variety of native plant species grow in and around the estuary. The waters of the estuary are a dominant landscape feature. ~~Recreational activities~~ mainly ~~take~~ s place in the Oreti arm of the estuary. Modification has been made to the estuary by major reclamation of the Waihopai arm of the estuary. The reclaimed land contains the Invercargill airport and Invercargill's service/industrial sector.

2.15 SURFACE OF WATER ACTIVITIES

Introduction

Sixth paragraph (pg 2-54)

General Matters

The public values access to these areas, often for recreational ~~activities~~ purposes. It is acknowledged that there can be conflict between public access opportunities and that which may be desired by the public and operational requirements, for example over farm land. Informal access rights currently taken for granted can be denied by property owners. Rights of access can be formalised through processes under the Resource Management Act 1991. It is important that opportunities for public access to our waterways be retained, or created, and maintained.

2.15.3 Policies (pg 2-55)

Policy 1 ~~Recreational activities:~~ To allow for recreational ~~activities~~ on the waterbodies of the district.

***Explanation:** The district's waterways are used for a number of different recreational ~~activities~~ purposes, such as fishing, hunting, jet boating, kayaking and rowing.*

ZONE SPECIFIC

2.35 RESIDENTIAL OVERVIEW

Introduction, paragraph 10. (pg 2-139)

4. **Residential 3 Zone:** The Residential 3 Zone meets the demand for ~~"lifestyle"~~ large lot residential properties that offer some of the experience of country living, in particular large dwellings, space between dwellings, and larger gardens.

Policy 2 Residential Density (pg 2-140): To provide for a range of housing densities, from large lot ~~lifestyle~~ residential to medium density, in recognition of the changing demographics of the Invercargill population.

2.39 RESIDENTIAL 3 (LARGE LOT)

Introduction, paragraph 1 and 2 (Pg 2-156)

These zones provide for ~~lifestyle~~ large lot residential housing by zoning areas adjoining and adjacent to the urban area of Invercargill.

It meets the demand for ~~"lifestyle"~~ large lot residential properties that offer some of the experience of country living, in particular large dwellings, space between dwellings, and larger gardens, but on areas of land that are not large enough to require the keeping of animals.

2.39.1 Issues (Pg 2 -156)

Issue 1 There is demand for ~~"lifestyle"~~ large lot residential properties.

2.39.2 Objectives (2 -157)

Objective 1: “Lifestyle” Large lot residential housing is provided for, offering some of the experience of country living in areas zoned adjoining and adjacent to the urban area of Invercargill.

2.39.3 Policies (2-157)

Policy 1 Residential 3 (Large Lot) Zone: To provide for ~~lifestyle-estate~~ large lot residential housing by zoning areas adjoining and adjacent to the existing urban area for housing on lots larger than 1,500 square metres and which can be connected to the Invercargill City Council reticulated sewerage system.

***Explanation:** Over the past 10 years there has been significant interest in the creation of “lifestyle” large lot properties that offer some of the amenities of country living, in particular larger sections and spaciousness between dwellings. There has also been a reaction against the two hectares minimum lot size that has been the requirement until now, on the basis that two hectares is unnecessarily large. One of the reasons for the two hectares minimum has been to ensure suitability for on-site effluent disposal systems. Where there is an opportunity to connect to the Invercargill City Council sewerage system (i.e. the dwelling is within 30 metres of a reticulated service), this zoning provides the opportunity for dwellings with larger gardens and a semi-rural outlook whilst addressing the issue of effluent disposal.*

2.41 RURAL 2 (RURAL TRANSITION) ZONE

Introduction, paragraph 1 (Pg 2-168)

The Rural 2 Zone forms a transition between urban and rural environments by providing for rural “lifestyle” activities while also allowing residential activities on larger land allotments that are of sufficient size to effectively deal with the disposal of wastewater on-site, and give a character of openness to the zone.

2.41.3 Policies

Policy 1 Rural 2 Zone: To create a transition between the rural and urban environments by providing for “lifestyle” rural-residential properties of a minimum lot size of two hectares, which are self-sufficient in terms of servicing, whilst retaining the rural amenity of the land on the fringe of the urban environment.

***Explanation:** Allowing for a minimum lot size of two hectares for rural properties within the urban boundary will provide for sustainable “lifestyle” rural-residential properties that are not connected to reticulated services, and provide a graduated transition between the smaller residential lot sizes of the urban environment and the more intensive rural activities occurring on larger allotments outside of the urban boundary. Reinforcing this transitional area will help reduce the potential for reverse sensitivity effects that can occur when residential activity locates within close proximity to production activities in rural environments.*

SECTION THREE RULES

3.22 AIRPORT PROTECTION ZONE

3.22.4 Height of Structures: All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

- (A) Maximum height: 10 metres.
- (B) Recession plane: Infogram 4 applies to sites of less than one hectare.

3.22.5 Where an activity does not comply with Rule 3.22.4 above then the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

~~**3.22.6** Applications made under Rule 3.22.7 above shall address the following matters which will be among those taken into account by the Council:~~

- (A) The need for the increase in building or structure height.
- (B) The effect of the increase in building or structure height on the operation of Invercargill Airport.
- (C) The compatibility of the proposed building or structure with the scale of development and character of the local area.
- (D) The degree of overshadowing of neighbouring properties.
- (E) The ability to mitigate any adverse effects of the increase in building or structure height.

3.23 BUSINESS 1 (CENTRAL BUSINESS DISTRICT) ZONE

Height of Structures

3.23.11 Except within the Pedestrian Friendly Frontages Precinct and the Priority Redevelopment Precinct, all new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

- (A) Maximum height: 10 metres.
- (B) Recession plane: Infogram 4 applies in relation to any boundary with any Residential Zone.

3.23.12 Where an activity does not comply with Rule 3.23.11 above, the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

~~3.23.13 Applications under Rule 3.23.12 above shall address the following matters, which will be among those taken into account by the Council:~~

- (A) The reasons for the building or structure height.
- (B) The compatibility of the proposed building or structure with the scale of development and character of the local area.
- (C) The degree of overshadowing of neighbouring properties.
- (D) The degree of overlooking of neighbouring properties.
- (E) The ability to mitigate any adverse effects of the increase in building or structure height.

3.24 BUSINESS 2 (SUBURBAN SHOPPING AND BUSINESS) ZONE

Height of structures

3.24.4 All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

- (A) Maximum height: 10 metres.
- (B) Recession plane: Infogram 4 applies in relation to any boundary with any residential zone.

3.24.5 Where an activity does not comply with Rule 3.24.4 above then the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

~~3.24.6 Applications under Rule 3.24.5 above shall address the following matters, which will be among those taken into account by the Council:~~

- (A) Reasons for the building or structure height.
- (B) The compatibility of the proposed building or structure with the scale of development and character of the local area.
- (C) The degree of overshadowing of neighbouring properties.
- (D) The degree of overlooking of neighbouring properties.
- (E) The ability to mitigate any adverse effects of the increase in building or structure height.

3.25 BUSINESS 3 (SPECIALIST COMMERCIAL) ZONE

Height of Structures

3.25.4 All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

- (A) Maximum height: 12 metres.
- (B) Recession plane: Infogram 4 applies in relation to any boundary with any residential zone:

3.25.5 Where an activity does not comply with Rule 3.25.4 above, the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

~~**3.25.6** Applications under Rule 3.25.5 above shall address the following matters, which will be among those taken into account by the Council:~~

- (A) Reasons for the building or structure height.
- (B) The compatibility of the proposed building or structure with the scale of development and character of the local area.
- (C) The degree of overshadowing of neighbouring properties.
- (D) The degree of overlooking of neighbouring properties.
- (E) The ability to mitigate any adverse effects of the increase in building or structure height.

3.26 BUSINESS 4 (NEIGHBOURHOOD SHOP) ZONE

Height of Structures

3.26.4 All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

- (A) Maximum height: 10 metres.
- (B) Recession plane: Infogram 4 applies in relation to any boundary with any residential zone.

3.26.5 Where any activity does not comply with 3.26.4 above then the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

~~**3.26.6** Applications under Rule 3.26.5 above shall address the following matters, which will be among those taken into account by the Council:~~

- (A) Reasons for the building or structure height.
- (B) The compatibility of the proposed building or structure with the scale of development and character of the local area.
- (C) The degree of overshadowing of neighbouring properties.
- (D) The degree of overlooking of neighbouring properties.
- (E) The ability to mitigate any adverse effects of the increase in building or structure height.

3.27 BUSINESS 5 (RURAL SERVICE) ZONE

Height of Structures

3.27.4 All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height:

- (A) Maximum height: 10 metres

3.27.5 Where an activity does not comply with Rule 3.27.4 above, the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

~~**3.27.6** Applications under Rule 3.27.5 above shall address the following matters, which will be among those taken into account by the Council:~~

- (A) Reasons for the building or structure height.
- (B) The compatibility of the proposed building or structure with the scale of development and character of the local area.
- (C) The degree of overshadowing of neighbouring properties.
- (D) The degree of overlooking of neighbouring properties.
- (E) The ability to mitigate any adverse effects of the increase in building or structure height.

3.28 HOSPITAL ZONE

Height of Structures

3.28.3 All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

- (A) Maximum height: 30 metres.
- (B) Recession plane: Infogram 4 applies within 20 metres of a boundary with any residential zone.

3.28.4 Where an activity does not comply with Rule 3.28.3 above, the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

~~**3.28.5** Applications under Rule 3.28.4 above shall address the following matters, which will be among those taken into account by the Council:~~

- (A) Reasons for the building or structure height.
- (B) The compatibility of the proposed building or structure with the scale of development and character of the local area.
- (C) The degree of overshadowing of neighbouring properties.
- (D) The degree of overlooking of neighbouring properties.
- (E) The ability to mitigate any adverse effects of the increase in building or structure height.

3.29 INDUSTRIAL 1 (LIGHT) AND INDUSTRIAL 1A (MARINE) ZONES

Height of Structures

3.29.4 All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

- (A) Maximum height: 12 metres.
- (B) Recession plane: Infogram 4 applies in relation to any boundary with any residential zone.

3.29.5 Where an activity does not comply with Rule 3.29.4 above, the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

~~**3.29.6** Applications under Rule 3.29.5 above shall address the following matters, which will be among those taken into account by the Council:~~

- (A) Reasons for the building or structure height.
- (B) The compatibility of the proposed building or structure with the scale of development and character of the local area.
- (C) The degree of overshadowing of neighbouring properties.
- (D) The degree of overlooking of neighbouring properties.
- (E) The ability to mitigate any adverse effects of the increase in building or structure height.

3.30 INDUSTRIAL 2 (URBAN) ZONE

Height of Structures

3.30.4 All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

(A) Maximum height: 25 metres.

3.30.5 Where an activity does not comply with Rule 3.30.4 above, the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

~~**3.30.6** Applications under Rule 3.30.5 above shall address the following matters, which will be among those taken into account by the Council:~~

(A) Reasons for the building or structure height.

(B) The compatibility of the proposed building or structure with the scale of development and character of the local area.

(C) The degree of overshadowing of neighbouring properties.

(D) The degree of overlooking of neighbouring properties.

(E) The ability to mitigate any adverse effects of the increase in building or structure height.

3.31 INDUSTRIAL 3 (LARGE) ZONE

Height of Structures

3.31.4 All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height:

(A) Maximum height: 25 metres.

3.31.5 Where an activity does not comply with Rule 3.31.4 above, the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

~~**3.31.6** Applications under Rule 3.31.5 above shall address the following matters, which will be among those taken into account by the Council in exercising its discretion:~~

(A) Reasons for the building or structure height.

(B) The compatibility of the proposed building or structure with the scale of development and character of the local area.

- (C) The degree of overshadowing of neighbouring properties.
- (D) The ability to mitigate any adverse effects of the increase in building or structure height.

3.33 OTATARA ZONE

Height of Structures

3.33.10 All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

- (A) Maximum height: 10 metres.
- (B) Recession plane: Infogram 4 applies to sites of less than one hectare.

3.33.11 Where any activity does not comply with Rule 3.33.10 above, the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

~~**3.33.12** Applications under Rule 3.33.11 above shall address the following matters, which will be among those taken into account by the Council:~~

- (A) Reasons for the building or structure height.
- (B) The compatibility of the proposed building or structure with the scale of development and character of the local area.
- (C) The degree of overshadowing of neighbouring properties.
- (D) The degree of overlooking of neighbouring properties.
- (E) The ability to mitigate any adverse effects of the increase in building or structure height.

3.34 RESIDENTIAL 1 ZONE

Height of Structures

3.34.20 All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

- (A) Maximum height: 10 metres.
- (B) Recession plane: Infogram 4 applies.

3.34.21 Where any activity does not comply with Rule 3.34.20 above, the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

~~3.34.22 Applications under Rule 3.34.21 above shall address the following matters, which will be among those taken into account by the Council:~~

- (A) Reasons for the building or structure height.
- (B) The compatibility of the proposed building or structure with the scale of development and character of the local area.
- (C) The degree of overshadowing of neighbouring properties.
- (D) The degree of overlooking of neighbouring properties.
- (E) The ability to mitigate any adverse effects of the increase in building or structure height.

3.36 RESIDENTIAL 2 (BLUFF AND OMAUI) ZONE

Height of Structures

3.36.19 All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

- (A) Maximum height: 7.5 metres (residential building) or 4.5 metres (accessory building).
- (B) Recession plane: Infogram 4 applies.

3.36.20 Where any activity does not comply with Rule 3.36.19 above, the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

~~**3.36.21** Applications under Rule 3.36.20 above shall address the following matters, which will be among those taken into account by the Council:~~

- (A) Reason for the building or structure height.
- (B) The compatibility of the proposed building or structure with the scale of development and character of the local area.
- (C) The degree of overshadowing of neighbouring properties.
- (D) The degree of overlooking of neighbouring properties.
- (E) The ability to mitigate any adverse effects of the increase in building or structure height.

3.37 RESIDENTIAL 3 (LARGE LOT) ZONE

Height of Structures

3.37.24 All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

- (A) Maximum height: 10 metres.
- (B) Recession Plane: Infogram 4 applies.

3.37.25 Where any activity does not comply with Rule 3.37.24 above then the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

~~**3.37.26** Applications under Rule 3.37.25 above shall address the following matters, which will be among those taken into account by the Council:~~

- (A) Reasons for the building or structure height.
- (B) The compatibility of the proposed building or structure with the scale of development and character of the local area.
- (C) The degree of overshadowing of neighbouring properties.
- (D) The degree of overlooking of neighbouring properties.
- (E) The ability to mitigate any adverse effects of the increase in building or structure height.

3.38 RURAL 1 ZONE

3.38.2 Controlled Activities: The following is a controlled activity in the Rural 1 Zone:

(A) Temporary Military Training Activity

Where it meets the following:

(a) Any building or structure erected is to be removed within 30 days of the Temporary Military Training Activity commencing.

(b) No earthworks are to occur as part of the Temporary Military Training Activity.

The matters over which the Council will exercise its control are:

(A) The scale of the activity

(B) The duration of the activity

(c) The location, height and type of any building or structure.

(D) Effects on the transportation network

(E) Site rehabilitation

~~3.38.2~~

3.38.3 Discretionary Activities: The following are discretionary activities in the Rural 1 Zone:

- (A) Commercial recreation activity
- (B) Communal activity
- (C) Education activity other than those on sites listed in Appendix V - Educational Activity (Existing)
- (D) Essential services
- (E) Habilitation centre

- (F) Healthcare activity
- (G) Hospital activity
- (H) Marae activity
- (I) Nursery activity
- (J) Residential activity
- (K) Residential care activity for nine or more persons
- ~~(L)~~ Roadside sales activity on State Highways
- (M) Service stations
- ~~(N)~~ Temporary Military Training Activity not listed as controlled
- ~~(N)~~ (O) Visitor accommodation

3.38.3

3.38.4 Non-complying Activities: The following are non-complying activities in the Rural 1 Zone:

- (A) Any activity not listed as either permitted or discretionary.

Height of Structures

3.38.12 All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

- (A) Maximum height: 10 metres.
- (B) Recession plane: Infogram 4 applies on sites less than one hectare.

3.38.13 Where an activity does not comply with Rule 3.38.12 above then the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

~~**3.38.14** Applications under Rule 3.38.13 above shall address the following matters, which will be among those taken into account by the Council:~~

- (A) The reasons for the increase in building or structure height.
- (B) The compatibility of the proposed building or structure with the scale of development and character of the local area.
- (C) The degree of overshadowing of neighbouring properties.
- (D) The degree of overlooking of neighbouring properties.

- (E) The ability to mitigate any adverse effects of the increase in building or structure height.

3.39 Rural 2 Zone

Height of Structures

3.39.10 All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

- (A) Maximum height: 10 metres.
- (B) Recession plane: Infogram 4 applies on sites less than one hectare.

3.39.11 Where any activity does not comply with Rule 3.39.10 above, the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

~~**3.39.12** Applications under Rule 3.39.11 above shall address the following matters which will be among those taken into account by the Council:~~

- (A) The reasons for the increase in building or structure height.
- (B) The compatibility of the proposed building or structure with the scale of development and character of the local area.
- (C) The degree of overshadowing of neighbouring properties.
- (D) The degree of overlooking of neighbouring properties.
- (E) The ability to mitigate any adverse effects of the increase in building or structure height.

SECTION FOUR DEFINITIONS

Communal Activity: Means any activity carried out on land or in buildings where people gather for meetings, social, cultural or religious ceremonies and socialising including, but not limited to, sport clubs, movie theatres, night clubs, video arcades and churches etc. This also means activities carried out on land or within buildings where people pay to watch sports, displays or other such activities. Communal activity includes, but is not limited to, ancillary sales of food, beverages and other retail items associated with the activity or event, but excludes such activities on reserve land and school sites, and any such use associated with any residential activity, education activity, day care activity, commercial activity, ~~recreation activity~~ and commercial recreation activity.

~~**Recreational Activity:** Means the use of land and/or buildings for the primary purpose of recreation including, but not limited to, clubrooms and storage buildings associated with recreational activities within the coastal marine area, but excluding recreation ancillary to other activities including residential activities, educational activities and communal activities.~~

HAZARD INFORMATION MAPS

The following changes are recommended to the Hazard Maps:

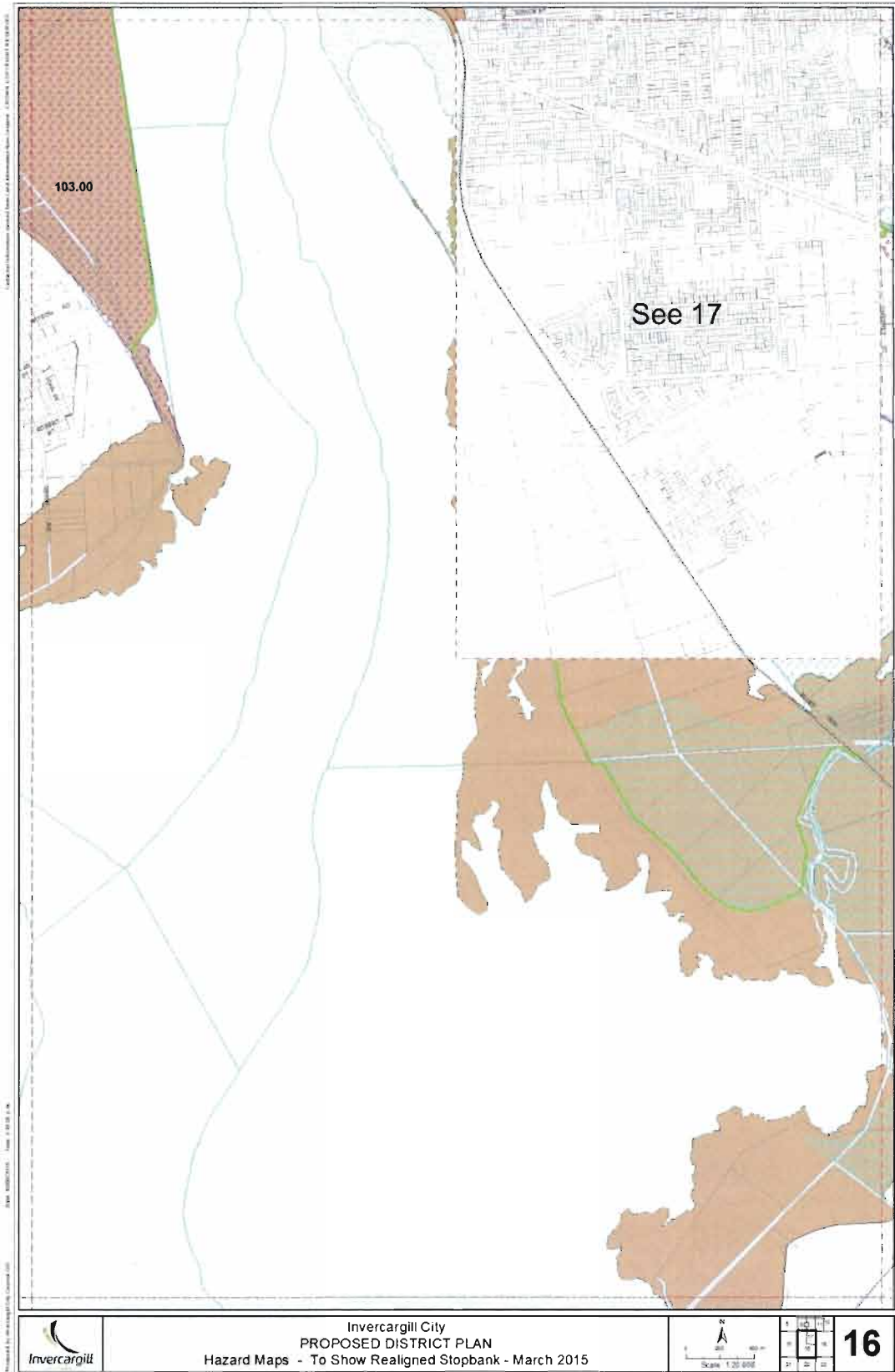
- That the stopbank situated at the top left hand corner of Hazard Map 16 is realigned to match its physical location.
- That the stopbank situated north of the sewerage treatment plant is included on Hazard Map 17.

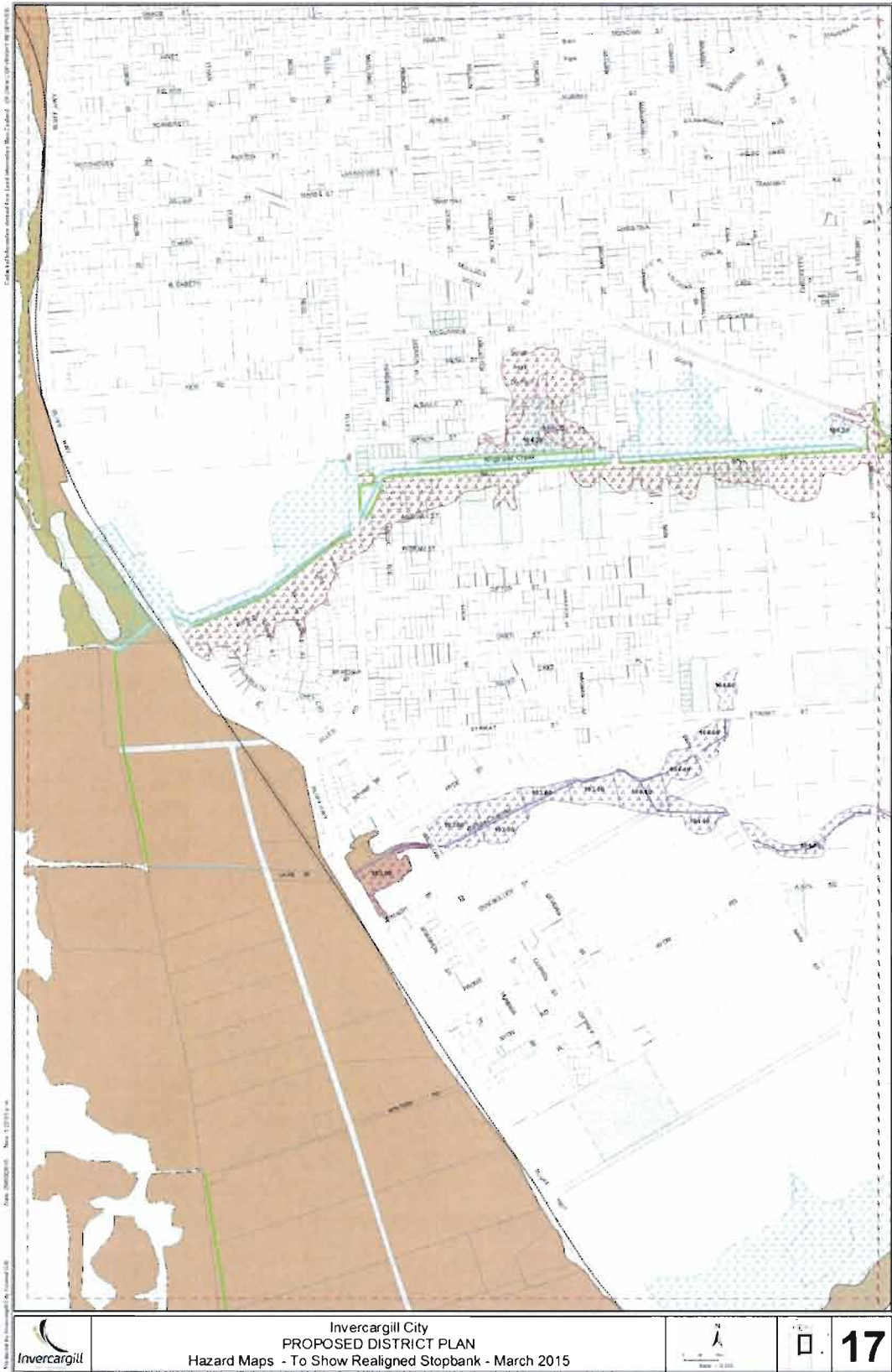
These changes are set out in Appendix 3.

PLANNING MAPS

It is recommended that the zone layer is removed from the service lanes on Planning Map 9, as set out in Appendix 4.

APPENDIX 3 PROPOSED CHANGES TO STOPBANK - HAZARD MAP 16 AND 17





APPENDIX 4 – PLANNING MAP 9





PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 30

Hospital Zone

**28 April 2015, 9.00am
COUNCIL CHAMBERS
CIVIC ADMINISTRATION BUILDING**

**Reporting Officer: Joanna Shirley
POLICY PLANNER**

**Peer Reviewed by: Dan Wells
JOHN EDMONDS AND ASSOCIATES LTD**

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1. EXECUTIVE SUMMARY

This report is on the Zone Specific Hospital Provisions of the Proposed District Plan. This includes Sections 2.27 Issues, Objectives, and Policies; 3.28 Zone Specific Rules; and four Definitions of the Proposed District Plan.

The Hospital Zone comprises of approximately 40 hectares located between Kew Road and State Highway 1. It provides for the operation and ongoing development of the Southland Hospital, which is locally and regionally important. As well as providing for public health care services, the zone is also utilised for many health education and training programmes and non-clinical support service activities that are ancillary to the hospital's functions. Its ongoing operation is vital for the health and well-being of the community.

The Proposed District Plan makes specific provision for the Hospital Zone, but in general the provisions have been carried across from the Operative District Plan without any major change. The provisions seek to protect the operational requirements of the hospital, while at the same time recognising that adverse effects can extend beyond the zone boundaries which need to be controlled.

The Southern District Health Board was the only submitter on this Section of the Plan. They submitted in support of the zone and its provisions.

It is recommended that this submission is accepted and that the provisions remain as notified, with the exception of some minor grammatical changes.

In this report:

- Part 2 considers several key procedural issues.
- Part 3 provides background information on the Hospital Zone provisions.
- Part 4 summarises the various statutory provisions that apply to the consideration of the Proposed District Plan.
- Part 5 assesses the relevant issues raised by the submitters.
- Part 6 provides a discussion on the Section 32 matters.
- Part 7 sets out the overall conclusions.
- Appendix 1 sets out the recommended changes to the text of the Proposed District Plan.
- Appendix 2 sets out the recommendations on each of the submission points.

2. INTRODUCTION

2.1 Report Author

My name is Joanna Louise Shirley. I am a Policy Planner at the Invercargill City Council, a position I have held since February 2014. I hold a Bachelor of Environmental Management and am an associate member of the New Zealand Planning Institute. I have five years experience in the planning field as a Resource Management Officer, which has involved implementing the District Plan and producing various planning documents.

2.2 Peer Review

This report has been peer reviewed by Dan Wells from John Edmonds and Associates Ltd. Dan Wells is a resource management planner with a variety of experience throughout the plan change preparation process. Dan has a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University.

2.3 How to Read this Report

This report is structured as follows:

- Interpretation (an explanation of some of the terms used).
- A summary of the hearing process.
- Background to the Hospital Zone topic, and the provisions of the Proposed Invercargill City District Plan 2013.
- Description of the statutory framework within which the proposed provisions have been developed.
- Analysis of the submissions, including a discussion of the key issues raised through the submissions and further submissions received.
- Assessment of the proposed changes under Section 32 of the RMA.
- Concluding comments.
- Recommendations on individual submissions.
- Tracked changes of the Proposed District Plan provisions of the Hospital Zone.

To see my recommendation on an individual submission please refer to the table at the end of Appendix 1. The table sets out the name and relevant submission number of those who submitted on the Hospital Zone provisions and a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

2.4 Interpretation

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“Hearings Committee” means the District Plan Hearings Committee

“Operative District Plan” means the Invercargill City District Plan 2005

“Proposed District Plan” means the Proposed Invercargill City District Plan 2013
“Provisions” is a term used to collectively describe Objectives, Policies and Rules.
“Plan Group”
“RMA” means the Resource Management Act 1991
“Submitter” means a submitter to the Proposed District Plan.

2.5 The Hearing Process

A number of hearings are to be held to consider the submissions lodged to the Proposed Invercargill City District Plan 2013. The hearings have been divided up to ensure that submissions on similar issues have been grouped together and to enable the District Plan Hearings Committee to make decisions on the provisions relating to those issues. This report applies to the zone specific hospital provisions of the Proposed District Plan.

The Hearings Committee comprises of accredited Invercargill City Councillors, with the assistance of an Independent Hearings Commissioner. This Committee is to consider the Proposed Plan and the submissions and further submissions lodged. The Hearings Committee has full delegation to issue a decision on these matters.

This report is prepared pursuant to Section 42A of the Resource Management Act 1991 (the “RMA”). Section 42A provides for a report to be prepared prior to a hearing, setting out matters to which regard should be had when considering a Proposed District Plan and the submissions lodged to it. This report highlights those matters that are considered appropriate by the author for the Hearings Committee to consider in making decisions on the submissions lodged. The report has been prepared on the basis of information available prior to the hearing.

While the Hearings Committee is required to have regard to this report, regard must also be given to the matters raised in submissions, and presentations made at the hearing. The comments and recommendations contained in this report are not binding on the Hearings Committee and it should not be assumed that the Hearings Committee will reach the same conclusions set out in the report having heard from the submitters and Council advisers.

The hearing is open to the public, and any person may attend any part of the hearing.

Those persons who lodged a submission have a right to speak at the hearing. They may appear in person, or have someone speak on their behalf. They may also call evidence from other persons in support of the points they are addressing.

At any time during or after the hearing, the Hearings Committee may request the preparation of additional reports. If that is done, adequate time must be provided to the submitters to assess and comment on the report. The Hearings Committee may determine that:

- the hearing should be reconvened to allow responses to any report prepared, or
- any responses be submitted in writing within a specified timeframe.

At the conclusion of the hearing process, the Hearings Committee will prepare a written decision. The decision is sent to all persons who lodged a submission. If not satisfied with the decision the submitters have a right of appeal to the Environment Court. If an appeal is lodged, the RMA requires a copy to be served on all submitters with an interest in that matter. Any submitter served may, if they wish, become a party to the appeal either in support or opposition to it.

If there is an appeal, the Environment Court will provide an opportunity for mediation between the parties. If mediation is not accepted, or does not resolve the issues, a further hearing will take place before a Judge and Court appointed Commissioners. Except on points of law, the decision of the Environment Court is final.

3. BACKGROUND

The Hospital Zone comprises of approximately 40 hectares located between Kew Road and State Highway 1. It provides for the operation and ongoing development of the Southland Hospital, which is locally and regionally important. As well as providing for public health care services, the zone is also utilised for many health education and training programmes and non-clinical support service activities that are ancillary to the hospital's functions. The hospital's ongoing operation is vital for the health and well-being of the community.

The Proposed District Plan makes specific provision for the Hospital Zone, but in general the provisions have been carried across from the Operative District Plan without any major change.

3.1 Proposed Issues, Objectives and Policies

Section 2.27 of the Proposed District Plan details the District Wide Issues, Objectives, Policies and Methods of Implementation relating to the Hospital Zone. Three significant resource management issues, two objectives and fourteen policies are provided within this section of the Plan.

The significant resource management issues are as follows:

1. Without appropriate protection the operational requirements of the hospital can be compromised.
2. Many of the adverse effects created by activities within the Hospital Zone can extend beyond the zone boundaries.
3. There can be a need for associated activities to locate in close proximity to a hospital.

The objectives aim to provide for the continued use, maintenance and future development of the hospital, and the identification, maintenance and enhancement of amenity values.

The policies support these objectives, seeking to ensure that amenity values are maintained and nuisance is avoided, whilst recognising the operational importance of the hospital and its continued operation.

3.2 Proposed Rule

Rule 3.28 of the Proposed District Plan sets out the zone specific rules for the Hospital Zone.

The only activity permitted within the zone, subject to the District Wide Rules, are hospital activities which are defined in Section Four of the Plan as follows:

“an activity providing medical assessment, treatment and care services for patients, health administration, community health services; and includes associated infrastructure, support activities including non-clinical support services and activities that are required for the functioning of the hospital, emergency land and air transportation services, mortuary and ancillary commercial and residential activities.”

All other activities are non-complying.

Rules on height of structures within the Hospital Zone are also set out in this Section of the Plan. All new buildings and structures and additions to existing buildings and structures are to be designed and constructed so as to comply with a maximum height of 30 metres. Infogram 4: Recession Planes also apply within 20 metres of a boundary of any residential zone.

Where an activity does not comply with the height rules then it is a discretionary activity. Rule 3.28.5 sets out the matters which will be among those taken into account by the Council when considering an application for resource consent.

4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

4.1 Resource Management Act 1991

When reviewing the District Plan, the Council must follow the process outlined in Schedule 1 of the RMA.

The First Schedule procedure includes notification for submissions (clause 5) and further submissions (clause 8), holding a hearing into submissions (clause 8(b)), and determining whether those submissions are accepted or rejected and giving reasons for the decisions (clause 10).

Clause 29(4) of the First Schedule to the RMA states that, after considering a plan, the local authority may decline, approve, or approve with modifications, the plan change, and shall give reasons for its decisions.

Under Section 74 of the RMA, in relation to changes to the District Plan, Council must consider Part 2 of the RMA (purposes and principles), Section 32 (alternatives, benefits and costs), and relevant regional and district planning documents.

4.1.1 Part 2 of the RMA

Part 2 of the RMA (ss5-8) sets out its purpose and principles.

The purpose of the RMA is set out in Section 5. I confirm that the provisions for activities within the Hospital Zone fall within the purpose of the RMA. In particular, the policies and rules provides for the operation and ongoing development of the Southland Hospital, a locally and regionally important health facility, whilst also seeking to avoid, remedy or mitigate adverse effects on the environment in accordance with Section 5(2)(c) of the RMA.

Section 6 of the RMA sets out matters of national importance which must be recognised and provided for. There are no matters of national importance relevant to the zone specific hospital provisions. However, the Zone contains an area of significant biodiversity and also heritage buildings which are both matters of national importance. These matters are addressed in the Proposed District Plan through the District Wide provisions (s2.3 and s3.1 Biodiversity and s2.8 and s3.8 Heritage). These topics have already been heard by the Hearings Committee¹.

Section 7 of the RMA sets out "other matters" for which particular regard shall be had. It is considered that the most relevant matters are:

- (c) *The maintenance and enhancement of amenity values:*
- (f) *Maintenance and enhancement of the quality of the environment:*

It is considered that the provisions specific to the Hospital Zone in the Proposed District Plan demonstrate particular regard to these matters.

Section 8 of the RMA obliges persons exercising functions and powers under the RMA to take account of the principles of the Treaty of Waitangi. Representatives from Te Ao Marama Inc have been part of the Plan Review process as members of the Council's Plan Group that worked on developing the Proposed District Plan.

¹ Report 13: Heritage August 2014 and Report 16 Biodiversity: September 2014.
Section 42A Report
Hospital Zone

Consultation with Iwi has also occurred. The Hospital Zone provisions set out in the Proposed District Plan were not identified as an issue of particular significance to Iwi.

4.1.2 Functions of Territorial Authorities under the RMA

Section 31 of the RMA states the functions of a territorial authority under that Act. One of the functions set out in Section 31(1)(a) is:

“The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.”

Under Section 31(1)(b) of the RMA a territorial authority is required to “... control ... any actual or potential effects of the use, development, or protection of land ...”

Objectives, Policies and Rules have been established which are specific to the Hospital Zone. The provisions ensure that the operational requirements of the hospital are protected whilst ensuring that adverse effects created by activities within the zone are avoided, remedied or mitigated beyond the zone boundaries.

4.1.3 Consideration of alternatives, benefits, and costs

Section 32 of the RMA states the Council’s obligations in assessing the alternatives, benefits and costs.

Whilst a Section 32 report was released at the time of notification of the Proposed District Plan, the Council is required to carry out a further evaluation through the hearing, consideration and deliberation process before making changes on the Proposed District Plan.

4.2. Relevant Planning Policy Documents

The RMA specifies a number of documents that need to be considered in a decision on a Proposed District Plan and the weight that should be given to these. These are addressed in the following section.

4.2.1 New Zealand Coastal Policy Statement

Section 75 of the RMA requires that a District Plan must give effect to any New Zealand coastal policy statement (NZCPS). The Hospital Zone is not located within the coastal environment and therefore the NZCPS is not relevant in this instance.

4.2.2 National Policy Statements and National Environmental Standards

In accordance with Section 75 of the RMA, a District Plan must give effect to National Policy Statements.

Section 44A of the RMA prescribes how District Plans must be amended if a rule conflicts with a National Environmental Standard.

All Zone specific provisions are subject to the district wide provisions. Where relevant the district wide provisions have given effect to National Policy Statements and National Environmental Standards.

4.2.3 Regional Policy Statement

Under Section 75 of the RMA, a District Plan must give effect to an operative Regional Policy Statement.

The following policies and objectives from the Southland Regional Policy Statement (1997) are given effect to by the zone specific provisions of the Hospital Zone:

Objective 10.1

To achieve the sustainable management of the built environment in such a way that the needs of future generations are met.

Objective 10.2

To maintain and enhance the environmental quality of the Region's built environment.

Objective 10.5

To minimise the adverse effects of the built environment on natural and physical resources.

Policy 10.7

Recognise that changes to one component of the built environment can have adverse effects on other components of the built environment.

The Hospital Zone provides for the operation and ongoing development of the Southland Hospital which is a locally and regionally important health facility. The Plan seeks to protect the operational requirements of the hospital, whilst recognising that adverse effects can extend beyond the zone which need to be controlled.

4.2.4 Proposed Regional Policy Statement

In accordance with Section 74, regard needs to be given to any proposed Regional Policy Statement. The Proposed Southland Regional Policy Statement was notified in May 2012. In developing the zone specific hospital provisions regard was given to the PRPS. The following provisions are considered to be of particular relevance:

Objective URB.1 – Urban development

Urban (including industrial) development occurs in an integrated, sustainable and well-planned manner which provides for positive environmental, social, economic and cultural outcomes.

Policy URB.1 – Adverse environmental effects

The adverse effects of urban development on the environment should be appropriately avoided, remedied or mitigated.

Policy URB.5 - Land use Activities

Provide for a range of land use activities within the urban areas

4.2.5 Regional Plans

In accordance with Section 74 of the RMA, a District Plan must not be inconsistent with a Regional Plan. I do not consider there to be any inconsistencies between the Hospital Zone provisions and a Regional Plan.

4.2.6 Iwi Management Plans

Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority

Ngai Tahu has lodged an Iwi Management Plan with the Council. The relevant document is the *Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Tairā*.

Te Tangi a Tairā seeks to protect amenity values, commenting that natural and physical characteristics contribute to and make a place of value. Protecting these values is pivotal to understanding the links between people, language and the environment.

The Hospital Zone provides an important function of providing for the operation of the Southland Hospital. The Proposed District Plan recognises this function but also recognises that adverse effects created by this activity can extend beyond the zone boundaries. Provisions of the Plan seek to protect the amenity values of the neighbouring residential zone which is consistent with the provisions of *Te Tangi a Tairā*.

4.2.7 Management Plans and Strategies Prepared under other Acts

A District Plan is required to have regard to management plans and strategies prepared under different Acts. The Invercargill City Council's Spatial Plan - the Big Picture (prepared under the Local Government Act) helped guide the zoning of the district. The boundaries of the Hospital Zone are consistent with this document.

4.3 Summary

It is considered that the purpose and principles of the RMA are met by the zone specific hospital provisions set out in the Proposed District Plan. The proposed provisions fall within the functions of local authorities (minor changes are proposed to make this clearer). The requirements of Section 32 of the RMA have been met through the evaluations carried out prior to notification and in this report. The various documents required to be considered have been appropriately addressed in the preparation of provisions relating to the Hospital Zone.

5. ANALYSIS OF SUBMISSIONS

The Southern District Health Board was the only submitter on the Hospital Zone provisions of the Proposed District Plan, submitting in support of this section of the Plan. Their submission specifically supported the permitted activity status and the definition of 'hospital activity', commenting that it provides for the function of the hospital, while at the same time protecting the amenity of surrounding residential zones. They seek to retain the zone, Section 3.28 of the Plan, and the definition of Hospital Activity. I recommend accepting the relief sought.

5.1 . Minor Amendments

I am recommending some minor grammatical changes to the provisions in order to improve the readability of the Plan. It is considered that these are minor amendments that will result in no consequence to the intention and outcome of the provisions. The amendments can therefore be made under clause 16 (2) of the First Schedule to the RMA.

6. DISCUSSION OF SECTION 32 MATTERS

Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan. This requires the preparation of an Evaluation Report. This Section of the RMA was recently amended (since the notification of the proposed District Plan) and the following summarises the current requirements of this section.

The first step of Section 32 requires that objectives are assessed to determine whether they are the most appropriate way to achieve the purpose of the RMA (as defined in Section 5).

The second step is to examine policies and rules to determine whether they are the most appropriate way to achieve the objectives. In this instance, the objectives are those proposed by the District Plan. This assessment includes requirements to:

- Identify the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth)
- Identify other reasonably practicable options for achieving the objectives; and
- Assess the efficiency and effectiveness of the provisions in achieving the objectives.

An Evaluation Report was released at the time of notification of the Proposed Plan.

Section 32AA of the RMA requires a further evaluation to be released with decisions, outlining the costs and benefits of any amendments made after the Proposed Plan was notified.

Section 32 states that Evaluation Reports need to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. This means that if in its decision the Hearings Panel recommends minor changes from what was in the Proposed Plan, a further evaluation can be relatively brief.

6.1 Section 32AA Further Evaluation

Minor grammatical changes are recommended to improve the readability of the Plan. No other amendments to the objectives, policies, or rules are recommended and therefore further evaluation under Section 32AA is not required.

7. CONCLUDING COMMENTS

The Hospital Zone provides for the operation and ongoing development of the Southland Hospital, which is a locally and regionally important health facility. The provisions of the Proposed District Plan seek to protect the operational requirements of the hospital, while at the same time recognising that adverse effects can extend beyond the zone boundaries, which need to be controlled.

The Southern District Health Board was the only submitter on this Section of the Plan. They submitted in support of the zone and its provisions.

It is recommended that this submission is accepted and that the provisions remain as notified, with the exception of some minor grammatical changes.

APPENDIX 1: Recommendations in response to submissions

Submitter	Submission	Recommendation
GENERAL		
7.1 Southern District Health Board	<p>The submitter supports the Hospital Zone in the Plan and the provision of hospital activity as a permitted activity. The Hospital Zone provides for the Southern District Health Board to undertake its functions without the need to seek unnecessary resource consents whilst protecting the amenity of surrounding residential zones through performance standards.</p> <p>DECISION</p> <p>Retain the Hospital Zone and Section 3.28 of the Plan</p>	<p>Accept</p>
SECTION FOUR DEFINITIONS		
7.2 Southern District Health Board	<p>The submitter supports the proposed definition of “Hospital Activity”</p> <p>DECISION</p> <p>Retain the definition of Hospital Activity</p>	<p>Accept</p>

APPENDIX 2 - RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN

(underline indicates recommended additions, strikethrough indicate recommended deletions).

SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

Note: Some changes to the Hospital Zone policies have been recommended in earlier Section 42A reports, addressing the District Wide plan provisions. The following are my recommended changes in response to this report.

2.27 HOSPITAL ZONE

No change

2.27.1 Issues

The significant resource management issues for the Hospital Zone are:

1. No change
2. No change
3. No change

2.27.2 Objectives

Objective 1: No change

Objective 2: The identification, maintenance and enhancement of the amenity values of the amenity values of the Hospital Zone and its neighbourhood.

2.27.3 Policies

Policy 1 Hospital Zone: No change

Explanation: No change

Policy 2 Noise: No change

Explanation: No change

Policy 3 Odour: To ensure the absence of nuisance from objectionable odour.

Explanation: A variety of odours is an inevitable by-product of hospital activities and needs to be controlled.

Policy 4 Glare: No change

Explanation: No change

Policy 5 Electrical Interference: No change

Explanation: No change

Policy 6 Height of structures: No change

Explanation: The Hospital Zone is a large area of land which can accommodate large buildings. However, ~~but~~ effects on residential; amenity (e.g. overlooking, shading, wind) need to be addressed.

Policy 7 Lighting: No change.

Explanation: No change

Policy 8 Signage: No change

Explanation: No change

Policy 9 Dilapidated structures and ill-maintained lands: To require that the buildings and surrounding land within the Hospital Zone are sound, well-maintained and tidy in appearance, recognising the adverse effects of dilapidated structures.

Explanation: No change

Policy 10 Demolition Activities: No change

Explanation: No change

Policy 11 Car parking: No change.

Explanation: The types of activities anticipated within the Hospital Zone are vehicle oriented, as opposed to pedestrian oriented. On-site car parking and efficient and convenient provision for service vehicles will be required as part of any activity carried out within this site-zone.

Policy 12 Open space, landscaping, planting and screening: No change

Explanation: No change

Policy 13 Weather protection: To ensure that natural wind effects on adjoining residential areas are not increased by buildings and structures in within the Hospital Zone.

Explanation: Large buildings and structures can cause adverse wind effects on nearby areas which can be avoided or mitigated by building design and landscaping.

Policy 14 Hazardous Substances: No change

Explanation: No change

2.27.4 Methods of Implementation

Method 1 No change

Method 2 No change

Method 3 Identify the amenity values for the Hospital Zone, include environmental standards to protect and enhance them, and implement through enforcement under the RMA, education, advocacy and collaboratingion with other territorial authorities.

Method 4 No change

Method 5 No change

Method 6 No change

Method 7 No change

Method 8 No change

Method 9 No change

SECTION THREE RULES - ZONE SPECIFIC

3.28 HOSPITAL ZONE

3.28.1 Permitted Activities: No change

3.28.2 Non complying activities: No change .

Height of Structures

3.28.3 No change

3.28.4 No change

3.28.5 No change

SECTION FOUR DEFINITIONS

Hospital Activity: No change

PLANNING MAPS

Map 17

No changes to the boundaries of the Hospital Zone.



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 31

Otatara Zone

**28 April 2015, 9.00am
COUNCIL CHAMBERS
CIVIC ADMINISTRATION BUILDING**

**Reporting Officer: Joanna Shirley
POLICY PLANNER**

**Peer Reviewed by: Dan Wells
JOHN EDMONDS AND ASSOCIATES LTD**

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1. EXECUTIVE SUMMARY

This report is on the Zone Specific Otatara Provisions of the Proposed District Plan. This includes Sections 2.34 Issues, Objectives, and Policies and Section 3.33 Zone Specific Rules of the Proposed District Plan.

Otatara differs from residential areas elsewhere in the City because of its large properties, high degree of privacy and scenic values, including remnants of ancient sand dune systems and significant biodiversity. These unique characteristics are valued by the community and are recognised and protected by the Proposed Invercargill City District Plan.

In 2010 the Otatara Sub-Area underwent a Council initiated Plan Change (Plan Change 9), with the provisions becoming fully operative in 2013. The provisions of Plan Change 9 have been largely incorporated into the Proposed District Plan.

The Environmental and Planning Services Division of the Council and the Invercargill Airport Limited are the only two submitters on the Otatara Zone Specific provisions of the Proposed District Plan, discussed in this report¹. The Environmental and Planning Services Division of the Council submitted in support of Policy 3 (Incidence of Daylight and Sunlight), subject to a minor amendment to the policy explanation, and the Airport submitted in support of Policy 15 (Height and Location of Structures).

It is recommended that these submissions are accepted.

In this report:

- Part 2 considers several key procedural issues.
- Part 3 provides background information on the Otatara Zone provisions.
- Part 4 summarises the various statutory provisions that apply to the consideration of the Proposed District Plan.
- Part 5 assesses the relevant issues raised by the submitters.
- Part 6 provides a discussion on the Section 32 matters.
- Part 7 sets out the overall conclusions.
- Appendix 1 sets out the recommended changes to the text of the Proposed District Plan.
- Appendix 2 sets out the recommendations on each of the submission points.

¹ The New Zealand Fire Service were also a submitter but their submission has already been considered by the Hearing Committee in Report 8 Water and Report 20 Transportation¹.
Section 42A Report
Otatara Zone

2. INTRODUCTION

2.1 Report Author

My name is Joanna Louise Shirley. I am a Policy Planner at the Invercargill City Council, a position I have held since February 2014. I hold a Bachelor of Environmental Management and am an associate member of the New Zealand Planning Institute. I have five years experience in the planning field as a Resource Management Officer, which has involved implementing the District Plan and producing various planning documents.

2.2 Peer Review

This report has been peer reviewed by Dan Wells from John Edmonds and Associates Ltd. Dan Wells is a resource management planner with a variety of experience throughout the plan change preparation process. Dan has a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University.

2.3 How to Read this Report

This report is structured as follows:

- Interpretation (an explanation of some of the terms used).
- A summary of the hearing process.
- Background to the Otatara Zone topic, and the provisions of the Proposed Invercargill City District Plan 2013.
- Description of the statutory framework within which the proposed provisions have been developed.
- Analysis of the submissions, including a discussion of the key issues raised through the submissions and further submissions received.
- Assessment of the proposed changes under Section 32 of the RMA.
- Concluding comments.
- Recommendations on individual submissions.
- Tracked changes of the Proposed District Plan provisions of the Otatara Zone.

To see my recommendation on an individual submission please refer to the table at the end of Appendix 1. The table sets out the name and relevant submission number of those who submitted on the Otatara Zone provisions and a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

2.4 Interpretation

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“Hearings Committee” means the District Plan Hearings Committee

“Operative District Plan” means the Invercargill City District Plan 2005

“Proposed District Plan” means the Proposed Invercargill City District Plan 2013
“Provisions” is a term used to collectively describe Objectives, Policies and Rules.
“Plan Group”
“RMA” means the Resource Management Act 1991
“Submitter” means a submitter to the Proposed District Plan.

2.5 The Hearing Process

A number of hearings are to be held to consider the submissions lodged to the Proposed Invercargill City District Plan 2013. The hearings have been divided up to ensure that submissions on similar issues have been grouped together and to enable the District Plan Hearings Committee to make decisions on the provisions relating to those issues. This report applies to the zone specific Otatara provisions of the Proposed District Plan.

The Hearings Committee comprises of accredited Invercargill City Councillors, with the assistance of an Independent Hearings Commissioner. This Committee is to consider the Proposed Plan and the submissions and further submissions lodged. The Hearings Committee has full delegation to issue a decision on these matters.

This report is prepared pursuant to Section 42A of the Resource Management Act 1991 (the “RMA”). Section 42A provides for a report to be prepared prior to a hearing, setting out matters to which regard should be had when considering a Proposed District Plan and the submissions lodged to it. This report highlights those matters that are considered appropriate by the author for the Hearings Committee to consider in making decisions on the submissions lodged. The report has been prepared on the basis of information available prior to the hearing.

While the Hearings Committee is required to have regard to this report, regard must also be given to the matters raised in submissions, and presentations made at the hearing. The comments and recommendations contained in this report are not binding on the Hearings Committee and it should not be assumed that the Hearings Committee will reach the same conclusions set out in the report having heard from the submitters and Council advisers.

The hearing is open to the public, and any person may attend any part of the hearing.

Those persons who lodged a submission have a right to speak at the hearing. They may appear in person, or have someone speak on their behalf. They may also call evidence from other persons in support of the points they are addressing.

At any time during or after the hearing, the Hearings Committee may request the preparation of additional reports. If that is done, adequate time must be provided to the submitters to assess and comment on the report. The Hearings Committee may determine that:

- the hearing should be reconvened to allow responses to any report prepared, or
- any responses be submitted in writing within a specified timeframe.

At the conclusion of the hearing process, the Hearings Committee will prepare a written decision. The decision is sent to all persons who lodged a submission. If not satisfied with the decision the submitters have a right of appeal to the Environment Court. If an appeal is lodged, the RMA requires a copy to be served on all submitters with an interest in that matter. Any submitter served may, if they wish, become a party to the appeal either in support or opposition to it.

If there is an appeal, the Environment Court will provide an opportunity for mediation between the parties. If mediation is not accepted, or does not resolve the issues, a further hearing will take place before a Judge and Court appointed Commissioners. Except on points of law, the decision of the Environment Court is final.

3. BACKGROUND

The Otatara Zone encompasses the Otatara Peninsula between the New River Estuary and the Oreti River, and an area north of Dunns Road.

Otatara differs from residential areas elsewhere in the City because of its large properties, high degree of privacy and scenic values, including remnants of ancient sand dune systems and significant biodiversity. These unique characteristics are valued by the community and are recognised and protected by the Proposed Invercargill City District Plan.

In 2010 the Otatara Sub-Area underwent a Council initiated Plan Change (Plan Change 9). The purpose of Plan Change 9 was to provide for the sustainable growth and development of the area, and to identify and protect outstanding natural features and landscapes, and the ecological integrity and biological diversity of the region.

The Plan Change sought to alter the existing Sub-Area boundaries and add new provisions on Outstanding Natural, Features and Landscapes; Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna; Subdivision; Amenity Values; and Private Open Space and Density. The new plan provision became fully operative in January 2013, by way of a consent order issued by the Environment Court.

The provisions of Plan Change 9 have been largely incorporated into the Proposed District Plan.

3.1 Proposed Issues, Objectives and Policies

Section 2.34 of the Proposed District Plan details the District Wide Issues, Objectives, Policies and Methods of Implementation relating to the Otatara Zone. Four significant resource management issue, two objectives and sixteen policies are provided within this Section of the Plan.

The significant resource management issues are as follows:

1. The amenity values of the Otatara Zone can be adversely affected by clearing and altering areas of indigenous biodiversity.
2. The character of Otatara's landscapes is at risk from inappropriate subdivision, use and development.
3. Subdivision and non-residential development can adversely affect the amenity values of the Otatara Zone.
4. Higher density residential development can lead to an expectation of an extension of urban services.

The objectives seek to maintain and enhance amenity values of the Otatara Zone, including retaining allotments of varying sizes, a high degree of privacy, scenic values with views to the coast and the estuary, and feelings of remoteness away from urban environs.

The policies support these objectives, seeking to maintain a high degree of privacy and a feeling of remoteness by providing for low density rural-residential activity. Policies are also provided which seek to ensure that amenity values are maintained.

3.2 Proposed Rule

Rule 3.33 of the Proposed District Plan sets out the Zone Specific Rules for the Otatara Zone.

Rules 3.33.1 – 3.33.3 list the permitted, discretionary and non-complying activities for the zone. The majority of the activities have been brought across from the Operative District Plan, with the exception of service stations which were discretionary and are now non-complying. Activities permitted within the zone, subject to the District Wide Rules, include agriculture on sites equal to and greater than 4000m²; existing educational activities; home occupation; home stay; residential activity; and residential care activity limited to a maximum of eight persons.

Rules 3.33.4 – 3.33.6 sets out the side and rear yard requirements. As in the Operative District Plan the rule specifies that a side yard of at least four metres is to be provided on all side and rear boundaries of any non-residential activity. Where an activity does not meet this requirement it is a discretionary activity.

Rules 3.33.7 – 3.39 set out the maximum density requirements. The rule specifies that one residence per 4000m², where it is connected to the reticulated foul sewerage system, and one residence per 10,000m², where it is not connected to the foul sewerage system or located within the Outer Control Boundary, is permitted within the Zone. Where the density rule cannot be met it is a discretionary activity.

Rules 3.33.10 – 3.33.12 set out the requirements for Height of Structures. All new building and structures, and additions to existing buildings and structures, are to be constructed so as to comply with a maximum height of 10 metres. In addition to this, sites less than one hectare are to comply with the height recession planes set out in Appendix 4. Where an activity cannot comply with the Height Rule it is a discretionary activity.

Rules 3.33.13 – 3.33.18 sets out requirements for Fire Safety. This is a new rule included in the Proposed District Plan for areas where reticulated water supply is not available. The rule requires the installation of sprinkler systems or water tanks and fire fighting connections for new residential units and new additions greater than 50m². Where an activity does not comply with these requirements it is a restricted discretionary activity. Written approval from the New Zealand Fire Service must be provided with an application for resource consent.

4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

4.1 Resource Management Act 1991

When reviewing the District Plan, the Council must follow the process outlined in Schedule 1 of the RMA.

The First Schedule procedure includes notification for submissions (clause 5) and further submissions (clause 8), holding a hearing into submissions (clause 8(b)), and determining whether those submissions are accepted or rejected and giving reasons for the decisions (clause 10).

Clause 29(4) of the First Schedule to the RMA states that, after considering a plan, the local authority may decline, approve, or approve with modifications, the plan change, and shall give reasons for its decisions.

Under Section 74 of the RMA, in relation to changes to the District Plan, Council must consider Part 2 of the RMA (purposes and principles), Section 32 (alternatives, benefits and costs), and relevant regional and district planning documents.

4.1.1 Part 2 of the RMA

Part 2 of the RMA (ss5-8) sets out its purpose and principles.

The purpose of the RMA is set out in Section 5. I confirm that the provisions for activities within the Otatara Zone fall within the purpose of the RMA. The zone provisions provide for the social, economic and cultural wellbeing of people and the community and seek to avoid, remedy or mitigate adverse effects on the environment in accordance with Section 5(2)(c) of the RMA.

Section 6 of the RMA sets out matters of national importance which must be recognised and provided for. There are no matters of national importance relevant to the Zone Specific Otatara provisions. However, the Zone contains significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes and areas within the coastal environment. These matters are addressed in the Proposed District Plan through the District Wide provisions², which the Zone Provisions are subject to. The District Wide provisions have already been heard by the Hearing Committee³ and do not form part of this report.

Section 7 of the RMA sets out "other matters" for which particular regard shall be had. It is considered that the most relevant matters are:

- (c) *The maintenance and enhancement of amenity values:*
- (f) *Maintenance and enhancement of the quality of the environment:*

It is considered that the provisions specific to the Otatara Zone in the Proposed District Plan demonstrate particular regard to these matters.

² Sections 2.3, 2.4, 2.10, 3.1, 3.2 and 3.10 of the Proposed District Plan

³ Report 16 Biodiversity; Report 17 Coastal Environment and Report 18 Natural Features Landscapes and Townscapes.

Section 8 of the RMA obliges persons exercising functions and powers under the RMA to take account of the principles of the Treaty of Waitangi. Representatives from Te Ao Marama Inc have been part of the Plan Review process as members of the Council's Plan Group that worked on developing the Proposed District Plan. Consultation with Iwi has also occurred. The Otatara Zone provisions set out in the Proposed District Plan were not identified as an issue of particular significance to Iwi.

4.1.2 Functions of Territorial Authorities under the RMA

Section 31 of the RMA states the functions of a territorial authority under that Act. One of the functions set out in Section 31(1)(a) is:

"The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district."

Under Section 31(1)(b) of the RMA a territorial authority is required to "... control ... any actual or potential effects of the use, development, or protection of land ..."

Objectives, Policies and Rules have been established which are specific to the Otatara Zone. The provisions recognise the unique values of the area and seek to maintain and enhance these characteristics.

4.1.3 Consideration of alternatives, benefits, and costs

Section 32 of the RMA states the Council's obligations in assessing the alternatives, benefits and costs.

Whilst a Section 32 report was released at the time of notification of the Proposed District Plan, the Council is required to carry out a further evaluation through the hearing, consideration and deliberation process before making changes on the Proposed District Plan.

4.2. Relevant Planning Policy Documents

The RMA specifies a number of documents that need to be considered in a decision on a Proposed District Plan and the weight that should be given to these. These are addressed in the following section.

4.2.1 New Zealand Coastal Policy Statement

Section 75 of the RMA requires that a District Plan must give effect to any New Zealand coastal policy statement (NZCPS). The Otatara Zone adjoins the coastal marine area and contains properties within the coastal environment. The NZCPS is therefore relevant to parts of this zone.

All zone provisions are subject to the District Wide Provisions of the Proposed District Plan. For the Otatara zone the District Wide Provisions on Natural Features and Landscapes and the Coastal Environment are particularly relevant. These provisions seek to preserve the natural character of the coastal environment from inappropriate subdivision, use and development. The requirement of Section 75 has been considered and discussed in the District Wide Reports.

4.2.2 National Policy Statements and National Environmental Standards

In accordance with Section 75 of the RMA, a District Plan must give effect to National Policy Statements.

Section 44A of the RMA prescribes how District Plans must be amended if a rule conflicts with a National Environmental Standard.

All Zone Specific Provisions are subject to the District Wide Provisions. Sections 44A and 75 have been considered and discussed, where relevant, as part of the District Wide Reports.

4.2.3 Regional Policy Statement

Under Section 75 of the RMA, a District Plan must give effect to an operative Regional Policy Statement.

The following policies and objectives from the Southland Regional Policy Statement (1997) are given effect to by the zone specific provisions of the Otatara Zone:

Objective 10.1

To achieve the sustainable management of the built environment in such a way that the needs of future generations are met.

Objective 10.2

To maintain and enhance the environmental quality of the Region's built environment.

Objective 10.5

To minimise the adverse effects of the built environment on natural and physical resources.

Policy 10.7

Recognise that changes to one component of the built environment can have adverse effects on other components of the built environment.

The Otatara Zone provisions seek to maintain and enhance the unique characteristics of the zone that are valued by the community. This is achieved through the rules on density, yard requirements, and height, which provide for allotments of varying sizes, and adds to the feelings of remoteness away from urban environs.

4.2.4 Proposed Regional Policy Statement

In accordance with Section 74, regard needs to be given to any proposed Regional Policy Statement. The Proposed Southland Regional Policy Statement was notified in May 2012. In developing the zone specific Otatara provisions regard was given to the PRPS. The following provisions are considered to be of particular relevance:

Objective URB.1 – Urban development

Urban (including industrial) development occurs in an integrated, sustainable and well-planned manner which provides for positive environmental, social, economic and cultural outcomes.

Policy URB.1 – Adverse environmental effects

The adverse effects of urban development on the environment should be appropriately avoided, remedied or mitigated.

4.2.5 Regional Plans

In accordance with Section 74 of the RMA, a District Plan must not be inconsistent with a Regional Plan. I do not consider there to be any inconsistencies between the Otatara Zone provisions and a Regional Plan.

4.2.6 Iwi Management Plans

Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority

Ngai Tahu has lodged an Iwi Management Plan with the Council. The relevant document is the *Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Taurira*.

Te Tangi a Taurira seeks to protect amenity values, commenting that natural and physical characteristics contribute to and make a place of value. Protecting these values is pivotal to understanding the links between people, language and the environment.

The Provisions of the Otatara Zone seek to protect and enhance the amenity values of the zone which is consistent with the provisions of *Te Tangi a Taurira*.

4.2.7 Management Plans and Strategies Prepared under other Acts

A District Plan is required to have regard to management plans and strategies prepared under different Acts. The Invercargill City Council's Spatial Plan - The Big Picture (prepared under the Local Government Act) is of relevance to the Otatara Zone and has been given regard to by the provisions of the Proposed District Plan.

4.3 Summary

It is considered that the purpose and principles of the RMA are met by the zone specific Otatara provisions set out in the Proposed District Plan. The proposed provisions fall within the functions of local authorities. The requirements of Section 32 of the RMA have been met through the evaluations carried out prior to notification. The various documents required to be considered have been appropriately addressed in the preparation of provisions relating to the Otatara Zone.

5. ANALYSIS OF SUBMISSIONS

The Environmental and Planning Services Division of the Council and Invercargill Airport Limited were the only two submitters on the Otatara Zone Specific Provisions, discussed in this report.

The Environmental and Planning Services Division of the Council submitted in support of Policy 3 (Incidence of Daylight and Sunlight), subject to a minor amendment to the policy explanation.

The Airport submitted in support of Policy 15 (Height and Location of Structures), commenting that it is appropriate to acknowledge that areas within the Otatara Zone are affected by obstacle limitation surfaces and that this will impact on the height of buildings.

I am recommending that both submissions are accepted.

5.1. Minor Amendments

Rule 3.33.2 states that commercial activity limited to a maximum area of 150 square metres is a discretionary activity. This rule is a direct cross over from the Operative District Plan. Commercial activity, however, is no longer defined or used in the Proposed District Plan and is now split into specific activities, being Professional and Personal Services, Restaurants, Bars, Taverns, and Retail sales. I therefore recommend amending Rule 3.33.2 so that the specific activities are listed and that commercial activity is deleted.

It is considered that this is a minor amendment that will result in no consequence to the intention and outcome of the provisions. The amendments can therefore be made under clause 16 (2) of the First Schedule to the RMA.

6. DISCUSSION OF SECTION 32 MATTERS

Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan. This requires the preparation of an Evaluation Report. This Section of the RMA was recently amended (since the notification of the proposed District Plan) and the following summarises the current requirements of this section.

The first step of Section 32 requires that objectives are assessed to determine whether they are the most appropriate way to achieve the purpose of the RMA (as defined in Section 5).

The second step is to examine policies and rules to determine whether they are the most appropriate way to achieve the objectives. In this instance, the objectives are those proposed by the District Plan. This assessment includes requirements to:

- Identify the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth)
- identify other reasonably practicable options for achieving the objectives; and
- assess the efficiency and effectiveness of the provisions in achieving the objectives.

An Evaluation Report was released at the time of notification of the Proposed Plan.

Section 32AA of the RMA requires a further evaluation to be released with decisions, outlining the costs and benefits of any amendments made after the Proposed Plan was notified.

Section 32 states that Evaluation Reports need to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. This means that if in its decision the Hearings Panel recommends minor changes from what was in the Proposed Plan, a further evaluation can be relatively brief.

6.1 Section 32AA Further Evaluation

Changes are recommended to the explanation of Policy 3 and Rule 3.33.2. Both of these changes are considered to be minor in nature and will not alter the intent of the provision. Further evaluation under Section 32AA is therefore not required.

7. CONCLUDING COMMENTS

Otatara differs from residential areas elsewhere in the City because of its large properties, high degree of privacy and scenic values, including remnants of ancient sand dune systems and significant biodiversity. These unique characteristics are valued by the community and are recognised and protected by the Proposed Invercargill City District Plan.

In 2010 the Otatara Sub-Area underwent a Council initiated Plan Change (Plan Change 9), with the provisions becoming fully operative in 2013. The provisions of Plan Change 9 have been largely incorporated into the Proposed District Plan.

The Environmental and Planning Services Division of the Council and the Invercargill Airport Limited were the only two submitters on the Otatara Zone Specific provisions of the Proposed District Plan. The Environmental and Planning Services Division of the Council submitted in support of Policy 3 (Incidence of Daylight and Sunlight), subject to a minor amendment to the policy explanation, and the Airport submitted in support of Policy 15 (Height and Location of Structures).

It is recommended that these submissions are accepted.

APPENDIX 1: Recommendations in response to submissions

Submitter	Submission	Recommendation
SECTION TWO ISSUES OBJECTIVES AND POLICIES		
<p>65.72 ICC Environmental and Planning Services</p>	<p>Support Policy 3 subject to amendment of drafting error in explanation that refers to the background papers.</p> <p>DECISION</p> <p>Reword second paragraph of explanation to begin: "Seasonal variations in sun angles, sunrise and sunset affect the incidence of sunlight and daylight"</p>	<p>Accept</p> <p>Amend Policy 3 Explanation as follows:</p> <p><i>Explanation: An important dimension to sustainability is enabling maximum practical use of daylight and sunlight for internal illumination and heating of buildings.</i></p> <p><i>Background papers to the District Plan document the sSeasonal variations in sun angles, sunrise and sunset affect the incidence of sunlight and daylight. As a performance guide for the District Plan, as a minimum amenity sun should be available to the floor of the living area of a dwelling at midday in midwinter. This can be achieved by setting limits on height of neighbouring buildings and also through good site design (e.g. using the outdoor living space to achieve the required distance from the northern boundary).</i></p>
<p>103.58 Invercargill Airport Ltd</p>	<p>Support Policy 15. The submitter considers it appropriate to acknowledge that areas within this zone are affected by obstacle limitation surfaces and that this will impact on the height of buildings</p> <p>DECISION</p> <p>Retain Policy 15</p>	<p>Accept</p>

APPENDIX 2 - RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN

(underline indicates recommended additions, strikethrough indicate recommended deletions).

Note: Changes to the Otatara Zone provisions have been recommended in earlier Section 42A reports, addressing the district wide and general plan provisions. The following are my recommended changes in response to this report only.

SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

2.34 OTATARA ZONE

Introduction (Pg 2-133) – No change

2.34.1 Issues (Pg 2-133)

1. No change
2. No change
3. No change
4. No change

2.34.2 Objectives (Pg 2-133)

Objective 1: No change

Objective 2: No change

2.34.3 Policies (Pg 2-133 – 2-137)

Policy 1 No change

Explanation: No change

Policy 2 Outdoor Living: No change

Explanation: No change

Policy 3 Incidence of daylight and sunlight: No change

Explanation: *An important dimension to sustainability is enabling maximum practical use of daylight and sunlight for internal illumination and heating of buildings.*

~~Background papers to the District Plan document the s~~*Seasonal variations in sun angles, sunrise and sunset affect the incidence of sunlight and daylight. As a performance guide for the District Plan, as a minimum amenity sun should be available to the floor of the living area of a dwelling at midday in midwinter. This can be achieved by setting limits on height of neighbouring buildings and also through good site design (e.g. using the outdoor living space to achieve the required distance from the northern boundary).*

Policy 4 Noise: No change

- Explanation:** No change
- Policy 5 Odour:** No change
Explanation: No change .
- Policy 6 Glare:** No change
Explanation: No change
- Policy 7 Electrical interference:** No change
Explanation: No change
- Policy 8 Lightspill:** No change
Explanation: No change
- Policy 9 Wind:** No change
Explanation: No change
- Policy 10 Signage:** No change
Explanation: No change
- Policy 11 Dilapidated structures and ill-maintained lands:** No change
Explanation: No change
- Policy 12 Demolition or removal activities:** No change
Explanation: No change
- Policy 13 Relocation activities:** No change
Explanation: No change
- Policy 14 Hazardous substances:** No change
Explanation: No change
- Policy 15 Height and location of structures:** No change
Explanation: No change
- Policy 16 Car parking and vehicle manoeuvring:** No change .
Explanation: No change

2.34.4 Methods of Implementation

Method 1 No change

Method 2 No change

Method 3 No change

Method 4 No change

Method 5 No change

Method 6 No change

Method 7 No change

Method 8 No change

Method 9 No change

Method 10 . No change

Method 11 No change

SECTION THREE RULES - ZONE SPECIFIC

3.33 OTATARA ZONE (Pgs 3-64 – 3-67)

3.33.1 Permitted Activities: No change

3.33.2 Discretionary Activities: The following are discretionary activities in the Otatara Zone:

- (A) Agriculture on sites of less than 4000m²
- (B) Animal boarding activity
- ~~(C) Commercial activity limited to a maximum area of 150 square metres~~
- (D) Commercial recreation activity
- (E) Communal activity
- (F) Education activity other than those on sites listed in Appendix V - Educational Activity (Existing)
- (G) Essential services
- (H) Health care activity
- (I) Hospital activity
- (J) Marae activity
- ~~(K) Professional and Personal Services limited to a maximum area of 150 square metres~~
- ~~(L)~~ (L) Residential care activity for nine or more persons
- ~~(M)~~ (M) Restaurants, bars and taverns limited to a maximum area of 150 square metres
- ~~(N)~~ (N) Retail limited to a maximum area of 150 square metres
- ~~(O)~~ (O) Veterinary clinic
- ~~(P)~~ (P) Visitor accommodation

3.33.3 Non-complying Activities: No change

Side and Rear Yards

3.33.4 No change

3.33.5 No change

3.33.6 No change

(A) No change

(B) No change

(C) No change

(D) No change

(E) No change

Density

3.33.7 No change

3.33.8 No change

3.33.9 No change

Height of Structures

3.33.10 No change

3.33.11 No change

3.33.12 No change

Fire Safety

3.33.13 No change

3.33.14 No change

3.33.15 No change

3.33.16 No change

3.33.17 No change

3.33.18 No change

PLANNING MAPS

Maps 5, 15, and 16

No changes to the boundaries of the Otatara Zone.



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 32

Definitions

**28 April 2015, 9.00 am
COUNCIL CHAMBERS
CIVIC ADMINISTRATION BUILDING**

**Reporting Officer: Liz Devery
SENIOR POLICY PLANNER**

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1. EXECUTIVE SUMMARY

This report addresses submission points related to Definitions and Appendix IX Schedule of Heavy Industries. It should be noted that some definitions are discussed in other Section 42A reports and are not repeated here.

This report addresses 34 submission points and ten further submission points. The submission points addressed in this report seek the introduction of five new definitions. Eighteen of the existing definitions are submitted on, with a number of submissions in support and others seeking amendments.

A number of changes to definitions are recommended which should result in a clearer, more accurate and more user friendly document.

Some of the changes recommended in this report include the introduction of new definitions for “wetlands”, and “drive through facility”. It is recommended that residences be removed from the definition of “agriculture” and a number of changes to the definitions of “retail sales” and “professional and personal services” are recommended to clarify the scope of these terms. The industrial definitions were the subject of a number of submissions. In response to these submissions, it is recommended that the hours of operation for light industry and the maximum lot size be removed from the definition, with amendments where considered necessary to the Zone provisions.

2. INTRODUCTION

2.1 Report Author

My name is Elizabeth Ann Devery. I am the Senior Planner – Policy, at the Invercargill City Council, a position I have held since January 2003. I have over 14 years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom. These roles have focused on both developing and implementing District Plans and planning documents. I hold the qualifications of LLB/BA (Hons I) in Geography.

2.2 Peer Review

This report has been peer reviewed by Dan Wells, from John Edmonds and Associates Ltd. Dan Wells is a practising resource management planner with a variety of experience throughout the plan change preparation process. Dan has a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University.

2.3 How to Read this Report

This report is structured as follows:

- Interpretation (an explanation of some of the terms used).
- A summary of the hearing process.
- A brief general background to the definitions in the Proposed Invercargill City District Plan 2013.
- Description of the statutory framework within which the proposed provisions have been developed.
- Analysis of the submissions, including a discussion of the key issues raised through the submissions and further submissions received.
- Assessment of the proposed changes under Section 32 of the RMA.
- Concluding comments.
- Recommendations on individual submissions.
- Tracked changes of the Proposed District Plan provisions relating to Subdivision.

To see my recommendation on an individual submission please refer to the table in **Appendix 1**. The table sets out the name and relevant submission number of those that submitted on Definitions; a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

2.4 Interpretation

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“FS” means further submitter in Appendix 2

“Hearings Committee” means the District Plan Hearings Committee

“Operative District Plan” means the Invercargill City District Plan 2005

“Proposed District Plan” means the Proposed Invercargill City District Plan 2013

“Provisions” is a term used to collectively describe Objectives, Policies and Rules
“RMA” means the Resource Management Act 1991

2.5 The Hearing Process

A number of hearings are to be held to consider the submissions lodged to the Proposed Invercargill City District Plan 2013. The hearings have been divided up to ensure that submissions on similar issues have been grouped together and to enable the District Plan Hearings Committee to make decisions on the provisions relating to those issues. This report applies to the Subdivision provisions of the Proposed District Plan.

The Hearings Committee comprises of accredited Invercargill City Councillors, with the assistance of an Independent Hearings Commissioner. This Committee is to consider the Proposed Plan and the submissions and further submissions lodged. The Hearings Committee has full delegation to issue a decision on these matters.

This report is prepared pursuant to Section 42A of the Resource Management Act 1991 (the “RMA”). Section 42A provides for a report to be prepared prior to a hearing, setting out matters to which regard should be had in considering a Proposed District Plan and the submissions lodged to it. This report highlights those matters that are considered appropriate by the author for the Hearings Committee to consider in making decisions on the submissions lodged. This report has been prepared on the basis of information available prior to the hearing.

While the Hearings Committee is required to have regard to this report, regard must also be given to the matters raised in submissions, and presentations made at the hearing. The comments and recommendations contained in this report are not binding on the Hearings Committee and it should not be assumed that the Hearings Committee will reach the same conclusions set out in the report having heard from the submitters and Council advisers.

The hearing is open to the public, and any person may attend any part of the hearing. Those persons who lodged a submission have a right to speak at the hearing. They may appear in person, or have someone speak on their behalf. They may also call evidence from other persons in support of the points they are addressing.

At any time during or after the hearing, the Hearings Committee may request the preparation of additional reports. If that is done, adequate time must be provided to the submitters, to assess and comment on the report. The Hearings Committee may determine that:

- The hearing should be reconvened to allow responses to any report prepared, or
- Any responses be submitted in writing within a specified timeframe.

At the conclusion of the hearing process, the Hearings Committee will prepare a written decision. The decision is sent to all persons who lodged a submission. If not satisfied with the decision the submitters have a right of appeal to the Environment Court. If an appeal is lodged, the RMA requires a copy to be served on all submitters with an interest in that matter. Any submitter served may, if they wish, become a party to the appeal either in support or opposition to it.

If there is an appeal, the Environment Court will provide an opportunity for mediation between the parties. If mediation is not accepted, or does not resolve the issues, a further hearing will take place before a Judge and Court appointed Commissioners.

Except on points of law, the decision of the Environment Court is final.

3. BACKGROUND

The Definitions section of the Proposed District Plan is included to aid the Plan User to interpret terms used within the document. Some of the definitions relate to specific provisions in the Proposed District Plan, the rest should apply to all references to those terms throughout the document.

Many of the definitions from the Operative District Plan have been carried through to the Proposed District Plan without any modification. Where definitions could be aligned with other policy documents in Southland and New Zealand it was intended that this be done. However, this has not always been appropriate depending on the ways the terms are used within the Plan.

4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

In drafting this report, it was not considered necessary to include a general review of the definitions against the legislative requirements. The definitions are set to aid the Plan User in interpreting the provisions of the Proposed District Plan. Where submissions have questioned specific definitions, relevant legislative requirements and the statutory context will be discussed as appropriate.

5. ANALYSIS OF SUBMISSIONS

This report addresses 34 submission points and ten further submission points covering Definitions and Appendix IX Schedule of Heavy Industries.

The submission points addressed in this report seek the introduction of five new definitions. Eighteen of the existing definitions are submitted on, with a number of submissions in support and others seeking amendments.

The submissions on Appendix IX Schedule of Heavy Industries are addressed in this report, due to the Appendix's relationship with the definitions of Light Industry and Heavy Industry.

The submissions addressed in this report are summarised in table form, along with recommended responses and notes advising where issues have been addressed elsewhere, in **Appendix 1** of this report.

A number of changes are recommended in this report in response to the submissions. Some changes are correcting minor errors, while others are more substantial. I am also recommending some minor amendments to further clarify the meaning of terms used within the Proposed District Plan.

5.1 "Agriculture"

Three submission points address the definition of "agriculture", with three further submissions. The Department of Conservation's submission (64.35) opposes the definition on the grounds that they consider the definition is too detailed and includes activities that may be associated with land use but could come under other sections of the Proposed District Plan as separate land uses. The other submissions and further submissions are supportive of the definition, with one submission seeking further detail within the definition.

In my opinion the only activity listed within the definition that is otherwise dealt with as a separate activity within the Proposed District Plan is "residences". I believe this should be removed from the definition as there are some Zones where agricultural activities may be appropriate but residential activities may not be, such as the Airport Protection Zone and the Industrial 3 Zone. Where the District Wide rules wish to exclude certain aspects of agricultural activities, such as sheds, land disturbance or fencing, then this should be specifically excluded.

It is noted that the detail that the Department of Conservation is seeking to be removed is not an exclusive list of agricultural activities. The matters listed are examples of the types of activities that will be considered to fall within the definition. Intensive farming, horticulture, bee keeping, the keeping and training of horses are all legitimate agricultural activities.

5.2 "Height"

Three submissions have sought a change to the definition of "height" seeking the exclusion of lightning rods, antennas and aerials from the calculation of height. I am recommending that lightning rods be excluded from the definition, but that the height of antennas be dealt with in the Infrastructure Rule.

The Operative District Plan provided a three metre height dispensation for antennas and their support structures. The Proposed District Plan was silent on the matter. In

response to submissions from Spark and Chorus on the Infrastructure provisions, it was recommended that antennas attached to buildings were not to extend above the building more than five metres or 3.5 metres in the different Zones. I believe that the Infrastructure rule is the appropriate place to stipulate the maximum heights for antennas. The only recommendation that I am making in this report is to clarify that the rule relating to the height of antennas refers to those antennas attached to buildings or *structures*. This will provide for antennas that are attached to masts as well as other structures.

In reviewing the definition of Height, I am concerned with the potential scale of structures that are excluded from the calculation of height. Some of the parts of structures could be quite substantial and adversely impact on the amenity values of neighbouring properties and on the wider environment, with no control through the District Plan on overall height or height in relation to boundary. This may be acceptable for residential chimneys or dormer windows that do not extend above the roof line, but a water tank or steeple, for example, may be quite substantial structures. I note that other District Plans do include some limitations on the scale of these architectural features and structures either in terms of overall height or site area. No submissions have questioned the definition of height in this respect and amending the definition to address this would not fall within the scope of the submissions received from Spark, Chorus or NZ Police. This is an area of the Proposed District Plan where a Variation should be considered.

5.3 “Professional and Personal Services”

The submission from the Department of Corrections (Submission No.3.2) on the definition of “Community Service Activities” and the submission from the NZ Racing Board (submission No. 14.2) on the definition of “Retail Sales” have highlighted a weakness in the definitions and a need for some definitions to be more explanatory. In the Operative District Plan the term “Commercial Activity” was used to encompass all retail, business and service activities. The approach in the Proposed District Plan was to separate the retail component out from service activities.

Although neither submitter commented on the definition of “Professional and Personal Services”, I believe changes to the definition of this term are required to clarify what type of activities are encompassed by the term. Both TABs and government agencies are providing a service. These services may not always be for a fee but are lawful services that fit within the definition of this term.

5.4 Minor Amendments

On reviewing the Definitions, I have identified a few areas that would benefit from minor changes.

5.4.1 Clarification of activity status

One of the minor changes I have identified relates to the more specific approach to naming activity types. In some rules activities are referred to, such as takeaway food premises, and then these terms are not specifically referred to in others. For example, takeaway food premises are specifically referred to in the Transportation Rule, and in a number of Zones. However, in other rules and Zones a broader activity type is referred to, such as Retail Sales. While takeaway food premises may be a legitimate retail sales activity, the activity status for these activity types potentially falls to the default discretionary or non-complying status because they are not specifically provided for.

Nursery activities are another activity that have been separated out from other retail sales activities in some provisions of the Proposed District Plan, and not referred to in other provisions where it may be appropriate. These activities may be a “Retail Sales” activity but it is unclear in the Proposed District Plan as notified.

Vehicle Repair, Servicing and Storage is listed in the Transportation Rule. This term is not defined in the Plan. It is not referred to anywhere else in the rule. While this may be a legitimate industrial activity, this is not clear in the Proposed District Plan and these activities may not be otherwise provided for. This is similar to the activity status for “freight depots”.

In my opinion, these activities were meant to fall within the broad definitions and there is an opportunity to change the definitions of the broader terms to clarify the types of activities they include or exclude.

RECOMMENDATION:

It is recommended that the following amendments be made to the Proposed District Plan:

Amend the definition of “Retail Sales” as follows:

Retail Sales: Means the direct sale or hire to the public from any site, and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment, but excludes recreational activities supermarkets and sale of motor vehicle sales. Unless otherwise provided for, Retail Sales includes takeaway food premises, and nursery activities.

Amend Rule 3.20 by replacing the term “Takeaway food activity” with “Takeaway food premises”.

Amend the definition of “Industry” as follows:

Industry: Means an activity involving land and/or buildings used for the manufacturing, repairing, engineering, fabricating, processing, packing or warehouse storing of products or material and includes but is not limited to contractors’ yards and depots; Freight Depots; Vehicle Repair, Servicing and Storage; substations not provided for as infrastructure; and the transfer, storage and/or treatment of waste not otherwise defined.

5.5 “Heavy Industry”

Only one submission was received specifically on the definition of “Heavy Industry”, although a few were received in relation to the Schedule of Heavy Industries referred to within the definition. The submission from Silver Fern Farms (submission No. 34.9) on the definition was supportive.

On reading the definition, I feel that a change is required to clarify its intention. The objectives and policies for the Industrial Zones provide for “warehousing” and service activities, both in the “light” industrial areas and the areas identified for “heavier” types of activities. However, the definitions of “Light Industry” and “Heavy Industry” together make “warehousing activity, service or transport yard” a heavy industry and as such would not be permitted in the Industrial 1 Zone. Given the direction of the Objectives and Policies, I do not believe this was the intention. A minor change to

the definition of Heavy Industry would clarify that this term encompasses only warehousing activity and service and transport activities *associated* with heavy industries.

I do not believe that there is scope to make this change in response to the Silver Fern Farms" submission. The change cannot be neatly made as a minor amendment because the effects of the change will not be neutral. Whilst the change would ensure that the rule is consistent with the Objectives and Policies, changing the definition will provide for activities within the Industrial 1 Zone that were non-complying in the Proposed District Plan as notified. There may be an opportunity to amend the definition in response to submissions on the Industrial Zones. If not, this should be considered as a potential Variation.

6. DISCUSSION OF SECTION 32 MATTERS

Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan. This requires the preparation of an Evaluation Report. This Section of the RMA was recently amended (since the notification of the Proposed District Plan) and the following summarises the current requirements of this section.

The first step of Section 32 requires that objectives are assessed to determine whether they are the most appropriate way to achieve the purpose of the RMA (as defined in Section 5).

The second step is for policies and rules to be examined to determine whether they are the most appropriate way to achieve the objectives. In this instance, the objectives are those proposed by the District Plan. This assessment includes requirements to:

- Identify the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth);
- Identify other reasonably practicable options for achieving the objectives; and
- Assess the efficiency and effectiveness of the provisions in achieving the objectives.

An Evaluation Report was released at the time of notification of the Proposed Plan.

Section 32AA of the RMA requires a further evaluation to be released with decisions outlining the costs and benefits of any amendments made after the Proposed Plan was notified.

Section 32 states that Evaluation Reports need to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. This means that if in its decision the Hearings Committee recommends minor changes from what was in the Proposed Plan, a further evaluation can be relatively brief.

While Section 32 does not require an evaluation of the definitions within a District Plan, the Definitions will affect the meaning of the provisions within a District Plan.

6.1 Relevant Section 32AA Matters

Listed below are the definitions that I have recommended changes on:

- “Agriculture”
- “Bar”
- “Building”
- “Communal Activity”
- “Contiguous Ownership”
- “Educational Activity”
- “Factory Farming”
- “Height”
- “Industry”
- “Light Industry”
- “Net Site Area”
- “Professional and Personal Services”

- “Retail Sales”
- “Supermarket”
- New definition of “Drive Through Facility”
- New Definition of “Meat Processing Facility”
- New Definition of “Wetland”
- Introduction of Meat Processing Facility to Appendix IX Schedule of Heavy Industries
- Introduction of Dairy Processing to Appendix IX Schedule of Heavy Industries

The following are the changes recommended to the Rules within the Proposed District Plan that should be evaluated under Section 32AA:

- Rule 3.24.1(I), 3.25.1(F), 3.26.1(E) – Introduction of maximum lot size for light industrial activities in the Business 2, 3 and 4 Zones
- Rule 3.20 Transportation – replacement of the term “takeaway food activity”
- Infrastructure rule – height of antenna

The detail of the proposed changes to which this evaluation refers is set out in **Appendix 2**.

6.2 Section 32AA Further Evaluation

The original Section 32 report did not include an evaluation of the definitions. Given the scale of the changes recommended within this report, it is not considered necessary to undertake a detailed Section 32AA evaluation.

6.2.1 “Agriculture”

Agriculture is a term that is used in a number of provisions throughout the Proposed District Plan. The amendment to remove residences associated with agriculture from the definition will result in Rules that give effect to the Objectives and Policies for the different Zones. This will not change the activity status for residences. In most Zones, residential activity has the same activity status as agriculture. While agriculture is permitted in the Industrial 3 and Airport Protection Zones, noise sensitive activities are not. Changing the definition will clarify the activity status for residences.

6.2.2 “Bar”

The amendment to this definition is a minor correction of the title of the legislation. A Section 32AA evaluation of this change is not required.

6.2.3 “Building”

The amendment to the definition of “building” is a minor change making a specific reference to the sections in the Building Act that define “building”. A Section 32AA evaluation of this change is not required.

6.2.4 “Communal Activity”

The recommended change to the definition of “Communal activity” will result in a less stringent activity status for these types of activities that are carried out on school sites and reserves. Affected parties will still have the opportunity to be involved in the

consenting process. The amendment will result in school sites and reserves being treated in much the same manner as other land within the Zones where the activity does not fall within the scope of any designation or reserve management plan. There is no Objective or Policy framework that justifies these types of sites being treated differently. The amended change will result in a more equitable planning regime and will result in more effective and efficient planning provisions.

6.2.5 “Contiguous Ownership”

More properties will be able to be considered to fall within the term “contiguous ownership” than under the notified definition. Landowners of adjoining properties may be able to develop their land or carry out activities without needing to officially amalgamate their titles. This will result in a more effects based approach. The recommended definition is also consistent with the recommendation in the Section 42A Report No. 26(A) Soils, Minerals and Earthworks Addendum.

6.2.6 “Educational Activity”

The amendment to the definition of “educational activity” acknowledges the types of activities that are often provided for on educational sites. The amendment is minor in effect and a detailed Section 32AA evaluation is not required.

6.2.7 “Factory Farming”

The amendment to the definition of “factory farming” is a minor change, replacing the term “factory farming” with “intensive farming” but not changing the definition itself. Subsequent changes to other provisions reflecting this change will not affect the meaning of the provisions. It is anticipated that this amendment will address emotion-based concerns about the terminology

6.2.10 “Height” and change to the height of Antenna in the Infrastructure rule

The recommended amendment to this definition excludes of lightning rods from the height calculation. It is considered that this will have no more than minor adverse effects on amenity values and is not contrary to the Objectives and Policies. The amendment is minor in effect and a detailed Section 32AA evaluation is not required.

6.2.11 “Industry”

The recommended change to the definition of “industry” seeks to clarify the types of activities that fall within this category and specified. This change is consistent with the Objectives and Policies of the Proposed District Plan and will result in a more user-friendly planning document.

6.2.12 “Light Industry” and changes to Business Zone provisions

The recommendations on light industry will result in less restrictions on these types of activity. The removal of hours of operation for the definition of these activities will enable some activities to operate for longer periods. There is a risk that this may impact on neighbouring areas, however, the rules on amenities, such as noise, should address the effects of these activities in order to maintain and enhance amenity values. This amendment will enable light industries to operate 24 hours and on larger allotments within heavier industrial zones, which is appropriate given the permitted baseline for other activities within the different areas. Where restrictions are considered necessary this can be dealt with through the Zone specific provisions.

It is considered that the recommended amendments are consistent with the Objectives and Policies of the Proposed District Plan and will provide for a more effective and efficient planning document.

6.2.13 "Net Site Area"

With the introduction of a definition of site, as recommended in the Section 42A report No. 26 Soils, Minerals and Earthworks, the recommended amendment to this definition is considered appropriate and the clause deleted is superfluous. The amendment is minor in effect and a detailed Section 32AA evaluation is not required.

6.2.14 "Professional and Personal Services"

The recommended amendment to this definition will result in a definition that is more descriptive and should result in easier identification of the activity type of different proposals. The amendment is minor in effect and a detailed Section 32AA evaluation is not required.

6.2.15 "Retail Sales"

The recommended amendment corrects an oversight and should result in easier identification of the activity status for different proposals in the different Zones. The amendment is minor in effect and a detailed Section 32AA evaluation is not required.

6.2.16 "Supermarket"

The recommended amendment to the definition for "supermarket" is a technical change reflecting the types of service that is anticipated at a modern supermarket. The amendment is minor in effect and a detailed Section 32AA evaluation is not required.

6.2.17 New definition of "Drive Through Facility"

The term "Drive Through Facility" is used in the Transportation Rule of the Proposed District Plan for calculating the number of car parks required for restaurants. The introduction of this definition will result in a more efficient and effective planning document.

6.2.18 "Meat Processing Facility"

Amendments to the Schedule of Heavy Industries in relation to slaughterhouses, abattoirs and meat processing and the introduction of a definition of Meat Processing Facility clarify the types of activities defined as Heavy Industry. These amendments will make the definition of Heavy Industry more user friendly and will result in a more efficient and effective planning document.

6.2.19 New Definition of "Wetland"

The Proposed District Plan biodiversity provisions, among other things, relate to areas identified as "wetland". The definition of this term as recommended is consistent with the use of the term in other planning documents, although recognises that the term does not include certain areas. The inclusion of the definition will aid the Plan User to recognise what the criteria is for identifying wetlands referred to within the Proposed District Plan. This will be important for assessing applications for

activities within identified areas of biodiversity, or for any future identification of areas of biodiversity.

6.2.20 Amendments to Appendix IX Schedule of Heavy Industries

The recommended amendments are considered appropriate for identifying what type of activities are permitted in areas zoned for heavy industry. The changes recommended are consistent with Objectives and Policies of the Proposed District Plan and ensuring that dairy processing activities are identified as Heavy Industry will provide more certainty for dairy processing operators as to the activity status for their activity.

6.2.21 Rule 3.20 Transportation – replacement of the term “takeaway food activity”

“Takeaway food activity” is not a term used elsewhere in the Proposed District Plan and the replacement of this term with “takeaway food premises” will ensure that the provisions are consistent. The amendment is minor in effect and a detailed Section 32AA evaluation is not required.

7. CONCLUDING COMMENTS

A number of recommendations have been made to the Definitions in response to submissions. These recommendations are made in order to ensure that the Plan is accurate and easier to interpret. The changes recommended in general are relatively minor, but should result in a more user-friendly document.

APPENDIX 1: RECOMMENDATIONS IN RESPONSE TO SUBMISSIONS

Submitter	Submission	Recommendation
SUGGESTED NEW DEFINITIONS		
<p>74.1 Bunnings Ltd</p>	<p>Definition of "Building Improvement Centre"</p> <p>The submitter considers that the Plan should provide for "Building Improvement Centres" as an activity in its own right and that these centres do not fall neatly within the definition of retail sales. The submitter considers a definition of "building improvement centres" will ensure that the Bunnings activity is adequately provided for.</p> <p>RELIEF SOUGHT:</p> <p>Insert a definition of "Building Improvement Centres": <u>"Means any premises used for the storage, display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings and includes builders supply and plumbing supply centres and home and building display centre, garden centres and outdoor nurseries"</u> AND Amend the definition of retail sales to exclude "Building Improvement Centres"</p> <p>FS46.43 Leven Investment Ltd and others Support submission 74.1 The further submitter supports the definition and considers that these should be provided for within the Business and Industrial Zones</p>	<p>Reject</p> <p>"Building Improvement Centres" as defined by the submitter falls within the definition of "Retail Sales". The Proposed District Plan does not distinguish between the different type of products that may be sold in retail stores and it is not considered necessary to separate building improvement centres. The term is not included within the Proposed District Plan as notified.</p> <p>Discussions on the different types of activities anticipated for the different Zones will be addressed in the different Zone reports. I would anticipate that building improvement centres would be appropriate in all Zones where retail activities are permitted, depending on the scale of the development and compliance with the district wide and zone specific standards.</p>
<p>75.1 McDonald's Restaurants (NZ) Ltd</p>	<p>Definition of "Drive-through Restaurants"</p> <p>The submitter considers that the Plan should provide for "Drive-through restaurants" as an activity in its own right and that these activities have different requirements and characteristics from other types of restaurants that do not include a drive-through component.</p> <p>RELIEF SOUGHT:</p> <p>Insert a definition of "Drive-through restaurants": <u>"Means any land and/or buildings on or in which food and beverages are</u></p>	<p>Accept in part</p> <p>The Section 42A Report 20 on Transportation included a recommendation that carparking requirements for restaurants be amended to include provision for restaurants with a "drive-through facility". This term is not used elsewhere in the Proposed District Plan. Whilst the term "drive-through facility" is something that the everyday person would understand, for transparency it is recommended that the definition be included</p> <p>The definition of "restaurant" acknowledges that part of the trade at a restaurant may be derived from a take away component.</p>

	<p><u>prepared, served and sold to the public for consumption on or off the premises and the customers have the option of ordering and receiving foods while remaining in their vehicles. An ancillary café and/or playground may be included.”</u> AND <u>Amend the definition of “Restaurant” to exclude drive-through restaurants.</u></p>	<p>Excluding these activities from the definition of restaurant may complicate matters. There is a definition of take away food premises. These activities fall under the broader definition of retail.</p> <p>RECOMMENDATION: Retain the definition of “Restaurant” as notified</p> <p>AND</p> <p>Include a definition of “Drive through facility” as follows:</p> <p><u>“Drive through facility means any land or building on or in which food and beverages are prepared, served and sold to the public for consumption off the premises and which are ordered and received while customers remain in their vehicles.”</u></p>
<p>105.12 ICC Environmental Health and Compliance Services</p>	<p>Definition to add “Urban Area”</p> <p>The submitter notes that the Council's Keeping of Animals, Poultry and Bees Bylaw definition of “urban areas” refers to the District Plan definition of urban areas. In the Operative District Plan the definition did not include Otatara.</p> <p>The submitter would like the Proposed District Plan to define urban area and include Otatara within that area to ensure that the Bylaw can be readily enforced.</p>	<p>Reject</p> <p>The term “urban areas” is not used within the Proposed District Plan. Whilst the District Plan should be developed in consideration of other Council policies it is not the role of the District Plan to provide definitions for Council Bylaws. It would be tidier for the Keeping of Animals, Poultry and Bees Bylaw to be updated to include its own definition. I do not believe an amendment to the Proposed District Plan in this respect would be the most efficient way of dealing with the issue.</p>
<p>64.36 Department of Conservation</p>	<p>Definition to add “Wetland”</p> <p>The submitter notes that there is no definition of wetland in the Plan but that the biodiversity section contains an objective, policy and rule that aim to protect the natural character of wetlands.</p> <p>RELIEF SOUGHT:</p> <p>Insert a new definition of “wetland”: <u>“Wetland – means naturally occurring permanently or intermittently wet areas, shallow water and land water margins that support plants and animals that</u></p>	<p>Accept in part</p> <p>It is considered that including the definition of “wetland” into the Proposed District Plan would be useful.</p> <p>Wetlands is defined in the RMA. The RMA definition is also used in the Water Plan for Southland and the Proposed Southland District Plan. The definition proposed by the submitter differs slightly from those other definitions, with the inclusion of the last sentence.</p> <p>The RMA and these other planning documents do not exclude areas identified as wet pasture. The wetlands included in the</p>

	<p><u>are adapted to wet conditions. This definition excludes: wet pastures where water temporarily ponds after rain or pasture containing small patches of rushes (juncus species)”</u></p>	<p>Proposed District Planning Maps do not include areas of wet pasture. Including a note stating that these areas are excluded will aid Plan users when assessing land use and subdivision developments against the Objectives and Policies of the Plan.</p> <p>RECOMMENDATION:</p> <p>Include definition of “wetlands” as follows:</p> <p>“Wetland – means permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. This definition excludes wet pastures where water temporarily ponds after rain, or pasture containing small patches of rushes (juncus species)”</p>
SPECIFIC DEFINITIONS		
<p>15.38 Ballance Agri-Nutrients Ltd</p>	<p>Support definition of “Agriculture” in part.</p> <p>The submitter considers that the definition should be expanded to include the storage and use of fertiliser as one of the “associated activities”.</p> <p>The submitter considers that the storage and use of fertiliser is of similar importance and nature to the associated activities currently included within the definition and is integral to agricultural activities.</p> <p>RELIEF SOUGHT: That Section 3 – Definitions “agriculture” be amended and adopted as follows:</p> <p>“Means the use of land and buildings for the rearing, breeding and keeping of animals and/or the growing and harvesting of crops including, but not limited to:</p> <ul style="list-style-type: none"> (A) Factory farming of poultry, pigs, and other species, and feedlots (B) Horticulture, hydroponics, seed production, viticulture and forestry (C) Bee keeping 	<p>Accept</p> <p>Where the storage of fertilisers is association with agricultural activities this would fall within the definition. The use of fertilisers would also fall within the definition where it is carried out in association with the agricultural activity. The definition is inclusive and these types of activities would generally fall within the term “together” with associated activities. The fact that these types of activities are not included within the words of the definition does not imply that they are less important that the other listed activities.</p> <p>It should be noted that the storage and use of fertiliser will also need to comply with the Hazardous Substances provisions within the Proposed District Plan</p> <p>RECOMMENDATION:</p> <p>Amend the definition of “Agriculture” as follows:</p> <p>“... together with associated activities, including shelter planting, amenity plantings, land disturbance, residences,</p>

	<p>(D) The keeping and/or training of horses together with associated activities, including shelter planting, amenity plantings, land disturbance, residences, storage buildings, <u>the storage and use of fertiliser and disposal of waste produced on the site.</u>"</p> <p>ii. Any similar amendments to like effect.</p>	<p>storage buildings, <u>the storage and use of fertiliser and disposal of waste produced on the site.</u>"</p>
<p>64.35 Department of Conservation</p>	<p>Oppose definition of "Agriculture"</p> <p>The submitter considers the definition is very detailed and includes activities that may be associated with agricultural land use but could come under other sections of the plan as separate land uses. The submitter suggests the definition is reworded to narrow the scope of what is meant by agriculture</p> <p>RELIEF SOUGHT: Reword the definition of agriculture as follows: " Means the use of land or buildings for the rearing, breeding and keeping of animals and/or the growing and harvesting of crops including, but not limited to: (A) Factory farming of poultry, pigs and other species, and feedlots (B) Horticulture, hydroponics, seed production, viticulture and forestry (C) Bee keeping (D) The keeping and/or training of horses together with associated activities, including shelter planting, amenity plantings, land disturbance, residences, storage buildings, and disposal of waste produced on the site."</p> <p>FS2.46 NZAS Ltd Oppose submission 64.35 The further submitter supports the more inclusive definition of "agriculture" as notified RELIEF SOUGHT: Retain the definition of "agriculture" as notified</p> <p>FS4.38 Federated Farmers Oppose submission 64.35 The further submitter notes that the amendment sought in submission 64.35</p>	<p>Reject in part.</p> <p>It is accepted that the definition of agriculture is detailed. The detail is intended to aid the Plan User with the interpretation of this term. Some District Wide rule may restrict certain agricultural activities, such as structures or earthworks within areas of biodiversity, these are separated out within the context of those rules.</p> <p>The one word that should be removed from the definition is "residences". Residential activity is permitted in some of the Zones that agriculture is permitted. However, in some Zones agriculture is permitted where residential activity is not otherwise anticipated. Including associated residences within the definition of agriculture leads to inconsistencies. In the Airport Protection Zone, noise sensitive activities are not permitted, but agriculture is. Removing residences associated with agriculture from the definition of agriculture is important in this Zone to avoid any confusion about the status of residential activity. In the Industrial 3 Zone agriculture is permitted but noise sensitive activities are non-complying. Agriculture is also permitted within the Smelter Zone. The Industrial 4 Zone is the only Zone that expressly excludes dwellings associated with agricultural operations from the permitted activity status.</p> <p>RECOMMENDATION: Amend the definition of "Agriculture" as follows: "Agriculture - Means the use of land or buildings for the rearing, breeding and keeping of animals and/or the growing</p>

	<p>would capture cat and dog breeders and other companion animal owners</p> <p>FS9.6 Ballance Agri-Nutrients Ltd Oppose submission 64.35 The further submitter is concerned that the suggested amendments would make the definition too narrow, but also that it would be open to various interpretations.</p> <p>The further submitter considers that the definition in the Proposed Plan is usefully detailed yet not unwieldy</p>	<p>and harvesting of crops including, but not limited to:</p> <p>(A) <u>Factory Intensive</u> farming of poultry, pigs and other species, and feedlots</p> <p>(B) Horticulture, hydroponics, seed production, viticulture and forestry</p> <p>(C) Bee keeping</p> <p>(D) The keeping and/or training of horses together with associated activities, including shelter planting, amenity plantings, land disturbance, residences, storage buildings, <u>the storage and use of fertiliser</u> and disposal of waste produced on the site.”</p>
<p>71.64 NZAS Ltd</p>	<p>Support definition of “Agriculture”</p> <p>RELIEF SOUGHT: Retain definition of “agriculture” as notified</p>	<p>Accept in part</p> <p>See recommendations made in response to submissions 15.38 and 64.35 above</p>
<p>65.118 ICC Environmental and Planning Services</p>	<p>Support definition of “Bar” in part.</p> <p>The submitter notes that the definition refers to an incorrect statute</p> <p>RELIEF SOUGHT: Replace “Sale of Liquor Act 2012” with “Sale and Supply of Alcohol Act 2012”</p>	<p>Accept</p> <p>The relief sought corrects an inaccuracy.</p> <p>RECOMMENDATION: Amend definition of “Bar” to read as follows:</p> <p>“Bar: Means any premises which is used principally for the sale, supply or consumption of liquor on the premises and which has an on-licence under the Sale of Liquor Act 2012 <u>Sale and Supply of Alcohol Act 2012</u>”</p>
<p>52.14 NZ Police</p>	<p>Support definition of “Building” in part.</p> <p>The submitter support the use of the definition in the Building Act for “building” and also support the included exceptions, particularly (B) for structures less than 10m2 in area and two metres in height. However, the submitter notes that most of their equipment buildings are 2.4m in height and seek that this be amended accordingly.</p>	<p>Accept in part</p> <p>References to external documents can be problematic. The Building Act was amended in 2005 which changed the definition of building. As external documents can be changed I believe it is important that the reference should be to the definition of building in the specific section of the Act at a specific date. Alternatively, the definition from that legislation should be included in full in the plan. In this case the definition in the Building Act 2004 is quite</p>

	<p>RELIEF SOUGHT: Not specifically stated</p>	<p>substantial, and is covered by two sections of the Building Act - sections 8 and 9.</p> <p>I do not consider that it is necessary to include the exemption sought by the submitter. Development standards within the different zones relate to buildings and structures, such as the height, site coverage, and yard rules. The submitter has designations over a number of properties and the specific types of structures on those sites will be dealt with through the designation process.</p> <p>It should be noted that the height of buildings and structures can have adverse effects on the environment that need to be considered. For example, buildings or structures over 2.4m in height located on a boundary will not meet the recession plane requirements in certain Zones, impacting on the amenity values of the adjoining properties.</p> <p>Drafting this type of exemption would be fraught with difficulties. Whilst this is the only submitter seeking this change, in the interests of consistency and fairness, there may be other operations with similar equipment and such an exemption would need to apply to all types of structures that different organisations may have on their properties</p> <p>RECOMMENDATION:</p> <p>Amend the definition of "Building" as follows</p> <p>"Building": Shall have the same meaning as in <u>sections 8 and 9 of the Building Act 2004</u>, but does not include:</p> <ul style="list-style-type: none"> (A) Fences or walls of two metres in height or less above ground level or retaining walls of two metres in height or less below ground level, not used for a sign or for any purpose other than as a fence, retaining wall or wall. (B) Structures less than 10 square metres in area and less than two metres in height above ground level. (C) Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2
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		<p>metres in diameter), less than two metres in height above ground level.</p> <p>(D) Masts and poles less than two metres in height above ground level.</p> <p>(E) Clothes lines “</p>
87.56 Transpower NZ Ltd	<p>Support definition of “Building”</p> <p>The submitter seeks to ensure that all rules applying to the National Grid Yards and Corridors apply to buildings and structures.</p> <p>RELIEF SOUGHT: The definition of “building” be retained as notified</p>	<p>Accept in part</p> <p>See recommendation in response to submission 52.14 above.</p> <p>The rules that apply to the National Grid Yards and Corridors were addressed in the s42A report No 19 on Infrastructure</p>
102.19 Chorus NZ Ltd	<p>Supports definition of “Building”</p> <p>RELIEF SOUGHT: Retain definition of “building” as notified</p>	<p>Accept in part</p> <p>See recommendation in response to submission 52.14 above.</p>
104.18 Telecom NZ Ltd	<p>Supports definition of “Building”</p> <p>RELIEF SOUGHT: Retain definition of “building” as notified</p>	<p>Accept in part</p> <p>See recommendation in response to submission 52.14 above.</p>
3.2 Department of Corrections	<p>Support definition of “Community Service” in part.</p> <p>The submitter suggests that the definition of “community service” be amended to include community services offered by the government.</p> <p>RELIEF SOUGHT: That the definition of Community Services be amended as follows: Community Service:</p> <p>“Means a place where services are offered that are volunteered or operated on a non-profit basis by individuals or an organisation <u>or the government</u> to benefit a community or its institutions e.g. charity shops operated by Salvation Army, Habitat for Humanity, Red Cross, <u>Corrections related service</u> etc.”</p>	<p>Reject</p> <p>“Community Service” as used within the Proposed District Plan refers to services offered by volunteers or non-profit organisations. The types of activities that would fall under the term “offered by the government” do not fall within the general scope of Community Service.</p> <p>Services offered by the government could fall within the definition of “Professional and Personal Services”. The term Professional and Personal Service is meant to encompass “any lawful service”, however, because there is no punctuation in definition it is not explicit that that service can be provided without a fee. In this case, government services are a lawful service and so technically should fall within this term. The definition of “Professional and Personal Service” could be improved to clarify the types of activities that are</p>

		<p>likely to fall within this activity.</p> <p>There are no consistent definitions used throughout the country for terms such as commercial, retail, offices or professional and personal services. This is because each District Plan has different approaches to these types of activities and determine on a district-by-district basis what activities are appropriate in their different zones. In this case, I believe that there would be value in not only improving the punctuation in the sentence, but including a list of the types of services that may fall within this definition.</p> <p>RECOMMENDATION:</p> <p>Amend the definition of “Professional and Personal Service” as follows:</p> <p>“Professional and Personal Services: Means any lawful service, including professional service offered to individuals in return for a fee and which may or may not require a qualification or certification of the provider. <u>This includes business, government, professional, or financial services, as well as activities providing services such as laundry or dry cleaning services, travel agencies, real estate agencies, shoe and clothing repairs and alterations, hairdressers’ premises, beauty salons and Totalisator Agency Boards”.</u></p>
<p>78.2 Ministry of Education</p>	<p>Support definition of “Communal Activity” in part.</p> <p>The submitter would like to include schools to this definition as schools are often used outside school hours by people</p> <p>RELIEF SOUGHT: Amend the definition of “Communal Activity” by removing the exclusion of school sites, and education activity</p>	<p>Accept The definition of “communal activity” could be tidied up.</p> <p>It is acknowledged that school sites are often used outside school hours by people for activities that are not related to educational activities and that would otherwise be considered communal activities. It is unclear why these activities should not be considered communal activities based purely on their location. If these types of activities are excluded from the definition on reserve land and school sites, there is no alternative definition that could be used to determine the activity status. So where Communal Activities are considered discretionary within the Residential and Rural Zones, these activities carried out on school sites would have</p>

		<p>to technically be processed as non-complying as they would not fall within any other definition.</p> <p>A number of other minor amendments could be made to the sentence structure of the definition to clarify its intention and to update some of the activities referred to within the text. These changes can be made without affecting the overall definition.</p> <p>RECOMMENDATION:</p> <p>Amend the definition of “communal activity” as follows:</p> <p>“Communal Activity: Means any activity carried out on land or in buildings where people gather for meetings, social, cultural or religious ceremonies and socialising including, but not limited to, movie theatres, night clubs, video arcades <u>gaming centres</u> and churches etc. This also means activities carried out on land or within buildings where people pay to watch sports, displays or other such activities. Communal activity includes, but is not limited to, ancillary sales of food, beverages and other retail items associated with the activity or event, but excludes such activities on reserve land and school sites, and <u>Communal activity excludes</u> any such use associated with any residential activity, education activity, day care activity, commercial activity, recreation activity and commercial recreation activity.”</p>
<p>53.86 NZ Transport Agency</p>	<p>Oppose definition of “Contiguous Ownership”</p> <p>The submitter considers the intention of this definition is unclear. It may mean land that is held within the same Certificate of Title, and if so, this should also be included in the definition.</p> <p>RELIEF SOUGHT: Amend the definition of Contiguous Ownership to refer to land that is held in the same Certificate of Title</p>	<p>Accept in part</p> <p>The term “contiguous ownership” is used in the Proposed District Plan in relation to density of development. The inclusion of the words “without a consent to subdivide” would imply that land in contiguous ownership is just properties held within a certificate of title. It is my opinion that the term should refer to land that cannot be separately disposed of “without Council approval”. These types of situations will include subdivision, or where there are consent notices on the certificates of title requiring that the properties be held together or where buildings may be built across boundaries.</p>

		<p>RECOMMENDATION: Amend the definition of “Contiguous Ownership” as follows: “Contiguous Ownership: Means ownership of contiguous parcels of land that cannot be separately disposed of without a consent to subdivide <u>Council approval</u>. Land shall be regarded as contiguous with other land notwithstanding that it may be separated from the other land by a road, railway, drain, river or stream.”</p>
<p>78.1 Ministry of Education</p>	<p>Support definition of “Educational Activity” in part.</p> <p>The submitter suggests that a few extra terms be included in the definition and “kohanga reo” be removed</p> <p>RELIEF SOUGHT: Amend definition of “educational activity” as follows: “Means... secondary school, <u>early childhood education centres, kohanga reo, language schools, learning centre and tertiary education facility, health, social service and medical services (including dental clinics and sick bays)</u>”</p>	<p>Accept in part</p> <p>Not all health, social service and medical services (including dental clinics and sick bays) are educational facilities. These terms fall within other terms defined and used within the Plan. It is acknowledged that some education can be carried out within these additional facilities, as education can be carried out within any business – e.g. apprenticeships, professional training.</p> <p>It is acknowledged that educational activities offer a number of ancillary services such as careers advisors, sick bays and dental clinics.</p> <p>If health, social services and medical services are to be acknowledged within the definition of educational activity then these should be ancillary to the educational purpose of the site,</p> <p>Early childhood education centres are covered by the term “Child Day Care activity” and to avoid duplicity and confusion they should not be included within the definition of “educational activity” as well</p> <p>RECOMMENDATION: Amend definition of “Educational Activity” as follows:</p> <p>“Educational activity: Means the use of land and buildings for the provision of regular instruction, teaching, learning or training at state, private or integrated facilities, together with any associated boarding activities, and includes ancillary administrative, recreational, cultural, car parking, and retail facilities <u>and support facilities (including ancillary health, social,</u></p>

		<p><u>and medical services.</u> This includes, but is not limited to, any primary school, intermediate school, secondary school, kōhanga-reo, language schools, learning centre and tertiary education facility.”</p>
<p>101.8 NZ Fire Service Commission</p>	<p>Support definition of “Essential Services”.</p> <p>RELIEF SOUGHT: Retain definition of “essential services” as notified</p>	<p>Accept</p> <p>RECOMMENDATION: Retain definition of “Essential Services” as notified</p>
<p>88.101 Federated Farmers</p>	<p>Oppose definition of “Factory Farming”</p> <p>The submitter considers the term is subjective and emotionally-loaded and has no place in a district planning document.</p> <p>RELIEF SOUGHT: Delete the term “factory farming” from the district plan and replace it with “intensive farming”, with the following definition:</p> <p><u>“Most species of animals farmed in New Zealand (such as cattle, sheep, deer, and alpacas) are usually farmed “extensively”, meaning that they live outdoors and are free to range within a fenced-in area.</u></p> <p><u>Pigs, layer hens, and meat chickens are farmed using various systems in New Zealand. These may include “intensive” systems, such as cages for layer hens, crates/stalls for pregnant pigs or those with piglets, and barns for meat chickens. Intensive farming involves confinement at high stocking rates for long periods beyond the productive capacity of the land over which it is carried out.”</u></p>	<p>Reject in part</p> <p>Whilst some members of the public may be sensitised to the term “factory farming”, the use of an objective definition seeks to avoid any emotional response. The definition of “factory farming” within the Proposed District Plan itself is not emotionally loaded. Despite this, I have no objection to changing the term to “intensive farming” as opposed to factory farming”.</p> <p>The alternative definition suggested by the submitter is wordy and complex. It is explanatory, rather than matter-of-fact. It also has a broader focus than the definition in the Proposed District Plan, which is focussed on the use of buildings for the intensive production. Intensive farming as defined by the submitter refers to farming practices that could also be carried out outside of buildings as confinement is not explained within the context of the definition. It also specifies that the confinement must be for long periods.</p> <p>It is noted that the suggested definition applies only to intensive farming of animals and not vegetable matter. The term factory farming is used in the Proposed District Plan in three places. In the definition of “agricultural activity”, in the Noise Rule and within the Rural 2 Zone 3.39.1(B) – in none of these situations is vegetable matter particularly relevant.</p> <p>RECOMMENDATION:</p> <p>Amend definition of “Factory Farming” as follows:</p> <p>Factory Intensive Farming: Means the use of buildings for</p>

		<p>the intensive production of livestock or vegetable matter which is not dependent on the fertility of the soils on the site.</p> <p>AND</p> <p>Subsequential changes to provisions in the Plan replacing references to “factory farming” with “Intensive farming”</p>
3.1 Department of Corrections	<p>Supports definition of “Habilitation Centre”</p> <p>RELIEF SOUGHT: Retain the definition of Habilitation Centre as notified.</p>	<p>Accept</p> <p>RECOMMENDATION: Retain the definition of “Habilitation Centre” as notified.</p>
34.9 Silver Fern Farms Ltd	<p>Support definition of “Heavy Industry”</p> <p>As separate submission point the submitter has suggested changes to the terminology used in Appendix IX Schedule of Heavy Industries.</p> <p>RELIEF SOUGHT: Retain definition of Heavy Industry as written in the proposed plan subject to changes suggested in Appendix IX.</p>	<p>Accept in part</p> <p>See discussion in Section 5 of this report. It is recommended that this definition be retained as notified, noting that amendments may be required in response to submissions discussed in the Industrial Zone reports or as a Variation.</p>
52.15 NZ Police	<p>Oppose definition of “Height” in part.</p> <p>The submitter considers that antennas, aerials and lightning rods should be included in the exclusions from the height calculation.</p> <p>RELIEF SOUGHT: Amend definition to include antennas, aerials and lightning rods as exclusions from the height calculation as follows:</p> <p>Provided that <u>antennas, aerials and lightning rods</u>, chimneys, ventilation shafts, water tanks, elevator lofts, steeples, towers, dormer windows and similar parts of a building may be excluded from the height calculation.</p>	<p>Accept in part</p> <p>The recommendations in the s42A Report No.19 on Infrastructure sought a rule on antenna attached to buildings stating that these structures could extend above buildings by 5m or 3.5m in different zones. No recommendation was made for aerials or lightning rods.</p> <p>The definition of height exempts a range of architectural appurtenances from the calculation of height. While antenna, aerials and lightning rods may not be as structurally imposing as some of the exempted building parts, I do believe that there should be some consideration of any overall height limit for these structures. This could be either through the Infrastructure rule or the definitions, or both.</p> <p>As there is no rule in the Infrastructure section for lightning rods I believe an exemption for these within the definition is appropriate where they are attached to buildings. These structures are generally of a width and area that will not significantly impact on the</p>

amenities of the neighbouring properties or areas.

Antenna for radio communications and telecommunications are addressed within the recommended Infrastructure rule. As the recommended rule includes some discussion on the height of these structures, I think the rule is the appropriate place to stipulate the overall height.

I am unsure what the difference is between an "aerial" and an "antenna". In general language these terms are used interchangeably. A definition of antenna is recommended in the s42A report No. 19 being:

"Antenna means for the purposes of 3.9 Rule 8, communications apparatus, being metal rod, wire or other structure, by which signals are transmitted or received, including any bracket or attachment but not any support mast or similar structure."

Including the term aerial as well as antenna into the Proposed District Plan may add to confusion as to what is excluded from the calculation of height and what is subject to the Infrastructure rule.

RECOMMENDATION:

Amend definition of "height" to include lightning rods as exclusions from the height calculation as follows:

Provided that lightning rods, chimneys, ventilation shafts, water tanks, elevator lofts, steeples, towers, dormer windows and similar parts of a building may be excluded from the height calculation.

AND

Amend the recommendation on the Telecommunications and Radiocommunications Facilities provisions as follows:

"(e) Notwithstanding the zone specific height rules, No antennas attached to an existing building or structure shall may extend above the building or structure no more than

(i) 5m in the Industrial 1, 1A, 2, 3 and 4 Zone and the

		<p>Rural 1 and 2 Zones; or (ii) 3.5m in all other zones</p> <p>AND</p> <p>I recommend that a Variation be considered to address the exemptions from the height calculations as notified in the Height definition, given the scale of structures that may be exempted from the calculation of height and the potential effects and to clarify that these exempted architectural appurtenances must be attached to buildings, rather than being structures of their own right.</p>
<p>102.20 Chorus NZ Ltd</p>	<p>Support definition of "Height" in part.</p> <p>The submitter believes that antennas, aerials and lightning rods should be included in the exclusions from the height calculation</p> <p>RELIEF SOUGHT: Amend definition to include antennas, aerials and lightning rods as exclusions from the height calculation</p>	<p>Accept in part</p> <p>See recommendation in response to submission 52.15 above</p>
<p>104.19 Telecom NZ Ltd</p>	<p>Support definition of "Height" in part.</p> <p>The submitter believes that antennas, aerials and lightning rods should be included in the exclusions from the height calculation</p> <p>RELIEF SOUGHT: Amend definition to include antennas, aerials and lightning rods as exclusions from the height calculation</p>	<p>Accept in part</p> <p>See recommendation in response to submission 52.15 above</p>
<p>7.2 Southern District Health Board</p>	<p>Support definition of "Hospital Activity"</p> <p>RELIEF SOUGHT: Retain the definition of "Hospital Activity" as notified</p>	<p>Accept</p> <p>RECOMMENDATION: Retain definition of "hospital activity" as notified</p>
<p>90.32 H W Richardson Group Ltd</p>	<p>Oppose definition of "Light Industry"</p> <p>The submitter objects to the restrictions on the size of lots and the hours of operation</p> <p>RELIEF SOUGHT:</p>	<p>Accept</p> <p>The limitations within the definition seek to control the scale of industrial activity being carried out.</p> <p>One of the key reasons for restricting hours of operation was to</p>

	<p>Amend the definition of "light industry" as follows:</p> <p>"Means any industry not listed in Appendix IX and which:</p> <p>(A) Which operates between the hours of 7.00 am to 10.00 pm and (B) Is situated on a site of less than one hectare</p> <p>This includes any ancillary retail sales, any associated maintenance, any public display or tour operations within the land or premises, and associated offices and staff facilities."</p> <p>FS24.17(a) Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd Support submission 90.32 The further submitter notes that the rules relating to the size of a site and hours of operation is not appropriate in the definition. They consider that it fails to recognise that many light industries need to be operational 24/7</p> <p>FS46.44 Leven Investment Ltd and others Support submission 90.32 The further submitter considers the restrictions on size of lots and hours of operation are unnecessary</p>	<p>control effects of noise, which has caused a number of issues at the interface of industrial activities with residential area. It is acknowledged, however, that some light industries do need to operate on a 24/7 basis, and that there are noise standards that seek to control noise at the Zone interface, with lower standards in some areas at night time. The noise standards will allow light industrial activities to continue through the night, as long as the operation of these activities considers noise emissions.</p> <p>I believe that the minimum lot size should also be removed from the definition of Light Industry, and included in the zone specific provisions where it is considered appropriate. For example, light industries that are carried out within the Industrial 3 or 4 Zones on sites over 1 hectare would be reasonably appropriate, given the scale of heavy industries that are also permitted within these zones. It is not considered necessary to have a limitation on the lot sizes for these activities. However, in zones where larger scale industrial development may not be considered as appropriate, closer to the residential interface for example, the limitations on Lot size should be included within the Zone provisions.</p> <p>RECOMMENDATION:</p> <p>Amend definition of "Light Industry" as follows:</p> <p>" Light Industry: Means any industry not listed in Appendix IX and which:</p> <p>(A) Which operates between the hours of 7.00 am to 10.00 pm and (B) Is situated on a site of less than one hectare</p> <p>This includes any ancillary retail sales, any associated maintenance, any public display or tour operations within the land or premises, and associated offices and staff facilities."</p> <p>AND</p> <p>Amend Rule 3.24.1(l) as follows:</p> <p>"(l) Light Industry, provided that no more than three people are employed on the site at any one time <u>and that the minimum site area is one hectare</u>"</p>
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		<p>AND Amend 3.25.1(F) as follows: “(F) Light industry, <u>provided that the minimum site area is one hectare</u>”</p> <p>AND Amend 3.26.1(E) as follows: “(E) Light Industry, provided that no more than three people are employed on the site at any one time <u>and that the minimum site area is one hectare</u>”</p>
<p>58.9 Donald Moir</p>	<p>Oppose definition of “Net Site Area”</p> <p>The submitter believes the wording should be amended to avoid any confusion regarding driveways are included or excluded from site coverage calculations</p> <p>RELIEF SOUGHT: Amend the definition to read:</p> <p>Net Site Area: In relation to a site, means the total area of the site less any area subject to a designation for any purpose, and/or any area contained in the access to the site and/or any strip of land less than six metres in width</p>	<p>Accept</p> <p>The clause “and/or any area contained in the access to the site” is intended to refer to any right-of-way over another allotment that may be used to access the site. As such, the area comprised within the right-of-way that belongs to the other site is not included within the calculation of the net site area. This is not intended to refer to a driveway within the site itself, unless that comprises of a strip of land less than 6m in width.</p> <p>A recommendation in the s42A report No. 26 on Soils, Earthworks and Minerals seeks to include a definition of the term “site”. Should this definition be included and the term “site” just relate to the land held within the CT, then there would not be a need to state that rights of way over someone else’s property are excluded from this calculation. The term “and/or any area contained in the access to the site” could be deleted.</p> <p>RECOMMENDATION:</p> <p>Amend to read: Net Site Area: In relation to a site, means the total area of the site less any area subject to a designation for any purpose, and/or any area contained in the access and/or any strip of land less than six metres in width</p>
<p>14.2 NZ Racing</p>	<p>Oppose definition of “Retail Sales” in part</p>	<p>Reject in part</p>

<p>Board</p>	<p>The submitter considers that it is unclear under which land use activity Totalisator Agency Board (TAB) venues falls. Section 4 Definitions of the Plan does not clearly address this matter. As a consequence, there is the potential for different interpretations which may result in varying activity status determinations for a TAB in any zone.</p> <p>It is the submitter's opinion that a TAB should be considered to be a Retail Sale similar to a Lotto shop and other shops because it sells directly to the public and does not require a fee as in the Professional and Personal Services activity and to correct any potential confusion, a TAB should be specifically listed within the definition of Retail Sales activity.</p> <p>The submitter understands that the Council seeks to minimise inclusion of names of individual operators within each activity definition as they may be subject to change at any time. However, they consider that the specific inclusion and naming of TAB's will not undermine this approach. This is because, the name TAB has been established by way of government legislation (Racing Act 2003); this Act also clearly defines that no other agency/business may undertake the activity of the TAB, so it is a unique activity, and it is unlikely to be readily changed. The submitter notes that the Proposed Plan sometimes names specific operations in the Plan's definitions as is seen with charity shops operated by Salvation Army, Habitat for Humanity, Red Cross (included in the definition of Community Services). The submitter considers that the naming of TAB's could follow a similar approach because the TAB is a unique government business.</p> <p>RELIEF SOUGHT: That the definition of "Retail Sales" be amended to specifically include a TAB (Totalisator Agency Board venue) so that it reads as follows:</p> <p>Means the direct sale or hire to the public from any site, and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment, <u>and includes a TAB (Totalisator Agency Board venue)</u> but excludes recreational activities, supermarkets and sale of motor vehicles.</p> <p>FS1.1 NZ Racing Board Support submission 14.2 Support the need to clarify which land use activity a TAB venue falls under,</p>	<p>It is considered that a Totalisator Agency Board ("TAB") would fall within the definition of "Personal and Professional Services" A TAB, is a sports betting agency and the people purchasing from TABs are using the services of a TAB. There is no exchange of goods in the purest sense.</p> <p>It is recommended in response to submission 3.2 above, that the definition of Professional and Personal Services being expanded to clarify what type of activities are encompassed by that term. Including reference to TABs within that definition should meet the submitter's concerns.</p> <p>See section 5 of this report for further discussion.</p> <p>RECOMMENDATION:</p> <p>Retain the definition of "Retail Sales" as notified.</p> <p>AND</p> <p>Amend the definition of "Professional and Personal Services" as recommended in response to submission 3.2 above.</p>
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	<p>and specifically include TAB within the definition of "Retail Sales"</p> <p>RELIEF SOUGHT: Support relief sought OR Include "sports betting agency" in the definition of "Retail sales".</p>	
<p>81.11 Progressive Enterprises Ltd</p>	<p>Support definition of "Supermarket" in part</p> <p>The submitter suggests that the definition be expanded to encompass all services that are offered by supermarkets</p> <p>RELIEF SOUGHT: Amend definition of supermarket as follows: "Means a building with a trading or retail floor area, greater than 500m², providing mainly for the retailing of groceries and household goods of a minor nature, being organised on a predominantly self-service basis, where a comprehensive range of predominantly domestic supplies and convenience goods and services are sold for consumption or use off premises and includes lotto shops and pharmacies located within such premises and where liquor licences are held for each premises. Supermarkets are exempt from Local Alcohol Policy."</p> <p>FS46.45 Leven Investment Ltd and others Support submission 81.11</p>	<p>Reject in part</p> <p>Supermarkets are not exempt from Local Alcohol Policy (LAP). Whilst some of the Invercargill City District falls within the auspices of the Invercargill Licensing Trust, there are areas that are not. As such, a supermarket could potentially be set up outside the Trust area, and still be subject to the LAP. The statement that Supermarkets are exempt from the LAP is not accurate or necessary.</p> <p>I believe that it is important to retain reference to the predominance of self-service. The supermarket is to predominantly provide for the self-service shopper, rather than as a warehouse for home deliveries.</p> <p>RECOMMENDATION:</p> <p>Amend definition of "supermarket" as follows:</p> <p>"Means a building with a trading or retail floor area , greater than 500m² providing mainly for the retailing of groceries and household goods of a minor nature, being organised on a predominantly self-service basis, where a comprehensive range of predominantly domestic supplies and convenience goods and services are sold on a predominantly self-service basis for consumption or use off premises and includes lotto shops and pharmacies located within such premises."</p>
<p>14.3 NZ Racing Board</p>	<p>Support definition of "Tavern" in part</p> <p>The submitter suggests that the Proposed District Plan does not appear to recognise the presence of ancillary facilities in taverns including TABs. The</p>	<p>Reject</p> <p>The amendments sought by the submitter are unnecessary. These types of activities are covered by other definitions, such as the</p>

	<p>submitter provides examples of two premises, the Northern Tavern and the Waikiwi Tavern, in which TABs operate as ancillary activities, with a floor area of around 20-25% of the hose establishment.</p> <p>In the opinion of the submitter, it would be more accurate and helpful to users of the District Plan if the definition of Tavern is reworded to include a list of activities/facilities which are commonly part of a licensed premise's operation. The use of the term "ancillary" indicates that these facilities are to be secondary in all ways including floor area to the main activity of a tavern on any particular site.</p> <p>RELIEF SOUGHT: That the definition of a "Tavern" be amended to include reference to associated facilities so that it reads as follows:</p> <p><u>Means any premises licensed as such under the Sale of Liquor Act 2012 and used or intended to be used in the course of business principally for the provision to the public of liquor and other refreshments and may include associated facilities such as a bottle store, bistro bar, and a TAB (Totalisator Agency Board venue).</u></p>	<p>definitions of retail sales, restaurant.</p> <p>RECOMMENDATION: Retain the definition of "Tavern" as notified within the Proposed District Plan.</p>
<p>26.4 NZ Defence Force</p>	<p>Support definition "Temporary Military Training Activities"</p> <p>The submitter supports the definition as it clearly provides for such activities in a manner consistent with the Defence Act 1990, as a separate activity to "temporary activities".</p> <p>RELIEF SOUGHT: Retain definition of "Temporary Military Training Activities" as notified</p>	<p>Accept</p> <p>RECOMMENDATION: Retain definition of "Temporary Military Training Activities" as notified</p>
<p>APPENDIX IX – SCHEDULE OF HEAVY INDUSTRIES</p>		
<p>15.40 Ballance Agri- Nutrients Ltd</p>	<p>The submitter considers that the term "fertiliser works" is inconsistent with other language used within the schedule and is somewhat ambiguous, and notes that the terms "manufacture" and "storage" are used throughout the schedule and provide a more accurate description of activities.</p> <p>RELIEF SOUGHT: That Section Five – Appendix IX – Schedule of Heavy Industries be adopted</p>	<p>Accept</p> <p>The amendments sought by the submitter clarify the types of activities that fall within the term "fertiliser works" and would be consistent with the terminology used within Appendix IX.</p> <p>It should be noted that these types of activities will remain subject</p>

	<p>as notified with the exception of “fertiliser works”, which Ballance seek to be amended to <u>“Fertiliser manufacture, processing and storage”</u>.</p>	<p>to the District Wide and other Zone Specific rules.</p> <p>RECOMMENDATION:</p> <p>Amend the Appendix IX Schedule of Heavy Industries as follows:</p> <p>“Fertiliser works <u>Fertiliser manufacture, processing and storage”</u></p>
<p>34.10 Silver Fern Farms Ltd</p>	<p>Support with amendment.</p> <p>The submitter explains that their operations encompass modern integrated slaughter and further processing facilities, far removed from the freezing works of old, and that a change in terminology would better reflect the operation.</p> <p>RELIEF SOUGHT: Retain inclusion of descriptors to include Silver Fern Farms activities in the appendix for the purpose of being included under the definition of Heavy Industrial and therefore a permitted activity in Industrial 3.</p> <p>However, change the terminology to better reflect modern operations. It is suggested that the terms “Abattoir and Slaughterhouse” and “Meat works – killing, freezing and packing” are replaced with <u>“Meat processing facility”</u>.</p> <p>FS10.1 Open Country Dairy Ltd Support in part submission 15.40 and 34.10 The further submitter supports the amendments to the Schedule of Heavy Industries sought in the submissions, along with inclusion of Dairy Processing. The further submitter considers that these activities fit within the definition of heavy industry</p> <p>RELIEF SOUGHT: Approve relief sought in submission 15.40 and 34.10 AND Include “Dairy Processing”</p>	<p>Accept</p> <p>It is considered that the term “meat processing facility” better encompasses the types of activities that are carried out within these sites.</p> <p>It should be noted that the activities that fall within this definition will also be subject to the District Wide and Zone Specific Rules.</p> <p>RECOMMENDATION:</p> <p>Delete reference to “Abattoirs and slaughterhouses” and “Meatworks – killing, freezing and packing” from Appendix IX and replace with: <u>“Meat Processing facility”</u></p>
<p>5.4 Alliance Group Limited</p>	<p>Definitions to add “Meat Processing Plant”</p> <p>The submitter considers that its activities (including the storage and/or treatment of waste) are defined as industrial activities in terms of the</p>	<p>Accept</p> <p>Including the term “Meat processing facility” as recommended in response to submission 34.10 above, it is considered appropriate</p>

	<p>proposed definitions. However with respect to the rules applicable to the industrial zones, the Plan specifies this as being either light or heavy industry. Appendix IX lists meatworks as being defined as heavy industry but limits this to killing, freezing and packing. The removal and treatment of by-products or waste from such activities is not included in this definition. Therefore, the submitter believes that arguably such activities are also non-complying in terms of the industrial provisions of the Plan.</p> <p>RELIEF SOUGHT: Insert a definition of "meat processing plant":</p> <p><u>"Meat Processing Plant – means the slaughtering of animals and associated ancillary activities including the treatment and disposal of waste"</u></p> <p>FS6.8 Alliance Group Limited Comment The further submitter notes that it <i>"requested that amendment to the schedule of heavy industries has not been listed, as outlined in its original submission"</i></p>	<p>to define this term to aid the Plan User.</p> <p>RECOMMENDATION:</p> <p>Include the following definition in the Proposed District Plan: <u>"Meat processing facility means the slaughtering of animals and ancillary activities, which may include activities such as the freezing, and/or packing of meat and by-products and/or the treatment and disposal of waste."</u></p>
<p>120.3 Open Country Dairy Ltd</p>	<p>The submitter considers that dairy processing should be included in the definition of Heavy Industry</p> <p>RELIEF SOUGHT: Amend Appendix IX to include Dairy Processing in the Schedule of Heavy Industries defined as permitted activities in the Industrial 3 (Large) Zone</p>	<p>Accept</p> <p>It is considered appropriate that Dairy Processing is included within the schedule of heavy industries. This type of activity is carried out within the Industrial 3 Zone currently.</p> <p>RECOMMENDATION:</p> <p>Include the term "Dairy Processing" within Appendix IX - Schedule of Heavy Industries.</p>

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APPENDIX 2 - RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN

(Underline indicates recommended additions, strikethrough indicates recommended deletions. Note that recommendations in other Section 42A reports may include amendments to definitions not shown in this Appendix.)

SECTION THREE- RULES

3.9 Infrastructure

Telecommunications and Radiocommunications Facilities

- (e) Notwithstanding the zone specific height rules, No antennas attached to an existing building or structure shall may extend above the building or structure no more than:
 - (i) 5m in the Industrial 1, 1A, 2, 3, and 4 Zones and the Rural 1 and 2 zones; or
 - (ii) 3.5m in all other zones¹.

3.24 Business 2 (Suburban Shopping and Business) Zone

3.24.1 **Permitted Activities:** The following are permitted activities in the Business 2 Zone:

- (I) Light Industry, provided that no more than three people are employed on the site at any one time and that the minimum site area is one hectare.

3.25 Business 3 (Specialist Commercial) Zone

3.25.1 **Permitted Activities:** The following are permitted activities within the Business 3 Zone:

- (F) Light industry, provided that the minimum site area is one hectare

3.26 Business 4 (Neighbourhood Shop) Zone

3.26.1 **Permitted Activities:**

- (E) Light Industry, provided that no more than three people are employed on the site at any one time and that the minimum site area is one hectare

SECTION FOUR - DEFINITIONS

In this District Plan unless the context otherwise requires:

Access Lot: No change

Accessory Building: No change

Agriculture: Means the use of land or buildings for the rearing, breeding and keeping of animals and/or the growing and harvesting of crops including, but not limited to:

- (A) ~~Factory~~ Intensive farming of poultry, pigs and other species, and feedlots
- (B) Horticulture, hydroponics, seed production, viticulture and forestry

¹ Text shown in blue indicates changes recommended in Report No.19 Infrastructure

(C) Bee keeping
(D) The keeping and/or training of horses
together with associated activities, including shelter planting, amenity plantings, land disturbance, ~~residences~~, storage buildings, the storage and use of fertiliser and disposal of waste produced on the site.

Agrichemicals: No change

Ahi kā: No change

Airnoise Boundary: No change

Aircraft Operations: No change

Airport Activities: No change.

Airport Service and Commercial Activity: No change

Allotment: No change

Aluminium Smelting: No change

Animal Boarding Activity: No change

Antenna: No change

Areas of Significant Indigenous Biodiversity: No change

Arterial Routes: No change

Bar: Means any premises which is used principally for the sale, supply or consumption of liquor on the premises and which has an on-licence under the ~~Sale of Liquor Act~~ Sale and Supply of Alcohol Act 2012.

Biodiversity: No change.

Borrow Pit: No change

Boundary: No change.

Boundary Adjustment: No change

Building: Shall have the same meaning as in sections 8 and 9 of the Building Act 2004, but does not include:

- (A) Fences or walls of two metres in height or less above ground level or retaining walls of two metres in height or less below ground level, not used for a sign or for any purpose other than as a fence, retaining wall or wall.
- (B) Structures less than 10 square metres in area and less than two metres in height above ground level.
- (C) Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2 metres in diameter), less than two metres in height above ground level.
- (D) Masts and poles less than two metres in height above ground level.
- (E) Clothes lines

Car Parking: No change.

Child Day Care activity: No change.

Cleanfill: No change.

Coastal Environment: No change

Code of Practice for Land Development and Infrastructure Bylaw: No change

Commercial Recreation Activity: No change.

Communal Activity: Means any activity carried out on land or in buildings where people gather for meetings, social, cultural or religious ceremonies and socialising including, but not limited to, movie theatres, night clubs, ~~video arcades~~ gaming centres and churches-etc. This also means activities carried out on land or within buildings where people pay to watch sports, displays or other such activities. Communal activity includes, but is not limited to, ancillary sales of food, beverages and other retail items associated with the activity or event, ~~but Communal Activity excludes such activities on reserve land and school sites, and~~ any such use associated with any residential activity, education activity, day care activity, commercial activity, recreation activity and commercial recreation activity.

Community Service: No change.

Contaminated Land: No change

Conservatory: No change.

Construction Work: No change.

Contiguous Ownership: Means ownership of contiguous parcels of land that cannot be separately disposed of without ~~a consent to subdivide~~ Council approval. Land shall be regarded as contiguous with other land notwithstanding that it may be separated from the other land by a road, railway, drain, river or stream.

Council: No change.

Council's Reticulated Sewerage System: No change.

Coverage: No change.

Cross-Lease Subdivision: No change

Day Care Activity: No change

District Plan: No change.

Drive through facility: Means any land or building on or in which food and beverages are prepared, served and sold to the public for consumption off the premises and which are ordered and received while customers remain in their vehicles.

Earthworks: No change

Educational Activity: Means the use of land and buildings for the provision of regular instruction, teaching, learning or training at state, private or integrated facilities, together with any associated boarding activities, and includes ancillary administrative, recreational, cultural, car parking, and retail facilities and support facilities (including ancillary health, social and medical services). This includes, but is not limited to, any primary school, intermediate school, secondary school, kohanga reo, language schools, learning centre and tertiary education facility.

Educational Activity (Existing): No change

Environmental Advocacy: No change.

Environment Southland: No change.

Essential Services: No change.

Existing Ground Level: No change.

Extended runway centreline: No change.

Façade: No change.

~~**Factory Farming:** Means the use of buildings for the intensive production of livestock or vegetable matter which is not dependent on the fertility of the soils on the site.~~

Farm: No change.

Fee Simple Subdivision: No change.

Floor Area: No change.

Floor Level: No change.

Freight Depot: No change.

Gardening: No change.

Gross Site Area: No change.

Habilitation Centre: No change.

Habitable Rooms: No change.

Hazardous Substance: No change.

Healthcare Activity: No change.

Heavy Industry: No change.

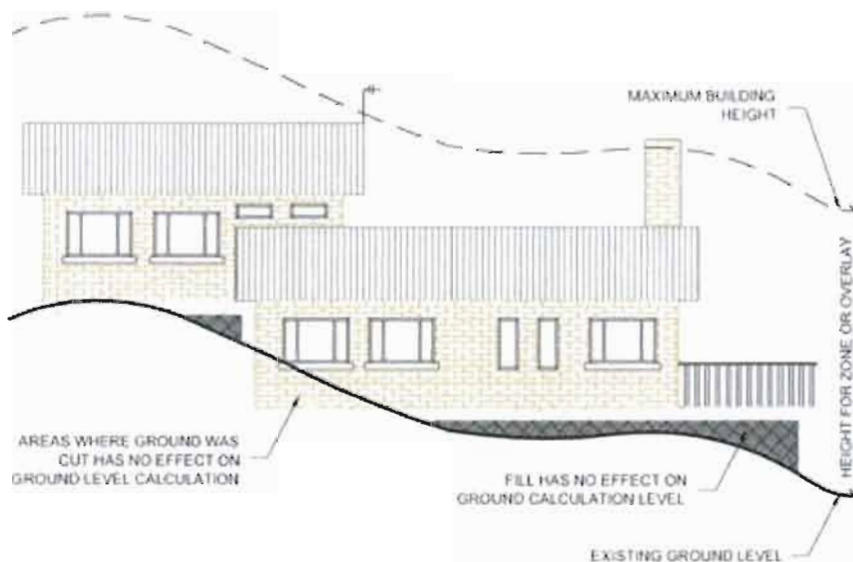
Height: Means the vertical distance between the existing ground level at the base of the building and:

- (A) The highest point of the ridge where the roof slope exceeds 35°; or
- (B) To the highest point of the parapet, or intersection of the wall and roof in the case of a flat or sloping roof less than 35° and other than a roof having a gable end; or
- (C) In the case of a roof with a slope of less than 35° and having a gable end, the mean

level between the intersection of the walls and roof and the highest points of the roof.

Provided that lightning rods, chimneys, ventilation shafts, water tanks, elevator lofts, steeples, towers, dormer windows and similar parts of a building may be excluded from the height calculations.

In determining height, the rolling height method shall be used:



ROLLING BUILDING HEIGHT IS MEASURED VERTICALLY ACROSS THE WHOLE SITE FROM EXISTING GROUND LEVEL TO THE MAXIMUM BUILDING HEIGHT FOR THAT ZONE

ROLLING HEIGHT METHOD

Heritage: No change

Home Occupation: No change

Home Stay: No change.

Hospital Activity: No change.

Hours of Operation: No change.

ICC City Datum or City Datum: No change.

Industry: Means an activity involving land and/or buildings used for the manufacturing, repairing, engineering, fabricating, processing, packing or warehouse storing of products or material and includes but is not limited to contractors' yards and depots; Freight Depots; Vehicle Repair, Servicing and Storage; substations not provided for as infrastructure, and the transfer, storage and/or treatment of waste not otherwise defined.

Infrastructure: No change

Inner Control Boundary: No change.

Factory Intensive Farming: Means the use of buildings for the intensive production of livestock or vegetable matter which is not dependent on the fertility of the soils on the site.

Iwi: No change.

Kaitiaki: No change.

Kaitiakitanga: No change.

Kaupapa: No change

Kōiwi o Nga Tūpuna: No change.

Landfill: No change.

Landscape: No change.

Landscaping: No change.

Land Transport Facility: No change.

Large Scale Renewable Energy Generation and Distribution: No change.

Light Industrial Industry: Means any industry not listed in Appendix IX and which:
(A) ~~Which operates between the hours of 7.00 am to 10.00 pm and~~
(B) ~~Is situated on a site of less than one hectare~~

This includes any ancillary retail sales, any associated maintenance, any public display or tour operations within the land or premises, and associated offices and staff facilities.

Loading: No change.

Loading Facilities and Manoeuvring Spaces: No change.

Lux: No change.

Mahinga Kai: No change.

Main Glazing: No change

Main Living Area: No change.

Maintenance and Replacement: No change

Manawhenua: No change.

Marae Activity: No change

Mātauranga: No change.

Mauri: No change.

Mean Sea Level: No change.

Meat Processing Facility: Means the slaughtering of animals and ancillary activities, which include activities such as the freezing, and/or packing of meat and by-products and/or the treatment and disposal of waste

Medium Density Housing: No change.

Meteorological Facilities: No change.

Mineral Extraction: No change.

Motor vehicle sales: No change.

Murihiku: No change.

National Grid: No change.

Natural Character: No change.

Natural Feature: No change.

Net Site Area: In relation to a site, means the total area of the site less any area subject to a designation for any purpose, ~~and/or any area contained in the access to the site,~~ and/or any strip of land less than six metres in width.

Noise Sensitive Activities: No change

Non-Tracked Hazardous Substance: No change.

Normal Working Day: No change.

Northernmost Boundary: No change.

Notional Boundary: No change.

Nursery Activity: No change.

Office: No change.

Outer Control Boundary: No change.

Outline Development Plan: No change.

Papakainga: No change.

Pedestrian Friendly Frontage: No change.

Permeable Surface: No change.

Plantation Forestry: No change.

Professional and Personal Services: Means any lawful service, including professional service offered to individuals in return for a fee and which may or may not require a qualification or certification of the provider. This includes, but is not limited to, business, government, professional or financial services, as well as activities providing services such as laundry or dry cleaning services, travel agencies, real estate agencies, shoe and clothing

repairs and alterations, hairdressers' premises, beauty salons and Totalisator Agency Boards.

Public Open Space: No change.

Radiocommunication Facility No change.

Rāhui: No change

Recreational Activity: No change.

Rehabilitation Plan: No change.

Renewable Energy: No change.

Reserve: No change.

Residence: No change.

Residential Activity: No change.

Residential Care Activity: No change.

Residential Zone: No change.

Restaurant: No change.

Retail Sales: Means the direct sale or hire to the public from any site, and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment, but excludes recreational activities supermarkets and sale of motor vehicles sales. Unless otherwise provided for, Retail Sales includes takeaway food premises, and nursery activities.

Retail Floor Space: No change.

Road: No change.

Roadside Sales Activity: No change.

Rohe: No change.

Rūnanga: No change.

Runway Centreline: No change.

Rural Servicing Activity: No change

Seaport Activities: No change.

Service Station: No change

Shelter Planting: No change.

Shopping Mall: No change.

Signage: No change.

Single Event Sound Exposure Boundary: No change.

Small and Community Scale Renewable Energy Generation and Distribution: No change.

Solid Waste: No change.

Specialist Facilities for Animal Husbandry: No change.

Statutory Acknowledgement: No change

Street Frontage: No change

Structures: No change.

Supermarkets: Means a building with a trading or retail floor area, greater than 500 square metres ~~providing mainly for the retailing of groceries, and household goods of a minor nature, being organised on a predominantly self-service basis~~ where a comprehensive range of predominantly domestic supplies and convenience goods and services are sold on a predominantly self-service basis for consumption or use off premises and includes lotto shops and pharmacies located within such premises.

Taiāpure: No change

Take-away food premises: No change.

Tangata Whenua: No change.

Taonga: No change.

Tapu: No change.

Tauranga Waka: No change.

Tavern: No change.

Telecommunication facility: No change.

Temporary Activities: No change.

Temporary Military Training Activity: No change.

Tikanga: No change.

Townscape: No change.

Tracked Hazardous Substance: No change.

Unit Title Subdivision: No change.

Upgrading: No change.

Urupa: No change.

Vehicle Access: No change.

Verandah: No change.

Veterinary Clinic: No change.

Visitor Accommodation: No change.

Warehousing Activity: No change.

Wāhi Tapu: No change.

Wāhi Taonga: No change

Wairua: No change

Wetland: Means permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. This definition excludes wet pastures where water temporarily ponds after rain, or pasture containing small patches of rushes (juncus species)

Yard: No change.

APPENDIX IX – SCHEDULE OF HEAVY INDUSTRIES

Abattoirs and slaughterhouses	Glass manufacture
Acetylene-gas manufacture	Gelatine manufacture
Acids manufacture	Glue manufacture
Aerosol packers and manufacture	Gunpowder manufacture
Aluminium alloy manufacture	Gypsum manufacture
Alkali-waste works	Hydrochloric acid manufacture
Ammonia manufacture	Incinerator works
Ammunition manufacture	Industrial chemicals manufacture
Animal by-products manufacture	Iron works and foundry
Asbestos manufacture	Lacquer manufacture
Asphalt manufacture	Lead works
Battery manufacture and recycling	Leather tanning
Bearing manufacture	Lime manufacture
Briquette manufacture	Linoleum manufacture
Bisuphide of carbon works	Lucerne dehydration
Boiler makers	Manure (artificial) manufacture
Boiler manufacture	Meatworks – killing, freezing and packing
	<u>Meat Processing Facility</u>
Boiling down works	Oil distillation and refining
Bone crushing	Oxygen – gas manufacture
Bulk storage of asphalt, tallow, industrial chemicals and scrap metal	Paint, varnish, lacquer etc. manufacture
Candle manufacture	Petroleum based products manufacture
Celluloid works	Plastics manufacture
Cement – packing bag, cleaning works	Pulp and paper manufacture
Cement manufacture	Pyridine works
Chemicals manufacture	Railway workshops
Chlorine works	Rubber goods manufacture
Coke manufacture	Sandblasting
	Sale Stock yards (commercial)

Concrete batching
Dairy Processing
Detergent manufacture
Distillation of coal, wood and bones
Explosive manufacture and storage
Fat rendering
Fellmongering
~~Fertiliser works~~
Fertiliser manufacture, processing and storage
Fibreglass manufacture
Fibrous plaster manufacture
Fireworks manufacture and storage
Fire clay products manufacture
Fish curing and preserving
Fluorine works
Foundry
Fuel oil refining
Fur curing and tanning

Smelting metals (all types)

Soap manufacture
Steel works
Stone and mineral crushing
Sulphur-chloride manufacture
Sulphur-dioxide manufacture
Tallow- melting and refining

Tanning and curing of hides and skins
Tar manufacture, refining, mixing
Timber treatment
Turpentine manufacture
Varnish manufacture
White lead manufacture
Wool scouring
Zinc chloride manufacture
Zinc works



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 33

Noise

**28 April 2015, 9.00am
COUNCIL CHAMBERS
CIVIC ADMINISTRATION BUILDING**

**Reporting Officer: Liz Devery
SENIOR POLICY PLANNER**

**Peer Reviewed by: Dan Wells
JOHN EDMONDS AND ASSOCIATES LIMITED**

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1. EXECUTIVE SUMMARY

Noise is an aspect of amenity that is addressed in the Proposed District Plan through Issues, Objectives, Policies and Rules. Noise can adversely affect amenity values and detract from people's enjoyment of an area. The ability to create noise can also be something that needs to be protected and can be interpreted by some as an element of a Zone that attracts certain types of activities.

This report addresses approximately 71 submission points and 60 further submission points relating to the noise provisions in the Proposed District Plan. These submissions range from comments and support through to opposition.

There are a number of changes recommended in this report in response to submissions. A number of these changes address concerns related to reverse sensitivity, particularly in relation to the transportation corridors, including the railway, roads and airport. The concept of notional boundary is discussed in some detail and recommendations are generally in support of this concept with minor changes recommended. One of the other areas that is discussed in some detail in response to submissions is the Entertainment Precinct and while the concept is supported in this report, a number of changes are recommended. Noise issues at the interface of industrial and residential activities was also the subject of a number of submissions. The Proposed District Plan's approach to this issue is again generally supported through recommendations.

In this report:

- Part 2 considers several key procedural issues.
- Part 3 provides background information on the noise provisions.
- Part 4 summarises the various statutory provisions that apply to the consideration of the Proposed District Plan.
- Part 5 assesses the relevant issues raised by the submitters.
- Part 6 provides a discussion on the Section 32 matters.
- Part 7 sets out the overall conclusions.
- Appendix 1 sets out the recommendations on each of the submission points.
- Appendix 2 sets out the recommended changes to the text of the Proposed District Plan.
- Appendices 3 – 5 include advice from an acoustic consultant, and maps of some areas addressed in the report

2. INTRODUCTION

2.1 Report Author

My name is Elizabeth Ann Devery. I am the Senior Planner – Policy, at the Invercargill City Council, a position I have held since January 2003. I have over 14 years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom. These roles have focused on both developing and implementing District Plans and planning documents. I hold the qualifications of LLB/BA (Hons I) in Geography.

2.2 Peer Review

This report has been prepared with the guidance and advice of Stuart Camp from Marshall Day Acoustics and has been peer reviewed by Dan Wells from John Edmonds and Associates Ltd.

Stuart Camp is the Christchurch office manager and a principal with Marshall Day Acoustics Ltd. Stuart has 32 years' experience in acoustics, with a focus on environmental noise. In recent years, Stuart has assisted with the review of several District Plans, including Hurunui, Christchurch, and the now complete Ashburton plan. Stuart is regularly involved with noise related aspects of plan changes and resource consents, and has presented expert evidence at the Environment Court on many occasions. Written advice received from Mr Camp on a number of the submissions is appended to this report as **Appendix 3**. Because Marshall Day Acoustics act for Invercargill Airport Limited, Mr Camp has not been involved in assessing the submissions on noise provisions specific to the airport.

Dan Wells is a practising resource management planner with a variety of experience throughout the plan change preparation process. Dan has a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University.

2.3 How to Read this Report

This report is structured as follows:

- Interpretation (an explanation of some of the terms used).
- A summary of the hearing process.
- Background to the Noise topic, and the provisions of the Proposed Invercargill City District Plan 2013.
- Description of the statutory framework within which the proposed provisions have been developed.
- Analysis of the submissions.
- Discussion of Section 32 matters.
- Concluding comments.
- Tracked changes of the Proposed District Plan provisions relating to noise.
- Recommendations on individual submissions.

To see my recommendation on an individual submission please refer to the table in **Appendix 1**. The table sets out the name and relevant submission number of those that submitted on the noise provisions; a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

2.4 Interpretation

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“Hearings Committee” means the District Plan Hearings Committee

“OCB” means the Outer Control Boundary

“Operative District Plan” means the Invercargill City District Plan 2005

“Proposed District Plan” means the Proposed Invercargill City District Plan 2013

“Provisions” is a term used to collectively describe Objectives, Policies and Rules.

“RMA” means the Resource Management Act 1991

“SESEB” means the Single Event Sound Exposure Boundary

2.5 The Hearing Process

A number of hearings are to be held to consider the submissions lodged to the Proposed Invercargill City District Plan 2013. The hearings have been divided up to ensure that submissions on similar issues have been grouped together and to enable the District Plan Hearings Committee to make decisions on the provisions relating to those issues. This report applies to the Noise provisions of the Proposed District Plan.

The Hearings Committee comprises of accredited Invercargill City Councillors, with the assistance of an Independent Hearings Commissioner. This Committee is to consider the Proposed Plan and the submissions and further submissions lodged. The Hearings Committee has full delegation to issue a decision on these matters.

This report is prepared pursuant to Section 42A of the Resource Management Act 1991 (the “RMA”). Section 42A provides for a report to be prepared prior to a hearing, setting out matters to which regard should be had in considering a Proposed District Plan and the submissions lodged to it. This report highlights those matters that are considered appropriate by the author for the Hearings Committee to consider in making decisions on the submissions lodged. This report has been prepared on the basis of information available prior to the hearing.

While the Hearings Committee is required to have regard to this report, regard must also be given to the matters raised in submissions, and presentations made at the hearing. The comments and recommendations contained in this report are not binding on the Hearings Committee and it should not be assumed that the Hearings Committee will reach the same conclusions set out in the report having heard from the submitters and Council advisers.

The hearing is open to the public, and any person may attend any part of the hearing. Those persons who lodged a submission have a right to speak at the hearing. They may appear in person, or have someone speak on their behalf. They may also call evidence from other persons in support of the points they are addressing.

At any time during or after the hearing, the Hearings Committee may request the preparation of additional reports. If that is done, adequate time must be provided to the submitters, to assess and comment on the report. The Hearings Committee may determine that:

- The hearing should be reconvened to allow responses to any report prepared, or
- Any responses be submitted in writing within a specified timeframe.

At the conclusion of the hearing process, the Hearings Committee will prepare a written decision. The decision is sent to all persons who lodged a submission. If not satisfied with the decision the submitters have a right of appeal to the Environment Court. If an appeal is lodged, the RMA requires a copy to be served on all submitters with an interest in that matter. Any submitter served may, if they wish, become a party to the appeal either in support or opposition to it.

If there is an appeal, the Environment Court will provide an opportunity for mediation between the parties. If mediation is not accepted, or does not resolve the issues, a further hearing will take place before a Judge and Court appointed Commissioners.

Except on points of law, the decision of the Environment Court is final.

3. BACKGROUND

Noise is one of the few aspects of amenity that, while being quite a subjective topic, is objectively measurable. The District Plan details the level of noise anticipated in certain areas of the District and sets out in technical terms how this noise can be measured and assessed.

Noise can adversely affect amenity values, detracting from people's enjoyment of the pleasantness of an area. Noise can be both intrusive and annoying causing discomfort or, at worst, health problems. On the other hand, moderate to high levels of noise may be appropriate in certain areas of the District. The ability to create noise may itself be a feature of an area that requires protection. Noise can be interpreted by some as an indicator of a working environment, or place of production. Certain types of noise may provide vibrancy to an inner city area.

The approach to noise issues is similar in the Proposed District Plan to that taken in the Operative District Plan. Both include a District Wide standard, with related policies spread out within the different Zones as part of the anticipated amenity values. Noise has also informed decisions on zoning. However, there are a number of changes in the Proposed District Plan which seek to update the provisions to the more recent best practice as well as seeking to address noise issues that have been raised over the duration of the Operative District Plan.

The Noise provisions in the Operative District Plan acknowledge noise generated by the Airport by requiring insulation for noise sensitive activities within the Single Event Sound Exposure Boundary (SESEB). This was to address potential reverse sensitivity effects. The Proposed District Plan approach to reverse sensitivity effects relating to the transportation network has been amended with a broader focus on state highways and railways as well.

This report relates to the provisions in the Proposed District Plan with regard to Noise. This includes:

- Sections 2.19 to 2.43, containing the issues, objectives, policies and methods of implementation for each of the Zones;
- Section 3.13, which contains the District Wide Rules for Noise;

3.1 Zoning

A number of noise issues have arisen at the interface of Zones. This is particularly the case when industrial activity directly adjoins residential properties. At times, activities meet the Sub-Area noise limits without considering that noise limits are required to be met at the Sub-Area boundary. As such, the noise from activities in the Enterprise Sub-Area, for example, has resulted in adverse effects on neighbouring residential properties. These issues have led to improved clarification of the application of the noise provisions. They have also led to zoning decisions.

There were a number of areas throughout the district where the Enterprise Sub-Area directly adjoined the Domicile Sub-Area. The permissive noise rules in the Enterprise Sub-Area (65dB, 24hours per day) were not compatible with immediately adjoining residential dwellings. To address this issue, amongst others, the Enterprise Sub-Area has been split into two Industrial Zones in the Proposed District Plan, with the Industrial 1(Light) Zone being that area closest to residential areas. The industrial zoning has led to a number of submissions that will be addressed at a later Hearing. However, it should be noted here that noise has been a significant factor in

decisions determining the type of activities considered appropriate in areas adjoining residential zones.

3.2 Proposed Issues, Objectives and Policies

There are no specific objectives and policies in the District Wide Section of the Proposed District Plan relating to noise.

In the Zone Specific Issues, Objectives and Policies Section of the Plan, there are noise policies for all Zones, apart from the Industrial 4 Zone. The policies vary slightly between Zones, setting out the anticipated noise levels for the zones. For example, low ambient noise levels are anticipated within residential zones during the day and night, while a reasonable level of noise associated with a range of industrial, warehousing and service activities is provided for within the Industrial Zones. Where noise from agricultural and/or transportation infrastructure is likely to be present, the Zone policies make specific reference to this.

Also raised within the s42A Report on Subdivision, was the influence of airport noise on the density of development permitted within the Airnoise boundaries.

3.2 Proposed Rule

As in the Operative District Plan, the Proposed District Plan includes District Wide rules on noise (Section 3.13). The noise rules are kept in one section of the Proposed District Plan because noise producers always need to look at rules for the neighbouring zones, not just their own.

The Proposed District Plan provisions were drafted in a bid to be consistent with the most recent noise standards. NZS6801:2008 Acoustics – Measurements of environmental sound; and NZS6802:2008 – Environmental noise are the most important standards for dealing with environmental noise. However, there are other noise standards that address noise sources not addressed in these standards. Where considered necessary the noise rules include reference to these other standards.

The rule sets out different noise standards for the different zones, for both day and night, including notional boundary provisions where considered relevant. The table of noise standards is followed by a number of explanatory notes, and any exceptions to the limits.

The Business 1 - Entertainment Precinct is new to the Proposed District Plan. Within this precinct noise sensitive activities are to be designed to meet internal sound levels. This concept recognises that noise from late night entertainment venues, both music and people noise, can result in adverse effects on inner city residents and visitors. The rules address potential reverse sensitivity effects and aim to spread the responsibility for mitigating these effects by setting reasonably stringent noise limits for the zone and requiring noise sensitive activities to adopt appropriate treatment to mitigate residual effects of noise.

The Seaport noise provisions have been carried through from the Operative District Plan. These acknowledge the noise generated by seaport activities in and around the Seaport Zone.

Introduced into the Proposed District Plan are provisions requiring consideration of noise effects generated around transport corridors.

The Temporary Military Training noise provisions have been largely carried through from the Operative District Plan, although the provision only exempts these activities from the general Zone noise limits for explosives and the use of firearms.

The provisions exempting emergency activities are carried over from the Operative District Plan.

The Proposed District Plan includes provision for Temporary Activities and Events. This provision allows for a limited number of events to occur on a site within a year, and sets higher noise levels for these types of activities up until 10pm.

The Airport rules are similar to the Operative District Plan. However, the Acoustic insulation provisions are different. They apply to the areas in both the SESEB and the Outer Control Boundary (OCB), where the Operative District Plan provisions only applied to the SESEB. The rules also provide that where the insulation requirements are not met then the activity status will be non-complying. In the Operative District Plan, non-compliance with the insulation requirements was a discretionary activity.

The matters of consideration for resource consent applications are more detailed in the Proposed District Plan.

4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

4.1 Resource Management Act 1991

In reviewing the District Plan, Council must follow the process outlined in Schedule 1 of the RMA.

The First Schedule procedure includes notification for submissions (clause 5) and further submissions (clause 8), holding a hearing into submissions (clause 8(b)), and determining whether those submissions are accepted or rejected and giving reasons for the decisions (clause 10).

Clause 29(4) of the First Schedule to the RMA states that after considering a plan the local authority may decline, approve, or approve with modifications, the plan change, and shall give reasons for its decisions.

Under s74 of the RMA, in relation to changes to the District Plan, Council must consider Part 2 of the Act (purposes and principles), s32 (alternatives, benefits and costs), and relevant regional and district planning documents.

4.1.1 Part 2 of the RMA

Part 2 of the RMA (ss5-8) sets out its purpose and principles of the RMA.

The purpose of the RMA is set out in s5. I confirm that the provisions for noise fall within the purpose of the RMA. In particular the provisions are designed to provide for sustainable use of resources whilst avoiding, remedying and mitigating the adverse effects on the environment. This is in accordance with section 5(1) and 5(2) of the RMA.

Section 6 of the RMA sets out the matters of national importance which must be recognised and provided for. None of these are especially relevant to the issue of noise.

The maintenance and enhancement of amenity values is a matter that the Council is to have particular regard to under section 7(c) of the RMA. It is considered that the provisions related to noise in the Proposed District Plan demonstrate particular regard to amenity values.

Section 8 of the RMA obliges persons exercising functions and powers under the RMA to take account of the principles of the Treaty of Waitangi. Representatives from Te Ao Marama Inc have been part of the Plan Review process as members of the Council's Plan Group that worked on developing the Proposed District Plan. Consultation with Iwi has also occurred.

4.1.2 Functions of Territorial Authorities under the RMA

Section 31 of the RMA states the functions of a territorial authority under that Act. To give effect to the RMA, s31 of that Act requires a territorial authority to have functions including, s31(1)(a):

"The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district."

The control of the emission of noise and mitigation of the effects of noise is set out as one of the functions of a territorial authority in s31(1)(d).

The provisions in the Proposed District Plan relating to Noise include policies, and methods intended to manage the actual or potential effects of activities on the environment.

4.1.3 Consideration of alternatives, benefits, and costs

Section 32 of the RMA states the Council's obligations in assessing the alternatives, benefits and costs.

The Section 32 report released with the Proposed District Plan did not include a specific chapter analysing the noise provisions, however, it did include an overview and assessment of the different Zones. The zoning, zone specific issues, objectives and policies, and some of the district wide rules, including noise, combine to make up the zones provisions that were covered in this Section 32.

Whilst a Section 32 report was released at the time of notification of the Proposed District Plan, the Council is required to carry out a further evaluation of any amendments made through the hearing, consideration and deliberation process before making its decision on the Plan Change. A discussion on the Section 32 matters are set out in Section 6 of this report.

4.1.4 Other Noise provisions within the RMA

Section 16 of the RMA requires that noise is kept to a reasonable level by adopting the best practicable option. This duty applies to every person who occupies or carries out an activity within New Zealand's territorial boundaries. Generally if a noise exceeds the standards set by the rules, it will be treated as unreasonable. However, if a person complies with a national environmental standard, rule or applicable resource consent condition, the duty in s16 is not necessarily met. The occupier may still need to do more if the noise is unreasonable and a practicable option is available to reduce it.

The RMA also includes provisions covering "excessive noise". This is noise that is of such a nature as to unreasonably interfere with the peace, comfort and convenience of any person (other than the person responsible for it). There are enforcement options under these provisions as well.

As such, noise can be enforced through the District Plan, through section 16 or through the excessive noise provisions of the RMA.

4.2. Relevant Planning Policy Documents

The RMA specifies a number of documents that need to be considered in a decision on a Proposed District Plan and the weight that should be given to these. These are addressed in the following section.

4.2.1 New Zealand Coastal Policy Statement

Section 75 of the RMA requires that a District Plan must give effect to any New Zealand coastal policy statement. The Coastal Environment provisions were discussed in the section 42A Report No. 17.

The New Zealand Coastal Policy Statement recognises that the “sounds” of the sea are part of the experiential attributes of the natural character of the coastal environment (Policy 13(2)(h)). These “sounds” are recognised within the Coastal Environment policies of the Proposed District Plan. Noise may affect the values of these “sounds” and where a resource consent is required for a site within the Coastal Environment, then the Coastal Environment provisions will need to be considered as set out in section 3.2 of the Proposed District Plan.

4.2.2 National Policy Statements and National Environmental Standards

In accordance with Section 75 of the RMA, a District Plan must give effect to National Policy Statements.

Section 44A of the RMA prescribes how District Plans must be amended if a rule conflicts with a National Environmental Standard.

There are no National Policy Statements that directly relate to noise that should be given effect to. Although the National Policy Statements do refer within their policies to the consideration of adverse effects on the environment, see for example Policy 7 of the National Policy Statement for Electricity Transmission 2008 which refers to minimising adverse effects on urban amenity.

The National Environmental Standards for Telecommunication Facilities 2008 include conditions on noise of cabinets within a road reserve. The noise levels permitted within the Proposed District Plan are consistent with the noise levels stipulated within the National Environmental Standard. While some of the standards in the Proposed District Plan are more permissive than the NES, this will not inhibit the development of the telecommunication facilities. I do not consider that this is a conflict.

The National Environmental Standards for Electricity Transmission Activities 2009 includes provisions for noise and vibration from construction activity. The Proposed District Plan refers to the same New Zealand Standard used within the NES, NZS6803:1999 Acoustics – Construction Noise and recommendations are consistent with this standard.

4.2.3 Regional Policy Statement

Under Section 75 of the RMA, a District Plan must give effect to an operative Regional Policy Statement.

There are no objectives and policies in the Southland Regional Policy Statement (1997) that are specifically relevant to the noise provisions. There are provisions that relate to the built environment as set out below:

Objective 10.1

To achieve the sustainable management of the built environment in such a way that the needs of future generations are met.

Objective 10.2

To maintain and enhance the environmental quality of the Region's built environment.

Policy 10.1

Encourage development and use of the built environment that provides for the efficient use of existing facilities and infrastructure while simultaneously avoiding the development of unnecessary additional infrastructure.

Policy 10.3

Encourage the use of corridors for network utilities where practicable, where this will result in mitigation of environmental effects.

Policy 10.7

Recognise that changes to one component of the built environment can have adverse effects on other components of the built environment.

The Noise provisions give effect to the above objectives by seeking to manage the adverse effects on the environment. The Noise Rule seeks to maintain amenity values by providing standards which need to be met and where they cannot be met, requiring resource consent to ensure adverse effects are considered and reduced, mitigated or avoided recognising that the relationship between different components of the built environment. The Noise provisions also recognise the need for corridors for network utilities, in particular transportation corridors.

4.2.4 Proposed Regional Policy Statement

In accordance with Section 74, regard needs to be given to any proposed Regional Policy Statement. The Proposed Southland Regional Policy Statement was notified in May 2012. There are a number of provisions with the Proposed Policy Statement that are relevant to the noise provisions in the Rural Land/Soils, Urban, and Infrastructure/Transportation sections. The following policies are some of those that are relevant to the issue of noise.

Rural Land/ Soils:

Issue RURAL.2

Subdivision, land use change and development in rural areas of Southland can adversely affect soil, water, amenity, iwi cultural values, landscapes, the transportation network, and may give rise to reverse sensitivity issues.

Policy RURAL.2 – Land use change and land development activities

Manage subdivision, land use change and land development activities in rural areas of Southland, in a way that maintains or enhances existing amenity values and rural character.

Urban:

Objective URB.1

Urban (including industrial) development occurs in an integrated, sustainable and well-planned manner which provides for positive environmental, social, economic and cultural outcomes.

Policy URB.1

The adverse effects of urban development on the environment should be appropriately avoided, remedied or mitigated.

Infrastructure

Objective INF.1

Southland's infrastructure – Southland's regional, national and critical infrastructure is secure, operates efficiently and is integrated with land use and the environment.

Policy INF.3 – Infrastructure protection

Protect regional, national and critical infrastructure from new incompatible land uses and activities under, over or adjacent to the infrastructure.

Issue TRAN.1

Ineffective integration of land use and transport networks can have adverse effects on the safety, efficiency, effectiveness and accessibility of Southland's transport infrastructure.

Issue TRAN.2

Transport corridors and related transport movements can give rise to adverse public health and environmental effects.

Objective TRAN.1 – Transport and land use

Development of transport infrastructure and land use take place in an integrated and planned manner which:

- (a) integrates transport planning with land use;*
- (b) protects the function, safety, efficiency and effectiveness of the transport system;*
- (c) minimises potential for reverse sensitivity issues to arise from changing land uses;*
- (d) provides for positive social, recreational, cultural and economic outcomes;*
- (e) minimises the potential for adverse public health and environmental effects.*

Policy TRAN.4 – Integration of existing and future transport infrastructure

Integrate land use planning with transport infrastructure planning and provide for future transportation requirements.

Policy TRAN.5 – Management of built environment

Avoid, remedy or mitigate the adverse effects of development on transport infrastructure.

Regard has been had to these provisions. The reverse sensitivity and transportation corridors provisions recognise the importance of the District's infrastructure. Adverse effects of noise on the different environments is the key focus of the provisions, with the intention of maintaining and enhancing the amenity values of the different zones.

4.2.5 Regional Plans

In accordance with Section 74 of the RMA, a District Plan must not be inconsistent with a Regional Plan.

The Regional Coastal Plan for Southland includes provisions on noise. These relate to the CMA and are mainly focussed on the internal waters of Fiordland, which adjoins the Southland District. The provisions in the Proposed District Plan are not inconsistent with the Regional Coastal Plan.

4.2.6 Iwi Management Plans

Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority

Ngai Tahu have lodged an Iwi Management Plan with the Council. The relevant document is the *Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Taurira*.

Whilst there are no noise specific provisions within the Iwi Management Plan, the policies on subdivision and development focus on encouraging developers to strive to achieve positive community outcomes alongside economic gain.

4.2.7 Management Plans and Strategies Prepared under Other Acts

A District Plan is required to have regard to management plans and strategies prepared under different Acts. For the District Plan review, *the Invercargill City Centre Action Plan* and *The Big Picture* (both prepared under the Local Government Act) are considered relevant.

There are various references to noise issues throughout *The Big Picture*. The spatial plan recognise the relationships between the residential areas and neighbouring enterprises, and seeking the maintenance of what each values about the areas. There are references to managing noise in relation to the Airport, as well as the functionality of the transportation network. All of these issues are addressed in the Proposed District Plan

The City Centre Action Plan refers to a need to encourage a more vibrant city centre with more inner city living. These two elements can at times contradict each other and through the development of an Entertainment Precinct, the noise provisions of the Proposed District Plan seek to address to some degree such conflicts.

4.3 Summary

It is considered that the purpose and principles of the RMA are met by the noise provisions set out in the Proposed District Plan. The proposed provisions fall within the functions of local authorities. The requirements of Section 32 of the Act have been met through the evaluations carried out prior to notification. The various documents required to be considered have been appropriately addressed in the preparation of provisions relating to noise.

5. ANALYSIS OF SUBMISSIONS

This reports addresses about 71 submission points and 60 further submission points on the Noise provisions. The submissions range from comments and support to opposition. Each submission point is addressed individually in the table in **Appendix 1** of this report. In this section the following issues raised through submissions are discussed in more detail:

- Technical submissions
- Notional Boundary
- Transportation Corridors
- Entertainment precinct
- Kennington

5.1 Technical submissions

A number of submissions raised technical issues relating to the terminology used within the provisions. Advice from Stuart Camp, Marshall Day Acoustics, has guided my recommendations on these matters to ensure that the provisions are enforceable, accurate and compatible with the relevant noise standards.

5.2 Notional Boundary

The term “notional boundary” is defined in the notified Proposed District Plan as follows:

Notional Boundary: *Means a line 20 metres from the side of a residence or the legal boundary where the boundary is closer to the building than 20 metres.*

I am recommending that this definition be amended to refer to noise sensitive activities, rather than just to residences, and a minor amendment to clarify that the 20 metres is to be measured from “any” side of a building. However, the definition should largely remain unchanged.

The notional boundary concept deals with noise in rural areas. Notional boundary rules aim to provide appropriate residential amenity around noise sensitive activities, rather than the farmland as a whole. The approach in the Proposed District Plan is to include two separate noise limits in the Rural Zones – a reasonably lenient one at the zone boundary and one consistent with the residential rules at the notional boundary of any noise sensitive activity. This seeks to ensure a reasonable degree of protection for rural sites adjoining noise producing areas, such as areas in the vicinity of the Smelter Zone or the Industrial 3 or 4 Zones.

A number of submissions have questioned the provisions in the rural zones, particularly at the zone interface.

In the Operative District Plan, the notional boundary concept is to be applied at the interface of the Industrial and Industrial A Sub-Areas with any residence located outside the Sub-Area; and at the interface of the Smelter Sub-Area and any residence located outside the Sub-Area.

The drafting of the Proposed District Plan provisions is slightly different and as a result is applied differently. The Zone most affected by this change is the Smelter Zone. Under the Operative and Proposed District Plans, there is no limit for noise within the Smelter Zone. Under the Operative District Plan, the Smelter was only

required to meet the rural noise limits at the notional boundary. Under the Proposed District Plan, the Smelter is to meet the Rural limit of 65dB at the Zone boundary, with a reduction of noise down to 50dB at the notional boundary (daytime). A submission from NZAS (71.54) has sought a return to the rule where noise generated by an activity within the Smelter Zone is not required to comply with the relevant limits of any other zone, except at the notional boundary.

I am recommending to accept in part the NZAS submission, and to apply only the notional boundary rule in the Rural 1 Zone for noise emitted in the Smelter Zone. The Smelter should still be required to meet the Zone noise limits in other areas, such as the residential areas in Bluff. However, in the Rural 1 Zone there is some distance between the Smelter Zone and the nearest noise sensitive activity which provides a larger buffer for noise mitigation.

The provisions at the interface between the Industrial Zones and the Rural 1 Zone have also been questioned in submissions. The provisions allow for the same levels of noise during the day for both the Rural 1 Zone and the Industrial 3 Zone, permitting 65dB limit during the day. This is an increase of 10dB for the Rural 1 Zone than was permitted in the Operative District Plan. The Rural 1 Zone provisions are more restrictive at night-time than the Industrial 3 Zone, but are set at a limit consistent with the Operative District Plan. The notional boundary provisions are 5dB lower in the Proposed District Plan than in the Operative District Plan. Niagara Properties Ltd (submission 94.3 and further submission FS49.2) have opposed the notional boundary provisions seeking that the noise limits for rural land adjoining the Industrial 3 Zone should be the same as the Industrial 3 Zone. Niagara's submission (94.3) received seven further submissions in opposition, most of which come from residents in the Kennington area. The submitter does not state what the intended extent of "land adjoining the Industrial 3 Zone". 65dB is in excess of the World Health Organisation recommend for healthy living environments and it is not considered appropriate to permit such noise levels in living environments within the Proposed District Plan. The notional boundary provisions are designed to allow for a greater level of noise from adjoining industrial activities, but to also protect those living and working within the Rural Areas. The notional boundary is measured 20m from a noise sensitive activity, and provide some protection for these activities from industrial scale noise.

The argument that the noise provisions will constrain industrial activity is also inaccurate. Advice from Marshall Day Acoustics states that if we arbitrarily assume that a noise source is 10 metres from a site boundary, and only just complies with 65dB, and we then assume that the nearest notional boundary is 100 metres beyond the site boundary, the source producing 65dB at 10m will produce 44dB at the notional boundary - easily complying with the 50dB rule. In fact, as long as the nearest notional boundary is at least 50 metres from the site boundary, the proposed rules will generally not represent any additional constraint on industry.

The proposed rules are reasonable and necessary and in most cases will not impose any greater constraint on Industry than the Operative District Plan.

5.3 Transportation Corridors

The provisions within the Proposed District Plan recognise that transportation infrastructure is important for the functioning of our district. However, it is also recognised within the Proposed District Plan that this infrastructure can create a number of adverse environmental effects, such as noise. To support the operation, maintenance and development of this infrastructure, provisions have been included

within the Proposed District Plan to protect the infrastructure from reverse sensitivity complaints. A number of Noise provisions in the Proposed District Plan require that noise sensitive activities that locate near transportation corridors are designed, located and constructed to prevent issues of reverse sensitivity arising. Submissions are supportive of the principles behind these provisions but raise a number of concerns about the detail. The issues raised in these submissions are discussed in greater detail below.

I am recommending a number of changes. However, to address the potential effects of noise generated by all significant transportation networks, I believe a Method of Implementation should be included within the Transportation section of the Plan to ensure that information on the location of significant transportation infrastructure is shared with land owners and occupiers. This will at least ensure that those people living close to these noise generating activities are aware of the potential effects. With this knowledge, land owners can decide whether they wish to insulate or strengthen their buildings.

5.3.1 Kiwirail

In 2012, during the consultation phase of the development of the Proposed District Plan, advice was received from KiwiRail staff on what type of provisions they sought in district plans around the country. The notified provisions were developed based on this advice. However, KiwiRail have submitted seeking additional details and controls that go above and beyond that earlier advice. The KiwiRail submission seeks changes to the noise provisions and also an additional provision addressing vibration.

5.3.1.1 Noise

The operation and maintenance of railways can create noise, that has the potential to affect the amenity values of areas within the vicinity of the rail corridors. For this reason, the Proposed District Plan includes a District Wide provision requiring any noise sensitive activity within 40 metres of a railway line to be designed, located and constructed to meet certain internal noise levels. Kiwirail opposed this rule (79.32) preferring an alternative rule. Apart from the concerns on the relief sought set out in the Marshall Day Acoustics letter, appended to this report as **Appendix 3**, there are a number of reasons I do not agree with the relief sought.

One of the key changes that the submitter is seeking is that they would like noise attenuation for noise sensitive activities up to 100m away from the railway, as opposed to 40m which is required in the Proposed District Plan. The submitter is also seeking noise attenuation for outdoor areas up to 60m away. When making a change to a District Plan provision, the Committee will be required to undertake a section 32 assessment addressing the costs and benefits of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth). As such, the benefits of such a proposal must be balanced against the potential costs.

100 metres extends over a block deep in some residential areas, and in some areas about five properties deep, whereas 40m extends only one or two properties deep. The cost of this requirement will vary depending on the level of noise that a particular noise sensitive activity is exposed to and the types of noise reduction methods that will be needed to achieve suitable internal noise levels to protect sleep and indoor amenity. The scale of the effect of this requirement is difficult to determine because the overlay will apply to many existing residential uses which will not be affected by these rules unless new habitable rooms are constructed. However, the increase in

the depth of the buffer zone will impact on significantly more properties than the notified plan.

In response to queries on the frequency of rail movements through the Invercargill City district KiwiRail¹ has provided the following details:

Total Annual Train Numbers

Line / Section	2012	2013	2014
Bluff Branch	853	932	969
Main South Line (MSL) – Gore to Invercargill Section	2731	2632	2680
Ohai Line – Invercargill to Makarewa Section	1043	1054	1003

Total Daily / Weekly Train Numbers (as at March 2015):

Branch	Mon	Tues	Weds	Thurs	Fr	Sat	Sun	Total
Ohai Branch	2	2	2	2	2	2	0	12
Bluff Branch	4	4	4	4	4	0	0	20
MSL (Gore to Invercargill)	9	11	10	10	10	7	4	61

The numbers of trains is variable and dependant on freight demand. However, increased demand may result in longer trains rather than more train movements. As such long term projections are difficult to make. The number of rail movements is not large and it is difficult in my opinion to justify imposing the sound attenuation requirements on the wider public. The 40m buffer will ensure that those properties directly adjoining the railway lines are protected. Given the intermittency of the noise created on the railway and the relatively low frequency of rail traffic, I question whether all of the changes sought by KiwiRail can be justified.

The Bluff Industrial Line adjoins the Hospital, Residential 1, Residential 1A and Residential 2 Zones where noise sensitive activities are anticipated. Should the acoustic attenuation requirements apply up to 100m, from the railway line, instead of 40m, a significant number of properties will be required to meet the noise standard. A 40m buffer would not affect the Residential 1A Zone due to the separation of the railways and the residential properties by the Bluff Highway. However, any development in the Residential 1A Zone is discretionary and if there is potential for reverse sensitivity effects to arise from the operation railway this could be considered through that consenting process. Due to the low frequency of railway movements along this line, the 40m buffer is appropriate along the Bluff Industrial Line for requiring a reverse sensitivity standard.

The Ohai Industrial Line passes through the Business 1 and Residential 1 Zones where noise sensitive activities are anticipated. I believe that the 40m buffer is appropriate along this line as well, due to the even lower frequency of railway movements. This buffer will protect the operation of the railway network but in a manner that is appropriate in the context of the Invercargill City District.

The Main South Line adjoins or passes through the Business 1, Residential 1, and Residential 1A Zones where noise sensitive activities are anticipated. A large part of the residentially zoned land along the line is used for reserves, and the Invercargill Public Swimming Pool. The areas of residentially developed land affected by the

¹ 2015 03 10 Email received from R Beals, KiwiRail

railway corridor are a block of land bound by Tyne, Ythan, Ness, and Eye Street, which has been zoned Residential 1A; and properties along West and Eldon Streets. The Main South Line is busier than the other two railway lines, however, I do not consider that the effects are that great that it justifies additional noise attenuation requirements for the increased number of properties.

There are objectives and policies in the Proposed District Plan that support the protection of the maintenance and operation of transportation infrastructure from adverse effects of subdivision, use and development. At the time of subdivision, any increase in density of residential development along the rail corridor should include assessment of effects on the transportation network, including reverse sensitivity effects. The railway lines are shown on the Planning Maps and on Infogram 1 within the Proposed District Plan as a significant transportation network.

I believe the internal noise levels included in Rule 3.13.9 are consistent with those sought in the submission. A change to acknowledge teaching spaces as well as bedrooms is recommended. The provisions will ensure that high levels of land transport noise do not adversely affect teaching in poorly designed classrooms.

I consider that there is merit in including a note alongside the rule indicating what is required from the developer to show compliance with the noise standard.

I also believe that an additional assessment matter should be included in 3.13.14. The matters listed are currently focussed on consents for activities that create noise and do not acknowledge that the Noise rule also applies to activities within transportation corridors where noise attenuation may be required.

5.3.1.2 Vibration

As set out in section 2 of the RMA, "noise" includes vibration. As such all policies that address effects of noise, also address the effects of vibration. There are no specific rules addressing vibration in the proposed District Plan. The reasons for this was due to the number of variances that can make assessing vibration a complex task. KiwiRail Holdings Ltd (79.32) have, however, submitted seeking a rule requiring buildings for noise sensitive activities to be developed to address reverse sensitivity effects related to vibration from the rail network. KiwiRail have sought that the vibration standard should apply to noise sensitive activities within 60m of the railway designation boundary. The standard proposed addresses both annoyance and building damage.

Should a vibration rule be included in the Proposed District Plan, it will be important to ensure that the costs and benefits of such a provision are carefully weighed up.

It is my understanding that predicting ground-borne vibration can be difficult to predict due to variances in surrounding ground conditions and the effects of the rail activity. As a result it is normally necessary to undertake measurements of actual vibration at each site as part of any assessment to determine whether the development meets the standard sought. The Norwegian standard referenced in the relief sought requires that measurements be undertaken on at least 15 train movements at each position of interest. Given the low number of train movements through the District, such an evaluation could involve quite significant time and cost. The costs of such an evaluation would need to be proportional to the value of the outcome.

There are a number of residences and noise sensitive activities located within 40m of the railway lines in the Invercargill City District. This is similar to other New Zealand

centres. Advice from Marshall Day Acoustics is that while noise and vibration may exceed accepted guidelines at these locations, rail vibration tends to be tolerated in detached residential dwellings. Residents in new multi-storey residential developments in close proximity to a rail line are unlikely to be as tolerant. The costs of an assessment for vibration effects on new multi-storey developments would be the same as for a single-storey stand-alone development and in the context of the overall project costs would be proportional to the value gained.

Should a vibration standard be included in the Proposed District Plan, I am recommending that it apply to new multi-storey developments used for noise sensitive activities. "Multi-storey" meaning developments over two storeys. The standard could also apply to any additions to multi-storey developments, in excess of 25m². It is also recommended that this standard apply to the same corridor as for noise standards, being 40m from the nearest rail line.

5.3.2 State Highways

It is noted that NZTA (53.73) supports Rule 3.13.9. They have also sought additional matters to be included within the list of matters to be considered at the time of resource consent. As stated in response to KiwiRail's submission 79.32, I agree that the matters of consideration should include acknowledgement of consents required under Rules 3.13.9 and 3.13.13.

5.3.3 Airport

To provide for the operation and maintenance of the Invercargill Airport, a rule has been included within the Proposed District Plan requiring acoustic insulation for new and altered noise sensitive activities within the SESEB and the OCB. This requirement applied only to the SESEB in the Operative District Plan. Invercargill Airport Limited (submission 103.64) have submitted opposing the notified rule seeking an even more stringent rule framework.

Maps showing the location of the SESEB and OCB in relation to the different Zones are attached to this report as **Appendix 4**.

In developing the Proposed District Plan, through the consultation phase, a number of meetings were held with representatives from Invercargill Airport Ltd. To assist the Council, Invercargill Airport Ltd provided a discussion document in April 2013 outlining the provisions as they considered appropriate for the Proposed District Plan. This discussion document was thoroughly considered. However, for a number of reasons the provisions in the Proposed District Plan did not mirror those sought by the Invercargill Airport Ltd. The relief sought in submission 103.64 is also not consistent with the discussion document and seeks prohibited activity status for activities that they had, in consultation, sought non-complying activity status for.

It is important that the provisions placed in the Proposed District Plan are relevant to the context of the Invercargill Airport. In 2010 the Invercargill Airport released its Airport Master Plan 2030. This Master Plan provides for growth. It is my understanding that the growth projections inform the location of the air noise contours and that the provisions sought by Invercargill Airport Limited seek to ensure that development around the airport does not inhibit this growth.

The submission refers to the activity status of "noise sensitive activities" which is defined in the Proposed District Plan as follows:

“Noise Sensitive Activities: Means buildings or parts of buildings used for, or able to be used for the following purposes:

- (A) Residential activity;
- (B) Visitor accommodation;
- (C) Residential care activity;
- (D) Education activity, except training related to airport and aircraft operations;
- (E) Hospital activity;
- (F) Healthcare activity;
- (G) Child Daycare activity; and
- (H) Marae activity.’

5.3.3.1 Single Event Sound Exposure Boundary (SESEB)

It is acknowledged that within the SESEB the noise generated by airport activities has the potential to be significant and not conducive to a healthy living environment. This boundary provides for noise created by night-time flights recognising the potential effects of these activities on sleep. The SESEB sits over areas zoned Rural 1, Otatara, Industrial 1, Industrial 2, Business 3 and Residential 1. It should be noted that the Invercargill Prison is located in the Business 3 Zone within the SESEB boundary but is a designated site. In the Proposed District Plan as notified, noise sensitive activities that do not meet the acoustic insulation requirements are considered to be non-complying.

The submission wrongly asserts that the Proposed Plan seeks to allow noise sensitive activities in all zones affected by the noise contours subject only to acoustic insulation requirements. The Zone specific provisions deem noise sensitive activities to be non-complying activities in the Industrial 1 and 2 and the Business 3 Zones. Noise generating activities are not anticipated to locate within these areas, and any potential noise sensitive activities wanting to locate within these zones will need to address a range of effects, not just the noise emitted from the operation of the airport. The noise rule requiring insulation in these zones is an additional reminder to developers that insulation will be a minimum requirement should they gain resource consent.

The definition of “noise sensitive activities” includes educational activities. There may be occasions where these activities are appropriate within the Industrial and Business Zones, such as workplace education schemes. Prohibited activity status will mean that these types of activities cannot be considered. Taking a stringent approach to noise sensitive activities within the SESEB in these zones is appropriate, but prohibited activity status is overly restrictive in the context of the Proposed District Plan.

The areas within the Rural 1 Zone that are encompassed by the SESEB are largely within ownership of the Invercargill Airport, apart from a portion of land at 161 Curran Road, 220 Marama Avenue North and 222 Marama Avenue North. These areas of land do not appear to be developed for noise sensitive activities. Whilst noise sensitive activities are otherwise permitted within the Rural 1 Zone, taking a stringent approach to noise sensitive activities within the SESEB is appropriate.

Residential development and other noise sensitive activities are permitted within the Residential 1 and Otatara zones. In these Zones, I am in agreement with the submitter that the establishment of new noise sensitive activities, or alteration to any existing noise sensitive activity, should be permitted subject to noise insulation requirements. However, I do not agree with the submission that activities that do not comply with these standards should be prohibited. Non-complying activity status was sought by the submitter in its 2013 discussion document for noise sensitive activities,

whether they were insulated or not. I believe that this activity status should be pursued for non-insulated noise sensitive activities, in preference to prohibited activity status. Strengthening up the matters of consideration will ensure that the Invercargill Airport is involved in any application and full consideration of noise effects will be required. There are also policies included within the Proposed District Plan that should be addressed for these applications.

5.3.3.1.1 Recommendation

It is recommended that Rule 3.13.13 be amended to reflect the following activity status:

Within the SESEB in the Business 3, Industrial 1, Industrial 3, and Rural 1 Zones

New Noise Sensitive Activities – Non-complying

Alterations or additions to existing Noise Sensitive Activities – without noise attenuation – non-complying

Within the SESEB in the Residential 1 and Otatara Zones

New Noise Sensitive activities and alterations and additions to existing noise sensitive activities– without noise attenuation - non-complying

5.3.3.2 Outer Control Boundary (OCB)

The OCB is the boundary based on the projected L_{dn} 55 contour, where the Airnoise Boundary is based on the projected L_{dn} 65 contour. The OCB covers a much wider area than the SESEB and Airnoise Boundary. Land covered by this contour falls within the same zones as the SESEB, as well as small part of the Business 1 Zone.

The Invercargill Airport's submission and their April 2013 discussion document take quite different stances in relation to the activity status for noise sensitive activities within the OCB. The submission applies the NZS6805 literally, seeking to prohibit noise sensitive activities in Zones where these activities are not otherwise permitted. They have also sought to prohibit noise sensitive activities within the Rural 1 Zone.

Noise sensitive activities are permitted within the Rural 1 Zone. The Invercargill Airport itself owns a number of the properties within this area. However, there are at least ten properties within this area that are owned by other parties. While the majority of the rural area within the OCB is currently used for grazing, there are residential dwellings on at least 6 properties. The properties on Curran Road, Otatara Road and Marama Avenue North within the OCB range from 1.34ha to just over 4ha. Any new residential development on those properties under 4ha would require resource consent. I believe prohibiting noise sensitive activities within the OCB in the Rural 1 Zone is not appropriate, but that requiring them to be insulated is.

Within the Business 3, Industrial 1 and Industrial 2 Zones, noise sensitive activities are not otherwise permitted. These types of activities are non-complying in the Proposed District Plan and I believe that this is the appropriate activity status. This was the suggested activity status in the Invercargill Airport's 2013 discussion document, although the submitter is now seeking prohibited activity status. Where there are existing noise sensitive activities, I believe that any alterations, or additions should be considered non-complying activities if the noise attenuation requirements are not met. These activities are not generally anticipated within these Zones and there are a number of policies throughout the Proposed District Plan that would need to be addressed as part of any such proposal.

Within the Residential and Otatara Zones noise sensitive activities are permitted. Requiring these types of activities to include noise attenuation is important and should be a requirement of the proposed District Plan. However, I consider that non-complying activity status where this attenuation is not provided is appropriate.

5.3.3.2.1 Recommendation

Within the OCB in the Business 3, Industrial 1, Industrial 2 Zones

New noise sensitive activities – non-complying

Alterations or additions to existing noise sensitive activities– without noise attenuation – non-complying

Within the OCB in the Business 1, Rural 1, Residential 1 and Otatara Zones

New, alterations or additions to existing noise sensitive activities- without noise attenuation – non-complying

5.4 Entertainment Precinct

The Proposed District Plan seeks to encourage mixed use development within the Business 1 (Central Business District) Zone. However, mixed use development can result in amenity conflicts between occupants and users of the area. For example, there are benefits in encouraging residential use of properties within the City Centre. However, people living, or staying, within the City Centre can be living within an environment alongside activities, such as restaurants, bars and nightclubs, which can generate noise.

The Inner City Action Plan notes that

“Rules around city centre living and the associated amenity outcomes should be carefully considered. The challenge is to encourage city centre living (for the well-known advantages including vibrancy, security, travel savings etc.) and at the same time address issues such as reverse sensitivity related to surrounding businesses and negative amenity outcomes that harmfully taint the image of city centre living. The necessity and nature of requirements such as noise limits, outdoor living space, car parking etc. should be considered.(page 20)”

The Entertainment Precinct was developed to identify a particular area in the City Centre where night-time entertainment activities could co-locate. Within this area, noise sensitive activities would be permitted, but would be required to be designed and developed to ensure that the living environment inside was developed to protect occupants from disruptive noise generated elsewhere.

This concept has been the subject of a number of submissions. Recommendations on the individual submissions are detailed in **Appendix 1** of this report.

The technical drafting of the rule is flawed, as pointed out in submission 65.98. In order to determine the internal noise levels, it is necessary to have base noise levels for which to design against. Both ICC Environmental and Planning Services (65.98) and the Southern District Health Board (FS30.9) have suggested approaches. The approach suggested by ICC Environmental and Planning Services is preferred on the grounds that it provides greater flexibility, although some amendments are recommended to address amplified music.

5.5 Kennington

There is a history of rural servicing and processing industry at Kennington. Alongside this industry, there is a cluster of historical residential properties on sections of around 1000m². This interface has resulted in a long history of complaints emanating from the noise created by industrial activities in Kennington, especially at night. Monitoring of the noise in Kennington has found that the noise limits in the Operative District Plan are not being met at the Industrial/Rural interface. Enforcement action has been taken against Niagara Sawmilling Ltd who have responsibility to take action to regularise their operations.

Niagara Properties Limited ("Niagara") have submitted against the noise provisions as they relate to the Industrial 3 Zone and its interface with the Rural Zone. A number of submissions and further submissions have been received in opposition to the Niagara submissions.

The provisions in the Proposed District Plan are consistent with noise provisions in district plans around the country and with the relevant New Zealand standards.

The amenity values of the Rural 1 Zone are such that low levels of ambient noise are anticipated. Although some other noise is anticipated in relation to agricultural and transportation activities, it is not anticipated that the rural area will be subject to Industrial noise.

Whilst the noise provisions enable a reasonable level of noise to be generated within the Industrial 3 Zone, it is acknowledged that noise limits can mean that certain activities within parts of the zone will be constrained, particularly at the Zone boundary.

The noise provisions seek to maintain a reasonable and healthy living environment for those residing in the rural area, but allow for a higher level of noise at the Zone boundary. The Proposed District Plan outlines the Issues that are relevant to the Industrial 3 Zone, in 2.32.2. These identify that a lack of controls on effects of activities in the zone may result in an inappropriate level of amenity within the zone itself as well as adversely affecting other zones nearby. This is a valid resource management issue, as set out in section 4 of this report. 2.40.2 Objective 2 seeks to maintain and enhance the amenity values of the Rural 1 Zone. This is appropriate in terms of the Part II of the RMA. The noise policy in the Industrial 3 Zone gives effect to the Objectives, by recognising that the adjacent zone may have lower ambient noise expectations. I believe the rules are an effective and efficient means of meeting the Objectives and Policies and in addressing the resource management issues. The provisions provide for moderate levels of noise in the rural areas up to the notional boundary, which provides a buffer to some degree for noise created by adjoining Industrial activity.

6. DISCUSSION OF SECTION 32 MATTERS

Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan. This requires the preparation of an Evaluation Report. This Section of the RMA was recently amended (since the notification of the proposed District Plan) and the following summarises the current requirements of this section.

The first step of Section 32 requires that objectives are assessed to determine whether they are the most appropriate way to achieve the purpose of the RMA (as defined in Section 5).

The second step is for policies and rules to be examined to determine whether they are the most appropriate way to achieve the objectives. In this instance, the objectives are those proposed by the District Plan. This assessment includes requirements to:

- Identify the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth)
- identify other reasonably practicable options for achieving the objectives; and
- assess the efficiency and effectiveness of the provisions in achieving the objectives.

An Evaluation Report was released at the time of notification of the Proposed Plan.

Section 32AA of the RMA requires a further evaluation to be released with decisions outlining the costs and benefits of any amendments made after the Proposed Plan was notified. Noise is considered in the Amenity section of the s32 Report. No amendments to the objectives, policies or rules are recommended and therefore further evaluation under Section 32AA is not required.

6.1 Relevant Section 32AA Matters

Listed below are the matters considered relevant for further evaluation under Section 32AA of the RMA.

- Reverse sensitivity issues associated with network corridors
- Exemptions from the Noise limits
- Construction noise provision
- New rule addressing Shooting Ranges
- Limitations on Temporary Activities
- Changes in relation to the Entertainment precinct provision

Technical and minor wording changes have been recommended in this report and in the interpretation of the Plan to correct inaccuracies. These are not addressed in this evaluation.

6.2 Section 32AA Further Evaluation

The Transportation and Amenity Sections, as well as the Zone specific sections of the original Section 32 report are relevant to this report. The detail of the recommended changes to which this evaluation refers are set out in **Appendix 2**.

6.2.1 Reverse sensitivity

I have recommended amendments to policies and rules that relate to the potential for reverse sensitivity issues related to the operation of the transportation network. The use of roads, railways and the airport within the Invercargill City District can create noise, which the operators of these facilities are concerned may lead to noise complaints from noise sensitive activities.

Changes to the Zone specific policies are consistent with policies in the Transportation section and should improve awareness of these potential issues.

Changes to the activity status for noise sensitive activities within the OCB and SESEB will provide some protection for the airport and any future growth. However, in a number of the Zones where the activity status is changed to non-complying, regardless of insulation, noise sensitive activities are not anticipated anyway and this change is consistent with the objectives and policies of these Zones and the activity rules. The area of the Business 1 Zone affected is relatively small. It also adjoins a railway line. Any noise sensitive activity wanting to establish in this part of the Business 1 Zone would need to be carefully considered, particularly to protect any residents using the land from potential noise issues. This area is on the outskirts of the Business 1 Zone and this provision should not have significant adversely affect the potential for “vibrancy” sought by Council policies which otherwise encourage residential use of the Business 1 Zone.

The introduction of a vibration rule around the railway lines is consistent with the Transportation and Zone specific policies. The main adverse effect of this new rule is the potential added costs for developers of multi-storey buildings within the railway corridor. Residents and users of these types of developments will benefit from a reduction in vibration. KiwiRail will also benefit from the security offered by this provision from potential vibration complaints.

Including a baseline model to use in the assessment of noise attenuation for activities close to the railway and the state highways will aid Plan Users. It is not anticipated that this change will have any significant negative effects.

6.2.2 Exemptions from Noise limits

6.2.2.1 Smelter Zone

The recommendations include an exemption for noise generated in the Smelter Zone from needing to meet the Rural 1 Zone noise levels, and only applying the notional boundary rules in the Rural 1 Zone. This is consistent with the approach used in the Operative District Plan and is essentially the status quo option. The Proposed District Plan provision, as notified, introduced an additional noise limit for Smelter Zone activities, requiring them to meet the Rural 1 zone noise limits, as well as other Zone limits, at and within the other Zone boundaries. The proposed change will retain protection for residences in Bluff, but will provide some leniency for the smelter activities to create noise exceeding the levels required in the Rural 1 Zone. As noise sensitive activities are separated by quite some distance from the Smelter Zone, it is

anticipated that the effects of this change on the Smelter will not be great. Noise sensitive activities will remain protected from potential noise effects.

6.2.2.2 Livestock

The recommendations include an exemption for noise from livestock kept as part of agriculture. There are certain times of the year and different agricultural activities that can result in livestock making noise. This exemption will protect land owners and occupiers in rural carrying out agricultural activities from potential noise related complaints. This is consistent with the rural Objectives and Policies which permit agriculture and anticipate that livestock could potentially be involved through the definition of agriculture.

The recommended wording is preferred over the alternative suggested by Federated Farmers, which had the potential to result in extending the exemption out to a range of noise sources, other than just animals. This exemption would have allowed noise limits to have been exceeded with the potential for impacts on permitted residential and other noise sensitive activities within the areas.

6.2.2.3 Trains

I am recommending that the exemption for noise from trains be restricted only to those trains on designated land. This will mean that trains on private sidings, for example, will be required to meet the noise limits. This amendment may restrict some property owners and occupiers who wish to utilise trains on undesignated land. Without the restriction, new sidings may be able to be developed close to existing noise sensitive activities with no assessment of noise effects. The restriction will protect these noise sensitive activities from potential noise effects, or at the very least require the consideration of noise effects. This exemption is consistent with the Transportation Objectives and Policies.

6.2.3 Construction Noise standards

The Proposed District Plan as notified required compliance with the New Zealand Construction Noise standard, which has been found not to constitute a measurable standard against which compliance can be assessed. The alternative recommended is consistent with the NZS and will ensure that the noise from construction can be assessed. The effects of this amendment are minor, but the recommended provision will be more effective in terms of determining compliance.

6.2.4 New Rule addressing Shooting Ranges

The Proposed District Plan exempted noise from shooting ranges from the noise limits, but did not otherwise provide for them. The nature of the noise created by these types of activities is difficult to regulate and making shooting ranges discretionary will enable the effects of these activities to be considered, and noise can be address in a resource consent application on a case by case basis. This will mean that people wishing to set up a shooting range will be required to go through the resource consent process. However, the community will benefit through involvement in the process where they are affected and through reassurance that the noise effects of these types of activities will be considered.

6.2.5 Limitations on Temporary Activities

The Proposed District Plan provides increased noise limitations for up to six temporary activities to be carried out within a calendar year. In response to submissions, it is recommended that these activities are not to be carried out for more than three consecutive days at a time. This is to protect the amenity values for those living and working in the adjoining areas. While this may restrict the scale of some events, or result in them having to gain resource consent, the community benefits from the additional protection.

6.2.6 Changes in relation to the Entertainment Precinct

The Entertainment Precinct noise provision set internal noise requirements, but did not stipulate the background noise levels that these internal noise levels were to be assessed against. The recommendation seeks to make a more efficient and effective provision that can be readily utilised.

Recommendations to alter the boundary of the Entertainment Precinct over 10 Dee Street more accurately reflect the activity types being carried out on the property. The part of the property utilised for Visitor Accommodation will not be within the Entertainment Precinct and as such the internal noise requirements will not apply. This is a relatively minor change but will benefit the landowner in terms of potential insulation requirements. .

7. CONCLUDING COMMENTS

In addressing noise, the Proposed District Plan provisions need to find a balance between enabling certain activities to generate noise, whilst ensuring that that the noise is reasonable and acceptable in the different environments. Despite the fact that a number of amendments are recommended in this report, the overall approach to noise issues is supported. The amendments recommended will tidy up any technical oversights or inaccuracies and result in provisions that are more readily enforceable. The amendments also provide stronger protection for transportation network operators from reverse sensitivity issues.

It is my opinion that the recommendations made in response to the submissions, will result in well-balanced provisions that are effective and enforceable. While noise issues will never completely go away due to its highly subjective nature, the provisions within the Proposed District Plan as recommended in this report will provide the noise generator and the noise receiver with some measurable provisions to work with.

APPENDIX 1: RECOMMENDATIONS IN RESPONSE TO SUBMISSIONS

Submitter	Plan Provision / Submission	Recommendation
GENERAL		
<p>94.2 Niagara Properties Ltd</p>	<p>The submitter is concerned that the limits on the adjoining rural land are more stringent than the Industrial 3 Zone and that changes to the noise provisions could limit their ability to undertake permitted activities under the Industrial 3 Zone.</p> <p>The submitter also considers that there has been inadequate assessment of the noise provisions in the s32 report</p> <p>RELIEF SOUGHT: To provide an assessment of the alternatives, benefits and costs of the noise provisions, and more specifically the change in the manner in which noise is measured and assessed.</p> <p>FS3.1 Quenton Stephens <i>Oppose submission 94.2</i></p> <p>FS15.2 Shanam De Garnham <i>Oppose submission 94.2</i></p> <p>FS16.2 Dean Evans <i>Oppose submission 94.2</i></p> <p>FS17.2 Leona Evans <i>Oppose submission 94.2</i></p> <p>FS18.2 Michael and Michelle Grantham <i>Oppose submission 94.2</i></p> <p>FS30.12 Southern District Health Board <i>Oppose Submission 94.2</i> <i>The further submitter considers that that submission lacks specificity required for a submission according to case law, especially in relation to submissions about any change to the way in which noise is measured and assessed.</i></p>	<p>Reject</p> <p>It is accepted that the standards may limit the ability to undertake permitted activities within the Industrial 3 Zone to a certain degree. The provisions seek to enable industrial activities to be carried out but to ensure that they are carried out in such a way that noise sensitive activities permitted in surrounding zones are not adversely affected. This is acknowledged as a specific Issue in the Industrial 3 Zone (see 2.32.1 Issue 2 of the Proposed District Plan). Enhancing and maintaining amenity values is a matter that the Council is to have regard to under the RMA. The noise provisions address a significant resource management issue.</p> <p>The levels of noise permitted within the Industrial 3 Zone in the Proposed District Plan have not significantly changed from the noise levels permitted in the Industrial Sub-Area in the Operative District Plan. The biggest change is to the notional boundary provisions, which set a lower noise limit in the Rural Zones. Overall, however, the proposed rules are generally slightly more lenient than the Operative District Plan, with the exception of the small number of dwellings to the east. It is accepted that these dwellings are almost surrounded by industrial activity, and therefore may not enjoy the same residential amenity as other rural dwellings. However, the proposed rules are appropriate.</p>

Submitter	Plan Provision / Submission	Recommendation										
	<p>FS36.3 Jeanett Bullock <i>Oppose submission 94.2</i></p> <p>FS41.2 William Fraser <i>Oppose submission 94.2</i></p>											
<p>65.95 ICC Environmental and Planning Services</p>	<p>The submitter notes that the terminology needs to be tidied up to ensure that the references are enforceable, consistent, accurate and compatible with the relevant noise standard</p> <p>RELIEF SOUGHT: Amend wording. For example, any reference to "...dBA L_{eq}" (or L_{dn}) should be amended to "...dB L_{Aeq}" (or L_{Adn}). At 3.13.8(B)(b)(1), there is an L_{eq} term where the "eq" has not been subscripted.</p> <p>FS20.1 Bruce Maher <i>Support submission 65.69</i> The further submitter believes that the noise levels need to be clearly stated so that it can be enforced</p> <p>FS30.6 Southern District Health Board <i>Support in part submission 65.95</i> Amendments necessary for consistency with standards for measurement and assessment stated in plan, however the example includes an error where L_{dn} is proposed to be amended to L_{Adn} which is contrary to convention, international and New Zealand usage.</p> <p>RELIEF SOUGHT: Accept relief sought, except reference to L_{Adn} which is not considered the correct convention</p>	<p>Accept in part</p> <p>It is accepted that there is a need to amend some of the acoustic terminology used within the Plan to ensure that the provisions are consistent with international terminology and the updated New Zealand Standards reference in the rules.</p> <p>The further submission should be accepted, in that the term L_{dn} should remain as it is by definition A-weighted and does not change to L_{Adn}</p> <p>RECOMMENDATION:</p> <p>That the use of the following acoustic terminology be deleted and replaced as follows:</p> <table border="1" data-bbox="1303 932 2051 1094"> <thead> <tr> <th>As notified</th> <th>Replace with</th> </tr> </thead> <tbody> <tr> <td>dBA</td> <td>dB</td> </tr> <tr> <td>L_{eq}</td> <td>L_{Aeq}</td> </tr> <tr> <td>L_{max}</td> <td>L_{Amax}</td> </tr> <tr> <td>L_{dn}</td> <td>L_{dn}</td> </tr> </tbody> </table>	As notified	Replace with	dBA	dB	L _{eq}	L _{Aeq}	L _{max}	L _{Amax}	L _{dn}	L _{dn}
As notified	Replace with											
dBA	dB											
L _{eq}	L _{Aeq}											
L _{max}	L _{Amax}											
L _{dn}	L _{dn}											
<p>105.8 ICC Environmental Health and Compliance Services</p>	<p>The submitter notes that conflicts arise where industrial activity interfaces with noise-sensitive activities and seeks the development of buffers.</p> <p>RELIEF SOUGHT: For new Industrial subdivision or noise generating activities the submitter recommends that:</p>	<p>Noted</p> <p>The Proposed District Plan does not include any physical buffer provisions.</p>										

Submitter	Plan Provision / Submission	Recommendation
	<p>a. An appropriate buffer zone is determined to protect the existing nearby residential properties.</p> <p>b. Buffer zones to be included to protect the future residents of Residential Subdivisions near any Industrial Zones.</p>	<p>The introduction of the Industrial 1 (Light) Zone was an attempt to ensure that heavy industry is physically separated from residential areas. The provisions as proposed for the Industrial 1 Zone include limited lower noise limits for night-time noise limits which seek to protect noise sensitive activities.</p> <p>The matters of consideration for consents for activities in breach of the noise provisions include proposals by the applicant to reduce noise. These may well include buffers.</p> <p>Buffers have also been introduced into the Proposed District Plan through provisions relating to transportation corridors requiring setbacks from the noise generating transportation activities, residential density standards and insulation requirements .</p> <p>The concept of notional boundaries also forms a buffer to protect noise sensitive activities.</p>
<p>105.9 ICC Environmental Health and Compliance Services</p>	<p>The submitter notes that conflicts arise in relation to noise in mixed-use urban environments. The submitter supports the exclusion of noise generating activities from residential areas</p> <p>RELIEF SOUGHT: The submitter recommends that the Plan includes a provision to mitigate or reduce the effects where noise-generating activities seek to establish in noise-sensitive environments</p>	<p>Noted</p> <p>One of the considerations involved in determining the activity status for activities within the different zones was the potential effects that each type of activity may create. As such, the effects of noise generated by different types of activities on noise sensitive activities was a consideration when drafting the Proposed District Plan to ensure that compatible activities are grouped together.</p> <p>Where activities are proposed that are not permitted, the effects of noise should be included through the resource consent process.</p>
<p>117.24 Southern District Health Board</p>	<p>The submitter supports the Proposed Plan in general insofar as it incorporates amendments to rules to avoid, mitigate and reduce adverse effects of noise on environmental health, and to promote the health of the people and communities in the District in a sustainable manner.</p> <p>RELIEF SOUGHT: Supports, subject to amendments detailed in the submitter's other submissions</p>	<p>Accept in part</p> <p>It is recommended that the overall approach to noise issues be retained as notified, subject to recommendations on other submissions</p>

Submitter	Plan Provision / Submission	Recommendation
	<p>FS34.5 ICC - Environmental Health and Compliance Services Support submission 117.24</p> <p>The further submitter also supports the use of NZS6801:2008 and NZS6802:2008 as a basis for measurement and assessment of environmental noise.</p> <p>The further submitter also considers that the noise provisions in the Proposed Plan should be designed to avoid, mitigate and reduce adverse effects of noise on environmental health and to promote the health of the people and communities in the District.</p>	
SECTION 2 ISSUES, OBJECTIVES AND POLICIES		
<p>117.55 Southern District Health Board</p>	<p>The submitter supports the Zone specific issues, objectives, and policies set out in 2.21-2.43.</p> <p>The submitter states that references to noise in these sections are important as they recognise potential for reverse sensitivity problems, and the need for avoidance of adverse effects to other activities within the zones and in adjoining zones while permitting Zone objectives consistent with policies.</p> <p>RELIEF SOUGHT: Retain</p> <p>FS3.4 Quenton Stephens Support submission 117.55</p> <p>The further submitter supports the need for the avoidance of adverse effects to other activities within zones and in adjoining zones</p>	<p>Accept in part</p> <p>Recommendations in response to submissions on the noise policies in the Business 3, Industrial 1, Otatara, Residential 1, Rural 1 and Rural 2 Zones are addressed in the table below. These recommendations include amendments that seek to strengthen the way reverse sensitivity effects are addressed.</p> <p>Recommendations within this report do not affect Issues and Objectives.</p>
BUSINESS 3 ZONE		
<p>103.54 Invercargill Airport Ltd</p>	<p>Oppose 2.24.3 Policy 5 Noise in part.</p> <p>The submitter believes that there should be provisions relating specifically to the management of noise sensitive activities affected by the airport noise contours</p> <p>RELIEF SOUGHT: Insert additional policies for areas affected by the airport noise contours that:</p> <ol style="list-style-type: none"> a. set out to prohibit noise sensitive activities; and b. to require existing buildings containing noise sensitive activities in these 	<p>Reject in part</p> <p>As stated in response to submission 103.56 below, the District Wide Transportation Policies acknowledge the need to avoid, remedy or mitigate adverse effects including reverse sensitivity effects on the transportation network. 2.24.3 Policy 5(C) acknowledges the existence of the transportation network in the Business 3 Zone. However, given the location of parts of the Zone in relation to the SESEB and OCB , State Highways and the railway, this policy could be strengthened.</p>

Submitter	Plan Provision / Submission	Recommendation
	<p>areas to be appropriately designed to mitigate the effects of aircraft noise.</p>	<p>It is my opinion that the policy should be focussed on avoiding or mitigating the effects, rather than narrowing the policy down to the activity status of certain types of activity.</p> <p>RECOMMENDATION:</p> <p>Delete 2.24.3 Policy 5(C)</p> <p>Amend the Explanation to 2.24.3 Policy 5 as follows: <i>‘Explanation: The character of the zone is such that reasonable levels of daytime noise should be both permitted and tolerated. Night time noise should not be objectionable in nearby residential areas. The airport, the State Highways and the railway all have operational requirements involving generation of varying levels of noise and it is important that the operation of these essential utilities is not compromised by reverse sensitivity issues.</i></p> <p>Include a new Policy</p> <p><u>“To recognise that some parts of the Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.</u></p> <p><u><i>Explanation: The airport, the State Highways and the railway all have operational requirements involving generation of varying levels of noise and it is important the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources.”</i></u></p>

Submitter	Plan Provision / Submission	Recommendation
INDUSTRIAL 1 ZONE		
103.56 Invercargill Airport Ltd	<p>Oppose 2.29.3 Policy 2 Noise in part.</p> <p>The submitter believes that there should be provisions relating specifically to the management of noise sensitive activities affected by the airport noise contours</p> <p>RELIEF SOUGHT: Insert additional policies for areas affected by the airport noise contours that:</p> <ol style="list-style-type: none"> a. set out to prohibit noise sensitive activities; and b. to require existing buildings containing noise sensitive activities in these areas to be appropriately designed to mitigate the effects of aircraft noise. 	<p>Reject in part</p> <p>2.29.3 Policy 1 and 2 make it clear that this is an environment where noise is acceptable during the day. However, there is no Zone specific proposed policy that addresses reverse sensitivity issues relating to the transportation infrastructure.</p> <p>The Transportation section of the Proposed District Plan includes a policy to manage subdivision, use and development adjacent to transport infrastructure in such a way as to avoid, remedy or mitigate adverse effects, including reverse sensitivity effects on transportation infrastructure. This is a District Wide policy that covers all Zones and it is not considered necessary to repeat it for each Zone (see 2.17.3 Policy 5.) This policy should be considered as part of any subdivision, use or development.</p> <p>However, given the that the SESEB and the OCB both sit over parts of the Industrial 1 Zone, and that there are areas of this Zone close to railways and state highways, it would be appropriate to include a policy similar to that in other zones acknowledging the existence of the noise generated by this infrastructure.</p> <p>I believe the policy should focus on avoiding, or mitigating the adverse effects, rather than on prohibiting the activities. This is consistent with my recommendation in response to submission 103.64 below relating to the activity status of noise sensitive activities.</p> <p>RECOMMENDATION: To add an additional policy to 2.29.3</p> <p><u>"To recognise that some parts of the Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.</u></p>

Submitter	Plan Provision / Submission	Recommendation
		<p><u>Explanation:</u> <i>The airport, the State Highways and the railway all have operational requirements involving generation of varying levels of noise and it is important the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources.'</i></p>
OTATARA ZONE		
<p>103.57 Invercargill Airport Ltd</p>	<p>Oppose 2.34.3 Policy 4 Noise in part.</p> <p>The submitter believes that there should be provisions relating specifically to the management of noise sensitive activities affected by the airport noise contours</p>	<p>Reject in part</p> <p>2.34.3 Policy 4 refers to the higher levels of noise generated by transportation activities in parts of the Otatara Zone. This, along with the District Wide Transportation policies, addresses reverse sensitivity effects associated with transportation activities. However, the policy could be further strengthened.</p> <p>RECOMMENDATION:</p> <p>Amend 2.34.3 Policy 4 as follows:</p> <p>'To maintain low daytime ambient noise levels and lower night time ambient noise levels consistent with residential use of the area, recognising that some parts of the zone are subject to higher levels of noise generated by agricultural and transportation activities.</p> <p><i>Explanation:</i> <i>"Peace and tranquillity" are important dimensions to the amenity of Otatara, as are the opportunities for rural activities such as agriculture. Excess noise, especially if it occurs repeatedly, can engender a reaction of increased intolerance. However, it is important to recognise the existence of rural activities within the Otatara Zone and ensure they are not compromised by reverse sensitivity issues involving noise.</i></p>

Submitter	Plan Provision / Submission	Recommendation
		<p>The “peace and tranquillity” of Otatara is also affected by major transportation infrastructure, in particular the airport. However, it is important that the functioning of this essential infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this.’</p> <p>Include a new Policy</p> <p><u>“To recognise that some parts of the Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.</u></p> <p><u>Explanation: “Peace and tranquillity” can be affected by major transportation infrastructure, in particular the airport. However, it is important that the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources.”</u></p>
RESIDENTIAL 1 ZONE		
<p>103.59 Invercargill Airport Ltd</p>	<p>Oppose 2.36.3 Policy 9 Noise in part.</p> <p>The submitter believes that there should be provisions relating specifically to the management of noise sensitive activities affected by the airport noise contours</p>	<p>Reject in part</p> <p>2.36.3 Policy 9 recognises the potential for higher levels of noise generated by transportation activities in parts of the Residential 1 Zone. This, along with the District Wide Transportation policies, addresses reverse sensitivity effects. However, the policy could be further strengthened.</p> <p>RECOMMENDATION: Amend 2.36.3 Policy 9 as follows: “To maintain low daytime ambient noise levels and lower night time ambient noise levels consistent with residential use of the area, recognising that some parts of the Residential Zone are subject to higher levels of noise generated by transportation activities.</p>

Submitter	Plan Provision / Submission	Recommendation
		<p>Explanation: <i>The residential areas of the city have the lowest tolerance to noise of any of the city environments. "Peace and tranquillity" are important dimensions to residential amenity for most people. Excess noise, especially if it occurs repeatedly, can engender a reaction of increased intolerance. Noise is the most common issue in neighbourhood disputes in which the Council has to become involved.</i></p> <p><i>Residential "peace and tranquillity" is affected by major transportation infrastructure, in particular the State Highways, the railway and the airport. However, it is important that the functioning of this essential infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this.</i></p> <p>Include a new Policy</p> <p><u><i>"To recognise that some parts of the Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities."</i></u></p> <p><u>Explanation: <i>Residential "peace and tranquillity" can be affected by major transportation infrastructure, in particular the State Highways, the railway and the airport. However, it is important that the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources."</i></u></p>

Submitter	Plan Provision / Submission	Recommendation
RURAL 1 ZONE		
53.65 NZ Transport Agency	Support 2.40.3 Policy 8 Noise RELIEF SOUGHT: Retain Policy 8 as proposed.	Accept in part Recommended changes in response to submission 103.61 below will strengthen the policies by recognising reverse sensitivity issues.
90.18 H W Richardson Group Ltd	Support 2.40.3 Policy 8 Noise. The submitter considers it appropriate to recognise that some parts of the rural zone are subject to higher levels of noise and should not be compromised by reverse sensitivity issues. RELIEF SOUGHT: Retain Policy 8	Accept in part Recommended changes in response to submission 103.61 below will strengthen the policies by recognising reverse sensitivity issues.
94.5 Niagara Properties Ltd	Oppose 2.40.3 Policy 8 Noise. The policy does not recognise that parts of the rural area are adjacent to industrial activities. The submitter objects to the use of the term “peace and tranquillity” in the explanation as the zone is a working environment and subject to noise associated with rural activities along with other permitted activities such as industry in adjoining zones RELIEF SOUGHT: Amend wording to recognise noise levels in parts of the Rural Zone are influenced by existing industrial activities and adjoining industrial zones. FS3.6 Quenton Stephens Oppose Submission 94.5 The further submitter considers that the policy should recognise the “peace and tranquillity” that rural zones can have. RELIEF SOUGHT: Retain Policy 8 as notified	Reject The Rural Zone should not be subjected to industrial scale noise. The noise generated from other zones should meet the rural noise limits at the zone boundary and the notional boundary. 2.40.3 Policy 8 acknowledges that the Rural zone is a working environment, by recognising the noise created by agricultural activities. The policies seek to address future management of the zones and to set out the direction for management of the zones going forward. If an activity is operating outside the existing use rights and the Proposed District Plan provisions, it is not appropriate to provide for them in the provisions of the Plan

Submitter	Plan Provision / Submission	Recommendation
	<p>FS9.5 Ballance Agri-Nutrients Ltd Support submission 94.5 The further submitter notes that it has a service centre within an Industrial Zone adjoining the Rural 1 Zone. The further submitter is concerned that the policy does not acknowledge the need for the ongoing functioning of adjoining industrial areas to be protected from reverse sensitivity</p>	
<p>103.61 Invercargill Airport Ltd</p>	<p>Oppose 2.40.3 Policy 8 Noise in part.</p> <p>The submitter believes that there should be provisions relating specifically to the management of noise sensitive activities affected by the airport noise contours</p> <p>RELIEF SOUGHT: Insert additional policies for areas affected by the airport noise contours that:</p> <ol style="list-style-type: none"> a. set out to prohibit noise sensitive activities; and b. to require existing buildings containing noise sensitive activities in these areas to be appropriately designed to mitigate the effects of aircraft noise. 	<p>Accept in part</p> <p>2.40.3 Policy 8 refers to the higher levels of noise generated by transportation activities in parts of the Rural 1 Zone. This, along with the District Wide Transportation policies, addresses reverse sensitivity effects associated with transportation activities. However, the policy could be further strengthened.</p> <p>RECOMMENDATION:</p> <p>Amend 2.40.3 Policy 8 as follows:</p> <p>“Noise: To maintain low daytime ambient noise levels and lower night time ambient noise levels whilst allowing agricultural activities, and to recognise recognising that some parts of the zone are subject to higher levels of noise generated by transportation activities and farm activities.</p> <p>Explanation: <i>Low ambient noise levels, particularly at night, are an important dimension to the amenity of the Rural 1 Zone. However, it is important to recognise that the Rural 1 Zone is a working environment and rural activities such as agriculture, horticulture and forestry need to be provided for to ensure they are not compromised by reverse sensitivity issues involving noise.</i></p> <p>The “peace and tranquillity” of the Rural 1 Zone is also affected by major transportation infrastructure, in particular the State Highways, the railway and the airport. However, it is important that the functioning of this essential infrastructure is not compromised by reverse sensitivity issues involving noise.</p>

Submitter	Plan Provision / Submission	Recommendation
		<p>AND</p> <p>Include a new Policy</p> <p><u>"To recognise that some parts of the Rural 1 Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.</u></p> <p><u>Explanation:</u> <u>"Peace and tranquillity" can be affected by major transportation infrastructure, in particular the railways, state highways and the airport. However, it is important that the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources."</u></p>
RURAL 2 ZONE		
<p>90.22 H W Richardson Group Ltd</p>	<p>Support Policy 7 – Noise</p> <p>The submitter considers it appropriate to recognise that some parts of the rural zone are subject to higher levels of noise and should not be compromised by reverse sensitivity issues</p> <p>RELIEF SOUGHT: Retain Policy 7</p>	<p>Accept in part</p> <p>In order to be consistent with the policies in the Rural 1 zone, it is considered appropriate to amend the policies as they relate to transportation noise.</p> <p>RECOMMENDATION: Amend 3.39.3 Policy 7 as follows:</p> <p>Policy 7 Noise: To maintain low daytime ambient noise levels and lower night time ambient noise levels whilst allowing agricultural activities, and recognising to <u>recognise</u> that some parts of the zone are subject to higher levels of noise generated by transportation activities and farm activities.</p> <p>Explanation: <i>Low ambient noise levels, particularly at night, are an important dimension to the amenity of the Rural 2 Zone. However, it is important to recognise that the Rural 2 Zone is a</i></p>

Submitter	Plan Provision / Submission	Recommendation
		<p>working environment and rural activities such as agriculture, horticulture and forestry need to be provided for to ensure they are not compromised by reverse sensitivity issues involving noise.</p> <p>The “peace and tranquillity” of the Rural 2 Zone is also affected by major transportation infrastructure, in particular the State Highways and the railway. However, it is important that the functioning of this essential infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this.</p> <p>AND</p> <p>Include a new Policy</p> <p><u>“To recognise that some parts of the Rural 1 Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.”</u></p> <p><u>Explanation:</u> <u>“Peace and tranquillity” can be affected by major transportation infrastructure, in particular the railways, state highways and the airport. However, it is important that the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources.”</u></p>

Submitter	Plan Provision / Submission	Recommendation
SECTION 3.13 RULES		
<p>79.33 KiwiRail Holdings Ltd</p>	<p>The submitter suggests a new rule and assessment criteria on vibration.</p> <p>The submitter considers that vibration should be addressed in the Plan, in particular the potential for reverse sensitivity issues on the operation of the rail network arising from vibration. The submitter suggests a standard that they believe should be applied to noise sensitive activities within 60m of the railway designation boundary.</p> <p>RELIEF SOUGHT: Add a further rule to Section 3.13 to address "Ground-borne Noise" or vibration (as detailed in submission) AND Add new assessment criteria for vibration in order to consider the size, nature and location of the building, any special topographical, building features or ground conditions which may mitigate vibration effects and any characteristics of the proposed use that make compliance with the standard unnecessary.</p> <p>FS30.18 Southern District Health Board Support submission 79.33 The further submitter considers that the relief sought provides rules to allowing objective assessment of vibration</p> <p>FS34.7 ICC - Environmental Health and Compliance Services Support submission 79.33 The further submitter considers that vibration should be addressed in the Plan and there should be a distance restriction for noise sensitive activities</p>	<p>Accept in part</p> <p>The concept of rail vibration criteria is accepted. However, it is recommended that the relief sought by the submitter be amended.</p> <p>See section 5 of this report for further discussion.</p> <p>Given the advice received from Marshall Day Acoustics and the relatively small number of train movements on the rail lines through the Invercargill City District, it is considered that a rule addressing reverse sensitivity effects of vibration be included in the Proposed District Plan, but that rule should be scaled back from the relief sought by the submitter. It is recommended that the rule be scaled back from the relief sought to apply only to new multi-storey residential developments exceeding two storeys, or additions to existing multi-storey residential developments in excess of 25m², which should be required to meet the vibration standards, up to 40m from the rail line.</p> <p>Informing property owners, and/or prospective property owners of the existence of nearby rail lines and the potential for rail noise and vibration through the LIM or PIM process may be an additional useful non-regulatory method of addressing potential reverse sensitivity effects, particularly for single occupancy dwellings.</p> <p>RECOMMENDATION:</p> <p>A new rule be included as follows:</p> <p><u>"3.13.# Vibration in Rail Network Corridor</u></p> <p><u>Any new building exceeding two storeys, or additions in excess of 25m² to an existing building exceeding two storeys, used for a noise sensitive activity that is within 40 metres of the closest</u></p>

Submitter	Plan Provision / Submission	Recommendation				
		<p>railway track shall be designed constructed to ensure that the following levels of vibration from trains shall not be exceeded based on the procedures set out in the Norwegian Standard NZ 8176E: 2nd edition September 2005 <u>Vibration and Shock Measurement of Vibration in Buildings from Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.</u></p> <table border="1" data-bbox="1375 427 2040 587"> <thead> <tr> <th data-bbox="1375 427 1767 555"><u>Receiving Environment (New relocated or altered)</u></th> <th data-bbox="1767 427 2040 555"><u>Class C criterion: Maximum Weighted Velocity, Vw,95</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="1375 555 1767 587">Noise Sensitive activities</td> <td data-bbox="1767 555 2040 587">0.3mm/s</td> </tr> </tbody> </table> <p>Compliance with this rule shall be demonstrated by providing the Council and KiwiRail Holdings Limited with a design report a design certificate prepared by an experienced and qualified acoustic/vibration specialist”</p> <p>AND</p> <p>Amend 3.13.14(B) by including the following matters of consideration:</p> <p>“(i) For consents under Rule 3.13.#,</p> <ul style="list-style-type: none"> (i) <u>any special topographical, building features or ground conditions which will mitigate vibration effects</u> (ii) <u>The size, nature, and location for the building on the site”</u> <p>AND</p> <p>Amend 2.17.4 Transportation Methods of Implementation by adding the following:</p> <p>“Method 12 <u>Share information with land owners and occupiers on the effects of existing transportation networks, such as noise and vibration.</u>”</p>	<u>Receiving Environment (New relocated or altered)</u>	<u>Class C criterion: Maximum Weighted Velocity, Vw,95</u>	Noise Sensitive activities	0.3mm/s
<u>Receiving Environment (New relocated or altered)</u>	<u>Class C criterion: Maximum Weighted Velocity, Vw,95</u>					
Noise Sensitive activities	0.3mm/s					

Submitter	Plan Provision / Submission	Recommendation
105.7 ICC Environmental Health and Compliance Services	<p>The submitter supports the use of NZS6801:2008 and NZS 6802:2008 as basis for measurement and assessment</p> <p>RELIEF SOUGHT: Retain reference to NZS6801:2008 and NZS 6802:2008</p>	<p>Accept</p> <p>These are the most important and up-to-date New Zealand Standards dealing with environmental noise. They are used consistently through the country in other District Plans and are used as best practice for enforcement of Plan provisions.</p>
117.25 Southern District Health Board	<p>The submitter supports the use of NZS6801:2008 and NZS 6802:2008 as basis for measurement and assessment except where otherwise stated.</p> <p>The submitter considers that the heading should be amended to clarify the scope of the provision.</p> <p>RELIEF SOUGHT: Allow provision subject to amendments: Add to heading after word "measurement" the words "and assessment."</p> <p>FS34.6 ICC - Environmental Health and Compliance Services Support submission 117.25</p> <p>The further submitter also supports the use of NZS6801:2008 and NZS6802:2008 as a basis for measurement and assessment of environmental noise.</p> <p>The further submitter also considers that the noise provisions in the Proposed Plan should be designed to avoid, mitigate and reduce adverse effects of noise on environmental health and to promote the health of the people and communities in the District.</p>	<p>Accept</p> <p>The suggested amendment makes sense and more accurately clarifies the scope of the provision.</p> <p>RECOMMENDATION:</p> <p>Amend the heading of 3.13.1 as follows: "Noise measurement <u>and assessment</u>:..."</p>
28.7 Harvey Norman Properties (NZ) Ltd and Harvey Norman Stores (NZ) Pty Ltd	<p>Support 3.13.2</p> <p>The submitter considers this provision allows for an increased noise level to reflect the type of activities anticipated in the proposed Business 3 Zone.</p>	<p>Accept</p> <p>Subject to amendments made in response to other submissions</p>

Submitter	Plan Provision / Submission	Recommendation
<p>59.3 Quenton Stephens</p>	<p>Oppose 3.13.2 in part</p> <p>The submitter opposes some of the changes to noise limits for the Rural 1 and Industrial 3 zones and is concerned that the proposed changes to noise limits for the Industrial and Rural zones will legitimise the emissions of noise that are already having a detrimental effect on the amenity of neighbours. The submitter is unsure why the changes appear to be creating a more permissive level of noise where the Rural 1 Zone meets the Industrial 3 Zone when there is a history of noise issues in Kennington.</p> <p>The submitter opposes the introduction of a range of noise limits (LAeq and LAmax) for daytime and night time which appears to provide more scope for increased noise effects from industrial land uses at Kennington.</p> <p>RELIEF SOUGHT:</p> <ol style="list-style-type: none"> 1. The noise provisions in the Plan need to effectively address the potential for conflict between rural residential and industrial land uses at Kennington. Introduce noise limits into the Plan that will avoid, remedy or mitigate the emission of noise from industrial activities in the Industrial 3 Zone. 2. Retain Rule 3.13.2(1) as proposed. 3. Retain lower noise LAmax limit of the existing District Plan (70dB LAmax) for the Rural 1 Zone in Rule 3.13.2 instead of 80dB LAmax 4. Retain the 50dB LAeq noise limit for daytime noise in the Rural 1 Zone as proposed. 5. Change the LAmax of 80dB for the Rural 1 Zone in the daytime and retain a LAmax of 65dB for both daytime and night time. 6. If the existing 65dB for both daytime and night time is not retained and the limits stay as amended, retain the night time limits of 40dB LAeq and 65dB LAmax for the Rural Zone 7. Retain existing Plan approach whereby the noise limits of the adjoining zone apply for the Industrial zones when measured at or beyond the Zone boundary. 8. Retain the existing maximum noise limit that applies to industrial activity in Kennington of 70dBA Lmax for the Industrial 3 Zone where it adjoins another zone. 	<p>Accept in part</p> <p>The noise limits apply within the different zones. However, as stated within 3.13.2(A)(1), at the boundary of the zones, measurement of the noise emissions will be based on the zoning of the site affected by the noise, not the site emitting the noise. Therefore, any noise created within the Industrial 3 Zone needs to meet the Rural 1 Zone levels at the Zone boundary.</p> <p>The provisions are consistent with levels stipulated and enforced elsewhere in NZ and provide protection for activities both within the Industrial 3 and the Rural zones.</p> <p>The notional boundary requirements to some degree offer some protection for noise sensitive activities in the areas around the Industrial 3 Zone, with an allowance of up to 65dB up to the notional boundary during the day in the Rural zones, which is consistent with the daytime noise limits for the Industrial 3 zone. The notional boundary limits set lower levels of noise than the remainder of the Rural 1 Zone to offer increased protection for those living there than had previously been provided for in the Operative District Plan (50dB as opposed to 55dB).</p> <p>The LAmax limits in the Operative District Plan only applied to night-time. If this level was to be applied to day-time as well, this would be significantly more stringent than any other daytime rules in New Zealand. The 70 LAmax is to be retained for the Rural Zones at night-time, as per the Operative District Plan.</p> <p>The policies accept noise generated in rural areas by agricultural activities. The exemptions also allow for operation equipment, mobile during its normal use and which is associated with primary production. The noise standards recognise that there are people living in these environments and that a balance between the working and living environment should be made. The proposed noise provisions are consistent with these policies.</p> <p>It is considered that the proposed rule will not affect the airport as</p>

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	<p>FS2.38 NZAS Ltd Oppose in part submission 59.3 Although no noise limit is applied in the Smelter Zone, the further submitters operations need to meet the noise levels of the adjoining zones. The further submitter therefore supports the higher noise limits currently included in the Proposed Plan for the Rural 1 Zone</p> <p>RELIEF SOUGHT: Retain the noise limits set in rule 3.13.2 as notified</p> <p>FS4.31 Federated Farmers Oppose submission 59.3 The further submitter considers that it is inconsistent and inappropriate to require farming to operate at lower noise levels than other businesses and industries. The further submitter believes that noise is a necessary by-product of agricultural activities</p> <p>FS5.26 Invercargill Airport Ltd Oppose in part submission 59.3 The further submitter considers that any amendments to the noise standards should not adversely impact on the operational requirements of the airport and should be consistent with the relevant standards for the OCB ANB and SESEB</p> <p>FS14.2 Shanan De Garnham Support submission 59.3 The further submitter considers that there has been noise pollution due to the expansion of the Niagara Sawmill for 10 years. The further submitter considers that in supporting the submission the Council would be made aware that the issue needs to be dealt with within the RMA. The further submitter also considers that any change to increase noise limits on Industrial 3 Zone, where it adjoins another zone will exacerbate the continued noise that those on Kennington Road are dealing with.</p> <p>FS19.1 Michael and Michelle Grantham Support submission 59.3</p>	<p>noise from aircraft operations is not covered in this rule.</p> <p>It is recommended that the daytime L_{Amax} limits be retained. In most situations the L_{eq} is sufficient in but the added control of the L_{Amax} is considered useful in some situations.</p> <p>RECOMMENDATION: Retain 3.13.2(1) as notified subject to recommendations on other submissions.</p>

Submitter	Plan Provision / Submission	Recommendation
	<p>FS30.20 Southern District Health Board <i>Oppose in part submission 59.3</i> The further submitter opposes the relief sought in Bullet Point 5 which seeks to change the the L_{Amax}. The further submitter considers that part seeking daytime L_{max} noise limits is opposed as unjustified in s.32 analysis, unnecessary for reasonable protection of peoples' health, contrary to assessment standard NZS6802:2008 cited in the plan and likely to prevent realisation of zone objectives.</p> <p>RELIEF SOUGHT:</p> <p>Reject in part relief sought in bullet point 5.</p> <p>FS30.21 Southern District Health Board <i>Support in part submission 59.3</i> The further submitter supports relief sought in bullet point 6.</p> <p>The further submitter considers existing noise limits necessary to afford protection to residents. A new performance standard will mean there are two noise limits making enforcement more difficult or impossible, and decrease protection to residents.</p> <p>RELIEF SOUGHT: Accept relief sought in bullet point 6.</p> <p>FS30.22 Southern District Health Board <i>Support in part submission 59.3</i> The further submitter supports relief sought in bullet point 8.</p> <p>The further submitter considers existing noise limits are necessary to afford protection to residents. A new performance standard will mean there are two noise limits making enforcement more difficult or impossible, and decrease protection to resident.</p> <p>RELIEF SOUGHT: Accept relief sought in bullet point 8.</p>	

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	<p>FS34.8 ICC - Environmental Health and Compliance Services Support in part submission 59.3 The further submitter supports that the noise provisions in the Plan need to address potential and existing conflicts between rural residential and industrial land uses, such as the current situation in Kennington.</p> <p>The further submitter suggests that new industrial subdivision or noise generating activities:</p> <ul style="list-style-type: none"> • An appropriate buffer zone is determined to protect the existing nearby residential properties • Buffer zone to protect future residential subdivisions near any Industrial zones <p>FS49.2 Niagara Properties Ltd Oppose submission 59.3 The further submitter considers that the rules are in line with industrial noise limits in other District Plans and that noise within the Industrial 3 zone should not be required to comply with the noise limits of any other zone, other than at the notional boundary of any noise sensitive activity within the other zone.</p> <p>RELIEF SOUGHT: Retain noise limits as set out in Rule 3.13.2(A)</p> <p>Remove the requirement of Rule 3.13.2 that noise from any site within the Industrial 3 Zone must comply with the relevant limits of all surrounding sites</p>	
71.54 NZAS Ltd	<p>Oppose 3.13.2 in part.</p> <p>The submitter considers that noise generated within the Smelter Zone should only be required to comply with the noise limits of the Rural Zone at the notional boundary of any residence located outside the Smelter Zone.</p> <p>The submitter also notes some confusion in the use of the term “site” and “sites” within the rule, but understands that it is intended that the zone standards of the surrounding sites apply</p>	<p>Accept in part</p> <p>In the Operative District Plan, the Smelter was able to generate any amount of noise, up to the notional boundary of any residence.</p> <p>The proposed rules, as notified, require activities within the Smelter Zone to comply with the noise limits at the Zone boundary, as well as the notional boundary requirements for the Rural Zone. There is no notional boundary requirement for residential zones.</p>

Submitter	Plan Provision / Submission	Recommendation
	<p>RELIEF SOUGHT: That the "no limit" reference be retained in relation to noise in the Smelter Zone. AND Amend 3.13.2(1) as follows: "(1) For clarity, noise from any site <u>(except for any site located within the Smelter Zone)</u> shall comply with the relevant <u>zone</u> limits for all surrounding sites. Hence, at the boundaries of zones, measurements of noise emissions will be based on the zoning of the site affected by the noise, not of the site generating the noise. <u>(1A) Noise generated by any activity within the Smelter Zone is not required to comply with the relevant limits of any other zone except at the notional boundary of any residence within the other zone.</u>"</p> <p>FS30.23 Southern District Health Board Support in part submission 71.54 The further submitter considers the submission in part clarifies the scope of the rule but that alternative wording in relation to the notional boundary is preferred per Southern District Health Board's submission</p>	<p>It is accepted that there are merits with the Operative District Plan approach as it relates to the Smelter Zone, given the separation distances between the zone and any residential property. Noise generated on the Smelter Zone should meet the noise limits for the Zones in the Bluff township. However, it is appropriate that the noise limits be allowed to exceed the Rural Zone levels up to the notional boundary.</p> <p>RECOMMENDATION: Amend 3.13.2 by adding the following: <u>"(2) Noise generated in the Smelter Zone need not comply with the Rural 1 Zone boundary noise limits set out in 3.13.2(A) above on any property within the Rural 1 Zone, but shall comply with the notional boundary limits."</u></p>
<p>75.19 McDonalds Restaurants (NZ) Ltd</p>	<p>The submitter supports the noise limits as being generally consistent with similar zones throughout the country</p> <p>RELIEF SOUGHT: Retain the noise limits</p>	<p>Accept</p>
<p>94.3 Niagara Properties Ltd</p>	<p>The submitter opposes the provisions as they relate to the notional boundary of any noise sensitive activity within a zone.</p> <p>The submitter considers that the noise limits on the rural land adjoining the Industrial 3 zone should be the same as those for the Industrial 3 area.</p> <p>RELIEF SOUGHT: Amend 3.13.2 (A) to remove limits on noise "when measured at the notional boundary of any noise sensitive activity within a zone".</p> <p>FS2.39 NZAS Ltd Oppose submission 94.3 The submitter supports the measurement of noise at the notional boundary.</p>	<p>Reject</p> <p>Residential activity is permitted within the rural zones and the provisions should provide some protection to these activities by allowing lower noise levels at the notional boundary. The notional boundary provision seeks to aid the noise generator, in that there is a degree of lenience for noise emissions up to the notional boundary.</p> <p>RECOMMENDATION Retain the notional boundary provisions as they relate to the Rural 1 Zone, subject to recommended amendments in response to submission 71.54 above..</p>

Submitter	Plan Provision / Submission	Recommendation
	<p>Removing the notional boundary requirement would result in the further submitter having to meet the lower Rural 1 noise limit at the Zone boundary. This would not be a sensible option and could result in the smelter operations being curtailed when an adverse effect was not actually occurring (as no one would hear the noise being generated)</p> <p>RELIEF SOUGHT: Retain Rule 3.13.2(A) as notified</p> <p>FS3.2 Quenton Stephens <i>Oppose submission 94.3</i> The further submitter considers that rural areas should have a lower noise limit than industrial areas</p> <p>FS15.3 Shanan De Garnham <i>Oppose submission 94.3</i></p> <p>FS16.3 Dean Evans <i>Oppose submission 94.3</i></p> <p>FS18.3 Michael and Michelle Grantham <i>Oppose submission 94.3</i></p> <p>FS36.4 Jeanette Bullock <i>Oppose submission 94.3</i></p> <p>FS41.3 William Fraser <i>Oppose submission 94.3</i></p>	
<p>94.3 Niagara Properties Ltd</p>	<p>Support 3.13.2 (A) Table.</p> <p>The submitter supports the change to the daytime L_{Amax} for the Industrial 3 zone, and the night-time noise limit for the Rural 1 Zone</p> <p>RELIEF SOUGHT: Retain:</p> <ol style="list-style-type: none"> a. the night-time noise limit for the Rural 1 Zone b. the daytime L_{Amax} for the Industrial 3 zone 	<p>Accept</p> <p>The provisions will allow for an increase in the level of noise permitted within the Rural 1 Zone at night. However, this higher level only applies at the zone boundary. The noise sensitive activities carried out within the Rural 1 Zone will be protected through the notional boundary standards which are lower.</p>

Submitter	Plan Provision / Submission	Recommendation
	<p>FS3.3 Quenton Stephens <i>Oppose submission 94.3</i> The further submitter is concerned that the submission may result in the ability to increase noise levels adjacent to industrial areas</p> <p>FS15.4 Shanan De Garnham <i>Oppose submission 94.3</i></p> <p>FS16.4 Dean Evans <i>Oppose submission 94.3</i></p> <p>FS18.4 Michael and Michelle Grantham <i>Oppose submission 94.3</i></p> <p>FS30.24 Southern District Health Board <i>Oppose in part submission 94.3</i> The further submitter considers that limits on noise are essential and at any point within notional boundary is appropriate and sustainable assessment location in rural area.</p> <p>FS30.25 Southern District Health Board <i>Support in part submission 94.3</i> The further submitter supports bullet point (b) of the relief sought.</p> <p>The further submitter considers daytime L_{AFmax} limits are unnecessary, unjustified and contrary to the assessment standard cited for assessment</p> <p>FS36.2 Jeanette Bullock <i>Oppose submission 94.3</i> The further submitter considers the Council has an obligation to protect the health and wellbeing of its residents.</p> <p>FS41.4 William Fraser <i>Oppose submission 94.3</i></p>	<p>As discussed in response to submission 59.3 above, the L_{Amax} limits in the Operative District Plan only applied to night-time. If this level was to be applied to day-time as well, this would be significantly more stringent than any other daytime rules in New Zealand. The addition of a daytime L_{Amax} is not increasing an existing level, but adding a new provision.</p> <p>Whilst there is no requirement in the New Zealand standards to include a day-time L_{Amax}, as stated in response to submission 59.3, it is considered that these levels will be useful on occasion.</p> <p>RECOMMENDATION: Retain:</p> <ol style="list-style-type: none"> a. the night-time noise limit for the Rural 1 Zone b. the daytime L_{Amax} for the Industrial 3 zone

Submitter	Plan Provision / Submission	Recommendation
<p>117.26 Southern District Health Board</p>	<p>Support 3.13.2 (A) Table in part.</p> <p>The submitter supports the proposal with amendments to ensure terminology in the heading is consistent with the terminology used in the measurement and assessment standards cited and with words in (A)</p> <p>RELIEF SOUGHT: Allow provision subject to amendments: Replace heading “noise levels from” with “Noise limits for”</p>	<p>Reject</p> <p>The proposed heading is identical to the heading used in the Operative District Plan. It is not considered that there is any need to amend the title.</p> <p>RECOMMENDATION: Retain the heading of 3.13.2 as notified</p>
<p>117.27 Southern District Health Board</p>	<p>Support 3.13.2 (A) Table in part.</p> <p>The submitter supports the proposal with amendments.</p> <ul style="list-style-type: none"> – The submitter supports the time frames for day and night. – The submitter suggests amendments to the descriptors to ensure they are consistent with the measurement and assessment standards cited. – The submitter supports L_{AFmax} limits at less stringent Zones with amenity values tolerating less stringent noise limits, particularly at night-time to avoid sleep disturbance in more sensitive Zones. However, the submitter raises concerns that the proposed reduction in night-time noise limits in some of the Zones will lead to confusion, particularly for enforcement of existing activities compared to new activities. The submitter also believes these proposed night-time noise limits are contrary to the objectives and policies within the Business 1 Zone which seek to “reinvigorate” the Invercargill CBD. <p>RELIEF SOUGHT: Allow the provision in part and amend as follows</p> <ol style="list-style-type: none"> a. Replace both instances of “L_{Aeq}” as column headings with “$L_{Aeq(15min)}$” b. Replace both instances of “L_{Amax}” as column headings with “L_{AFmax}” c. Reconsider changes to Operative Plan L_{AFmax} noise limits during night time <p>FS3.5 Quenton Stephens Support submission 117.27 The further submitter supports the concept and need for appropriate limits for industrial activities located adjacent rural and residential areas, particularly at night-time to avoid sleep disturbance in more sensitive zones</p>	<p>Accept in part</p> <p>The review of the Operative District Plan resulted in the creation of a number of new Zones and some changes in the types of activities permitted in these areas. These changes meant that in a number of cases there was a need to address the noise limits considered acceptable. For example, the night-time noise limits have been reduced in the Business 1 Zone in a bid to encourage mixed use of the area, including the potential for residential activities. This is specifically spelt out within 2.22.3 Policy 5. To give effect to these policies, there was a need to address the night-time noise levels.</p> <p>The noise limits have been reduced in the Industrial 1 (Light) Zone in recognition that the areas within this Zone are located close to residential areas, where there is an expectation of lower levels of noise at night.</p> <p>It is acknowledged that there will be difficulties where existing use rights allow for greater levels of noise, however, this is always the case for any change in zoning in relation to a number of provisions. This is not justification in itself to revert back to the standard in the Operative District Plan.</p> <p>It is not considered necessary to amend the acoustic terminology on the grounds of simplicity. In relation to the request for the addition of a “15min” notation to the term L_{Aeq}, the New Zealand Standard NZS6802 makes it clear that the standardised</p>

Submitter	Plan Provision / Submission	Recommendation
		<p>measurement time is 15 minutes and all assessments stem from this. Therefore, L_{Aeq} alone is adequate. Where the measurement time is to be different from 15 minutes, then should be expressly stated, as has been done in relation to transportation noise. The standards also allow L_{Amax} as an acceptable alternative to L_{AFmax}.</p> <p>RECOMMENDATION: Retain the timeframes and descriptors as notified, subject to recommendations made in response to other submissions.</p> <p>AND Retain the night-time L_{Amax} levels as notified.</p>
<p>117.28 Southern District Health Board</p>	<p>Oppose 3.13.2 (A) Table in part The submitter opposes certain provisions and believes they should be disallowed except to the extent an amendment may rectify the defect.</p> <p>A. Opposes measurement location expressed as “at or within” being an expression subject of adverse comment in the Environment Court and implying two measurement locations.</p> <p>B. Opposes row 11 heading phrase “measured at the notional boundary.” The word “at” implies close proximity to a lot boundary that may be impractical to access for numerous reasons e.g. ditches, hedges.</p> <p>C. Opposes row 13 heading phrase “measured at any site” The word “at” implies close proximity to a lot boundary that may be impractical to access for same reasons in paragraph B.</p> <p>D. Opposes in second to last row phrase “at or within” for same reasons in paragraph A.</p> <p>E. Opposes in last row phrase “at the notional boundary” for same reasons in paragraph B and should apply to a noise sensitive activity not just a dwelling.</p> <p>F. Opposes the addition of a daytime L_{AFmax} limit in all zones as an unprecedented provision that lacks justification, will complicate enforcement of noise control and is unnecessary for the reasonable protection of public health or the amenity values of any zone during the daytime.</p> <p>G. Opposes row 6 (Business 1-5 Zone) night-time noise limits being made more stringent than the operative District Plan because the submitter believes that this lacks justification, will complicate enforcement of</p>	<p>Accept in part</p> <p>It is agreed that changes to wording within the table at 3.13.2 will clarify the intent of the rules and address the potential difficulty that can arise in measuring precisely “at” a boundary.</p> <p>The night-time noise limits in the Business 1-5 zones are considered appropriate as notified. Where residential and noise sensitive activities are provided for in the Business Zones, it is necessary to ensure that the night-time noise levels are appropriate. To be vibrant a business area does not necessarily have to be noisy. The approach in the Proposed District Plan, and the City Centre Action Plan, includes encouraging mixed uses into the City Centre, including residential and visitor accommodation. The proposed noise rules better provide for the desired mix of uses in these areas.</p> <p>[See over for recommendation]</p>

Submitter	Plan Provision / Submission	Recommendation															
	<p>noise control and is unnecessary for the reasonable protection of public health or the amenity values of these Business zones. The submitter states that having regard to the effect of 3.13.2 (A) sub-clause (1) (under the table) to apply the more stringent noise limit for an adjoining site zoning, the proposed night time $L_{Aeq(15min)}$ noise limit will frustrate the proposed Objectives and Policies for all the Business Zones .particularly Business 1 CBD Zone Policy 5.</p> <p>RELIEF SOUGHT:</p> <p>Allow the provision in part and amend as follows</p> <ol style="list-style-type: none"> Replace third row instance of “at or within” with the words, “at any point within” Replace in Row 11 heading “measured at” with “measured at any point within” Replace in Row 13 heading “measured at” with “measured at any point” Replace in the second to last row the phrase “at or within the boundary of any site” with the words, “On any site.” Replace in the last row the phrase “at the notional boundary” with “At any point within the notional boundary of any noise sensitive activity.” Reconsider changes to Operative Plan $L_{Aeq(15min)}$ night time noise limits. 	<p>RECOMMENDATION:</p> <table border="1" data-bbox="1301 280 2047 719"> <thead> <tr> <th data-bbox="1301 280 1469 344">Table Row</th> <th data-bbox="1469 280 1771 344">Existing wording</th> <th data-bbox="1771 280 2047 344">Recommended wording</th> </tr> </thead> <tbody> <tr> <td data-bbox="1301 344 1469 440">3</td> <td data-bbox="1469 344 1771 440">“.. at or within the boundary...”</td> <td data-bbox="1771 344 2047 440">“... at any point within the boundary...”</td> </tr> <tr> <td data-bbox="1301 440 1469 568">11</td> <td data-bbox="1469 440 1771 568">“... measured at the notional boundary...”</td> <td data-bbox="1771 440 2047 568">“... measured at any point within the notional boundary...”</td> </tr> <tr> <td data-bbox="1301 568 1469 632">13</td> <td data-bbox="1469 568 1771 632">“...measured at any site...”</td> <td data-bbox="1771 568 2047 632">“...measured at any point...”</td> </tr> <tr> <td data-bbox="1301 632 1469 719">14</td> <td data-bbox="1469 632 1771 719">“...at or within the boundary of any site...”</td> <td data-bbox="1771 632 2047 719">“... on any site..”</td> </tr> </tbody> </table>	Table Row	Existing wording	Recommended wording	3	“.. at or within the boundary...”	“... at any point within the boundary...”	11	“... measured at the notional boundary...”	“... measured at any point within the notional boundary...”	13	“...measured at any site...”	“...measured at any point...”	14	“...at or within the boundary of any site...”	“... on any site..”
Table Row	Existing wording	Recommended wording															
3	“.. at or within the boundary...”	“... at any point within the boundary...”															
11	“... measured at the notional boundary...”	“... measured at any point within the notional boundary...”															
13	“...measured at any site...”	“...measured at any point...”															
14	“...at or within the boundary of any site...”	“... on any site..”															
<p>117.29 Southern District Health Board</p>	<p>The submitter supports 3.13.2 (A) Noise Levels from Activities sub-clauses (1)-(5) in part.</p> <ol style="list-style-type: none"> Opposes words used in 3.13.2 (A) sub-clause (1). The submitter believes the words “For clarity,” implies something needs to be made clear but there is nothing in the table above the sub-clause to imply the intent of the sub-clause. The submitter believes this is poor drafting given the attitude of the Courts to “notes” after tables and rules. The intent is in fact a critical component of noise rules replacing a section with plain meaning found in the Operative Plan rules (4.34.3). The submitter believes the provision’s intent needs re-drafting to avoid uncertainty of application Opposes sub-clause (2) on the grounds that the submitter believes it contradicts section 6.1 of NZS 6802:2008 and may not be an 	<p>Accept in part</p> <p>It is important for the provisions in the plan to be concise and user-friendly. 3.13.2(1) is intended to read a part of the rule itself, rather than as a note. Reformatting of the provisions in response to submissions addressed in the Section 42A Report 14 – General Issues – Formatting should aid in clarifying which parts of the provisions are notes and which are parts of the Rules. However, removing the term “for clarity” will aid in making it even clearer that this clause is more than just a note. The amendment suggested by the submitter is not considered necessary.</p> <p>It is not considered necessary to delete sub-clause 2. This sub-clause is important as it provides for situations where sites are</p>															

Submitter	Plan Provision / Submission	Recommendation
	<p>appropriate location for measurement of noise because of other technical reasons explained in the standard. The submitter states that the use of the term "façade" is problematic due to connotations of frontage. Further, the submitter states that the effect of the clause will in some circumstances compel a measurement to be made in a completely irrelevant location when an appropriate location may in fact exist.</p> <p>C. Supports sub-clauses (3) and (4) except for word "intended for outdoor living" in (3) which are problematic due to the uncertainties of "intent" and possible exclusion of "Juliet balconies" from the scope of the sub-clause.</p> <p>D. The submitter believes that the words in (5) "fence or other noise control structure" are problematic as it implies all fences have a noise control function which many do not to any extent whatsoever. The sub-clause adds nothing to the rule which is not already expressed addressed in NZS 6801:2008 and NZS6802:2008 when making an assessment, without the uncertainty of the poor drafting in the proposed sub-clause</p> <p>RELIEF SOUGHT: Allow the provision in part and amend as follows:</p> <ol style="list-style-type: none"> a. Insert in sub-clause (1) before the words "for clarity..." a new sentence, "Sound received on any site must comply with the noise limit in the above table for the Zoning of that site." and consequentially renumber others. b. Delete sub-clause (2) c. In (3) delete "intended for outdoor living." d. Delete sub-clause (5) <p>FS2.40 NZAS Ltd <i>Oppose in part submission 117.29</i> The further submitter believes that the noise generated within the Smelter Zone should only be required to comply with the noise limits of the surrounding zones at the notional boundary. Therefore the further submitter does not oppose the relief sought by submission 117.29(a)</p>	<p>developed right up to the boundary.</p> <p>It is recommended that sub-clause 3 be retained as notified. The term "intended for outdoor living" is not sufficiently problematic that it should be deleted. It is meant to include "Juliet Balconies", where people cannot access the outside area. These architectural features do not protrude out from the building to enable people to exit the indoors.</p> <p>Sub-clause 5 has been drafted in recognition that different fences or noise control structures will have varying noise reduction abilities. The sub-clause simply directs the "effects of such feature" is taken into account.</p> <p>RECOMMENDATION: Delete the words "For clarity" from 3.13.2(1)</p>

Submitter	Plan Provision / Submission	Recommendation
	<p>RELIEF SOUGHT: Rule 3.13.2 be amended as sought in submission 71.54 i.e. that noise generated within the Smelter Zone not be required to comply with the relevant limits of other Zones, except at the notional boundary of any residence within the other zones</p>	
<p>65.96 ICC Environmental and Planning Services</p>	<p>Support 3.13.3(B)(a) in part.</p> <p>The submitter considers that the activity status for shooting ranges should be made clearer to ensure that comprehensive assessment of noise effects is undertaken on a case-by-case basis, given the absence of a relevant NZ Standard for assessing shooting noise</p> <p>RELIEF SOUGHT: Review the definition of commercial recreation activities and ensure the status of those activities reflects this concern OR Include shooting ranges in the activity status lists for each zone OR Include restrictions on shooting ranges in the noise rule</p> <p>FS30.7 Southern District Health Board Support submission 65.96 The further submitter considers the suggested relief is consistent with assessment standards cited for noise and case-by-case assessment has always proved necessary for shooting ranges</p>	<p>Accept</p> <p>The noise rule specifically excludes shooting ranges from the noise levels. However, there are no other provisions within the Proposed District Plan that relate to shooting ranges and as such the status of these activities is unclear. I agree that the activity status for "shooting ranges" needs to be clarified within the Proposed District Plan.</p> <p>Shooting ranges could fall within the definition of recreational activity or commercial recreational activity. The activity status of these general types of activities should be set out within the different Zone provisions. The noise effects created by shooting ranges should however, be assessed on a case-by-case basis regardless of its commercial or public nature. There are some Zones where these activities are permitted and in these cases, shooting ranges would not be able to be considered.</p> <p>Restrictions on shooting ranges through the District Wide Noise rule would support the Zone provisions and ensure that the effects of these types of activities are considered in all Zones.</p> <p>RECOMMENDATION: including the following provision:</p> <p><u>3.13.7 Shooting ranges</u> <u>Shooting ranges, including but not restricted to those involving the use of rifles, shotguns and handguns, shall be a discretionary activity.</u></p> <p>And subsequent renumbering.</p>

Submitter	Plan Provision / Submission	Recommendation
53.72 NZ Transport Agency	Support 3.13.3(B)(b) RELIEF SOUGHT: Retain Rule 3.13.3(B)(b) as proposed	Accept
88.85 Federated Farmers	Support 3.13.3 in part. The submitter considers an extra category should be included to account for the noise generated by livestock within the rural zones, particularly around weaning time and other seasonal activities. RELIEF SOUGHT: Adopt the rule but include an additional exemption clause as follows: (B) Within the Rural 1 and 2 zones, the keeping of livestock as part of normal farming activities is exempt from the noise limits detailed in Rule 3.13.2 above.	Accept It is agreed that noise from livestock kept as part of agricultural activities should be exempt from the noise limits. Agriculture is permitted in a number of Zones, alongside the Rural 1 and Rural 2 Zones. This exemption should also apply to these zones. It is important that this exemption be limited to the noise created by the livestock itself, so as to avoid the potential for other stationary farm equipment to fall within this exemption. There is also no definition of what “normal farming activities” means and this term may be contentious. It is considered better practice to refer to agriculture which is defined in the Proposed District Plan. RECOMMENDATION: Insert the following into 3.13.3 <u>“(B) Within the Airport Protection, Industrial 3, Industrial 4, Otatara, Residential 3, Rural 1 and 2 zones, noise from livestock kept as part of agriculture is exempt from the noise limits detailed in Rule 3.13.2 above.”</u>
117.30 Southern District Health Board	Support 3.13.3 in part A. The exemption for trains and warning devices is unnecessary for land designated for rail purposes. The submitter believes that trains on private sidings should not be exempted from general rules. B. The submitter believes there should be additional activities added to the list of exemptions: i. Warning devices used by emergency services	Accept in part The exemption for trains is unnecessary for designated land, however, trains on private sidings should not be exempted, because this would allow a new siding to be established close to existing residential areas with no assessment of noise effects. Rewording the exemption to clarify this is considered appropriate. The exemption from all noise limits for sound from warning devices used by emergency services is stated in Rule 3.13.11(B). This could be further highlighted by including it in this sub-clause and cross-referencing to the rule. However, it should be noted

Submitter	Plan Provision / Submission	Recommendation
	<p>ii. In residential areas, activities of a normal domestic nature including recreational activities, such as sporting events, that do not involve powered motorsport, powered aviation, gunfire or amplified music.</p> <p>iii. Where any residential activity exists on the same site as a noise source being assessed</p> <p>RELIEF SOUGHT: Allow the provision in part and amend as follows:</p> <p>a. Delete sub-clause (B) (c)</p> <p>b. Add to sub-clause (B) the following "In any Residential Zone to activities of a normal domestic nature including recreational activities, such as sporting events, that do not involve powered motorsport, powered aviation, gunfire or amplified music."</p>	<p>that alarms can be a nuisance and objectionable where they continue for prolonged periods and a best practice, common sense use of these alarms should be used. (Refer to recommendation in response to submission 101.9 below, for recommendations on 3.13.11(B))</p> <p>While "normal residential" activities are at times exempted from general noise rules around the country, I do not recommend adopting such an approach. Activities, such as night-time workshop activity and/or heat pump units, could result in adverse noise effects and should therefore comply with noise rules. Without this exemption the Council will have the ability to use the rules to aid the mitigation or control of noise, if/when noise issues arise.</p> <p>I do not agree that there should be an exemption from noise limits where any residential activity exists on the same site as a noise source being assessed. Just because someone lives on the site, does not mean that activities on the site should be able to emit noise that exceeds the limits and causes issues for other people in the community.</p> <p>RECOMMENDATION: Amend 3.13.3(B) as follows:</p> <p>(B) The noise limits detailed in Rule 3.13.2 above do not apply to noise from the following sources:</p> <p>(a) Shooting ranges</p> <p>(b) Vehicles on a public road.</p> <p>(c) <u>Trains on land designated for railway purposes (including at railway yards, railway sidings or stations) and level crossing warning devices.</u></p> <p>(d) <u>Warning devices used by emergency services, as set out in Rule 3.13.14</u></p>

Submitter	Plan Provision / Submission	Recommendation
		<p>(d)(e) Any noise source specifically listed in Rules 3.13.4 – 3.13.16 below, below as being assessed in accordance with another New Zealand Standard.</p>
<p>65.97 ICC Environmental and Planning Services</p>	<p>Support 3.13.4 in part.</p> <p>The submitter considers that the wording of this provision is misleading and inaccurate in that construction noise standard is more than a set of noise limits to be complied with.</p> <p>RELIEF SOUGHT: Amend 3.13.4 by replacing the wording "...is to comply with..." with "... <u>shall be measured and assessed in accordance with...</u>"</p> <p>FS30.8 Southern District Health Board Support in part submission 65.97 The further submitter supports the submission to the extent similar to its submission 117.31</p>	<p>Accept in part</p> <p>The construction standard is more than a set of noise limits. It includes assessment criteria and suggested alternatives. 3.13.4 and the alternative suggested by the submitter do not constitute a measureable standard against which compliance can be assessed or complied with.</p> <p>NZS 6803:1999 <i>Acoustics Construction Noise</i> includes noise levels and times certain activities can be undertaken. Generally the standard provides for work starting between 7am and 7.30am Monday to Saturday and finishing at 6pm subject to noise levels in living zones.</p> <p>It is recommended that the long duration noise standards provided for within the New Zealand Standard be included as the limit for construction. Assessment matters include consideration of relevant New Zealand and or International Standards, which will enable developers to consider alternatives provided for within NZS6803:1999.</p> <p>It is also recommended that 3.13.3(B)(d) should be amended as a consequence.</p> <p>RECOMMENDATION: It is recommended that Rule 3.13.4 be amended as follows:</p> <p>"Construction noise is to comply with NZS 6803:1999 <i>Acoustics Construction Noise</i> <u>the following noise limits:</u></p>

Submitter	Plan Provision / Submission	Recommendation						
		<table border="1" data-bbox="1294 252 2076 379"> <thead> <tr> <th data-bbox="1294 252 1686 284">Days and Times</th> <th data-bbox="1686 252 2076 284">Noise Limit</th> </tr> </thead> <tbody> <tr> <td data-bbox="1294 284 1686 347">Monday to Saturday 0730 – 1800</td> <td data-bbox="1686 284 2076 347">70dB L_{Aeq} and 85 L_{Amax}</td> </tr> <tr> <td data-bbox="1294 347 1686 379">All other times</td> <td data-bbox="1686 347 2076 379">45dB L_{Aeq} and 75 dB L_{Amax}</td> </tr> </tbody> </table> <p data-bbox="1294 379 2076 411">“</p> <p data-bbox="1294 411 2076 443">AND</p> <p data-bbox="1294 475 2076 507">Rule 3.13.3(B)(d) be amended as follows:</p> <p data-bbox="1294 507 2076 603">“(d) Any noise source specifically listed in <u>Rules 3.13.4 – 3.13.15 below</u>, below as being assessed in accordance with another New Zealand Standard”</p>	Days and Times	Noise Limit	Monday to Saturday 0730 – 1800	70dB L _{Aeq} and 85 L _{Amax}	All other times	45dB L _{Aeq} and 75 dB L _{Amax}
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Monday to Saturday 0730 – 1800	70dB L _{Aeq} and 85 L _{Amax}							
All other times	45dB L _{Aeq} and 75 dB L _{Amax}							
<p data-bbox="125 628 338 692">71.55 NZAS Ltd</p>	<p data-bbox="338 628 1279 660">Support 3.13.4 in part</p> <p data-bbox="338 692 1279 756">The submitter considers a minor amendment is required to make it clear that construction noise complying with the standard is permitted</p> <p data-bbox="338 788 1279 906">RELIEF SOUGHT: Amend 3.13.4 as follows: “Construction noise <u>that complies</u> is to comply with NZS 6803:1999 Acoustics Construction Noise <u>is a permitted activity.</u>”</p>	<p data-bbox="1279 628 2092 660">Reject</p> <p data-bbox="1279 692 2092 820">Rule 3.13.14(A) (as notified) states that where an activity does not meet the relevant noise standards set out in the noise rule then the activity is a discretionary activity. The statement sought by the submitter is therefore not required.</p>						
<p data-bbox="125 906 338 1034">117.31 Southern District Health Board</p>	<p data-bbox="338 906 1279 938">Support 3.13.4</p> <p data-bbox="338 938 1279 1002">The submitter supports this provision as the appropriate standard for construction noise assessment</p> <p data-bbox="338 1034 1279 1098">RELIEF SOUGHT: Allow the provision</p>	<p data-bbox="1279 906 2092 938">Accept in part</p> <p data-bbox="1279 970 2092 1034">See recommendations in response to submissions 65.97 and 71.55 above</p>						
<p data-bbox="125 1098 338 1225">117.32 Southern District Health Board</p>	<p data-bbox="338 1098 1279 1129">Support 3.13.5 in part</p> <p data-bbox="338 1161 1279 1225">The submitter notes that the title to the standard for the assessment of helicopter landing area noise needs amended</p> <p data-bbox="338 1257 1279 1353">RELIEF SOUGHT: Supports but with amendment: Replace “Pads” with “Areas”</p>	<p data-bbox="1279 1098 2092 1129">Accept</p> <p data-bbox="1279 1161 2092 1225">It is acknowledged that there was an error in the name of the New Zealand Standard which should be corrected.</p> <p data-bbox="1279 1257 2092 1289">RECOMMENDATION:</p> <p data-bbox="1279 1321 2092 1353">Amend 3.13.5 as follows:</p>						

Submitter	Plan Provision / Submission	Recommendation																								
		'Noise from any helicopter landing pad is to comply with NZS6807:1994 <i>Noise Management and Land Use Planning for Helicopter Landing Pads Areas</i> .'																								
88.86 Federated Farmers	Support 3.13.6	Accept RECOMMENDATION: Retain 3.13.6 as notified																								
117.33 Southern District Health Board	Support 3.13.6 The submitter supports this provision as the appropriate standard for the assessment of wind farm noise	Accept RECOMMENDATION: Retain 3.13.6 as notified																								
65.98 ICC Environmental and Planning Services	Support 3.13.7 Business 1 Zone – Entertainment Precinct in part. The submitter considers that this rule needs to clearly specify what the external noise source is, in order for an applicant to design to achieve a specified internal noise level. RELIEF SOUGHT: Add the following to the end of the 3.13.7(A)(a): “...based on an incident external noise level as follows:” with the following table added: <table border="1" data-bbox="353 991 1205 1241"> <thead> <tr> <th></th> <th colspan="7">Octave Band Centre Frequency (Hz)</th> </tr> <tr> <th></th> <th>63</th> <th>125</th> <th>250</th> <th>500</th> <th>1000</th> <th>2000</th> <th>4000</th> </tr> </thead> <tbody> <tr> <td>Design sound pressure level incident on building façade (dB re 2 x 10⁻⁵ Pa</td> <td>62</td> <td>56</td> <td>52</td> <td>56</td> <td>57</td> <td>53</td> <td>45</td> </tr> </tbody> </table>		Octave Band Centre Frequency (Hz)								63	125	250	500	1000	2000	4000	Design sound pressure level incident on building façade (dB re 2 x 10 ⁻⁵ Pa	62	56	52	56	57	53	45	Accept in part The submission proposes to add a design external noise level to provide clarification to the rule requiring compliance with an internal noise level in Rule 3.13.7. The proposed spectrum does not adequately consider amplified music in the entertainment precinct. It is recommended that the approach be amended. The alternative amendment suggested by the Southern District Health Board is simpler, but is less flexible. RECOMMENDATION: Add the following to the end of the 3.13.7(A)(a): “...based on an incident external noise level as follows:”
	Octave Band Centre Frequency (Hz)																									
	63	125	250	500	1000	2000	4000																			
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	<p>FS30.9 Southern District Health Board Support in part submission 65.98 The further submitter considers that the submitter is partly correct but that an alternative approach may be better using D2m, Nt+Ctr and ISO 717-1:2013</p>	<table border="1"> <thead> <tr> <th></th> <th colspan="7">Octave Band Centre Frequency (Hz)</th> </tr> <tr> <th></th> <th>63</th> <th>125</th> <th>250</th> <th>500</th> <th>1000</th> <th>2000</th> <th>4000</th> </tr> </thead> <tbody> <tr> <td><u>Design incident sound pressure level incident on at building façade (dB re 2 x 10⁻⁵ Pa</u></td> <td><u>71</u></td> <td><u>61</u></td> <td><u>54</u></td> <td><u>48</u></td> <td><u>45</u></td> <td><u>44</u></td> <td><u>44</u></td> </tr> </tbody> </table>		Octave Band Centre Frequency (Hz)								63	125	250	500	1000	2000	4000	<u>Design incident sound pressure level incident on at building façade (dB re 2 x 10⁻⁵ Pa</u>	<u>71</u>	<u>61</u>	<u>54</u>	<u>48</u>	<u>45</u>	<u>44</u>	<u>44</u>
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<p>75.20 McDonalds Restaurants (NZ) Ltd</p>	<p>Support 3.13.7 in part</p> <p>The submitter considers that the reverse sensitivity issues that may arise in the Entertainment Precinct may also arise where residential activities are established elsewhere and that it is appropriate to extend this rule to apply all noise sensitive activities within all the Business Zones</p> <p>RELIEF SOUGHT: Amend 3.13.7 as follows: “Noise sensitive activities in Business 1-5 zones Business 1 Zone – Entertainment Precinct (A) All new noise sensitive activities and additions to existing noise sensitive activities within the Business 1 Zone – Entertainment Precinct <u>Business 1 – 5 zones</u> shall:...”</p>	<p>Reject</p> <p>The intention is that in the Entertainment Precinct the owner of properties used for noise sensitive activities is responsible for the insulation to reduce noise effects, rather than solely requiring the building owners and tenants to control the noise escaping the premises. This requires joint responsibility for both the noise generator and noise receiver.</p> <p>This provision seeks to encourage vibrancy within the City Centre by encouraging activities that generate greater levels of noise throughout the day and night to co-locate within a particular area.</p> <p>Should this provision apply to all Business Zones, as sought by the submitter, it would create a barrier to mixed use development and discourage residential activity from locating within these Zones.</p> <p>RECOMMENDATION:</p> <p>Retain the reference to the Business 1 Zone Entertainment Precinct within Rule 3.13.7</p>																								
<p>117.34 Southern District Health Board</p>	<p>Support 3.13.7</p> <p>The submitter believes that the provisions address potential reverse sensitivity problems and to enable Objectives and Policies for Zone to be</p>	<p>Accept</p> <p>See recommendations in response to submission 65.98 above</p>																								

Submitter	Plan Provision / Submission	Recommendation
<p>118.2 Bruce Maher</p>	<p>complemented by necessary rules for internal design levels.</p> <p>Comment on 3.13.7</p> <p>The submitter would like the Council to address the level of noise tolerance within the entertainment precinct</p> <p>RELIEF SOUGHT: Not specified</p>	<p>Noted</p> <p>The purpose of the provision is to enable noise generating activities, compatible with the city centre, to be carried out, particularly in the evening and night-time.</p> <p>It is my understanding that the submitter is concerned about the implications of these provisions on visitor accommodation activities set up within the Entertainment Precinct. These concerns are discussed in greater detail in response to submission 118.1 in the table below (under the Heading of Entertainment Precinct)</p>
<p>24.63 South Port NZ Ltd</p>	<p>Support 3.13.8.</p> <p>The submitter considers the noise limit proposed to be consistent with best practice management of Port noise and should be retained.</p> <p>RELIEF SOUGHT: Retain 3.13.8 as notified</p>	<p>Accept in part</p> <p>See submission 117.35 below for recommended minor amendment to this provision.</p>
<p>117.35 Southern District Health Board</p>	<p>Support 3.13.8 in part</p> <p>The submitter supports the provision subject to a minor amendment. The submitter states that the provisions referred to are appropriate for the special needs of a port and are consistent with settlements of appeals.</p> <p>RELIEF SOUGHT: Support subject to a minor amendment:</p> <p>Delete the colon between the words "Noise" and "Management" in the title of the NZS 6809:1999</p>	<p>Accept</p> <p>It is acknowledged that there was an error in the reference to the New Zealand Standard that should be corrected.</p> <p>RECOMMENDATION:</p> <p>Amend 3.13.8(B)(b)(2) as follows:</p> <p>"(2) Sound will be measured and assessed in accordance with the provisions of NZS6809:1999 Acoustics – Port Noise: Management and Land Use Planning."</p>
<p>53.73 NZ Transport Agency</p>	<p>Support 3.13.9 Activities Near Transport Corridors.</p> <p>RELIEF SOUGHT:</p>	<p>Accept</p> <p>The provisions seek to ensure that reverse sensitivity issues are</p>

Submitter	Plan Provision / Submission	Recommendation
	Retain Rule 3.13.9 as proposed.	<p>addressed to protect strategic infrastructure from incompatible developments located in close proximity to transportation corridors. This rule gives effect to a number of policies, including those within the Transportation section of the Proposed District Plan.</p> <p>It is recommended that this provision be retained subject to recommendations in response to submissions 79.32, 90.24 and 117.36 in the table below.</p>
<p>79.32 KiwiRail Holdings Ltd</p>	<p>Oppose 3.13.9 Activities Near Transport Corridors.</p> <p>The submitter seeks the insertion of the acoustic performance standard into all zones in the Plan or in a location in the Plan which will apply district-wide</p> <p>The submitter considers that noise sensitive activities raise similar reverse sensitivity issues regardless of where they are located and that a performance standard addressing these adverse effects should be a district-wide rule.</p> <p>The submitter suggests a standard that encourages the internalisation of effects to achieve a reasonable level of internal acoustic amenity through building and section layout and design.</p> <p>RELIEF SOUGHT:</p> <p>Delete Rule 3.13.9 as it applies to the railway corridor and replace with a new rule (detailed in submission) AND Add new assessment criteria for noise sensitive activities in all zones to consider the degree of noise attenuation proposed and the effects of reverse sensitivity on the operation of the rail network.</p> <p>FS30.17 Southern District Health Board Support in part submission 79.32 The further submitter considers that the relief sought seeks to ensure reverse sensitivity issues addressed to protect strategic infrastructure from incompatible developments in close proximity which are sensitive to noise</p>	<p>Reject in part</p> <p>This submission is discussed in more detail in Section 5 of this report and in the Marshall Day Acoustics letter appended to this report. It is recommended that the detailed provision sought by the submitter be rejected for a number of reasons.</p> <p>There are a number of points in the provision that are not clear and the proposal is very complex. The provision sought would add significant compliance costs for little benefit.</p> <p>This is a district wide rule. The noise provisions apply district wide and it is not considered necessary to repeat this provision for each of the different Zones. It would apply for all noise sensitive activities within a defined distance from the state highways and railways.</p> <p>There are some aspects from the submission that could be incorporated within the proposed rule, with amendments. Change to require teaching spaces to meet the same internal noise levels as other habitable spaces would recognize that these types of activities are considered noise sensitive</p> <p>The low frequency of railway traffic is such that it is difficult to justify the need to impose stringent requirements on noise sensitive activities up to 100m away from the railway lines.</p>

Submitter	Plan Provision / Submission	Recommendation
	<p>and vibration from transportation corridors, by imposition of rules which will afford reasonable protection for noise sensitive activities while allowing operation of transportation network, add appropriate assessment criteria.</p> <p>The further submitter notes however that classification of what is noise sensitive may need amendment so is partly supported.</p>	<p>I believe that the proposed standard recognises that there are methods, other than just insulation, that may be used to mitigate the noise reaching the internal areas. If the site is developed with appropriate fencing, or is designed to be orientated away from the noise then the internal noise levels may be reduced without the need for additional acoustic insulation.</p> <p>Appendix VI of the Proposed District Plan includes detailed ventilation requirements for the Outer Control Boundary and the Single Event Sound Exposure Boundary. These standards are very similar to those sought to be included in the noise provisions by the submitter. However, the same will be achieved with a simple statement that the internal noise levels should be achieved with any building code ventilation requirements.</p> <p>The submission has also highlighted the need for a calculation method within the existing rules.</p> <p>RECOMMENDATION</p> <p>Amend 3.13.9 as follows:</p> <p>Activities Near Transport Corridors: Any noise sensitive activity located within:</p> <p>(A) Forty metres of the closest railway track.</p> <p>(B) Eighty metres of the seal edge of a State Highway and arterial road where the speed limit is more than 70 kph.</p> <p>Is to be designed, sited and constructed to ensure that the following internal noise <u>design</u> levels are not exceeded:</p> <p>(a) 35 dB $L_{Aeq(1\ hour)}$ (one hour) inside bedrooms or 40 dB $L_{Aeq(1\ hour)}$ (one hour) inside <u>teaching spaces and other habitable spaces.</u></p> <p>(b) <u>Compliance with this rule must be achieved concurrently</u></p>

Submitter	Plan Provision / Submission	Recommendation
		<p>(c) <u>with any building code ventilation requirements. For the purposes of compliance with these limits, road traffic noise shall be calculated using a recognised prediction model and based on existing traffic flow data plus 3 dB to allow for future growth. Train noise shall be deemed to be 70 dB $L_{Aeq(1\ hour)}$ at 12 metres from the closest rail track. This level shall be deemed to vary at a rate of 3 dB per doubling of distance up to 30 metres and 6 dB per doubling beyond 30 metres.</u></p> <p><u>Note: Compliance with Rule 3.13.9 shall be demonstrated by providing the Council with a design report and a design certificate prepared by an experienced and qualified acoustic specialist and an experienced and qualified mechanical engineer with respect to the ventilation system”</u></p>
<p>90.24 H W Richardson Group Ltd</p>	<p>Support 3.13.9 Activities Near Transport Corridors.</p> <p>The submitter considers that noise sensitive activities that locate near transport corridors should be designed, sited and constructed to prevent issues of reverse sensitivity arising</p> <p>RELIEF SOUGHT: Retain Rule 3.13.9</p> <p>FS28.17 NZ Transport Agency Support submission 90.24 The further submitter agrees that noise sensitive activities locating in close proximity to transport corridors should be designed, sited and constructed to prevent potential reverse sensitivity issues.</p>	<p>Accept</p> <p>See recommendation in response to submission 79.32 above</p>

Submitter	Plan Provision / Submission	Recommendation
<p>117.36 Southern District Health Board</p>	<p>Support 3.13.9 in part.</p> <p>The submitter believes that provisions fail to include orientation and possible use of barriers against sound propagation which are likely to be more cost-effective than acoustical treatment of the building envelope. Further, the submitter states that the words “internal noise levels” are imprecise when the intention is to set indoor design levels without complementary verification methods.</p> <p>Sub-clause (a) requires qualification to require its performance standard is met with doors and windows required for ventilation shut, as is provided in Appendix VI – Noise Sensitive Insulation Requirements.</p> <p>RELIEF SOUGHT: Support subject to amendment:</p> <ul style="list-style-type: none"> a. In (B) replace “ noise levels” with “design levels” b. In (B) after the word “exceeded” add “having regard to any noise barriers:” c. Add a new sub-clause “(b) Where (a) applies, if design sound levels must be met with doors and windows required for ventilation closed, ventilation in bedrooms and other habitable areas shall comply with Appendix VI table 2 and its accompanying clauses as if the site was within the Outer Control Boundary (OCB) and Single Event Sound Exposure Boundary (SESEB) as shown on the District Planning maps.” <p>FS28.18 NZ Transport Agency Oppose in part submission 117.36</p> <p>The further submitter considers that the submitter's suggested amendment (b) is not necessary. They comment that there is a number of noise mitigation tools available to developers and that it does not matter what mitigation measures are used. What is important is for buildings to achieve the required internal noise environment, as is specified by Rule 3.13.9.</p> <p>RELIEF SOUGHT: Disallow amendment (b).</p>	<p>Accept in part</p> <p>See response to submission 79.32 in relation to additional clause on ventilation requirements.</p> <p>The noise levels specific in this rule will only be used during the design of a new project. As there is no requirement for post-construction measurements, it is appropriate to replace the term “noise levels” with “design levels”.</p> <p>The wording suggested to be added to 3.13.9 “having regard to any noise barriers” is not necessary. The rule allows for any method of noise control to be used, including noise barriers.</p> <p>RECOMMENDATION:</p> <p>Amend 3.13.9 as set out in response to submission 79.32 above.</p>

Submitter	Plan Provision / Submission	Recommendation
<p>26.3 NZ Defence Force</p>	<p>Oppose 3.13.10 in part</p> <p>The submitter wishes to ensure that the noise standards included in the Proposed District Plan are up-to-date, appropriate for the type of noise generated and relatively simple to understand and assess compliance with. In doing so the submitter has developed revised noise control standards to control noise effects from Temporary Military Training Activities that it is seeking to have included in District Plans nationwide. The replacement noise standards proposed by the submitter are attached to the submission and focus on compliance at dwellings, residentially zoned sites and buildings used for residential, education or healthcare purposes.</p> <p>RELIEF SOUGHT: That the noise standards attached to this submission be included for Temporary Military Training Activities in all zones.</p> <p>FS30.26 Southern District Health Board Support submission 26.3</p> <p>The further submitter considers that the new rules are consistent with approach nationwide and necessary for nationally important activities while affording reasonable protection to the health and amenity of people and communities in the vicinity of such temporary activities.</p>	<p>Reject</p> <p>It is considered necessary to include provisions that control the potentially adverse effects arising from Temporary Military Training Activities, in particular those noise created by firing of weapons and the use of equipment. The provisions need to balance this control while acknowledging the role of these types of activities.</p> <p>It is important that the noise standards are relatively simple and the notified rule is considered to be more user friendly than the relief sought by the submitter. Advice received also indicates a number of flaws in the relief sought by the submitter that will make enforcement of the provision difficult.</p> <p>RECOMMENDATION:</p> <p>Retain Rule 3.13.10 as notified, subject to amendments recommended in response to submission 117.37 below</p>
<p>117.37 Southern District Health Board</p>	<p>Support 3.13.10 in part</p> <p>The submitter believes that the provisions need to be amended to ensure that they utilise the correct terminology to be consistent with the rest of the Plan and the measurement and assessment standards cited.</p> <p>The submitter states that description of the explosives noise metric frequency is inaccurate and contradictory stating that there is no frequency weighting</p> <p>RELIEF SOUGHT:</p> <p>Support subject to amendment:</p> <p>a. In (B) Replace “noise levels shall not exceed” with “sound levels within any other Zone or at any point within the notional boundary of</p>	<p>Accept in part</p> <p>See recommendations in response to submission 26.3 in the table above.</p> <p>It is acknowledged that the notified provision does not specify where the noise limits apply, and it is agreed that the noise levels should be measured at any point within the notional boundary of noise sensitive activities.</p> <p>To keep the noise provisions consistent and accurate, it is agreed that the reference to L10 and dBC(peak) be altered.</p>

Submitter	Plan Provision / Submission	Recommendation												
	<p>any noise sensitive activity on another site, shall not exceed”</p> <p>b. Replace L10 with “L_{Aeq(15min)}” in the table</p> <p>c. In the proviso under the table delete the phrase “non-frequency weighted”</p>	<p>RECOMMENDATION: Amend 3.13.10 as follows:“... (B) For the use of firearms or explosives, noise levels shall not exceed sound levels at any point within the notional boundary of any noise sensitive activity shall not exceed:</p> <table border="1" data-bbox="1361 427 2080 557"> <thead> <tr> <th>Time on any day</th> <th>L₁₀ L_{eq} dB</th> <th>L_{Amax} dB</th> </tr> </thead> <tbody> <tr> <td>0730 – 1800</td> <td>75</td> <td>90</td> </tr> <tr> <td>1800 – 2000</td> <td>70</td> <td>85</td> </tr> <tr> <td>2000 – 0730 the following day</td> <td>55</td> <td>75</td> </tr> </tbody> </table> <p>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)dB L_{Cpeak}.”</p>	Time on any day	L ₁₀ L _{eq} dB	L _{Amax} dB	0730 – 1800	75	90	1800 – 2000	70	85	2000 – 0730 the following day	55	75
Time on any day	L ₁₀ L _{eq} dB	L _{Amax} dB												
0730 – 1800	75	90												
1800 – 2000	70	85												
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<p>101.9 NZ Fire Service Commission</p>	<p>Oppose 3.13.11 in part</p> <p>The submitter believes that the exemption in (B) should be extended to include warning devices associated with emergency service training activities to allow for the drills and training activities it carries out on its sites</p> <p>RELIEF SOUGHT: Amend 3.13.11 to read: (B) Sound from warning devices used by emergency services are exempt from all noise limits, <u>this includes warning devices associated with emergency service training activities</u>”</p> <p>FS2.41 NZAS Ltd Support submission 101.9 The further submitter supports the amendment sought to exempt warning devices associated with emergency service training activities from the noise limits</p> <p>FS30.27 Southern District Health Board Support submission 101.9</p>	<p>Accept</p> <p>The suggested addition clarifies the scope of the exception.</p> <p>See also the recommendation in response to submission 117.30 above.</p> <p>RECOMMENDATION: Amend 3.13.11(B) as follows: (B) Sound from warning devices used by emergency services are exempt from all noise limits, <u>this includes warning devices associated with emergency service training activities</u>”</p>												

Submitter	Plan Provision / Submission	Recommendation
	The further submitter considers that an appropriate amendment enabling the safety of the community should be promoted	
103.63 Invercargill Airport Ltd	Support 3.13.11. The submitter considers it appropriate to permit aircraft operations for use during emergencies RELIEF SOUGHT: Retain 3.13.11 as notified	Accept in part It is considered that amendments made in response to submission 101.9 above will not affect the overall intention of the provision or the ability to utilise and land aircraft for emergencies. RECOMMENDATION: See recommendation in response to submission 101.9 above
117.38 Southern District Health Board	Support 3.13.11 The submitter supports the provisions as this is essential for the health and safety of people and communities and notes that emergency landing of aircraft are outside the scope of the RMA being within CAA jurisdiction RELIEF SOUGHT: Retain 3.13.11 as notified	Accept in part See recommendation in response to submission 101.9 above RECOMMENDATION: Retain 3.13.11(A) as notified Amend 3.13.11(B) as set out under submission 101.9 above
117.39 Southern District Health Board	Support 3.13.12 Temporary Activities/Events in part The submitter raises concern that the possibility of contiguous activity at one location over six days may not be sustainable if there are noise sensitive activities nearby, so intermittency on one site should be limited. The submitter notes that the intermittency frequency is a matter for local governance. RELIEF SOUGHT: Support subject to amendment similar to: Add to (C) "provided no single event shall exceed 3 days on the site and no further event shall occur on the same site within 3 weeks."	Accept The submitter's concerns are noted in terms of intermittency of events. However, I believe a three week set down between events may be too inhibitive. This may be an issue, for example, if there was a Summer market or series of events set up that wanted to operate for a small number of hours over a period of days, particularly if the events are only held once a week for 6 weeks for example. RECOMMENDATION: Amend 3.13.12(C) as follows: <u>"There are no more than six events (days) on the site in any one calendar year provided no single event shall exceed three consecutive days on the site."</u>

Submitter	Plan Provision / Submission	Recommendation
<p>65.99 ICC Environmental and Planning Services</p>	<p>Support 3.13.13 in part.</p> <p>The submitter considers that it needs to be clarified that this rule was drafted to apply to the Invercargill Airport, as it could unintentionally be applied to applications for other airfields, for example.</p> <p>RELIEF SOUGHT: Include a rule either before or after 3.13.5 "Noise from aircraft operations is to be measured and assessed in accordance with NZS6805:1992 Airport Noise Management and Land Use Planning"</p> <p>Amend Rule 3.13.13 to clarify the fact that the provisions apply only to operations that are the subject of designations by Invercargill Airport Limited.</p> <p>FS5.27 Invercargill Airport Ltd <i>Support submission 65.99</i> The further submitter agrees that clarity in this regard would be appropriate</p> <p>FS30.10 Southern District Health Board <i>Supports submission 65.99</i> The further submitter considers that the relief sought clarifies ambiguity of application and scope of the rule.</p>	<p>Accept</p> <p>It is considered that the relief sought better clarifies any ambiguity of application and scope of the proposed rule.</p> <p>However, it also should be noted that this provision does not just relate to the aircraft using the Invercargill Airport but also to development carried out within the Single Event Sound Exposure Boundary and the Outer Control Boundary. Changing the title would make it clearer to the Plan User what the provision covers.</p> <p>RECOMMENDATION:</p> <p>Include an additional provision either before or after 3.13.5 as follows:</p> <p><u>'Noise from aircraft operations is to be measured and assessed in accordance with NZS6805:1992 Airport Noise Management and Land Use Planning.'</u></p> <p>with subsequent renumbering</p> <p>Amend the title for 3.13.13 as follows:</p> <p><u>"Aircraft Invercargill Airport Operations"</u></p>
<p>103.64 Invercargill Airport Ltd</p>	<p>Oppose 3.13.13 in part.</p> <p>The submitter considers (B) to be superfluous as it repeats requirements inherent in the designation.</p> <p>The submitter does not consider the rules relating to noise sensitive activities are appropriate.</p> <p>RELIEF SOUGHT: Retain 3.13.13(A)</p>	<p>Reject in part</p> <p>This submission is discussed in more detail in Section 5 of this report.</p> <p>3.13.13(B) is a repetition of a condition on the Airnoise Boundary Designation. However, the provision requires the airport to comply with the noise contour. This rule confirms the noise levels in the designation, so that any activity that the airport may want to do outside the confines of the designation triggers a resource consent. Other parts of the rule require new noise sensitive activities to be treated to control aircraft noise. It is therefore</p>

Submitter	Plan Provision / Submission	Recommendation
	<p>Delete 3.13.13(B)</p> <p>Delete 3.13.13 (C) and replace with rules detailing different activity statuses and design requirements within the Outer Control Boundary and the Single Event Sound Exposure Boundary</p>	<p>appropriate to be consistent and require the airport to limit their noise emissions to comply with the same noise contours.</p> <p>The approach taken in the Proposed District Plan as notified involved the strengthening of the Objectives and Policies, and the imposition of non-complying activity status for un-insulated noise sensitive activities within the SESEB and OCB.</p> <p>It is acknowledged that there are weaknesses in the rule, however it is not considered that prohibited activity status is necessary. In the Business 3 and Industrial 1 Zones, activities that involve sleeping during the night-time are generally not anticipated. In the Industrial 1 Zone noise sensitive activities are non-complying and in the Business 3 Zone, the only permitted noise sensitive activities are child care activities and health care activities. The provisions of the Proposed District Plan acknowledge that moderate levels of noise will be anticipated during the day-time in these zones. Noise sensitive activities proposing to set up within these Zones will need to address reverse sensitivity effects, such as noise within any resource consent application, and to address the policies, and they would be undertaking any development in the knowledge that the noise limits within those Zones is 65dB during the day.</p> <p>There are a number of properties within the Rural 1 Zone that are also within the SESEB or OCB. Those that would be most affected by the provisions restricting noise sensitive activities are located at the Otatara end of the airport. These properties are around 4ha or less, with existing residential activities. Provisions prohibiting any noise sensitive activities, or extensions to existing noise sensitive activities would have significant impacts on these properties. Under the provisions as proposed, in the Rural 1 Zone, the subdivision of these properties would be non-complying as they would not meet the minimum lot size requirements.</p> <p>3.13.13(C)(a) is misleading. This provision allows activities that may not otherwise be permitted within the Zone and should be deleted. In the Industrial Zone, for example, noise sensitive</p>

Submitter	Plan Provision / Submission	Recommendation
		<p>activities in general are non-complying. The statement in this provision however deems them to be permitted if they are insulated.</p> <p>RECOMMENDATION:</p> <p>Amend 3.13.13 as follows:</p> <p>“(A) Noise from 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 Rule 3.13.2 above.</p> <p>(B) Notwithstanding Rule 3.13.2 above, the maximum levels of noise generated from aircraft operations are as follows:</p> <p>(1) Airnoise Boundary: 65L_{dn} dBA <u>65 dB L_{dn}</u> at or outside the Airnoise Boundary as detailed in the District Planning Maps. Noise will be measured in accordance with New Zealand Standard NZS6805:1992 <i>Airport Noise Management and Land Use Planning</i>.</p> <p>(C) Acoustic insulation – Within those areas identified on the District Planning Maps as being within the Single Event Sound Exposure Boundary and/or the Outer Control Boundary:</p> <p>(a) New Noise Sensitive Activities and/or alterations and additions to existing buildings containing Noise Sensitive Activity, which comply with the specification contained in Appendix VI Noise Sensitive Insulation Requirements, are a permitted activity.</p> <p><u>(a) New Noise Sensitive Activities and/or alterations and additions to existing buildings</u></p>

Submitter	Plan Provision / Submission	Recommendation
		<p><u>containing Noise Sensitive Activity in the Business 1, Business 3, Industrial 1 and Industrial 2 Zones are a non-complying activity</u></p> <p>(b) New Noise Sensitive Activities and/or alterations and additions to existing buildings containing Noise Sensitive Activity in the <u>Rural 1, Otatara and Residential 1 Zones</u>, which do not comply with the specifications contained in Appendix VI Noise Sensitive Insulation Requirements, are a non-complying activity.”</p>
<p>117.40 Southern District Health Board</p>	<p>Support 3.13.13</p> <p>The submitter supports the provision as they state it is consistent with designation conditions and necessary for sustainable management of a physical resource of the district and protection of people and communities from unreasonable noise</p> <p>RELIEF SOUGHT: Retain 3.13.13 as notified</p>	<p>Accept in part</p> <p>Recommended amendments to this provision in response to submission 103.64 and 65.99 retain the general purpose of the provisions and retain consistency with the designations.</p>
<p>117.41 Southern District Health Board</p>	<p>Support 3.13.14 in part</p> <p>The submitter supports the list of topics to be taken into account but suggests amendment of terminology to ensure consistency with standards cited.</p> <p>RELIEF SOUGHT:</p> <p>Support subject to amendments:</p> <ol style="list-style-type: none"> In (a), insert after “nature” the word “,timing” In (d), replace “ambient noise levels” with “ambient sound.” 	<p>Accept</p> <p>It is considered that the amendments sought by the submitter are appropriate.</p> <p>RECOMMENDATION: Amend 3.13.14 as follows:</p> <p>“3.13.14 (B) (a) the maximum level of noise likely to be generated, its nature, <u>timing</u>, character and frequency and the disturbance this may cause to people in the vicinity”</p> <p>“3.13.14 (B) (d) Existing ambient noise levels <u>sound</u>”</p>

Submitter	Plan Provision / Submission	Recommendation
53.74 NZ Transport Agency	Support 3.13.14(A). RELIEF SOUGHT: Retain Rule 3.13.14(A) as proposed.	Accept
53.75 NZ Transport Agency	Support 3.13.14(B) in part The submitter considers that it would be appropriate that the written approval of the NZTA as a requiring authority be included as a matter for the discretion of Council. RELIEF SOUGHT: Amend Rule 3.13.14 (B) by inserting an additional matter, as follows: (h) <i>Whether the written approval of the NZ Transport Agency has been obtained.</i>	Accept in part It is acknowledged that the matters for consideration are mainly focussed on the noise generating activity, and do not include consideration of the reverse sensitivity issues that are also addressed within the Noise Rule. Including matters of consideration similar to that sought by the submitter would ensure that these issues are considered through the consent process. The submission focusses on reverse sensitivity effects on the roading network, however the rules addresses reverse sensitivity effects in relation to the railway and the airport as well. Amending the provision to be more encompassing to acknowledge these other parties would ensure these parties are all included in the process. Whether the written approval has been received or not is a matter considered when determining notification rather than a matter for determination of consent. The wording of this type of provision should be focussed more on the results of consultation with these infrastructural providers. RECOMMENDATION: Include an additional clauses under 3.13.14(B) as follows: “(i) <u>The nature of the environment, including any existing noise generating activities that may give rise to reverse sensitivity effects and methods to</u> (i) <u>the degree of noise attenuation achieved by the noise sensitive activity</u> ”

Submitter	Plan Provision / Submission	Recommendation
		<p>(ii) <u>The effects of reverse sensitivity on the operation of the transportation network and the ability and suitability of mitigation measures to enable the continued and uninterrupted operation of the transportation network</u></p> <p>(iii) <u>The nature of the environment including the scale of noise generated by the transportation network</u></p> <p>(iv) <u>Evidence of consultation with operators of the transportation network”</u></p>

DEFINITIONS

<p>117.52 Southern District Health Board</p>	<p>Definitions to add: Acoustic terminology</p> <p>The submitter seeks the inclusion of new definitions relating to acoustic terminology. The submitter believes that this would allow the ordinary reader to understand the key terminology without reference to an external document.</p> <p>RELIEF SOUGHT: Add the following new definitions: Acoustic terms shall have the same meaning as in NZS 6801:2008 Acoustics – Measurement of environmental sound and NZS 6802:2008 Acoustics –Environmental noise. <u>Ldn: Means the day/night time average level, or night-weighted sound exposure level which is the A-frequency weighted time-average sound level, in decibels (dB), over a 24-hour period obtained after the addition of 10 decibels to the sound levels measured during the night (2200 to 0700 hours).</u> <u>LAeq(15 min):Means the A-frequency-weighted time-average sound level over 15 minutes, in decibels (dB).</u> <u>LAFmax: means the maximum A-frequency-weighted fast-time-weighted sound level, in decibels (dB), recorded in a given measuring period.</u> <u>Noise Limit: Means a LAeq(t) or LAFmax sound level in decibels that is not to be exceeded.”</u></p>	<p>Accept in part</p> <p>Acoustic terminology is inherently technical whilst the definitions suggested by the submitter are technically correct it is important that they can be understood by the lay person in order to aid in the technical interpretation of the noise provisions.</p> <p>It is not considered necessary to define the term “noise limit” or to state that all acoustic terms shall have the meaning given in NZS6801 and NZS6802.</p> <p>RECOMMENDATION: Include the following definitions:</p> <p><u>“LAeq: Means the equivalent continuous (time-averaged) A-weighted sound level. This is commonly referred to as the average noise level.</u> <u>LAmx: means the A-frequency-weighted maximum noise level. The highest noise level which occurs during a measurement period.</u> <u>Ldn: Means the day/night noise level, which is a 24 hour LAeq with a 10dB penalty applied to the night-time (2200 – 0700 hours)</u></p>
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Submitter	Plan Provision / Submission	Recommendation
<p>65.116 ICC Environmental and Planning Services</p>	<p>Oppose in part - Definition of "Airnoise Boundary" The submitter notes a drafting error, where the definition is inconsistent with terminology of the relevant NZS</p> <p>RELIEF SOUGHT:</p> <p>Amend reference from 65dB Ldn to 65 dB L_{Adn}</p> <p>FS30.11 Southern District Health Board Support submission in part The further submitter considers amendments are necessary for consistency with standards for measurement and assessment ie NZS6805 and NZS 6801 stated in the Proposed District Plan, however the submission includes an error where L_{dn} is proposed to be amended to L_{Adn} which is contrary to convention, international and New Zealand usage.</p>	<p>Reject</p> <p>See discussion under submission 65.95.</p> <p>L_{dn} is the correct terminology, not L_{Adn}.</p>
<p>15.39 Ballance Agri-Nutrients Ltd</p>	<p>Support in part definition of Noise Sensitive Activity</p> <p>The submitter supports the list of activities included within the definition and agrees that they are sensitive to noise emissions. The submitter also considers that 'recreational activities' as defined within the Proposed Invercargill City District Plan should be included within the definition due to the inherent sensitivity to noise that these activities have.</p> <p>The submitter considers it to be of vital importance that the listed activities be excluded from the Industrial Zones unless it can be demonstrated, through the resource consent process, that any reverse sensitivity effects associated with noise emissions can be fully mitigated</p> <p>RELIEF SOUGHT: That Section 3 – Definitions 'Noise Sensitive Activities' be amended and adopted as follows: 'Noise Sensitive Activities: Means buildings or parts of buildings <u>or land</u> used for or able to be used for the following purposes: (A) Residential Activity; (B) Visitor accommodation; (C) Residential care activity; (D) Education activity, except training related to airport and aircraft operations;</p>	<p>Reject</p> <p>Recreational activities are not all noise sensitive. The activities listed as noise sensitive tend to have a residential/sleeping component to them or are activities that require quiet. Not all recreational activities will fall within this category, such as rugby, jet boating, or motorbiking. Recreational activities are not sufficiently sensitive enough to be included within this definition.</p> <p>It should also be noted that s42A Report No 29 General Issues recommends that the term 'recreational activity' be removed from the District Plan on the grounds that these types of activities fall within other definitions.</p>

Submitter	Plan Provision / Submission	Recommendation
	(E) Hospital activity; (F) Healthcare activity; (G) Child Daycare activity; and (H) Marae Activity; and (I) Recreational Activity.	
79.37 KiwiRail Holdings Ltd	<p>Support definition of Noise Sensitive Activity</p> <p>The submitter considers the definition is comprehensive and addresses the full range of noise sensitive activities</p> <p>RELIEF SOUGHT: Retain definition</p> <p>FS30.19 Southern District Health Board Support in part submission 79.37 The further submitter supports an appropriate definition but considers it may need amendment</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>Retain definition of 'Noise Sensitive Activity' as notified</p>
103.74 Invercargill Airport Ltd	<p>Support definition of "Noise Sensitive Activity"</p> <p>The submitter considers the definition captures those activities sensitive to aircraft noise, and supports the exemption of training related to airport or aircraft operations</p> <p>RELIEF SOUGHT: Retain definition as notified</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>Retain definition of "Noise Sensitive Activity" as notified</p>
117.51 Southern District Health Board	<p>Support definition of "notional boundary" in part</p> <p>The submitter agrees with the intention of the definition however, believes it should be aligned with the definition for "noise sensitive activities" by replacing the reference to residence with "building used for a noise sensitive activity in any Residential 1A, or 3 or Rural Zone"</p> <p>RELIEF SOUGHT: Amend the definition of notional boundary as suggested: "Notional Boundary: Means a line 20 metres from the side of residence</p>	<p>Accept in part</p> <p>The definition could be improved by including reference to noise sensitive activities rather than just to residences. The wording within the Rule 3.13.2(A) itself refers to the measurement of the notional boundary in relation to noise sensitive activities. Amending the definition would avoid any confusion.</p> <p>I do not believe that there should be any reference to which Zones this term relates to within the Definitions. Where the notional</p>

Submitter	Plan Provision / Submission	Recommendation								
	<p>building used for a noise sensitive activity in any Residential 1A, or 3 or Rural Zone or the legal boundary where the boundary is closer to the building than 20 metres.”</p>	<p>boundary is relevant and is to be applied this will be determined within the Rule, rather than the definition.</p> <p>RECOMMENDATION:</p> <p>Amend definition of “Notional boundary” as follows: “Notional Boundary: Means a line 20 metres from the any side of residence building used for a noise sensitive activity or the legal boundary where the boundary is closer to the building than 20 metres.”</p>								
APPENDIX VI – NOISE SENSITIVE INSULATION REQUIREMENTS										
<p>103.73 Invercargill Airport Ltd</p>	<p>Support.</p> <p>The Airport considers the standards are consistent with current best practice.</p> <p>RELIEF SOUGHT: Retain Appendix VI as notified</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>Retain Appendix VI as notified, subject to minor amendments recommended in response to submission 117.50 below</p>								
<p>117.50 Southern District Health Board</p>	<p>The submitter supports Appendix VI subject to amendments.</p> <p>The submitter believes that provisions are practical and enabling noise sensitive activities indoors without reasonable noise while sustainably managing nearby airport physical resources of the District, however notes typographical errors.</p> <p>RELIEF SOUGHT:</p> <p>Support provisions, subject to amendments:</p> <ol style="list-style-type: none"> After heading “OCB” amend “40dB” to “40 dBA” After heading “SESEB” amend “65Db” to “65 dB” and amend “40Db” to “40 dBA” 	<p>Accept in part</p> <p>It is recommended that the terminology be amended to be consistent with terminology used elsewhere in the Proposed Plan.</p> <p>RECOMMENDATION:</p> <p>Amend the acoustic terminology used in Appendix VI as follows:</p> <table border="1" data-bbox="1290 1082 2069 1209"> <thead> <tr> <th data-bbox="1290 1082 1675 1114">Notified Terminology</th> <th data-bbox="1675 1082 2069 1114">Recommended Terminology</th> </tr> </thead> <tbody> <tr> <td data-bbox="1290 1114 1675 1145">40 dB L_{dn}</td> <td data-bbox="1675 1114 2069 1145">No change required</td> </tr> <tr> <td data-bbox="1290 1145 1675 1177">65 Db L_{AE}</td> <td data-bbox="1675 1145 2069 1177">65 dB L_{AE}</td> </tr> <tr> <td data-bbox="1290 1177 1675 1209">40Db L_{dn}</td> <td data-bbox="1675 1177 2069 1209">40 dB L_{dn}</td> </tr> </tbody> </table>	Notified Terminology	Recommended Terminology	40 dB L _{dn}	No change required	65 Db L _{AE}	65 dB L _{AE}	40Db L _{dn}	40 dB L _{dn}
Notified Terminology	Recommended Terminology									
40 dB L _{dn}	No change required									
65 Db L _{AE}	65 dB L _{AE}									
40Db L _{dn}	40 dB L _{dn}									

Submitter	Plan Provision / Submission	Recommendation
ENTERTAINMENT PRECINCT		
<p>118.1 Bruce Maher</p>	<p>Oppose Zoning of Entertainment precinct</p> <p>The submitter is concerned about the zoning of part of his property within the Entertainment Precinct due to the higher level of ambient noise allowed for within the Entertainment Precinct</p> <p>RELIEF SOUGHT: Remove Entertainment Precinct zoning from the part of the submitters property at 8-10 Dee Street</p>	<p>Reject</p> <p>The Entertainment Precinct sits over about 620m² of the submitter's property. Of this, buildings cover just over 400m². At the time of drafting this report, it is my understanding that this part of the site is currently used by Subway and Hell's Pizza. See aerial map in Appendix 5 of this report</p> <p>Whilst I believe that some minor tweaking to ensure that the part of the building currently used for other purposes, including visitor accommodation, is not within the Entertainment Precinct, I believe there is merit in retaining the overlay over part of this property. This will encourage a range of activities to be carried out within and around Wachner Place.</p> <p>RECOMMENDATION: Amend Planning Map 9 by moving the boundary of the Entertainment Precinct north as it sits across 10 Dee Street. See blue dotted line on map in Appendix 5.</p>
<p>100.1 Vibrant Invercargill</p>	<p>Comment on Entertainment Precinct</p> <p>The submitter considers placing the Central Business District into the District Plan is important for the future, assisting investors such as property owners, businesses, for those that live and work within the CBD area and along with cultural and community activity.</p> <p>The submitter has provided a report on the "Proposed Entertainment District" which offers a number of suggestions:</p> <ol style="list-style-type: none"> The scope of the Entertainment Precinct should be for mixed use The boundaries of the Precinct are too tight Residential accommodation on upper floors should not be excluded One or more new hotels should be accommodated within the precinct There is a need for more restaurants and licensed cafes More investment by the private sector is necessary and desirable Consideration should be made of the scale, hours of operation, street frontages, noise and location of licensed premises 	<p>Noted</p> <p>The concept behind the Entertainment Precinct is to highlight a specific area of the Central Business District where activities generating noise are not restricted by reverse sensitivity complaints from noise sensitive activities.</p> <p>Mixed use development is encouraged within the Business 1 Zone, where residential and noise sensitive activities are permitted. However, the Proposed Plan sets aside a part of the Business 1 Zone to encourage the co-location of cafes and restaurants and activities operating into the evening and night to create a 'hub'.</p> <p>Having residential and noise sensitive activities located within the vicinity of noise generating entertainment-type activities can cause conflict and the issue of noise needs to be addressed. Within the</p>

Submitter	Plan Provision / Submission	Recommendation
	<p>h. Under-awning lighting should be improved in Tay and Dee Sts</p> <p>i. There is an urgent need to address the issues of earthquake prone buildings</p> <p>j. The mix of evening uses should be varied</p> <p>FS20.2 Bruce Maher Support in part submission 101.1 The further submitter supports suggestion 11 as it relates to noise in the entertainment precinct. The further submitter considers that it makes more sense to require the building owners and tenants to control the noise escaping the premises, rather than all the surrounding premises upgrading their sound proofing at cost to the owners.</p> <p>The further submitter specifically refers to potential effects of noise from nightclubs affecting nearby visitor accommodation businesses</p> <p>FS35.3 Vibrant Invercargill Support submission 100.1 The further submitter would like to amend the original submission, specifically change the title of section 6 of John Montgomery’s report from “Suggestions’ to ‘Needs”</p>	<p>Entertainment Precinct, the noise sensitive activities retain their permitted activity status, but within this area the owners of the noise sensitive activity are responsible for noise attenuation and acoustic insulation and providing a habitable environment.</p> <p>The egress of noise and especially loud music from licensed premises’ will continue to be governed by the reasonable and offensive noise provisions of the RMA, however, within the Entertainment, and will also be subject to the general Zone noise limits.</p> <p>Hotels are not excluded from operating within the Entertainment precinct, however should they be located in this precinct they need to be aware of the noise requirements.</p> <p>Pedestrian friendly frontages, lighting, activity status, private sector investment and the implications of earthquake legislation are not matters that are addressed in this report, which is focussing on the noise implications.</p>
<p>105.11 ICC Environmental Health and Compliance Services</p>	<p>Support Entertainment precinct in concept</p> <p>The submitter supports the concept of the Entertainment precinct, pending the outcome of any Local Alcohol Policy that the council may adopt under the Sale and Supply of Alcohol Act 2012</p>	<p>Reject</p> <p>While the Entertainment Precinct is seeking to encourage the co-location of activities, such as licensed premises, it is not just focussed on activities involving alcohol. The provisions in the Proposed District Plan do not prevent licensed premises locating outside of the Entertainment Precinct either.</p> <p>The Provisional Local Alcohol Policy 2014 and the Proposed District Plan provisions overlap, but they are addressing different issues and I do not believe that they need to mirror each other.</p> <p>The Appendices of the Provisional Local Alcohol Policy include a map of an area referred to as the ‘Invercargill Late Night Closing Area’. This area reflects the Business 1 Zone boundaries and is much larger than the Entertainment Precinct in the Proposed District Plan. Increasing the area of the Entertainment Precinct is</p>

Submitter	Plan Provision / Submission	Recommendation
		<p>not considered appropriate. Such a change would adversely affect a number of properties with residential and visitor accommodation activities in terms of noise attenuation and may discourage mixed use development in the City Centre.</p> <p>It should also be noted that the Provisional Local Alcohol Policy 2014 is subject to appeal and has not yet been deemed operative.</p>
106.1 Trevor Thayer	The submitter notes that the area does not allow inner city living to co-exist, and questions whether it would be possible to overlap the uses	<p>Noted</p> <p>Inner city living can co-exist within the Entertainment precinct of the Business 1 Zone. Residential activities and other noise sensitive activities are permitted activities. The Entertainment Precinct involves a change in focus relating to noise, as set out in response to submissions above.</p>

APPENDIX 2 - RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN

(underline indicates recommended additions, strikethrough indicate recommended deletions).

SECTION 2

ISSUES, OBJECTIVES AND POLICIES

2.17 TRANSPORTATION

Policy 2 Noise: No change.

2.17.4 Methods of Implementation

Method 12 Share information with land owners and occupiers on the effects of existing transportation networks, such as noise and vibration.

ZONE SPECIFIC

2.19 AIRPORT OPERATIONS ZONE

2.19.3 Policies

Policy 3 Noise Limits: No change.

Policy 4 Noise Sensitive Activities: No change

2.19.4 Methods of Implementation

Method 2 No change

2.20 AIRPORT PROTECTION ZONE

2.20.2 Objectives

Objective 1: No change.

2.20.3 Policies

Policy 2 Noise Limits: No change.

Policy 3 Noise Sensitive Activities: No change

2.20.4 Methods of Implementation

Method 2 No change.

2.22 BUSINESS 1 (CENTRAL BUSINESS DISTRICT) ZONE

2.22.3 Policies

Policy 2 Precincts: No change

Policy 5 Noise: No change

2.23 BUSINESS 2 (SUBURBAN SHOPPING AND BUSINESS) ZONE

2.23.3 Policies

Policy 3 Noise: No change

2.24 BUSINESS 3 (SPECIALIST COMMERCIAL) ZONE

2.24.3 Policies

Policy 5 Noise:

- (A) To provide within the Business 3 Zone for a reasonable level of noise associated with a range of business, commercial and service oriented industrial activities.
- (B) To maintain low ambient noise levels at night at the boundary of the Residential Zone.
- (C) To acknowledge and accommodate the operational requirements of the airport, the State Highways and the railway.

Explanation: *The character of the zone is such that reasonable levels of daytime noise should be both permitted and tolerated. Night time noise should not be objectionable in nearby residential areas. ~~The airport, the State Highways and the railway all have operational requirements involving generation of varying levels of noise and it is important that the operation of these essential utilities is not compromised by reverse sensitivity issues.~~*

Policy # Noise

To recognise that some parts of the Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.

Explanation: The airport, the State Highways and the railway all have operational requirements involving generation of varying levels of noise and it is important the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources.'

2.25 BUSINESS 4 (NEIGHBOURHOOD SHOP) ZONE

2.25.3 Policies

Policy 2 Noise: No change

2.26 BUSINESS 5 (RURAL SERVICE) ZONE

2.26.3 Policies

Policy 2 Noise: No change

2.27 HOSPITAL ZONE

2.27.3 Policies

Policy 2 Noise: No change

2.29 INDUSTRIAL 1 (LIGHT) ZONE

2.29.3 Policies

Policy 1 Industrial 1 (Light) Zone: No change

Policy 2 Noise: No change

Policy 3 Noise: No change.

Policy # To recognise that some parts of the Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.

Explanation: The airport, the State Highways and the railway all have operational requirements involving generation of varying levels of noise and it is important the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources.'

2.31 INDUSTRIAL 2 (URBAN) ZONE

2.31.3 Policies

Policy 2 Noise: No change

2.32 INDUSTRIAL 3 (LARGE) ZONE

2.32.3 Policies

Policy 2 Noise: No change

2.33 INDUSTRIAL 4 (AWARUA) ZONE

2.33.3 Policies

NO NOISE SPECIFIC POLICY

2.34 OTATARA ZONE

2.34.3 Policies

Policy 4 Noise: To maintain low daytime ambient noise levels and lower night time ambient noise levels consistent with residential use of the area, recognising that some parts of the zone are subject to higher levels of noise generated by agricultural and transportation activities.

***Explanation:** "Peace and tranquillity" are important dimensions to the amenity of Otatara, as are the opportunities for rural activities such as agriculture. Excess noise, especially if it occurs repeatedly, can engender a reaction of increased intolerance. However, it is important to recognise the existence of rural activities within the Otatara Zone and ensure they are not compromised by reverse sensitivity issues involving noise.*

~~*The "peace and tranquillity" of Otatara is also affected by major transportation infrastructure, in particular the airport. However, it is important that the functioning of this essential infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this.*~~

Policy # Noise

To recognise that some parts of the Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.

***Explanation:** "Peace and tranquillity" can be affected by major transportation infrastructure, in particular the airport. However, it is important that the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources.'*

2.36 RESIDENTIAL 1 ZONE

2.36.3 Policies

Policy 9 Noise: To maintain low daytime ambient noise levels and lower night time ambient noise levels consistent with residential use of the area, ~~recognising that some parts of the Residential Zone are subject to higher levels of noise generated by transportation activities.~~

***Explanation:** The residential areas of the city have the lowest tolerance to noise of any of the city environments. "Peace and tranquillity" are important dimensions to residential amenity for most people. Excess noise, especially if it occurs repeatedly, can engender a reaction of increased intolerance. Noise is the most common issue in neighbourhood disputes in which the Council has to become involved.*

~~*Residential "peace and tranquillity" is affected by major transportation infrastructure, in particular the State Highways, the railway and the airport. However, it is important that the functioning of this essential infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this.*~~

Policy # Noise

To recognise that some parts of the Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.

***Explanation:** Residential "peace and tranquillity" can be affected by major transportation infrastructure, in particular the State Highways, the railway and the airport. However, it is important that the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources.'*

2.37 RESIDENTIAL 1A (MEDIUM DENSITY) ZONE

Policy 2 Urban Design: No change.

2.38 RESIDENTIAL 2 (BLUFF AND OMAUI) ZONE

2.38.3 Policies: No change

2.39 RESIDENTIAL 3 (LARGE LOT) ZONE

2.39.3 Policies

Policy 9 Noise: No change

2.40 RURAL 1 ZONE

Policy 8 **Noise:** To maintain low daytime ambient noise levels and lower night time ambient noise levels whilst allowing agricultural activities, and to recognise recognising that some parts of the zone are subject to higher levels of noise generated by ~~transportation activities~~ and farm activities.

Explanation: *Low ambient noise levels, particularly at night, are an important dimension to the amenity of the Rural 1 Zone. However, it is important to recognise that the Rural 1 Zone is a working environment and rural activities such as agriculture, horticulture and forestry need to be provided for to ensure they are not compromised by reverse sensitivity issues involving noise.*

~~The “peace and tranquillity” of the Rural 1 Zone is also affected by major transportation infrastructure, in particular the State Highways, the railway and the airport. However, it is important that the functioning of this essential infrastructure is not compromised by reverse sensitivity issues involving noise.~~

Policy # **Noise:** To recognise that some parts of the Rural 1 Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.

Explanation: “Peace and tranquillity” can be affected by major transportation infrastructure, in particular the railways, state highways and the airport. However, it is important that the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources.

2.41 RURAL 2 (RURAL TRANSITION) ZONE

2.41.3 Policies

Policy 7 **Noise:** To maintain low daytime ambient noise levels and lower night time ambient noise levels whilst allowing agricultural activities, and recognising to recognise that some parts of the zone are subject to higher levels of noise generated by ~~transportation activities~~ and farm activities.

Explanation: *Low ambient noise levels, particularly at night, are an important dimension to the amenity of the Rural 2 Zone. However, it is important to recognise that the Rural 2 Zone is a working environment and rural activities such as agriculture, horticulture and forestry need to be provided for to ensure they are not compromised by reverse sensitivity issues involving noise.*

~~The “peace and tranquillity” of the Rural 2 Zone is also affected by major transportation infrastructure, in particular the State Highways and the railway. However, it is important that the functioning of this essential infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this.~~

Policy # **Noise:** To recognise that some parts of the Rural 1 Zone are subject to higher levels of noise generated by the transportation network and to avoid, or mitigate reverse sensitivity effects associated with those activities.

Explanation: *“Peace and tranquillity” can be affected by major transportation infrastructure, in particular the railways, state highways and the airport. However, it is important that the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources.*

2.42 SEAPORT ZONE

2.42.3 Policies

Policy 2 Noise: No change.

2.43 SMELTER ZONE

2.43.3 Policies

Policy 2 Noise: No change.

**SECTION THREE
RULES**

3.13 NOISE

3.13.1 Noise Measurement and assessment: Sound levels are to be measured in accordance with the provisions of NZS 6801 2008: Acoustics - Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802:2008: Acoustics Environmental Noise, except where expressly provided elsewhere in the Plan.

3.13.2 Noise Levels from Activities

(A) All activities are to be designed and operated so that the following noise limits are not exceeded:

	Day time 0700 - 2200		Night time 2200 - 0700	
	L _{Aeq}	L _{Amax}	L _{Aeq}	L _{Amax}
When measured at or any point within the boundary of any other site within a zone:				
Residential 1, 1A, 2, 3 Otatara	55dB	80dB	40dB	70dB
Rural 1, 2	65dB	85dB	45dB	70dB
Business 1, 2, 3, 4, 5	65dB	85dB	50dB	75dB
Hospital Airport Protection	55dB	80dB	45dB	75dB

	Day time 0700 - 2200		Night time 2200 - 0700	
Industrial 1, 1A	65dB	85dB	40dB	70dB
Industrial 2, 3, 4	65dB	85dB	65dB	85dB
Smelter	No limit		No limit	
When measured at the any point within the notional boundary of any noise sensitive activity on a site within a zone:				
Rural 1	50dB	80dB	40dB	65dB
When measured at any site point not within Invercargill City:				
At or within the boundary of any site <u>On any site</u>	65dB	85dB	45dB	70dB
At the notional boundary of any dwelling	50dB	80dB	40dB	65dB

In applying this rule:

- (1) ~~For clarity, noise~~ Noise from any site shall comply with the relevant limits for all surrounding sites. Hence, at the boundaries of zones, measurements of noise emissions will be based on the zoning of the site affected by the noise, not of the site generating the noise.
- (2) Noise generated in the Smelter Zone need not comply with the Rural 1 Zone boundary noise limits set out in 3.13.2(A) above on any property within the Rural 1 Zone, but shall comply with the notional boundary limits.”
- (23) Where there are buildings within one metre of a site boundary, compliance with the noise limits will be assessed one metre from the façade of those buildings.
- (34) Day time noise limits are intended to provide amenity for outdoor activities. Assessment of compliance at upper levels of multi-storey buildings shall therefore be confined to balconies intended for outdoor living.
- (45) Night time noise limits are intended to allow for sleep amenity. Assessment of compliance at upper levels of multi-storey buildings shall therefore include locations immediately outside bedrooms.
- (56) Where a fence or other noise control structure is erected on a site boundary, compliance assessment shall consider the effect of such structure.

3.13.3 Exemptions:

- (A) Within the Rural 1, Rural 2, Airport Protection and Otatara Zones, any operational equipment which is mobile during its normal use and which is associated with primary production (e.g. tractors, harvesters and farm

vehicles) is exempt from the noise limits detailed in Rule 3.13.2 above. This includes items such as motorbikes and chainsaws used as part of primary production activity but does not include recreational motorbike tracks or long term sawmilling. This exemption does not include fixed motors or equipment, forestry operations between 2200 and 0700 the following day, factory farming, bird scaring devices and frost fans.

(B) Within the Airport Protection, Industrial 3, Industrial 4, Otatara, Residential 3, Rural 1 and 2 zones, noise from livestock kept as part of agriculture is exempt from the noise limits detailed in Rule 3.13.2 above.

(BC) The noise limits detailed in Rule 3.13.2 above do not apply to noise from the following sources:

- (a) Shooting ranges
- (b) Vehicles on a public road.
- (c) Trains on land designated for railway purposes (including at railway yards, railway sidings or stations) and level crossing warning devices.
- (d) Warning devices used by emergency services, as set out in Rule 3.13.14
- (d) Any noise source specifically listed in Rules 3.13.4 – 3.13.15 ~~below. below as being assessed in accordance with another New Zealand Standard~~

3.13.4 Construction noise is to comply with ~~NZS 6803:1999 Acoustics Construction Noise~~ the following noise limits:

<u>Days and Times</u>	<u>Noise Limit</u>
<u>Monday to Saturday 0730 – 1800</u>	<u>70dB L_{Aeq} and 85 L_{Amax}</u>
<u>All other times</u>	<u>45dB L_{Aeq} and 75 dB L_{Amax}</u>

3.13.5 Noise from any helicopter landing pad is to comply with NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Pads Areas*.

3.13.6 Noise from aircraft operations is to be measured and assessed in accordance with NZS6805:1992 Airport Noise Management and Land Use Planning.

3.13.67 Noise from wind farms is to comply with NZS6808:2010 *Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators*.

3.13.8 Shooting ranges

Shooting ranges, including but not restricted to those involving the use of rifles, shotguns and handguns, shall be a discretionary activity.

3.13.9.7 Business 1 Zone – Entertainment Precinct

(A) All new noise sensitive activities and additions to existing noise sensitive activities within the Business 1 Zone – Entertainment Precinct shall:

(a) Be designed, constructed and maintained to meet the “satisfactory” internal design sound levels in AS/NZS2107:2000 *Recommended design sound levels and reverberation times for building interiors based on an incident external noise level as follows.* with the following table added:

	Octave Band Centre Frequency (Hz)						
	63	125	250	500	1000	2000	4000
<u>Design incident sound pressure level incident on at building façade (dB re 2 x 10⁻⁵ Pa</u>	<u>71</u>	<u>61</u>	<u>54</u>	<u>48</u>	<u>45</u>	<u>44</u>	<u>44</u>

(B) Prior to the operation of any noise sensitive activities on the site, an acoustic design certificate from a suitably qualified acoustic engineer is to be provided to the Council demonstrating that the above internal sound levels will be achieved.

3.13.108 Seaport Zone

(A) Long Term Noise Limit - The night-weighted sound exposure from activities undertaken in the Seaport Zone shall not exceed:

- (a) An average sound level of 65dBA L_{dn} beyond the Inner Control Boundary calculated over five consecutive days.
- (b) 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:

- (a) 2200 to 0700 the following day 60 dBA $L_{Aeq(9hr)}$ provided that:
 - (1) No single 15 minute sound measurement shall exceed 65dBA L_{Aeq} .
 - (2) No single sound measurement shall exceed 85dBA L_{Amax} .
- (b) For the purpose of this rule:

- (1) Sound will be measured using a representative 15 minute L_{Aeq} value when calculating the L_{dn} or nine hour L_{Aeq} values.
- (2) Sound will be measured and assessed in accordance with the provisions of NZS6809:1999 Acoustics – Port Noise: Management and Land Use Planning.

3.13.119 Activities Near Transport Corridors: Any noise sensitive activity located within:

- (A) Forty metres of the closest railway track.
- (B) Eighty metres of the seal edge of a State Highway and arterial road where the speed limit is more than 70 kph.

Is to be designed, sited and constructed to ensure that the following internal noise design levels are not exceeded:

- (a) 35 dB $L_{Aeq(1\ hour)}$ (~~one hour~~) inside bedrooms or 40 dB $L_{Aeq(1\ hour)}$ (~~one hour~~) inside teaching spaces and other habitable spaces.
- (b) Compliance with this rule must be achieved concurrently with any building code ventilation requirements.
- (c) For the purposes of compliance with these limits, road traffic noise shall be calculated using a recognised prediction model and based on existing traffic flow data plus 3 dB to allow for future growth. Train noise shall be deemed to be 70 dB $L_{Aeq(1\ hour)}$ at 12 metres from the closest rail track. This level shall be deemed to vary at a rate of 3 dB per doubling of distance up to 30 metres and 6 dB per doubling beyond 30 metres.

Note: Compliance with Rule 3.13.9 shall be demonstrated by providing the Council with a design report and a design certificate prepared by an experienced and qualified acoustic specialist and an experienced and qualified mechanical engineer with respect to the ventilation system

3.13.12 Vibration in Rail Network Corridor

Any new building exceeding two storeys, or additions in excess of 25m² to an existing building exceeding two storeys, used for a noise sensitive activity that is within 40 metres of the closest railway track that is shall be designed and constructed to ensure that the following levels of vibration from trains shall not be exceeded based on the procedures set out in the Norwegian Standard NZ 8176E: 2nd edition September 2005 *Vibration and Shock Measurement of Vibration in Buildings from Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.*

<u>Receiving Environment (New relocated or altered)</u>	<u>Class C criterion: Maximum Weighted Velocity, $V_w,95$</u>
Noise Sensitive activities	<u>0.3mm/s</u>

Compliance with this rule shall be demonstrated by providing the Council and KiwiRail Holdings Limited with a design report a design certificate prepared by an experienced and qualified acoustic/vibration specialist"

3.13.1310 Temporary Military Training

- (A) Other than for the use of firearms or explosives, noise levels as a result of temporary military training activities are not to exceed the noise levels set out in the noise standards above (Rule 3.13.2) for the surrounding zone(s).
- (B) For the use of firearms or explosives, noise levels sound levels at any point within the notional boundary of any noise sensitive activity shall not exceed:

Time on any day	L ₁₀ dB	L _{Amax} dB
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) dB L_{Cpeak}.”

3.13.1411 Emergencies

- (A) Aircraft operations for defence purposes, civil defence, search and rescue, medical emergency or during any emergency landing of any aircraft, are exempt from all noise limits.
- (B) Sound from warning devices used by emergency services are exempt from all noise limits this includes warning devices associated with emergency service training activities.

3.13.1512 Temporary Activities/Events: Except where otherwise provided for, noise from temporary activities held outdoors in a public place is exempt from the above rules provided:

- (A) It meets a noise limit of 70 dB L_{Aeq(1hr)} measured at the boundary of a site containing a dwelling; and
- (B) All activities creating a noise level greater than permitted for the zone in which activity is located, cease by 2200; and
- (C) There are no more than six events (days) on the site in any one calendar year provided no single event shall exceed three consecutive days on the site.

3.13.1613 Aircraft Invercargill Airport Operations

- (A) Noise from 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 Rule 3.13.2 above.

- (B) Notwithstanding Rule 3.13.2 above, the maximum levels of noise generated from aircraft operations are as follows:
- (1) Airnoise Boundary: ~~65L_{dn}-dBA~~ 65 dB L_{dn} at or outside the Airnoise Boundary as detailed in the District Planning Maps. Noise will be measured in accordance with New Zealand Standard NZS6805:1992 *Airport Noise Management and Land Use Planning*.
- (C) Acoustic insulation – Within those areas identified on the District Planning Maps as being within the Single Event Sound Exposure Boundary and/or the Outer Control Boundary:
- (a) ~~New Noise Sensitive Activities and/or alterations and additions to existing buildings containing Noise Sensitive Activity, which comply with the specification contained in Appendix VI Noise Sensitive Insulation Requirements, are a permitted activity.~~
- (a) New Noise Sensitive Activities and/or alterations and additions to existing buildings containing Noise Sensitive Activity in the Business 1, Business 3, Industrial 1 and Industrial 2 Zones are a non-complying activity
- (b) New Noise Sensitive Activities and/or alterations and additions to existing buildings containing Noise Sensitive Activity in the Rural 1, Otatara and Residential 1 Zones,, which do not comply with the specifications contained in Appendix VI Noise Sensitive Insulation Requirements, are a non-complying activity

3.13.1844 Activity Status and Matters of Consideration

- (A) Where an activity does not meet the relevant zone noise standards set out in Rules 3.13.1 - 3.13.16(B)~~43~~ above, the activity is a discretionary activity.
- (B) Applications under Rule 3.13.14(A) above shall address the following matters, which will be among those taken into account by the Council:
- (a) The maximum level of noise likely to be generated, its nature, timing, character and frequency and the disturbance this may cause to people in the vicinity.
- (b) The nature of the zone within which the noise generating activity is located and the compatibility of the proposal with the expected environmental results for that zone.
- (c) The nature of any adjoining zone(s), and the compatibility of the noise generating activity with the expected environmental results for those adjoining zone(s).
- (d) Existing ambient sound noise levels.
- (e) The potential for cumulative noise effects to result in an adverse outcome for receivers of noise.

- (f) The proposals made by the applicant to reduce noise generation. This may include guidance provided by a suitably qualified and experienced acoustic consultant.
- (g) Any other standards, codes of practice or assessment methods based on robust acoustic principles.
- (h) Noise insulation for noise sensitive activities
 - (i) the degree of noise attenuation achieved by the noise sensitive activity
 - (ii) The effects of reverse sensitivity on the operation of the transportation network and the ability and suitability of mitigation measures to enable the continued and uninterrupted operation of the transportation network
 - (iii) The nature of the environment including the scale of noise generated by the transportation network
 - (iv) Evidence of consultation with operators of the transportation network”
- “(i) For consents under Rule 3.13.11,
 - (iii) any special topographical, building features or ground conditions which will mitigate vibration effects
 - (iv) The size, nature, and location for the building on the site.
- (i) The nature of the environment, including any existing noise generating activities that may give rise to reverse sensitivity effects and methods to
 - (iii) the degree of noise attenuation achieved by the noise sensitive activity
 - (iv) The effects of reverse sensitivity on the operation of the transportation network and the ability and suitability of mitigation measures to enable the continued and uninterrupted operation of the transportation network
 - (iii) The nature of the environment including the scale of noise generated by the transportation network
 - (iv) Evidence of consultation with operators of the transportation network

SECTION FOUR

DEFINITIONS

Airnoise Boundary: No change.

Commercial Recreation Activity: No change

Inner Control Boundary: No change.

L_{Aeq}: Means the equivalent continuous (time-averaged) A-weighted sound level. This is commonly referred to as the average noise level.

L_{Amax}: means the A-frequency-weighted maximum noise level. The highest noise level which occurs during a measurement period.

L_{dn}: Means the day/night noise level, which is a 24 hour L_{Aeq} with a 10dB penalty applied to the night-time (2200 – 0700 hours)

Noise Sensitive Activities: No change.

Notional Boundary: Means a line 20 metres from the any side of residence a building used for a noise sensitive activity or the legal boundary where the boundary is closer to the building than 20 metres.”

Outer Control Boundary: No change.

Single Event Sound Exposure Boundary: No change.

SECTION FIVE – APPENDICES

APPENDIX VI – NOISE SENSITIVE INSULATION REQUIREMENTS

All applications for new noise sensitive activities and additions to existing noise sensitive activities within the Single Event Sound Exposure Boundary (SESEB) or Outer Control Boundary (OCB) as shown on the District Planning Maps, shall be insulated from aircraft noise so that the internal noise environment shall not exceed:

OCB

All habitable Rooms 40dB L_{dn}

SESEB

Bedrooms: 65dB dBA L_{AE}

All Habitable Rooms (including bedrooms) 40dB dBA L_{dn}

The following guidelines for insulation have been developed to achieve the required internal noise environment:

TABLE 1: SOUND INSULATION REQUIREMENTS – ACCEPTABLE CONSTRUCTIONS – BEDROOMS INSIDE SESEB

BUILDING ELEMENT	MINIMUM CONSTRUCTION	
External Walls	Exterior Lining	Brick or concrete block or concrete, or 20mm timber or 6mm fibre cement
	Insulation	75mm thermal insulation blanket/batts
	Frame	Two layers of 9mm gypsum or plasterboard (or an equivalent combination of exterior and interior wall mass)

BUILDING ELEMENT	MINIMUM CONSTRUCTION		
Windows/Glazed Doors	6mm glazing with effective compression seals or for double glazing 8mm-12mm airgap-6mm		
Pitched roof	Cladding	0.5mm profiled steel or masonry tiles or 6mm corrugated fibre cement	
	Insulation	100mm thermal insulation blanket/batts	
	Ceiling	2 layers 9mm gypsum or plasterboard	
Skillion Roof		Skillion Roof Option 1	Skillion Roof Option 2
	Cladding	0.5mm profiled steel or 6mm fibre cement	0.5mm profiled steel or 6mm fibre cement
	Sarking	200mm particle board or plywood	None Required
	Insulation	100mm thermal insulation blanket/batts	100mm thermal insulation blanket/batts
	Ceiling	1 layer 9mm gypsum or plasterboard	2 layers 9mm gypsum or plasterboard
External Door	Solid Core door (min 24kg/m ²) with weather seals		

Note: The specified constructions in this table are the minimum required to meet the acoustic standards. Alternatives with greater mass or larger thicknesses of insulation will be acceptable. Any additional construction requirements to meet other applicable standards not covered by this rule (e.g. fire, Building Code etc) would also need to be implemented.

TABLE 2: VENTILATION REQUIREMENT

All noise sensitive activity applications within the Outer Control Boundary (OCB) and Single Event Sound Exposure Boundary (SESEB) as shown on the District Planning maps

Room Type Outdoor Air Ventilation Rate (Air Changes per Hour, ac/hr)

	Low Setting	High Setting
Bedrooms	1-2ac/h	Min 5ac/hr
Other habitable areas	1-2 ac/hr	Min 15ac/hr

Noise from ventilation systems shall not exceed 35dB $L_{Aeq(1min)}$ on High Setting and 30 dB $L_{Aeq(1min)}$ on Low Setting. Noise levels shall be measured at a distance of 1m to 2m from any diffuser.

Each system must be able to be individually switched on and off and when on, be controlled across the range of ventilation rates by the occupant with a minimum of 3 stages.

Each system providing the low setting flow rates if to be provided with a heating system which, at any time required by the occupant, is able to provide the incoming air with an 18 °C heat rise when the airflow is set to the low setting. Each heating system is to have a minimum of 3 equal heating stages.

If air conditioning is provided to any space then the high setting ventilation requirements for that space is not required.

PLANNING MAPS

Amend Planning Map 9 by shifting the location of the Entertainment Precinct over 8-10 Dee Street.

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APPENDIX 3

Letter from Stuart Camp, Marshall Day Acoustics, dated 25 March 2015

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25 March 2015

Invercargill City Council
Private Bag 90104
Invercargill 9840

Attention: Liz Devery

Dear Liz

REVIEW OF NOISE RELATED SUBMISSIONS

As requested, we have reviewed relevant noise-related submissions on the proposed Invercargill District Plan, and provided comments.

94.2 Niagara Properties Ltd.

Niagara Properties are concerned that the proposed noise rules will limit their existing activities at Kennington.

The proposed noise rules are essentially identical to the operative rules, with three exceptions:

1. The measurement parameter has changed from L_{10} to L_{eq} in line with industry best practice. We expect this change to have a negligible effect on existing industrial activity at Kennington,
2. The proposed rules are more **lenient during daytime** at the boundary of the adjoining Rural zone, being 65 dB L_{Aeq} compared to the operative 55 dB L_{A10} . Night-time rules remain unchanged,
3. The proposed rules implement an additional control on noise, namely a 50 dB daytime and 40 dB night-time (L_{Aeq}) control at the notional boundary of any dwelling.

This third exception is the only one which could be perceived as restricting existing activity. However, the only area where this will have an effect is at the small enclave of rural-zoned dwellings immediately east of the Industrial area on Kennington Road. At all other properties surrounding the Kennington Industrial zone, existing dwellings are sufficiently removed that compliance with the night-time zone boundary rule will also ensure compliance with the night-time notional boundary rule. As noted in exception 2 above, the proposed daytime noise rule at the rural zone boundary is more lenient than the operative rule, and in some cases, Niagara will be able to take advantage of this.

On balance, it is our view that the proposed rules are generally slightly more lenient than the operative rules, with the exception of the small number of dwellings to the east. We accept that these dwellings are almost surrounded by industrial activity and therefore may not enjoy the same residential amenity as other rural dwellings. Nevertheless, we consider the proposed rules to be appropriate.

65.95 Invercargill City Council

This submission seeks some minor amendments to rectify mistakes in terminology. For example, some instances of "...dBA L_{eq} " should read "...dB L_{Aeq} ". These two terms are identical, they simply reflect different ways of writing the same thing. The exception to this is the term L_{dn} , which by definition is A-weighted, and therefore does not change to L_{Adn} (as correctly noted in the further submission FS30.6 by Southern District Health Board).



We fully support these corrections. The intention for the proposed rules is to adopt international terminology, consistent with the updated New Zealand standards referenced in the rules. To this end, the following terminology should be used;

Old Terminology	New Proposed Terminology
dB(A)	dB
L_{eq}	L_{Aeq}
L_{max}	L_{Amax}
L_{dn}	L_{dn}

117.52 Southern District Health Board

This submission requests that definitions of acoustic terms be added to the District Plan. We agree that there is benefit in this, to ensure that lay persons reading the plan can obtain some insight as to what the noise rules mean. However, we recommend some minor changes to those proposed by the submitter, to keep the definitions simple for lay persons to understand, and to fit with our other recommendations in this report. We propose the following:

Term	Definition
L_{Aeq}	Means the equivalent continuous (time averaged) A-weighted sound level. This is commonly referred to as the average noise level.
L_{Amax}	Means the A-weighted maximum noise level. The highest noise level which occurs during a measurement period.
L_{dn}	Means the day/night noise level, which is a 24 hour L_{Aeq} with a 10 dB penalty applied to the night-time (2200-0700 hours).

We are not satisfied that the term “noise limit” needs defining, nor do we consider it necessary to state that all acoustic terms shall have the meaning given in NZS6801 and NZS6802.

79.33 KiwiRail Holdings Ltd

KiwiRail request rules and assessment criteria for rail vibration.

We considered this issue at the time we provided input to the noise section of the Proposed Plan.

Our concern is that it is a difficult and complex task to predict ground-borne vibration, because it is highly dependent on both the rail and the surrounding ground conditions. As a result, it is normally necessary to undertake measurements of actual vibration at a site as part of any assessment. In our view, the cost of this is not generally warranted.

There are many existing dwellings throughout New Zealand that are within about 12 metres of a rail line, and whilst noise and vibration may exceed accepted guidelines at these locations, it appears that rail vibration is tolerated in detached residential dwellings.

It is our view that residents in new multi-storey residential developments in close proximity to a rail line are unlikely to be as tolerant to rail vibration. In addition, the cost of a detailed vibration assessment for such a development would be very small in the context of the overall project cost.

In summary, we support the concept of rail vibration criteria, but not for stand-alone single storey residential dwellings. The criteria would usefully apply within the same setback distances as required for rail noise.

59.3 Quenton Stephens

Mr Stephens is concerned about noise conflicts at Industrial/Rural interfaces, particularly at Kennington.

Many of the concerns raised in this submission are covered in our response to *94.2 Niagara Properties Ltd*. For the most part, we are of the view that the proposed rules provide essentially the same protection for residents as the operative rules, and we do not recommend any changes.

In addition, the submitter inadvertently highlights a wording anomaly in the operative rules, when commenting that the existing rules restrict noise in the rural zone to 70 dB L_{Amax} during both daytime and night-time. It is our view that the L_{max} column in the operative rules only applies at night, given that the limits in that column are significantly more stringent than any other daytime rules in New Zealand. The proposed rules retain 70 dB as the L_{max} control at night in a rural area.

There are several further submissions relating to this submission, and we briefly comment on key issues as follows;

- FS4.31 Federated Farmers is concerned that the proposed rules in rural areas are too stringent. As already discussed in regard to *94.2 Niagara Properties Ltd*, the proposed rural noise rules are actually more lenient during the daytime than the operative rules. At night, the rules are essentially unchanged,
- FS5.26 Invercargill Airport Ltd is concerned about the effect of this submission on airport operations. Noise from aircraft operations is not covered by these rules, and therefore the only activity at the airport which could be affected is sources of noise such as permanent mechanical plant. Given our discussion above on the changes to the rural rules, we are satisfied that the proposed plan will not affect the airport.
- FS30.20 and 22, Southern District Health Board opposes L_{max} limits during daytime, in part because it is "...unnecessary for reasonable protection of peoples' health...", and "...contrary to assessment standard NZS6802:2008...". Section 8.2 of that standard recommends that L_{max} controls are only applied to night-time. However, this section of the standard is clearly given as a guideline, and is therefore not mandatory, even when the standard is specified in the District Plan. In almost every situation, daytime noise is adequately controlled by use of an L_{eq} control alone, and in this respect, we agree with the submitter that a daytime L_{max} limit is unnecessary. However, there are sporadic cases where the daytime L_{max} provides a useful additional control, and we therefore recommend that it is retained. The Christchurch City operative rules have used daytime L_{max} controls for 20 years, and we are not aware of any issues arising from that approach.
- FS30.21 Southern District Health Board considers that the two-tier rural noise rule approach (zone boundary and notional boundary) is too complex. It is not clear to us how this further submission fits within the original submission, which doesn't seem to directly question this approach. However, we disagree that this approach will make "...enforcement more difficult or impossible, and decrease protection to residents...". Noise measurements are always undertaken at multiple locations, particularly if enforcement action is being contemplated, and one further measurement at the notional boundary of a dwelling will not make any significant difference. In addition, the two-tiered approach will provide better protection for rural dwellings that are very close to the zone boundary, because the more stringent notional boundary rule will apply at the zone boundary.
- FS49.2 Niagara Properties Ltd asks to "...remove the requirement of Rule 3.13.2 that noise from any site within the Industrial 3 Zone must comply with the relevant limits of all surrounding sites...". This is not a new rule, and this further submission highlights why the proposed rules have been reworded. In the operative rules, this requirement exists at rule 4.34.3 which states that "...at the boundaries of Sub-Areas referred to in [the table of limits] above the sound emissions shall be the lesser of the two limits...". We recommend that this rule is retained.

71.54 New Zealand Aluminium Smelters Ltd

This submission considers that only the notional boundary limit should apply in the rural area surrounding the Smelter Zone.

We agree with this submission as it would be consistent with the operative rules. Noise from the Smelter is currently controlled by the residential areas on the western side of the inlet.

Council will need to be careful in drafting this exemption, to ensure that it doesn't inadvertently apply to other interfaces with the rural zone. We agree with the submitter that it may be possible to do this by way of an additional clause in the "...In applying this rule..." section in rule 13.3.2. However, we do not agree with new clause (1A) proposed by the submitter, because as worded it would also remove any requirement for the Smelter to comply with the residential rules to the west.

We do not agree with the suggested changes to clause (1) for the reason discussed above. In addition, the proposed additional word "zone" in this clause should not be inserted because the table of limits in this rule includes a notional boundary rule, and a rule that applies to sites not within the City, and adding the word zone would negate these two rules.

94.3 Niagara Properties Ltd

This submission asks that the noise limits on rural land adjoining the Industrial 3 zone be the same as the Industrial rules. In the relief sought, the submitter asks to remove the notional boundary noise rule.

We strongly oppose this request. The proposed rules provide a two-tiered approach to noise in the rural zone. This allows adjoining industry to produce reasonably high noise levels whilst maintaining appropriate residential amenity at rural dwellings by use of a notional boundary rule. Allowing industry to create high noise levels at the rural interface would result in significant adverse effects at existing residential dwellings.

94.3 Niagara Properties Ltd

The submission by Niagara Properties goes on to support the "...change to the daytime L_{Amax} for the Industrial 3 zone...". As discussed above (submission 59.3), this submitter understands the existing L_{max} rules to apply during both daytime and night-time, whereas we believe this is an unintentional typo. If our interpretation is correct, the operative rules are adding a more lenient daytime L_{max} rather than increasing an existing one.

117.26 Southern District Health Board

This submission seeks to rename the heading of rule 3.13.2 from "...Noise Levels from Activities..." to "...Noise Levels for Activities...".

The proposed wording is identical to the operative plan, and we do not see any good reason to change. However, we do not hold strong views either way.

117.27 Southern District Health Board

This submission is concerned with acoustic terminology. We have discussed this in part in relation to submission 65.95. However, we add the following comments to the specific request for relief sought by this submission:

- We do not consider it necessary to add the "(15 min)" notation to the term L_{Aeq} . New Zealand Standard NZS6802:2008 makes it clear that the standardised measurement time is 15 minutes, and all assessments stem from this. We therefore consider the simple L_{Aeq} is adequate, and we prefer it because of its simplicity,
- Similarly, we prefer to leave the "F" out of L_{AFmax} for simplicity. The standards allow L_{max} as an acceptable alternative to L_{AFmax}
- We are not convinced that changing the night-time L_{max} rules will lead to confusion. If an activity can demonstrate existing use rights, Council will not be able to enforce the proposed rules.

However, we anticipate that this will be a rare occurrence, particularly given that the L_{max} rule has not changed in most zones.

117.28 Southern District Health Board

This submission seeks changes to wording in the table at rule 3.13.2.

We agree with the proposed changes because they clarify the intent of the rules and address the potential difficulty that can arise in measuring precisely “at” a boundary. In summary, we recommend accepting the following changes.

Table Row	Existing Wording	Submitters Proposal
3	...at or within the boundary...	...at any point within the boundary...
11	...measured at the notional boundary...	...measured at any point within the notional boundary...
13	...measured at any site...	...measured at any point...
14	...at or within the boundary of any site...	...on any site...

We do not support the request to reconsider changes to the proposed night-time noise limits in the Business 1-5 zones. Adding vitality to areas such as the central city requires a mix of commercial and residential activities, with apartments and hotels being essential. The operative rules allow very high night-time noise levels, such that residential activity would not be compatible. In our view, the proposed rules better provide for the desired mix of uses in these areas.

117.29 Southern District Health Board

This submission proposes changes to wording to the “...in applying this rule...” section of 3.13.2.

We offer the following comments on the various points raised.

- Sub-Clause 1 currently begins with the words “For clarity”. We can understand the concerns of the submitter, but consider the suggested alternative to be too wordy, without adding anything. We recommend simply deleting the words “For Clarity”,
- Sub-Clause 2 allows for measurements to be made 1 metre from the façade of a building where that building is within 1 metre of the boundary. This is designed to accommodate areas such as the central city where many sites are developed right up to their site boundary. In such situations, it is not possible to measure “at the boundary”, nor is it possible to measure “..at any point within the boundary” as recommended by this same submitter in 117.28. However, it is possible that the submitter is concerned that it may be the building on the site generating the noise that is within 1 metre of the boundary. We suggest rewording this clause to read “...Where there are buildings on an adjoining site within...” to clarify this. We do not agree with the proposal to delete this clause,
- Sub-Clause 3 is important, to ensure that an applicant can utilise boundary fences and similar forms of mitigation to control noise. Without this clause, the noise rules can be deemed to apply at upper storeys of multi-storey buildings, even when there is no adverse effects on the amenity on that property. We would support something other than the word “intended” if this causes problems, but do not support deletion. We do not consider Juliet balconies to warrant residential amenity, and therefore are not concerned that these are excluded from assessment under this clause,
- We disagree that “fence or other noise control structure” implies that all fences have a noise control function. The sub-clause simply directs that “the effect of such structure” is taken into account. This is to avoid having compliance measurements made directly above the fence. We

agree that some fences will provide no noise reduction, and this would be reflected in any assessment of “the effect of such structure”.

65.96 ICC Environmental And Planning Services

This submission is concerned about the activity status for shooting ranges.

We agree with this concern. The proposed rules simply note that the noise rules do not apply to shooting ranges (3.13.3(B)).

In our view, there is no noise rule that fits all shooting operations, both because of the number of different receiving environments that can occur, and because each shooting range is different in terms of the type of firearms and the number of shots fired. Our preference would therefore be to make shooting ranges a fully discretionary activity, such that noise effects can be fully addressed in a resource consent application on a case by case basis. FS30.7 supports this approach.

88.85 Federated Farmers

We agree that “the keeping of livestock as part of normal farming activities” should be exempted from the noise rules. The operative rules allow this exemption by way of the rule exempting “agricultural activities”. In drafting a more specific exemption (3.13.3(A)), this has been overlooked.

117.30 Southern District Health Board

This submission proposes changes to the list of exemptions in 3.13.3.

Whilst we agree that the exemption for trains is unnecessary for designated land, we consider the exemption appropriate, to ensure that the general public are not left with the impression that rail noise must comply. However, we agree with the submitter that trains on private sidings should not be exempted, because this would allow a new siding to be established close to existing dwellings with no assessment of noise effects. We suggest rewording this clause to read “...Trains on land designated for rail purposes...”.

We agree with the submitters recommendation to add an exemption for “Warning devices used by emergency services”, and recommend this be added.

We do not consider it appropriate to exempt “...activities of a normal domestic nature...”. We are concerned that this could, for example, allow a resident to undertake late night panelbeating in their garage, without having to comply with the noise rules. Other “normal” residential activities do not require a resource consent, and we therefore do not consider it necessary to mention them.

We strongly oppose the suggestion that an exemption be added “...where any residential activity exists on the same site as a noise source being assessed...”. The way this is worded, it could imply that the noise source being assessed is exempt because there is residential activity on the same site.

65.97 ICC Environmental And Planning Services

This submission raises concerns over the construction noise provisions in 3.13.4.

We agree that the construction noise standard is more than a set of noise limits. However, we are equally concerned that the proposed alternative “...shall be measured and assessed in accordance with...” does not constitute a measurable standard against which compliance can be assessed.

This is an issue that was recently brought to our attention when drafting new rules for Christchurch City. The approach adopted in that case involves setting a simple permitted activity standard based broadly on the long term limits in the standard, and then allowing construction activity that doesn’t comply with this standard to be “...assessed in accordance with NZS6803...”.

If Council agree with this approach, we suggest a permitted activity standard of:

Days and Times	Noise limit
Monday to Saturday 0730-1800	70 dB L_{Aeq} and 85 dB L_{Amax}

Days and Times	Noise limit
All other times	45 dB L_{Aeq} and 75 dB L_{Amax}

71.55 New Zealand Aluminium Smelters Ltd

This submission addresses the same issue as 65.97. We agree with the intent of the submission, but prefer the approach outlined above.

We note that the concern raised in both this submission and in 65.97 equally applies to helicopters and wind farms as per 3.13.5 and 3.13.6. In these cases, we recommend that both helicopter landing areas and wind farms are made discretionary activities subject to assessment under the relevant standards.

65.98 ICC Environmental And Planning Services

This submission proposes to add a design external noise level to provide clarification to the rule requiring compliance with an internal noise level in rule 3.13.7.

We agree that this would add clarity to the rule, and recommend accepting the submission. However, we do not consider the proposed spectrum adequately considers amplified music in the entertainment precinct, and recommend the following alternative .

	Octave Band Centre Frequency (Hz)						
	63	125	250	500	1000	2000	4000
Design incident sound pressure level at building façade (dB re 2×10^{-5} Pa)	71	61	54	48	45	44	44

Further submission **FS30.9** comments on this submission, and suggests an alternative approach. The alternative approach is one which we often use. However, whilst it is simpler, it is less flexible. Because this rule is confined to the entertainment precinct, we prefer the more flexible approach adopted in the proposed rules. We therefore recommend rejecting this further submission.

75.20 McDonalds Restaurants (NZ) Ltd

This submission seeks to extend the applicability of rule 3.13.7 to all business zones.

We do not consider this necessary. Noise sensitive activities establishing within general business zones need to be aware that they will not receive the same level of amenity as in a residential zone. The Entertainment Precinct is a special case because there is an expectation that late night amplified music is likely in this area, and standard building constructions will not adequately control this.

We recommend rejecting this submission.

79.32 KiwiRail Holdings Ltd

This submission relates to the reverse sensitivity provisions in rule 3.13.9.

We do not support the detailed proposal by KiwiRail for two reasons. First, there are a number of points that are not clear, and second, the proposal is very complex, and in our view would add significant compliance costs for little benefit.

Our specific comments on the proposed wording by KiwiRail are;

- The first paragraph under the heading "Airborne Noise" includes the wording "...take into account the future use of the NIMT by the addition of 3-5dB (depending on the Line)...". Not only

does the NIMT line not run to Invercargill, the entire statement is unclear, in that there is nothing to show what value should be used for which line,

- There is no method given for calculating the existing level of rail noise, and hence it is not possible to determine compliance with the given design limits. Measurements are very difficult and expensive, and in our view not warranted for most small projects. However, we note that this is also a flaw in the notified provisions,
- We have no idea what is meant in the table by “Compliance Distance (no less than)”. Does this mean that bedrooms need to be located no less than 100 metres from the rail line, or does it mean an assessment needs to be undertaken for all bedrooms within this distance?,
- The statement “Where part of a habitable space straddles the compliance distance it shall meet the relevant criterion” does not clarify this situation at all,
- In our view, the ventilation requirements are too prescriptive.

In summary, we recommend rejecting the KiwiRail submission, and retaining the notified rules. However, the KiwiRail submission does highlight the need for a calculation method within the existing rules. We therefore suggest adding the following to 3.13.9 (B) (a): “...For the purposes of compliance with these limits, road traffic noise shall be calculated using a recognised prediction model and based on existing traffic flow data plus 3 dB to allow for future growth. Train noise shall be deemed to be 70 dB $L_{Aeq(1hr)}$ at 12 metres from the closest rail track. This level shall be deemed to vary at a rate of 3 dB per doubling of distance up to 30 metres, and 6 dB per doubling beyond 30 metres...”

117.36 Southern District Health Board

This submission also relates to the reverse sensitivity provisions in rule 13.3.9, and requests specific changes to wording.

- We can understand that concern that the noise levels specific in this rule will only be used during the design of a new project, because there is no requirement for post-construction measurements. We are therefore happy to accept the proposal to replace “noise levels” with “design levels”,
- We don’t agree with the proposed addition of “having regard to any noise barriers”. In our view, this is unnecessary, because the rule allows for any and all methods of noise control to be used, including noise barriers. Further submission **FS28.18** agrees that this proposal should be rejected,
- We agree with the concern expressed regarding ventilation requirements. However, we consider it cumbersome to cross-reference the aircraft rules as the submitter proposes. We recommend a simple addition along the lines of “...Compliance with this rule must be achieved concurrently with any building code ventilation requirements...”.

26.3 NZ Defence Force

This submission relates to the provisions in rule 3.13.10 relating to Temporary Military Training activities.

We agree with the submitter that noise standards should be “relatively simple to understand and assess compliance with”. Unfortunately, the rules proposed by the submitter do not achieve this.

The Defence Force submission proposes a three-tiered approach to the noise rules, and we comment on each as follows:

1. **Weapons Firing:** We do not support the setback distance concept proposed by NZDF. First, we have no idea how a Council officer could ever be expected to check compliance with such a rule if investigating complaints. Second, we believe that setback distances are better incorporated into a noise management plan that NZDF could develop for themselves to assist them in mitigating effects and/or achieving compliance. Third, their proposed wording provides noise limits “...to be

complied with if minimum separation distances for [weapons and explosives] cannot be met...”, which essentially means that the setback distances are meaningless.

2. **Mobile Noise Sources:** We don’t fundamentally have a problem with the NZDF suggestion of allowing mobile noise sources to be assessed in the same manner as construction noise. However, we think that there is little benefit in complicating the rules by doing so.

First, compliance with noise limits for weapons and explosives will require large setback distances, and this would almost certainly result in quite low noise levels from mobile sources. Second, the construction noise standard has very stringent night-time noise limits which come in to effect much earlier than the night-time District Plan limits. As such, if a NZDF activity only just complied with the construction noise standard during the day, they would have to cease activity in the early evening to ensure compliance at night. We doubt that this would be practical.

In our view, we do not consider it necessary to have a specific rule for mobile noise sources.

3. **Fixed (stationary) Noise Sources:** The NZDF proposal for these sources is very similar to the general Plan noise limits. As such, we recommend simply requiring all stationary sources to comply with the underlying Plan rules.

In summary, it is our view that the Defence Force proposal is too complicated, and the much simpler two-tiered approach in the proposed plan is appropriate—subject to our comments on submission 117.37 below.

117.37 Southern District Health Board

This submission comments on terminology in 3.13.10 relating to Temporary Military Training activities.

- We agree that the term “noise levels shall not exceed” is vague, in that it doesn’t specify where the limits apply. However, the proposed alternative is cumbersome. Given that we generally expect the effects of noise from military training activities to be on noise sensitive activities, we recommend a simpler form of the suggested rewording, namely “sound levels at any point within the notional boundary of any noise sensitive activity shall not exceed”,
- We agree that L_{10} should be replaced with L_{eq} , but do not agree with adding “(15min)” as per other comments in this report,
- We agree that “non-frequency weighted” should be deleted. This wording is actually incorrect, given that the limit is given as dBC, which is frequency-weighted.
- The submitter doesn’t notice that to be consistent with terminology elsewhere in the plan, “122 dBC (peak)” should actually be reformatted as “122 dB L_{Cpeak} ”.

101.9 NZ Fire Service Commission

This submission seeks to expand the exemption in 3.13.11 to include “warning devices associated with emergency service training activities”.

We agree with this request, and have always assumed that training activities would be included in the exemption. We therefore recommend accepting this submission.

We note that submission 117.30 discussed above recommended that an exemption for warning devices be included in the exemptions listed in 3.13.3. We agreed with that suggestion, but suggest that it may be appropriate to make that exemption reasonably simple, but add a cross reference to this more complete exemption.

103.64 Invercargill Airport Ltd

This submission comments on rule 3.13.13 in relation to aircraft noise. In particular;

- The submitter requests that clause (B) is deleted. We do not agree with deleting this clause. Clause (B) requires the airport to comply with the 65 dB noise contour. We consider this important. Other parts of the rule require new noise sensitive activities to be treated to control

aircraft noise. It is therefore appropriate to also require the airport to limit their noise emissions to comply with the same noise contours,

- As a side issue, (B)(1) should be updated from “65L_{dn} dBA” to “65 dB L_{dn}”,
- We believe it may be necessary to modify the wording of (C) to reflect updated aircraft noise contours. We have not seen these contours yet, and the Auckland office of Marshall Day Acoustics acts for Invercargill Airport on this matter, and we therefore have a conflict of interest which prevents us from commenting further.

117.40 Southern District Health Board

This submission supports rule 3.13.13. As discussed above, we agree in concept with the rule, but consider that some rewording may be required.

15.39 Balance Agri-Nutrients Ltd

This submission asks for “recreational activities” to be included in the definition of noise sensitive activities.

We do not agree with this, because this would imply, for example, that a boisterous game of rugby, jet boating, or motorbike activity is as sensitive to noise as residential activity. In our view, outdoor recreational activity is not sufficiently sensitive to noise to warrant being included in this definition.

117.51 Southern District Health Board

This submission requests a change to the definition of notional boundary.

We agree with this suggestion, but don’t consider it necessary to include any specific zones within the definition. A noise sensitive activity is the same irrespective of which zone it is in. We recommend rewording to “Notional Boundary: Means a line 20 metres from any side of a building used for a noise sensitive activity, or the legal boundary...”

117.50 Southern District Health Board

This submission requests minor wording changes to Appendix VI relating to noise sensitive insulation requirements.

We agree in part. To be consistent with terminology used elsewhere, the changes should be;

Notified Terminology	New Proposed Terminology
40 dB L _{dn}	No change required
65Db L _{AE}	65 dB L _{AE}
40Db L _{dn}	40 dB L _{dn}

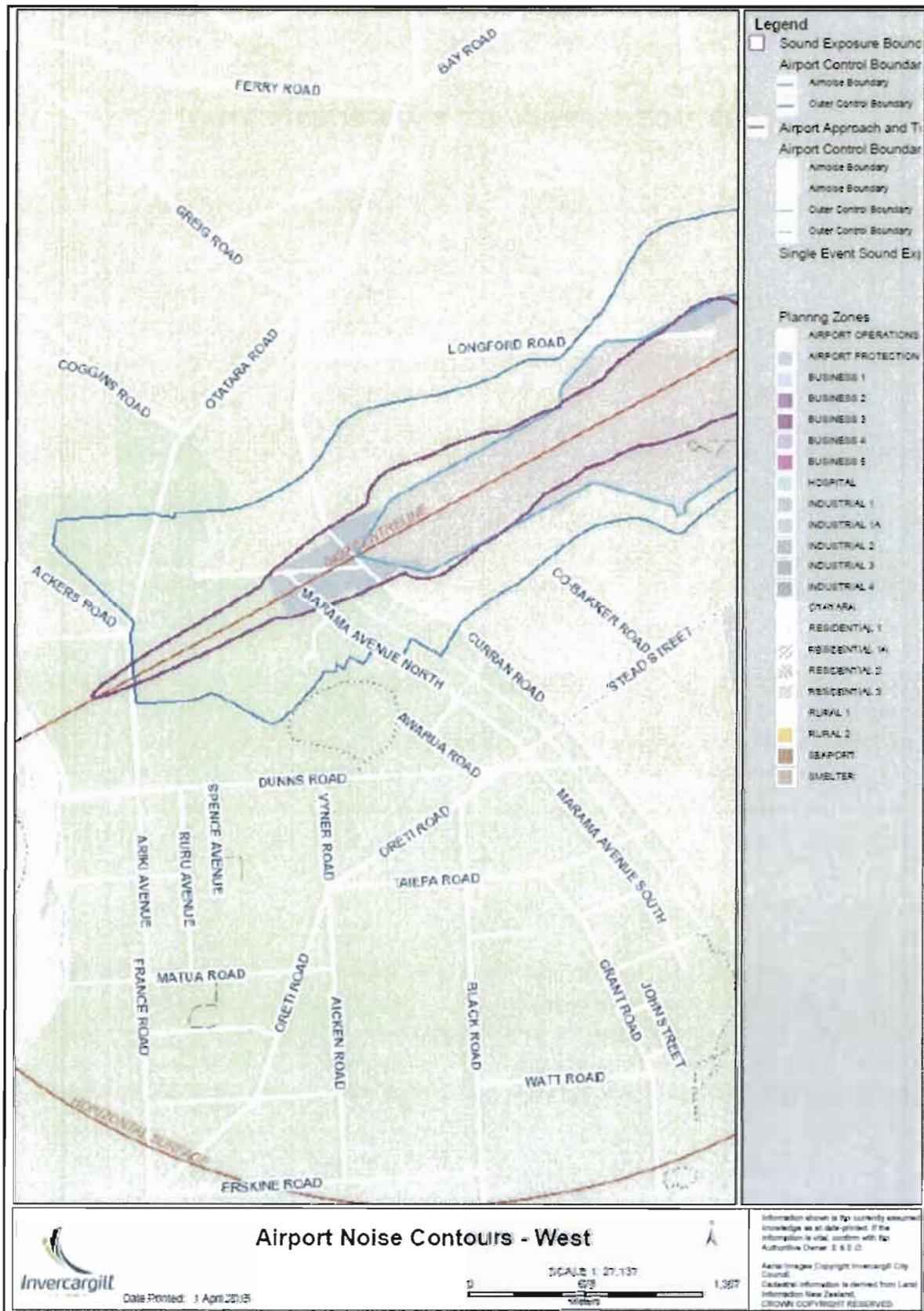
Yours faithfully

MARSHALL DAY ACOUSTICS LTD

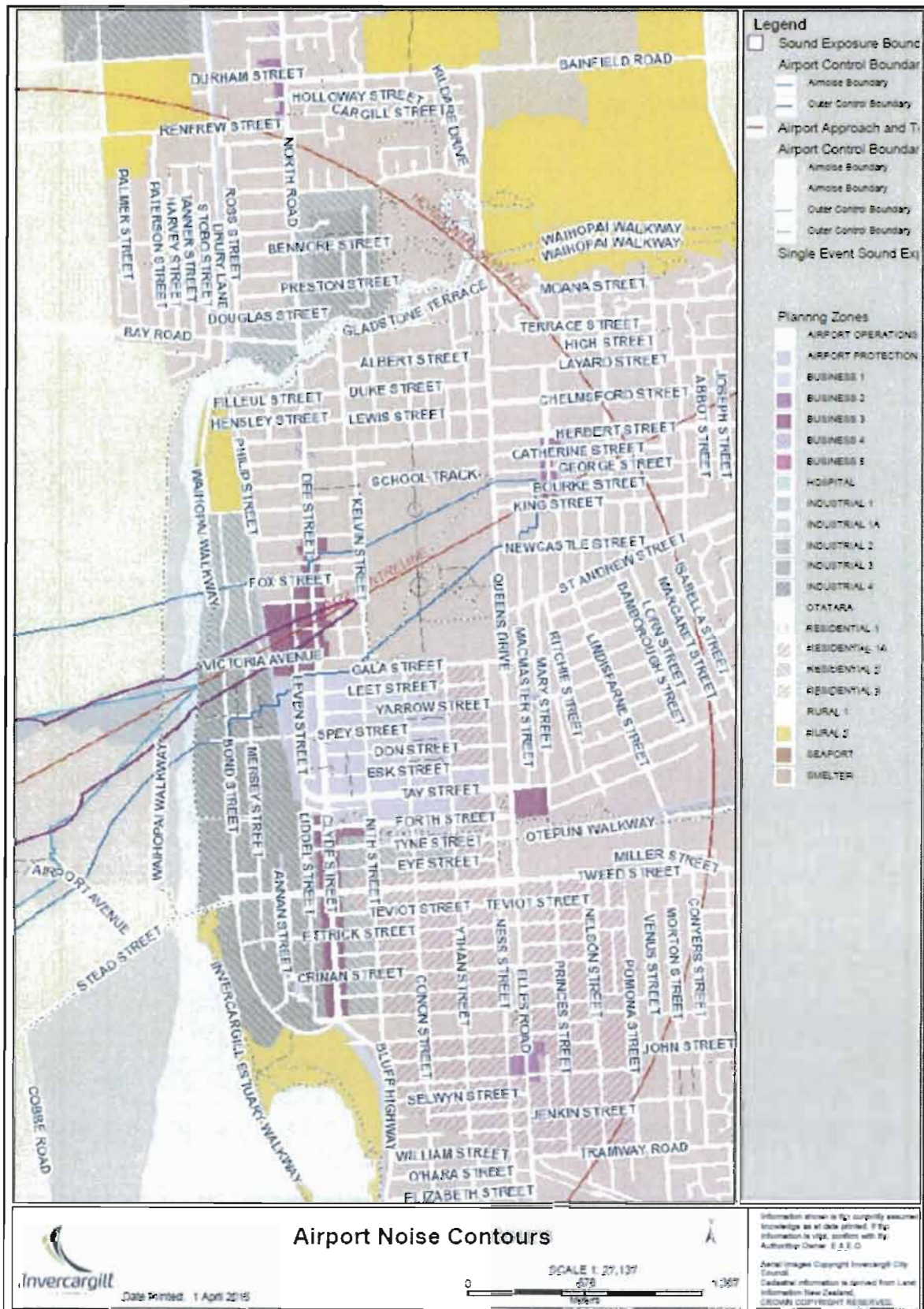


Stuart Camp
Principal

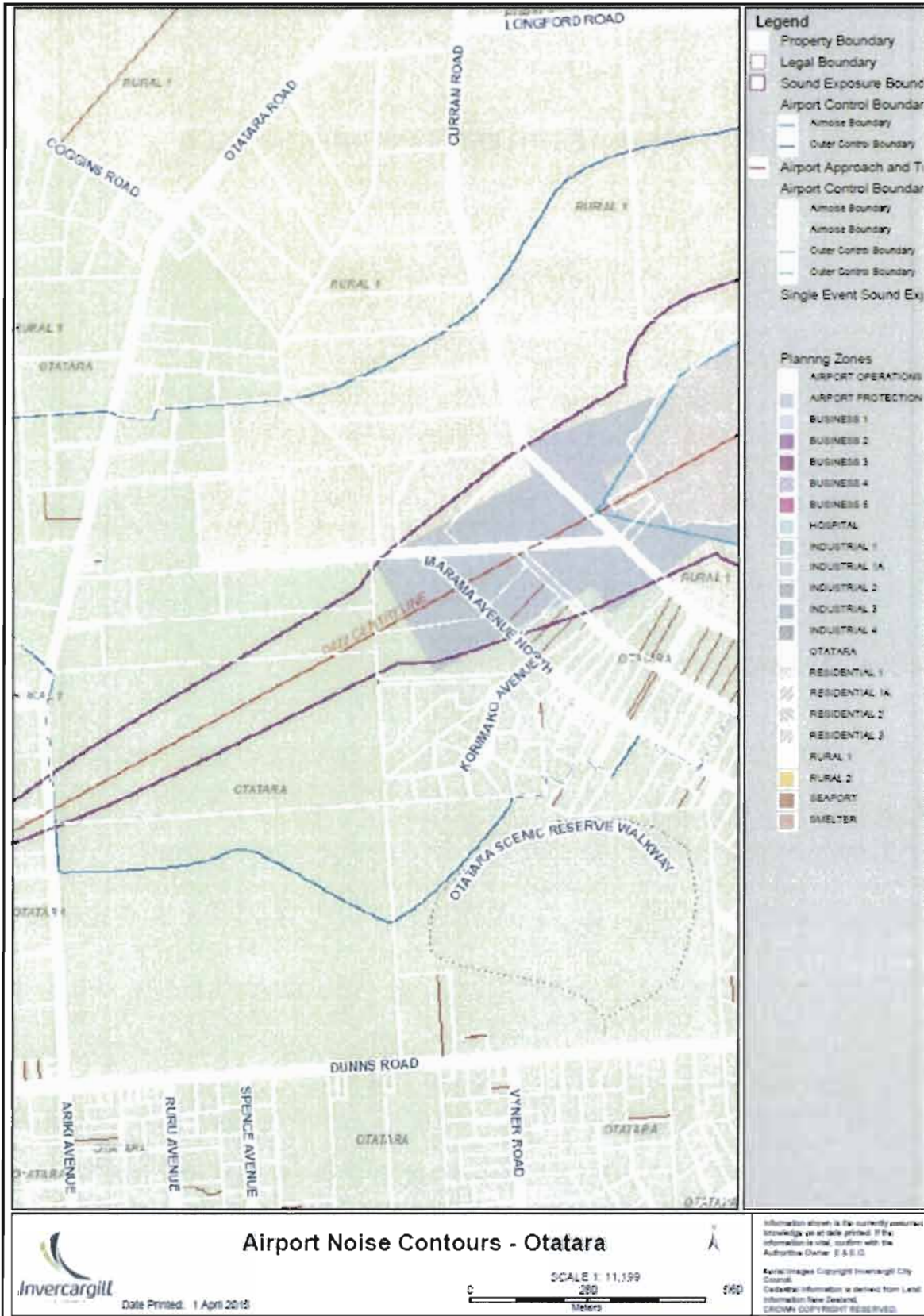
APPENDIX 4 – AIRPORT NOISE CONTOURS



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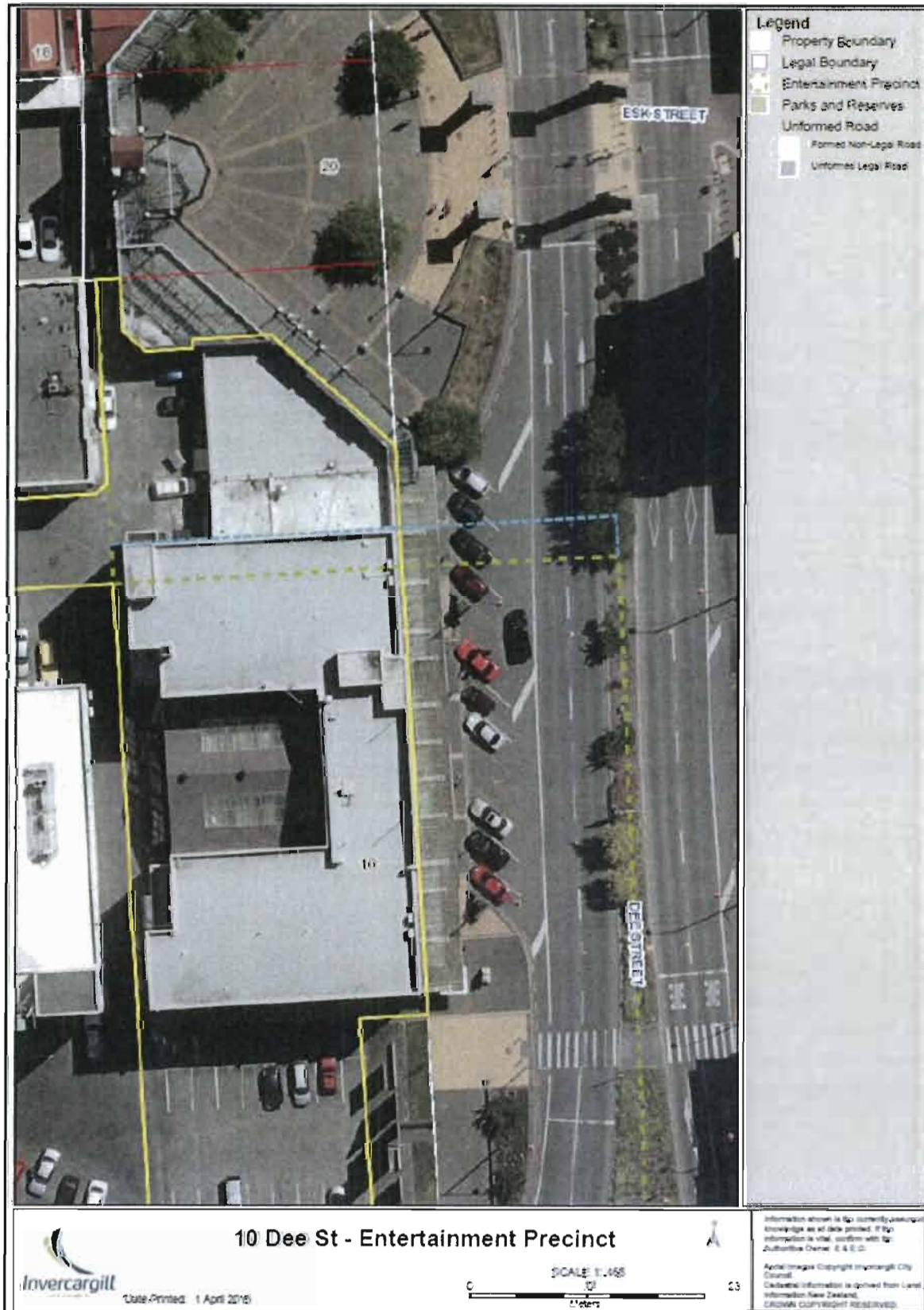
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APPENDIX 5 - MAP OF 10 DEE STREET, INVERCARGILL

Light blue dashed line indicates recommended amendment to the boundary of the Entertainment Precinct. The Green dashed line indicates the boundary of the Entertainment Precinct as notified.



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