



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

**Decision No. 29**

**General Issues**

### **Hearings Committee**

Councillor Darren Ludlow (Chair)

Councillor Neil Boniface

Councillor Graham Sycamore

Keith Hovell

11 October 2016

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## **INTRODUCTION**

We have been appointed by the Invercargill City Council to consider and issue decisions on the submissions lodged to the Proposed Invercargill City District Plan. In this decision we consider general submissions lodged to the Proposed District Plan, not allocated to specific topics.

The Resource Management Act 1991 sets out various matters that impact on our considerations and deliberations. The key provisions are Sections 5 - 8, 32, 75 and 76 of the Act, and the Second Part of the First Schedule to the Act. The Section 42A Report prepared for the Committee considered these matters in detail and we have had regard to those matters. Where the statutory provisions are of particular significance we have referred to them within this Decision.

In this Decision, the following meanings apply:

"The Council" means the Invercargill City Council.

"Further Submitter" means a person or organisation supporting or opposing a submission to the Proposed Plan.

"FS" means Further Submission.

"Hearings Committee" means the District Plan Hearings Committee established by the Council under the Local Government Act.

"NZDF" means New Zealand Defence Force.

"Operative Plan" or "Operative District Plan" means the Invercargill City District Plan 2005.

"Proposed Plan" or "Proposed District Plan" means the Proposed Invercargill City District Plan 2013.

"RMA" means the Resource Management Act 1991.

"Submitter" means a person or body lodging a submission to the Proposed Plan.

"TMTAs" means Temporary Military Training Activities.

At the commencement of the hearings, Crs Boniface and Ludlow declared an interest as Directors of PowerNet Limited, Cr Sycamore declared an interest as a Director of Invercargill City Holdings Limited and Commissioner Hovell declared a conflict of interest in relation to submissions lodged by Cunningham Properties Limited. The Councillors and Commissioner took no part in deliberations in relation to the submissions of the submitters referred to.

## **THE HEARING TO CONSIDER SUBMISSIONS TO THE PROPOSED DISTRICT PLAN**

The hearing to consider the submissions lodged to the matters set out in this decision was held in the Council Chambers of the Invercargill City Council on 28 April 2015.

### **Section 42A Report**

The Hearings Committee received a report from Joanna Shirley, Policy Planner with the Invercargill City Council. In her report, Mrs Shirley recommended changes to the activity status of the Height Rule and Temporary Military Training Activities and deletion of the definition of Recreational Activities from the Plan. She also recommended several changes to the Plan provisions which were of a minor nature and neutral in effect.

With regard to TMTAs Mrs Shirley advised the Committee that these are recognised in the noise rule but are not permitted in the zone rules. It was her view that these activities have

the potential to give rise to noise effects, as well as effects on amenity and nuisance effects from transportation and the height of structures. She noted that 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. Mrs Shirley considered that a similar approach should be brought across to the Proposed District Plan. Outside of the Rural 1 Zone she considered 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. She therefore recommended amending the Rural 1 Zone Rules to provide a controlled activity status for Temporary Military Training Activity, subject to certain criteria being met. In all other zones she believed that the default activity status for Temporary Military Training Activity should be retained as proposed.

## **Submitters Attending the Hearing**

### New Zealand Defence Force

Rob Owen, Environmental Manager within the Defence Property Group, provided written evidence in which he stated that temporary military training activities are essential and in many respects are identical to training activities carried out by other emergency services such as NZ Police, NZ Fire Service, the various ambulance services and Search and Rescue. In his view, noise resulting from the discharge of ammunition or explosives is the only effect of temporary military training activities that warrants specific management through the Plan. Mr Owen then outlined the various activities undertaken, which included driver training, medical and dental services, camp setup including field kitchens and ablutions, Improvised Explosive Device Disposal (IEDD) exercises, dog training and what might be more conventionally understood by the term military training. He added that TMTAs may be undertaken over a period of days or weeks on an intermittent or continuous basis, during both day and night.

Mr Owen also explained that TMTAs are typically planned well in advance, and that for activities undertaken on land not owned by NZDF, time is required to secure landowner agreement. He added that in the case of training involving weapons firing and the use of explosives, safety templates and potential effects on neighbouring land need to be determined in advance and these standards have been incorporated into the submission, and accepted noise effects from TMTAs needs to be appropriately controlled within District Plans.

Manea Sweeney, Principal Planner at Tonkin & Taylor Limited Wellington, also provided written evidence in which she proffered that requiring the NZDF to seek controlled activity consent in the Rural Zone, and a discretionary or non-complying activity consent in any of the other zones, every time it sought to undertake a TMTA would not only result in unnecessary costs and inefficiencies in regards to consent processing, implementation and enforcement, but it would also potentially restrict NZDF from fulfilling its obligations under the Defence Act 1990. Instead, she considers that a specific Permitted Activity rule for TMTAs relating to all zones, with standards specifically relating to the effect that has the potential to have more than minor effects, being noise, is an effective planning mechanism that will enable NZDF to undertake these activities across different zones in the District, with the appropriate controls in place to manage and minimise adverse effects. She then undertook an assessment of the rule sought to be included in the Proposed Plan having regard to the matters set out in Section 32 of the RMA.

## **Material Tabled at the Hearing**

### Progressive Enterprises Ltd

M J Foster of Zomac Planning Solutions Ltd advised the Committee on behalf of Progressive Enterprises Ltd that his client was pleased with the recommendation to revise the activity status for any height exceedance to restricted discretionary. He also stated that while Progressive still considers that the same status should apply to signage, noise and transportation rules, it will not pursue a change in status any further.

## **MATTERS REQUIRING PARTICULAR CONSIDERATION**

### **Temporary Military Training Activities**

The NZDF in Submission 26.2 sought a separate permitted activity rule for Temporary Military Training Activities in all zones subject to specified noise limits included in the submission. Where such activities do not comply with the standards then a restricted discretionary activity rule was sought. Mrs Shirley in her Section 42A Report rejected this approach, and having regard to what she perceived were the effects of TMTAs recommended that resource consent be required to carry out TMTAs as a controlled activity in the Rural 1 Zone and as the default activity status in other zones.

At the hearing, witnesses for the NZDF gave an explanation of the activities undertaken so that the Committee could better appreciate the generated effects. The Committee found that particularly helpful and was accepting that there was merit in the approach being promoted, based on the distance between TMTAs and noise sensitive activities. However, within the setting of Invercargill with a dominance of low lying and relatively level topography, the Committee held concerns as to the full effect of firing activities at night. For activities between the hours of 0700 and 1900, the Committee accepted that the noise effects could be managed through noise limits, separation distances and the requirement for relevant information to be submitted to the Council. However, it did not agree that noise generating activities were appropriate at other times.

The Committee was also of the view that the various activities comprising TMTAs described by Mr Owen in his evidence were permitted to varying degrees in other zones, removing the need for TMTAs to be listed in those zones.

The Committee therefore resolved to provide for TMTAs within the Rural Zone, noting that as a consequence of Decision 35/20 the Rural 1 and 2 Zones were amalgamated, enabling explosive events and the firing of blank ammunition only between 0700 and 1900 hours on any given day.

This issue is discussed further in Decision 33 Noise.

## **SECTION 32 MATTERS**

### **Requirements**

The Committee was advised by Mrs Shirley that Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan, and that a Report was released at the time of notification of the Proposed Plan in compliance with those provisions. The Committee was also advised that 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, with the detail of the assessment corresponding with to the scale and significance of the environmental, economic, social, and

cultural effects that are anticipated from the implementation of the changes made to the Proposed Plan.

As the Committee understands its obligations, it is required to:

- (i) Assess any changes made to objectives to determine whether they are the most appropriate way to achieve the purpose of the RMA.
- (ii) Examine any changes made to the policies and rules to determine whether they are the most appropriate way to achieve the objectives of the Proposed Plan. This includes:
  - Identifying 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)
  - Identifying other reasonably practicable options for achieving the objectives; and
  - Assessing the efficiency and effectiveness of the provisions in achieving the objectives.

The Committee however, is not required to assess in accordance with Section 32 of the RMA any changes to the issues and or explanatory text of provisions.

### **Assessment**

Mrs Shirley in her Section 42A Report recommended a number of changes to the provisions of the Proposed Plan and assessed these against the provisions of Section 32AA of the RMA. Ms Sweeney also provided an assessment of the Section 32 matters in her evidence in relation to Temporary Military Training Activities. To the extent of changes contained in Appendix 1, the Committee agrees with these assessments and adopts them.

This decision makes a number of amendments to Objectives and Rules that differ from the recommendations in Mrs Shirley's Section 42A Report. These amendments are as follows:

- Amend Rule 3.13.3 by adding a new exception to the Noise rules.
- Replace Rule 3.13.10 with new provisions relating Temporary Military Training Activity.
- Adding Temporary Military Training Activities to the list of permitted activities under Rule 3.38.1.

The amendments to the Noise Rule 3.13 have been evaluated in Decision 33 Noise.

The Committee considers it is appropriate to provide for Temporary Military Training Activities in the Rural Zone. The reporting officer's recommendation was that these activities be considered controlled where any building erected is removed within 30 days and no earthworks are carried out, otherwise these activities would be considered to be discretionary. The Committee accepted the direction of the evidence received from the New Zealand Defence Force, however it considered that the relief sought should not be accepted in whole. Some aspects of TMTAs will be appropriate in different zones throughout the District and these will be considered as they arise. For example, medical and dental health services provided as a Military Training exercise fit within the definition of Health Care activities, and the activity status of these activities will be determined by the proposed location for that activity. There are urban environments where these activities are considered more appropriate than others. However, the Committee considers that the full range of TMTAs are appropriate as permitted activities only in the Rural Zone. This change



is not considered a significant departure from the advice of Mrs Shirley and as such it is not considered necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes.

There is no Objective or Policy that relates specifically to TMTAs. The amenity values of the Rural Zone that are to be maintained and enhanced (2.40.2 Objective 2) are detailed further in the policies. Policy 3 seeks to avoid activities that do not have a need to locate in the Rural Zone that will result in adverse effects inconsistent with the function, character and amenity provided for by the Rural Zone.

The key difference between a permitted activity status, as set out in this decision, and controlled activity status, as promoted by Mrs Shirley, is the requirement for a resource consent. Controlled activities provide the opportunity for decision makers to view a proposal and assess the environmental effects of the matters specified as being subject to control in the rules, and also to impose conditions in relation to the specified matters. Permitted activity status will reduce the administration requirements for the New Zealand Defence Force when preparing to carry out TMTAs within the rural environment of Invercargill.

The adverse effect of most concern to the community in relation to TMTAs is noise. This will be managed through the noise provisions which control the hours of the day of explosive events and the firing of blank ammunition from TMTAs. The activities will also be subject to the other zone provisions.

In terms of risk, the Committee notes that these activities by their nature are temporary. They are mandated through the Defence Act 1990. The Committee recognises that TMTAs are vital exercises for the New Zealand Defence Force and that they are not carried out regularly in the Invercargill City District. The risks in permitting these activities in the rural environment are managed through environmental standards and noise controls. In this situation, the benefits of this approach outweigh the costs.

Dated at Invercargill this 11<sup>th</sup> day of October 2016



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell

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## APPENDIX 1 - DECISIONS BY SUBMISSION

Submission	Decision
<b>General</b>	
<p><b>56.22 Jenny Campbell</b> 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><b>56.23 Jenny Campbell</b> 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><b>56.26 Jenny Campbell</b> The submitter encourages the promotion of Healthy Homes projects to ensure healthier lifestyles for Invercargill residents.</p> <p><b>56.27 Jenny Campbell</b> The submitter commends and advocates for the continued use of awards for promoting positive activity in the ICC area.</p> <p><b>82.3 Neil Thomas</b> 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><b>FS33.3 A4 Simpson Architects Ltd</b> support Submission 82.</p> <p><b>82.4 Neil Thomas</b> The submitter considers that an i Site should be located within the CBD.</p> <p><b>FS33.4 A4 Simpson Architects Ltd</b> support Submission 82.4.</p>	<p><b>Decision 29/1</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> <li>1. All of the matters referred to by the submitters require action outside the purview of the District Plan.</li> <li>2. The Council is involved in and supports a number of non-regulatory energy projects through the Southland Warm Homes Trust, which works toward making existing homes more energy efficient by funding insulation.</li> <li>3. 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's, or group's, positive contribution to the environment.</li> </ol>
<p><b>34.1(b) Silver Fern Farms Ltd</b> 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. The submitter explains that reverse sensitivity can cause conflict and curtail the ability to operate efficiently, increasing risks and reducing future viability. The submitter also 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</p>	<p><b>Decision 29/2</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><u>Reason:</u> The zoning of the District will be retained and requires resource consent approval for activities not provided for as permitted activities.</p>

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<p>activities to operate without undue restriction.</p> <p><u>Decision Sought:</u> Retain industry specific zoning and the provision for primary production AND retain the policies to discourage activities locating outside of zoned areas.</p> <p><b>FS28.1 NZ Transport Agency</b> support Submission 34.1 and 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><b>81.10 Progressive Enterprises Ltd</b> 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><b>FS46.1 Leven Investments Ltd and others</b> support Submission 81.10 and 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><b>Decision 29/3</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Amend the activity status to restricted discretionary where there is non-compliance with permitted height rules in each Zone as set out in Appendix 2.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> <li>1. The matters requiring consideration where there is non-compliance with the other rules referred to in the submission are wide, indicating that discretionary status is warranted.</li> <li>2. The submitter advised in response to the Section 42A Report that it would not pursue this matter further.</li> </ol>
<p><b>107.23 A4 Simpson Architects Ltd</b> 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><u>Decision Sought:</u> Change reference of the term "lifestyle block" to "rural-residential" throughout the Plan.</p>	<p><b>Decision 29/4</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Change reference of the term "lifestyle block" to "rural-residential" or "large lot residential" as set out in Appendix 2.</p>

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	<p><i>Note also that amendments were made to the provisions for the Residential 3 Zone by way of Variation 8. See also Decision 34 Residential.</i></p> <p><u>Reason:</u> 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 replaced with a more suitable term appropriate to the context of the provision.</p>
<p><b>15.25 Ballance Agri-Nutrients Ltd</b> 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. 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 of buildings and structures within the Industrial 4 (Awarua) Zone. 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. 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><u>Decision Sought:</u> 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 OR any similar amendments to like effect TOGETHER WITH any consequential amendments that stem from the amendment set out above.</p>	<p><b>Decision 29/5</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><u>Reason:</u></p> <ol style="list-style-type: none"> <li>1. It is not necessary to specifically recognise the construction of buildings and structures as a separate activity in all zones.</li> <li>2. 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 is implicit in the permitted activities list.</li> </ol>

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<p><b>26.2 NZ Defence Force</b></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. 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><u>Decision Sought:</u> Include a separate permitted activity rule for Temporary Military Training Activities subject to specified noise limits (based on the criteria detailed in Submission 26.3) in all zones AND 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><b>Decision 29/6</b></p> <p>This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p> <p>(i) In the Rural Zone add to the list of Permitted Activities in Rule 3.38.1:</p> <p style="padding-left: 20px;">(J) <u>Temporary Military Training Activities</u></p> <p>(ii) Replace Rule 3.13.10 Temporary Military Training with the following:</p> <p><b>Temporary Military Training</b></p> <p><b>(A) <u>Weapons firing and/or the use of explosives</u></b></p> <p style="padding-left: 20px;">(a) <u>Notice is provided to the Council at least 48 hours prior to the commencement of the activity, specifying whether the activity involves live firing and/or the use of explosives, or firing of blank ammunition; the location of the activity and the boundaries within which the activity will take place, and distances to buildings housing noise sensitive activities; and the timing and duration of the activity.</u></p> <p style="padding-left: 20px;">(b) <u>Weapons firing and the use of explosives is limited to between 0700 to 1900 hours.</u></p> <p style="padding-left: 20px;">(c) <u>The separation distance required between the boundary of the activity and the notional boundary to any building housing a noise sensitive activity shall be at least:</u></p> <p style="padding-left: 40px;">(i) <u>1,500 metres for the live firing of weapons and single or multiple explosive events</u></p> <p style="padding-left: 40px;">(ii) <u>750 metres for the firing of blank ammunition</u></p> <p style="padding-left: 20px;">(d) <u>Sound levels at any point within the notional boundary to any building housing a noise sensitive activity shall not exceed a peak sound pressure level of 120 dB L<sub>Cpeak</sub></u></p>

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Submission	Decision								
	<p><b><u>(B) Noise from Mobile Sources</u></b></p> <p><u>Noise from mobile sources, including but not limited to personnel, light and heavy vehicles, self-propelled equipment and earthmoving equipment, shall comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics - Construction Noise, with reference to "construction noise" referring to noise from mobile sources.</u></p> <p><b><u>(C) Noise from Fixed (Stationary) Sources</u></b></p> <p><u>Noise from fixed (stationary) noise sources, other than provided for in (A) above, including but not limited to power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems shall not exceed the following when measured in accordance with NZS6801:2008 Acoustics - Measurement of Sound:</u></p> <p><u>(a) at any point within the notional boundary of any building housing a noise sensitive activity;</u></p> <p><u>(b) at any point within any land zoned Residential 1, 1A, 2 or 3 or Otatara.</u></p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;"><u>Time</u></th> <th style="text-align: center;"><u>Noise Level</u></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><u>0700 - 1900 hours</u></td> <td style="text-align: center;"><u>55 dB L<sub>eq</sub></u></td> </tr> <tr> <td style="text-align: center;"><u>1900 - 2200 hours</u></td> <td style="text-align: center;"><u>55 dB L<sub>eq</sub></u></td> </tr> <tr> <td style="text-align: center;"><u>2200 - 0700 hours the following day</u></td> <td style="text-align: center;"><u>40 dB L<sub>eq</sub></u> <u>75 dB L<sub>Amax</sub></u></td> </tr> </tbody> </table> <p><b><u>(D) Helicopter Landing Areas</u></b></p> <p><u>The operation of helicopter landing areas shall comply with the noise limits set out in NZ6807 Noise Management and Land Use Planning for Helicopter Landing Areas.</u></p> <p><u>Reasons:</u></p> <p>1. As set out on pages 2 - 3 of this Decision it is appropriate to provide for temporary military training activities in the Rural 1 Zone with adoption of the default rules in other Zones.</p>	<u>Time</u>	<u>Noise Level</u>	<u>0700 - 1900 hours</u>	<u>55 dB L<sub>eq</sub></u>	<u>1900 - 2200 hours</u>	<u>55 dB L<sub>eq</sub></u>	<u>2200 - 0700 hours the following day</u>	<u>40 dB L<sub>eq</sub></u> <u>75 dB L<sub>Amax</sub></u>
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	<p>2. The distribution and character of activities within the Invercargill setting, and the geography of the land make it unsuitable to undertake explosive events outside of the hours 0700 - 1900.</p> <p>3. Decision 33/23 amends 3.13.3(B)(e) to exempt noise sources specifically listed in Rules 3.13.4 – 3.13.17 from the noise limits set out in 3.13.2. This exemption will cover noise from the noise sources covered in Rule 3.13.10 Temporary Military Training Activities.</p>
<p><b>31.1 R T Chapman</b>            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 Recreational Activity should be a permitted activity in every zone.</p> <p><u>Decision Sought:</u> Amend Section Three to provide for Recreational Activity to be a permitted activity in every zone.</p>	<p><b>Decision 29/7</b>            This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p> <p>(i) Delete the definition of "Recreational Activity".</p> <p>(ii) 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, <del>video arcades</del> <u>gaming centres</u><sup>1</sup> 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, <del>but excludes such activities on reserve land and school sites, and</del><sup>2</sup> <u>Communal activity excludes any such use associated with any residential activity, education activity, day care activity, commercial activity, recreation activity and commercial recreation activity.</u></p> <p>(iii) Amend the use of the term recreational activities on:            – Coastal Environment, Policy 5 Explanation (renumbered</p>

<sup>1</sup> Minor amendment made under Clause 16(2) of the RMA First Schedule

<sup>2</sup> Decision 32/9



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Submission	Decision
	<p>Policy 6 as a result of other decisions)</p> <ul style="list-style-type: none"> <li>- Surface of Water Activities, Introduction, paragraph 6.</li> <li>- Surface of Water Activities, Policy 1</li> </ul> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> <li>1. Given that "recreational activities" are not assigned any status in the Proposed Plan the definition is not required.</li> <li>2. Amending the definition of "Communal Activity" provides for sporting activities not otherwise enabled as part of residential use.</li> </ol>
<p><b>69.6 ICC Roading Manager</b> The submitter considers that the mapping of the service lanes is confusing and inaccurate. Review the mapping of the service lanes, particularly where they have been vested as roads.</p>	<p><b>Decision 29/8</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> Amend District Planning Map 9 by delineating the two service lanes between Don Street and Spey Street, and Spey Street and Yarrow Street, as shown in Appendix 3.</p> <p><u>Reason:</u> The amendment clarifies the legal status of the service lanes.</p>
<p><b>78.32 Ministry of Education</b> The mapping of Designation 34 Waikiwi Kindergarten does not show all of the legal description. Amend Planning Map 6 by modifying the designation boundary for Designation 34 by including Part Lot 28, DP194.</p>	<p><b>Decision 29/9</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><u>Reasons:</u></p> <ol style="list-style-type: none"> <li>1. District Planning Map 6 already includes Part Lot 28 DP 194.</li> <li>2. The area of the designation is the same as in the Operative District Plan and can only be amended by way of a requirement issued by the Ministry and not by a submission.</li> </ol>

## APPENDIX 1 - DECISIONS BY SUBMISSION

Submission	Decision
<p><b>67.3 ICC Drainage Manager</b> The submitter considers the flood banks around the New River Estuary on Hazard Maps 16 and 17 are inaccurate. Correct the stopbank position around the New River Estuary.</p>	<p><b>Decision 29/10</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Update District Hazard Information Maps 16 and 17 to correctly show the stopbanks, as shown by green lines on the map in Appendix 4 to this Decision.</p> <p><u>Reason:</u> Environment Southland advises the maps are incorrect and should be updated.</p>
<p><b>105.10 ICC Environmental Health and Compliance Services</b> 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><b>Decision 29/11</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><u>Reason:</u> The submitter supports the provisions and seeks no change to them.</p>
<p><b>105.13 ICC Environmental Health and Compliance Services</b> 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. The submitter recommends:</p> <ol style="list-style-type: none"> <li>a. The inclusion of zone specific policies for odour</li> <li>b. Specific provision is made for smoke, odour, fumes and dust</li> </ol> <p><b>FS11.2 HW Richardson Group Ltd</b> oppose Submission 105.13 and consider these issues to be Regional Council issues and duplication is unnecessary and would create uncertainty.</p>	<p><b>Decision 29/12</b> This submission is noted</p> <p><b>Amendments to District Plan</b> None required.</p> <p><u>Reason:</u></p> <ol style="list-style-type: none"> <li>1. The Plan does include zone specific provisions in relation to odour.</li> <li>2. Responsibility for controlling discharges to air lies with Environment Southland. These matters are dealt with in 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 adverse effects under Section 17 of the RMA.</li> </ol>

## SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

### 2.4 COASTAL ENVIRONMENT

#### Policy 56 Functional need

**Explanation:** ...

*...Other activities, such as the aluminium smelter at Tiwai Point, are 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<sup>3</sup> 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.~~<sup>4</sup>*

### 2.15 SURFACE OF WATER ACTIVITIES AND ACCESS TO WATERWAYS<sup>5</sup>

#### Introduction (Sixth paragraph)

The public values access to these areas, often for recreational activities purposes.<sup>6</sup> 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

**Policy 1<sup>7</sup> 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.*

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<sup>3</sup> Decision 29/7

<sup>4</sup> Decision 17/15

<sup>5</sup> Minor amendment made under Clause 16(2) of the RMA First Schedule

<sup>6</sup> Decision 29/7

<sup>7</sup> Decision 29/7

## APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

### 2.35 RESIDENTIAL OVERVIEW

Introduction (paragraph 10)

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.<sup>8</sup>

**Policy 2 Residential Density:** 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.<sup>9</sup>

### 2.39 RESIDENTIAL 3 (LARGE LOT)

#### 2.39.1 Issues

**Issue 1** There is demand for “lifestyle” large lot residential properties.<sup>10</sup>

#### 2.39.2 Objectives

**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.<sup>11</sup>

## SECTION THREE RULES

### 3.13 NOISE

#### 3.13.10 Temporary Military Training<sup>12</sup>

~~(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 shall not exceed:~~

Time on any day	L <sub>10</sub> -dB	L <sub>max</sub> -dB
<del>0730 — 1800</del>	<del>75</del>	<del>90</del>
<del>1800 — 2000</del>	<del>70</del>	<del>85</del>
<del>2000 — 0730 the following day</del>	<del>55</del>	<del>75</del>

<sup>8</sup> Decision 29/4

<sup>9</sup> Decision 29/4

<sup>10</sup> Decision 29/4

<sup>11</sup> Decision 29/4

<sup>12</sup> Decision 29/6

## APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

~~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).~~

### **(A) Weapons firing and/or the use of explosives**

- (a) Notice is provided to the Council at least 48 hours prior to the commencement of the activity, specifying whether the activity involves live firing and/or the use of explosives, or firing of blank ammunition; the location of the activity and the boundaries within which the activity will take place, and distances to buildings housing noise sensitive activities; and the timing and duration of the activity.
- (b) Weapons firing and the use of explosives is limited to between 0700 to 1900 hours.
- (c) The separation distance required between the boundary of the activity and the notional boundary to any building housing a noise sensitive activity shall be at least:
  - (i) 1,500 metres for the live firing of weapons and single or multiple explosive events
  - (ii) 750 metres for the firing of blank ammunition
- (d) Sound levels at any point within the notional boundary to any building housing a noise sensitive activity shall not exceed a peak sound pressure level of 120 dB  $L_{Cpeak}$

### **(B) Noise from Mobile Sources**

Noise from mobile sources, including but not limited to personnel, light and heavy vehicles, self-propelled equipment and earthmoving equipment, shall comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics - Construction Noise, with reference to "construction noise" referring to noise from mobile sources.

### **(C) Noise from Fixed (Stationary) Sources**

Noise from fixed (stationary) noise sources, other than provided for in (A) above, including but not limited to power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems shall not exceed the following when measured in accordance with NZS6801:2008 Acoustics - Measurement of Sound:

- (a) At any point within the notional boundary of any building housing a noise sensitive activity;

## APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

(b) At any point within, any land zoned Residential 1, 1A, 2 or 3 or Otatara.

<u>Time</u>	<u>Noise Level</u>
<u>0700 - 1900 hours</u>	<u>55 dB L<sub>Aeq(15 mins)</sub></u>
<u>1900 - 2200 hours</u>	<u>55 dB L<sub>Aeq(15 mins)</sub></u>
<u>2200 - 0700 hours</u>	<u>40 dB L<sub>Aeq(15 mins)</sub></u>
<u>the following day</u>	<u>75 dB L<sub>AFmax</sub></u>

### **(D) Helicopter Landing Areas**

The operation of helicopter landing areas shall comply with the noise limits set out in NZ6807 Noise Management and Land Use Planning for Helicopter Landing Areas.

## **3.22 AIRPORT PROTECTION ZONE**

**3.22.5<sup>13</sup>** 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**

**3.23.12<sup>14</sup>** 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.

<sup>13</sup> Decision 29/3

<sup>14</sup> Decision 29/3

## APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

- (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

**3.24.5<sup>15</sup>** 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

**3.25.5<sup>16</sup>** 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.

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<sup>15</sup> Decision 29/3

<sup>16</sup> Decision 29/3

## APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

- (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

**3.26.5<sup>17</sup>** 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

**3.27.5<sup>18</sup>** 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.

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<sup>17</sup> Decision 29/3

<sup>18</sup> Decision 29/3



## APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

### 3.28 HOSPITAL ZONE

#### Height of Structures

**3.28.4**<sup>19</sup> 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

**3.29.5**<sup>20</sup> 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.

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<sup>19</sup> Decision 29/3

<sup>20</sup> Decision 29/3

## APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

### 3.30 INDUSTRIAL 2 (URBAN) ZONE

#### Height of Structures

**3.30.5<sup>21</sup>** 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

**3.31.5<sup>22</sup>** 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.

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<sup>21</sup> Decision 29/3

<sup>22</sup> Decision 29/3

## APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

### 3.33 OTATARA ZONE

#### Height of Structures

**3.33.11**<sup>23</sup> 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

**3.34.21**<sup>24</sup> 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.

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<sup>23</sup> Decision 29/3

<sup>24</sup> Decision 29/3

## APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

### 3.36 RESIDENTIAL 2 (BLUFF AND OMAUI) ZONE

#### Height of Structures

**3.36.20**<sup>25</sup> 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

**3.37.25**<sup>26</sup> 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.

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<sup>25</sup> Decision 29/3

<sup>26</sup> Decision 29/3

## APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

### 3.38 RURAL 4 ZONE

**3.38.1 Permitted Activities:** The following are permitted activities in the Rural 1 Zone:

(J) Temporary Military Training Activity<sup>27</sup>

#### Height of Structures

**3.38.13**<sup>28</sup> 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.

## 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 gaming centres<sup>29</sup> 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~~<sup>30</sup> Communal activity excludes any such use associated with any residential activity, education activity, day care activity, commercial activity, ~~recreation activity~~ and commercial recreation activity.<sup>31</sup>

~~**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.~~<sup>32</sup>

<sup>27</sup> Decision 29/6

<sup>28</sup> Decision 29/3

<sup>29</sup> Minor amendment made under Clause 16(2) of the RMA First Schedule

<sup>30</sup> Decision 32/9

<sup>31</sup> Decision 29/7

<sup>32</sup> Decision 29/7

## APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

### HAZARD INFORMATION MAPS

Amend District Hazard Information Maps 16 and 17 to show the correct location of the stopbanks.<sup>33</sup>

### PLANNING MAPS

Show the service lanes correctly on District Planning Map 9.<sup>34</sup>

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<sup>33</sup> Decision 29/10

<sup>34</sup> Decision 29/8