



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

### **Decision No. 35**

#### **Rural**

#### **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 the submissions lodged in relation to Rural issues.

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 them. 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.

"FS" means Further Submission.

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

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

"NZTA" means the New Zealand Transport Agency.

"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.

"Somerset" means A4 Somerset Development Ltd.

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

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

The hearing to consider the submissions lodged to the matters set out in this decision was held in the Council Chambers on 11 and 12 May 2015.

### Section 42A Report

The Hearings Panel received a report from Dan Wells of John Edmonds and Associates. In his report, Mr Wells highlighted that the key issue of concern to submitters was the minimum lots size of four hectares required in the Rural 1 Zone. This will change the residential density from one house per two hectares required in the Operative Plan. He noted that many submitters presumed that the reason for the change relates to ensuring large enough sites for on-site effluent systems, which is not in fact a key reason for this change. Rather, the potential supply of rural-residential lots far exceeded demand and risked undermining the Council's strategies of consolidating urban growth, encouraging redevelopment of existing urban areas and managing infrastructure costs.

In response to submissions from Federated Farmers questioning whether it is necessary to prescribe minimum lot sizes in the Rural Zones, Mr Wells concluded that in the Invercargill setting it was the appropriate technique. He favoured this approach because of the certainty it provided and viewed the alternative of assessing each proposal on its merits as costly in time and money without environmental benefits.

In the Section 42A Report Mr Wells advised that about a third of the approximately 3,800 allotments that exist in the Rural 1 Zone fall between one and four hectares in size and that in excess of a further 5,000 four hectare blocks could potentially be created. As a consequence, a smaller lot size was not needed to provide for future growth. In reply to questions from the Committee at the conclusion of the hearing Mr Wells expressed the view that he had concerns as to the reliability of these figures.

### **Submitters Attending the Hearing**

#### **A4 Somerset Development Ltd**

As set out in Decision 34 Residential, Luke McSoriley, a planner with Opus International Consultants, provided written evidence on behalf of Somerset with reference to the property at 12 Somerset Lane which is zoned part Domicile and part Rural in the Operative Plan and part Residential 1 and part Rural 2 in the Proposed Plan. He noted that a four lot subdivision of the land had already occurred and a further 16 lot subdivision was proposed. Of the latter, four lots would be zoned residential, seven rural and five would have a split zoning.

It was the view of Mr McSoriley that a split zoning is not appropriate and all of the land should be zoned Residential 1. He considered this consistent with Submission 65.129 made by the ICC Environmental and Planning Services opposing a split zoning on another property and the recommendation in the Section 42A Report which supported a single zoning over that land for the reason that administration of the District Plan would be made easier than if a dual zoning applied. He also considered that zone boundaries should follow property boundaries wherever possible.

Mr McSoriley then assessed the objectives and policies for the Rural 2 Zone expressing the view that these did not reasonably apply to the subject land. Nor did he consider the uses permitted within the Rural 2 Zone suitable on the land. He was also of the view that the split zoning was contrary to the provisions of the Operative and Proposed Regional Policy Statement.

In response to matters raised in the Section 42A Report, Mr McSoriley disagreed that the potential for contamination of the land was a valid reason to retain the rural zoning. He stated that the procedures under the NES for contaminated land provided an appropriate mechanism to assess the issue. He also disagreed that a potential natural hazard risk was a relevant factor, given that flood protection works protected the site and extensive areas of Invercargill were in the same situation.

In response to questions from the Committee Mr McSoriley indicated that discussions had been ongoing with Council staff with regard to the ability to provide infrastructure to this land, noting that water and sewerage was available subject to Council approval. It was also his view that development of the submitter's land was preferable to expanding services into the proposed Retreat Road Residential 3 area and consistent with the Proposed RPS that encouraged any expansion of infrastructure to areas adjoining existing urban development.

#### **Don Moir**

In written submissions Don Moir considered the rules relating to subdivision and open space in the rural zone, noting that the current single rural zone requiring two hectares per dwelling is being replaced with two zones. It was his view that the two hectare rule was adopted

recognising that the Council had consistently approved subdivisions of that size. He then referred to the Section 32 Report and rejected the concern that a larger lot was required to avoid problems with effluent disposal. With regard to areas that did have problems Mr Moir suggested that these were subdivisions done many years ago creating very small lots which do not reflect the current practice. With modern septic tanks and current technology problems do not arise. He later added in reply to questions from the Committee that all his designs are peer reviewed in a very rigorous manner to ensure a satisfactory performance.

Nor did Mr Moir accept that adopting four hectares would assist in consolidating urban growth, encourage redevelopment of existing urban areas or manage infrastructure costs, particularly given that even at two hectares water and sewerage reticulation is not needed and the additional properties created added to the rating take.

Mr Moir also questioned the availability of rural lots, stating the potential 350 estimated by Dan Wells did not take into account flood prone areas and other restrictions. In his view the number was probably closer to 75 and if the Council continued with the proposed approach it would seriously impact on the growth of Invercargill. He concluded by suggesting that the changes recommended to the dates contained in objectives and policies should be further modified to include subdivisions approved by the Council prior to the dates, not just those for which title had been issued.

In reply to questions from the Committee, Mr Moir indicated that with the rural-residential subdivisions he has been involved with at no time had reverse sensitivity issues arisen. He also expressed the view that if four hectares was adopted as a minimum lot size people would still buy at that size notwithstanding they may not want or fully use the total area. Alternatively, they would go a little further away from town into Southland District where no minimum lot size applied.

#### John Beaufill

In oral submissions to the Committee John Beaufill described that he lives on a 10 hectare block, and he had been approached on a number of occasions by people asking if he would wish to subdivide his land, but he does not wish to at this stage. As a real estate agent he has a number of farmer clients who want to retire to a 1 - 2 hectare block. Given a lack of availability and the cost of larger four hectares plus sized lots many are moving to Otatara, but that is not the preference. He also added that expansion should be seen as progress and it would be detrimental to the District to restrict people from doing what they want, particularly for young families which can offer a more healthy lifestyle to their children in rural areas.

#### Federated Farmers

Ms Tanith Robb appeared on behalf of Federated Farmers of New Zealand, reading a statement prepared by David Cooper, Senior Policy Adviser which noted that the recommendations were to accept several of the submissions lodged.

With regard to the Rural 1 Zone Policy 1 and the four hectare lot size, this was still opposed, on the grounds that adopting a larger lot size is not the best mechanism to maintain rural character and visual amenity, and ensure productive rural activities occur. Rather, allowing smaller lot sizes may help in preserving larger lots and farming activities, and it was appropriate to provide flexibility to farmers to enable disposal of land, sometimes containing houses, that was no longer required as part of the farm operation.

It was the Federated Farmer's view that a minimum lot size of 1 ha should apply in the Rural 2 Zone, particularly given that it is a zone of transition. Consistent with Objective 1 for the zone Mr Cooper considered Policy 2 should be amended to "managing urban

development" in the Rural 2 Zone and that urban growth in the zone can be managed without detracting from the city centre or suburban zones.

#### Rex Chapman

Rex Chapman provided oral submissions to the Committee outlining he lives on a four hectare block and then reading the original submission he lodged opposing the four hectare minimum lot size. He considers the rationale behind the increase from the one residence per two hectares under the Operative District Plan to be flawed and does not promote sustainable management. He acknowledged that a restriction on further subdivision of larger allotments (i.e. greater than four hectares) may be desirable in achieving the objectives of preserving the productivity of rural land but the proposed restrictions on existing four hectare allotments will not achieve that. He also considers it is unrealistic to expect that existing four hectare allotments will be aggregated into larger rural blocks for rural activities.

Mr Chapman considers that further subdivision of four hectare allotments down to two hectares will create an additional allotment for residential development as a lifestyle block with the productive value of the land being maintained, and this would represent a sustainable use of this land. There is no evidence that there are any problems with modern on-site wastewater disposal systems on two hectare allotments, and two hectare allotments will not create demands for extension to or upgrades of infrastructure.

In response to the Section 42A Report which recommended rejecting his submission Mr Chapman outlined that the Council has allowed the current form of subdivision to develop by way of resource consents. He did not consider that vehicle and energy use were reasons in the Invercargill setting to restrict rural development. Nor did he accept that economic loss from farming activities was relevant except on the high class soils, but that was not a reason for a blanket change to four hectare minimum lot size across the entire rural district. Such lots are not economic in any case. Also he was not aware of any reverse sensitivity complaints having been received by the Council from rural-residential allotments and did not accept that rejuvenation of urban areas would attract people who would rather live in a rural environment.

With regard to his own property, given that a number of the surrounding lots are of the two hectare size, Mr Chapman believes that there is good reason to allow him to subdivide to two hectares also. He also thought that one option would be to allow four hectare lots existing at the time of the plan notification to be subdivided down to two hectares. In response to questions from the Committee Mr Chapman indicated that had a two hectare lot been available he would have preferred to have bought that.

#### **Material Tabled at the Hearing**

#### H W Richardson Group

Megan Justice of Mitchell Partnerships Limited advised in written evidence on behalf of H W Richardson Group that Policy 3 in the Rural 1 Zone should be amended so that it does not give primacy to "avoiding" adverse effects, over "remedying or mitigating". She stated the recommended change to the policy would prohibit any non-rural activities that may have adverse effects that are not provided for within the Rural 1 Zone. In her view that is contrary to the RMA and may restrict the use of Rural 1 Zone land from uses that are appropriate or cannot locate in another zone.

Mrs Justice then referred to Rural 1 Policy 12 and Rural 2 Policy 13 referring to wind effects where a similar change was sought, noting the Section 42A Report recommended adding the words "remedy or substantially mitigate". She agreed with the change but considered the word "substantially" should be deleted as it was subjective.



### Rex and Anne-Marie Miller

By way of email these submitters expressed the view that in the Drysdale Road area and the wider Myross Bush locality subdivision has already occurred and the change to a four hectare minimum lot requirement is too late. They described that this was a pleasant place to live and considered that the proposed change would force people to less desired rural areas to live.

## **MATTERS REQUIRING PARTICULAR CONSIDERATION**

### **Rural 1 Zone Minimum Lot Size**

Rule 3.38 provides for subdivision in the Rural 1 Zone with one residence being permitted per four hectares of land held in contiguous ownership. Where a lot existed prior to notification of the Proposed Plan then one residence is permitted per two hectares under contiguous ownership, otherwise the erection of a dwelling at a density of between two and four hectares is a discretionary activity and at a density greater than one dwelling per two hectares is a non-complying activity.

Notwithstanding these provisions the subdivision of land in the Rural 1 Zone by virtue of Rule 3.18 is a discretionary activity for lots of four hectares or more and non-complying activity for lots of less than four hectares.

A number of submitters have noted that under the Operative District Plan the maximum residential density in the rural area one residence per two hectares, and in the case of the new Rural 1 Zone have objected to the increase to four hectares. It has been submitted that rural amenity will be protected at the two hectare lot size and no problems associated with disposal of septic tank effluent will arise with these smaller lots. It is also submitted that the productivity of rural land will not be protected with a four hectare lot size and it is unrealistic to think that such lots will be amalgamated for farming use.

Mr Wells opposed any change to the rules that would allow one residence per two hectares in area and any reduction in the four hectare lot size. He reached this view having regard to the large number of allotments in the rural area between one and four hectares in size and increasing population growth in the rural area as well. While acknowledging that the rural lifestyle was popular he considers the dispersed settlement pattern undesirable because:

- It can lead to increased vehicle use and associated “end use of energy”.
- “Rural residential” sections are not typically used for productive purposes and taking land out of production can have adverse economic effects, especially with respect to the “finite resource” that is versatile soils.
- An increased intensity of residential development can lead to “reverse sensitivity” issues, with residents finding it difficult to coincide with noisy or smelly rural activities, which can over time make it more difficult for such activities to operate.
- Increased density of development can lead to increased expectations of Council services (e.g. street lights or footpaths) which can be expensive to provide in rural areas.
- Enabling a large proportion of the District’s residential development in rural areas may be at odds with the Council’s strategy of promoting urban renewal via investment in the redevelopment of existing residential areas.

Mr Wells also considered that the availability of large areas of Residential 3 land would assist in meeting some of the demand for rural living and that the purpose of the Rural 2 Zone was to direct rural-residential development into appropriate areas.

Mr Wells in his Section 42A Report also noted that the change in lot size in the Rural 1 Zone was unrelated to issues associated with disposal of septic tank effluent. He indicated that was referred to in Proposed Plan in the context of the Rural 2 Zone.

At the hearing, several submitters spoke on this issue. Of particular note was the presentation of Rex Chapman who outlined that he lives on a four hectare block but he would have preferred a smaller lot size. It was his view that the existing situation reflected the subdivision approvals that the Council had given in the rural area and that it was not practical to move away from the current District Plan provisions. He did not consider that vehicle and energy use were reasons in the Invercargill setting to restrict rural development, nor did he accept that economic loss from farming activities was relevant except on the high class soils, but that was not a reason for a blanket change to a four hectare minimum lot size across the entire rural district. Also he was not aware of any reverse sensitivity complaints having been received by the Council from rural-residential allotments and did not accept that rejuvenation of urban areas would attract people who would rather live in a rural environment.

The submissions of Don Moir, an experienced surveyor, considered that adopting four hectares would not assist in consolidating urban growth, encourage redevelopment of existing urban areas or manage infrastructure costs, particularly given that even at two hectares water and sewerage reticulation is not needed. Mr Moir also questioned the availability of rural lots, stating the potential number estimated by Dan Wells did not take into account flood prone areas and other restrictions. In reply to questions from the Committee, Mr Moir indicated that with the rural-residential subdivisions he has been involved with at no time had reverse sensitivity issues arisen. He also expressed the view that if four hectares was adopted as a minimum lot size people would still buy at that size notwithstanding they may not want or fully use the total area. Alternatively, they would go a little further away from town into Southland District where no minimum lot size applied.

The Committee also noted the attendance at the hearing by John Beaufill and Federated Farmers, and the written material presented by Rex and Anne Miller, together with all other submissions lodged. In assessing this issue the Committee had regard to the Section 32 Report prepared at the time of the notification of the Proposed Plan. It referred to two objectives that are considered relevant:

- To create a much more clearly defined “edge” to the urban area of Invercargill.
- To refocus the Rural 1 zone for truly rural activities.

The Section 32 document also highlighted that a potential downside of the rule change was that it could result in development occurring outside of the Invercargill City boundary in areas such as Riverton, depriving “greater Invercargill” of critical mass.

In weighing up these factors, the Committee was of the view that the threat to rural amenity came from the subdivision of land creating large residential lots, not sections of two hectares in size. Indeed, the Committee was not aware of a significant number of subdivisions being approved creating large residential lots.

The Committee also noted that existing lots of between two and four hectares in size were still able to be built on, and that it was a discretionary activity to construct a dwelling at a density of between two and four hectares. As a discretionary activity is considered generally suitable within the zone, but not on each and every lot, the Committee considered that the Council would find it difficult to decline the majority of consents that sought development at a density of between two and four hectares. It therefore concluded that the level of protection being provided in the plan to “prevent” intensification of residences on rural lots was not strong.

A couple of submitters asserted that there have been no reverse sensitivity issues under the Operative District Plan regime. The Committee understands that this may be the experience of those submitters, however it is noted that the Council has dealt with these types of issues. Despite this, the Committee considers that the provisions in the Proposed District Plan will enable these matters to be addressed should they arise. The Objectives, Policies and other provisions throughout the Plan acknowledge the interface of activities, whilst recognising the importance of zoning areas for agricultural and rural activities.

The Committee was, therefore, of a mind to accept the submissions lodged opposing the four-hectare lot size and density requirement. This would result in the rules in the Rural 1 and 2 Zones being almost the same. As a consequence, only one rural zone is required and the provisions of the Rural 1 and 2 Zones have been amalgamated into a single Rural Zone.

Mr Moir in his submissions, along with a number of other submitters, sought changes to the boundaries of the rural zones. Having regard to the decision to adopt a two hectare standard the Committee did not consider there to be any need to change the zone boundaries. It also doubted that on the basis of a generic submission it had the legal ability to make changes to specific sites in any case.

## **SECTION 32 MATTERS**

### **Requirements**

The Committee was advised by Mr Wells 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 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 understand 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

Mr Wells in the Section 42A Report advised the Committee as follows:

*I recommend little in the way of change to the proposed objectives, policies and rules. Those changes I recommend I believe provide for the pragmatic consideration of resource consent applications, which should aid the efficiency and effectiveness of the District Plan.*

*By acknowledging that some Otatara properties should have a right to be developed upon in accordance with the decision on Plan Change 9, there is clearly an economic benefit to those landowners. The change in zoning of the Bluff landfill site is unlikely in reality to affect how it would be developed, given the constraints of the site related to its former use.*

*None of the recommended changes are in my opinion significant enough to justify a quantification of the effects on employment and economic growth.*

For those decisions that reflect the recommendations made by Mr Wells in his Section 42A Report, the Committee agrees with that approach and adopts it.

This decision makes a number of amendments to the policies and rules that differ from the recommendations in Mr Well's Section 42A Report. These amendments are as follows:

- Amend 2.40.3 Policy 1 to clarify the intent of the Rural Zone
- Amend 2.40.3 Policy 13 – Wind to improve implementation of the policy
- Amend Rule 3.38.8 to increase the maximum residential density from four hectares to two hectares. Also consequential changes to:
  - (a) Amend Rule 3.18.6(K) to reduce the point at which subdivision becomes non-complying in the area previously in the Rural 1 Zone from four hectares to two hectares; and
  - (b) Delete all Rural 2 Zone provisions and enable a single Rural Zone across all areas previously zoned Rural 1 and Rural 2 Zone.

### 2.40.3 Policy 1

The Committee considered that rewording the policy was appropriate to better recognise the intent of the Rural Zone. It was also considered appropriate to recognise that, although the size of allotments can contribute to the character and amenity of the rural areas, larger allotments will not *always* be the best mechanism through which the Council can maintain rural productivity, character and visual amenity. The amendments represent a slight change in approach whereby rather than simply focusing on providing for large allotments that maintain the character and amenity of the Rural Zone, the focus is now on ensuring rural allotments are of a size that appropriately provides for rural production activities as well as maintaining rural character and visual amenity. The change will provide greater flexibility in how rural land can be subdivided and developed, meaning that a rural producer that does not require the large allotments that were notified by the Proposed District Plan (i.e. four hectares) is better able to provide for their economic needs. It is considered that the amendments to this policy are minor in nature. While the amendments support a reduction in minimum lot size in the Rural Zone down to two hectares, the intent of the policy is primarily to maintain and enhance the rural character and visual amenity of these areas, and this has not changed. Therefore, it is not considered necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes.

### 2.40.3 Policy 13 – Wind

The Committee considered it appropriate to amend the wording of the Policy to better enable its practical implementation and recognise that the location and design of buildings are key factors to be taken into account when considering the impacts of natural wind effects. The amendments provide greater flexibility to rural land users by qualifying that avoidance is only required where it is practical to do so. They also clarify that it is the increase in impacts of natural wind effects that is the focus of the policy, not an increase in the natural wind effects themselves. Overall the amendments are considered minor in nature and will improve the interpretation and implementation of policy. Therefore, it is not considered necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes.

### Rule 3.38.8

The Committee concluded that there is no compelling evidence to suggest that the two hectare minimum lot size is inappropriate in the Invercargill setting, and the Plan did not provide strong protection for rural areas from intensification of residential activity. The Committee felt that the threat to rural amenity came from subdivision which created large residential lots, not sections of two hectares in size, and so a four hectare standard could not be justified. This decision therefore amends Rule 3.38.8 to increase the maximum density of residential activity in the Rural 1 Zone from one residence per four hectares to one residence per two hectares. The decision also makes consequential amendments to Rule 3.18.6 to reduce the lot size at which subdivision becomes a non-complying activity in the land previously zoned as Rural 1 from less than four hectares to less than two hectares.

The Committee also determined that as the decision has the effect of aligning the density provisions of the Rural 1 Zone with the Rural 2 Zone, and there are no other significant distinguishing features between the two zones, there is no longer a need to include the Rural 2 Zone as a transition zone between rural and urban areas. This decision therefore makes a consequential amendment to remove the Rural 2 Zone provisions entirely and provide for a single zone across all rural areas of the District (i.e. those areas that were zoned Rural 1 and Rural 2 in the notified Proposed District Plan).

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.

The amendments are considered to be of a moderate scale and significance for the following reasons:

1. The two hectare maximum density will continue to allow for the dispersal of rural residential development throughout the rural parts of the District that has occurred under the Operative District Plan.
2. The Plan provides for the large lot residential type of development that can threaten rural amenity by introducing Residential 3 Zones that sit between the rural zone and urban areas.
3. Retaining the two hectare maximum density and reverting back to a single zone reflects the regulatory approach taken under the current Planning regime and will generally allow those who anticipated being able to subdivide their land to continue to be able to do so.

As stated above, the RMA requires an assessment of the Objectives to determine whether they are the most appropriate way to promote the sustainable management of natural and physical resources. The Objectives for the single Rural Zone combine the Objectives that were originally notified for the Rural 1 and Rural 2 Zones, with a few amendments. Only one

of those amendments has not already undergone a Section 32 assessment as part of the Section 42A Report 35 Rural Zones, which the Committee has adopted. Objective 3 in the Rural 1 Zone related to providing for rural residential development on properties between two and four hectares that had previously been approved under the Operative District Plan but that would otherwise have required resource consent under the Proposed District Plan. With the Committee's decision to retain a two hectare minimum lot size across all rurally zoned land in the District, this objective is no longer relevant and has been removed. It is considered that the Objectives therefore remain the most appropriate way to promote the sustainable management of natural and physical resources.

In preparing this evaluation report, the Council is required to examine whether the amended provisions are the most appropriate way to achieve the objectives, by identifying other reasonably practicable options for achieving the objectives.

Three alternatives have been identified for consideration:

- Option A Retain the four hectare maximum density and minimum lot size that was notified in the Proposed District Plan for the Rural 1 Zone, with a Rural 2 Zone that provides a two hectare maximum density and minimum lot size also being retained.
- Option B Retain the maximum densities/minimum lot sizes as in Option A, but amend the boundaries of the Rural 1 Zone and Rural 2 Zone so that those areas that have already undergone a significant amount of two hectare development are located with the Rural 2 Zone.
- Option C Delete the Rural 2 Zone provisions and provide a single Rural Zone with a two hectare maximum density and minimum lot size.

Section 32(1)(b)(ii) of the RMA requires an assessment of the "efficiency and effectiveness" of provisions in achieving the Objectives of the Proposed District Plan, in a level of detail that corresponds to the scale and significance of the anticipated effects.

This decision refocuses the Objectives for the Rural Zone on maintaining and enhancing the rural environment while allowing for productive rural activities to be undertaken. Previously the focus was more on simply providing for larger allotments within the Rural 1 Zone. This change reflects the Committee's belief that it is large lot residential activity that is the real threat to rural amenity as opposed to the two hectare form of rural land development that is currently provided for in the Operative District Plan. Options A and B would not reflect the flexibility offered by the amended Objectives in providing for rural activities to be undertaken on a greater range of lot sizes, provided rural character and visual amenity are maintained and enhanced. Option C is therefore considered the most effective and efficient means of achieving the objectives of the Plan in relation to the Rural Zones.

One of the side effects of merging the two Rural Zones relates to the activity status of activities involved in housing animals. In the Rural 2 Zone, any building associated with the housing of animals including factory farming, dairy sheds, and animal boarding activity was a non-complying activity where that activity was less than 500 metres from the boundary with a residential zone. There was no similar provision in the Rural 1 Zone. By combining the two rural zones, the activity status of these activities needs to be reconsidered. No submissions were received on the status of these activities. Retaining this provision would result in a number of properties requiring resource consent for activities that are permitted under the Operative District Plan and permitted in the Proposed District Plan. Removing the rule involves the risk that these activities could be established close to residential areas. One of the key issues related to these activities is noise. While the noise provisions will control the level of noise emitted, they do not control the special characteristics of the noise, which a

resource consent process can address. There are risks that these activities can create concerns for the nearby residential areas. Procedurally, however, there are risks involved in introducing controls on land where landowners and the community have not had an opportunity to comment. Housing animals, including milking sheds and intensive farming, are rural activities and the ability to carry out productive rural activities is provided for in the Objectives and Policies of the Rural Zone, see in particular the amended wording of Objective 1.

The risk of increasing the maximum density and reducing the minimum lot size to two hectares in the Rural 1 Zone (and as a consequence allowing the District's rural areas to be managed as a single zone) is that the Plan will enable increased dispersal of rural-residential activity and potentially the loss of some productive rural land. However, such a change would represent a continuation of the existing regulatory framework under the Operative District Plan and the Committee considers that there is no compelling evidence to suggest that the two hectare size presently in place is inappropriate in the rural Invercargill context, nor is the Committee aware of any significant number of subdivisions being approved creating lots of this size.

The risk of retaining the provisions as notified is that the Plan could be considered unduly restrictive on the use and development of rural land for land uses, and at densities, which are not likely to threaten the character and visual amenity of the District's rural areas.

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

A handwritten signature in blue ink, appearing to be 'D Ludlow', with a long horizontal flourish extending to the right.

Councillor Darren Ludlow (Chair)

A handwritten signature in blue ink, appearing to be 'Neil Boniface', with a long horizontal flourish extending to the right.

Councillor Neil Boniface

A handwritten signature in blue ink, appearing to be 'G Sycamore', with a long horizontal flourish extending to the right.

Councillor Graham Sycamore

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Keith Hovell

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## APPENDIX 1 - Decisions by Submission

Submission	Decision
<b>RURAL 1 ZONE</b>	
<b>General</b>	
<p><b>5.3 Alliance Group Limited</b>  The submitter is concerned that there has not been sufficient regard had to the significant economic, social and cultural effects arising from the existence of the Lorneville Processing Plant when preparing the Proposed District Plan and therefore the lack of supporting objectives and policies with respect to this existing activity within the Rural 1 Zone.</p>	<p><b>Decision 35/1</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. As set out in Decision 38, land use activities on the site of the Lorneville Processing Plant are best managed by way of existing use rights and resource consents, rather than by an industrial zoning.</li> <li>2. In 2.40.3 Policy 3 recognition is given to the functional need for some activities to locate within rural areas.</li> </ol>
<p><b>56.12 Jenny Campbell</b>  The submitter considers that in the Plan food growing places close to the city on productive and fertile soils should be earmarked and retained for that purpose for both present and future generations.</p> <p><b>56.13 Jenny Campbell</b>  The submitter supports the concept of the “urban fence”.</p>	<p><b>Decision 35/2</b>  These submissions are noted.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b>  While there is a link between rules such as the minimum lot size and the intention to retain the productive capability of land into the future, the level of specificity requested by the submitter is not justified in the District Plan.</p>
<p><b>58.5 Donald Moir</b>  The submitter considers that those areas containing versatile soils have for the most part already been intensively subdivided with rural-residential land use well established. The submitter believes that the Rural 1 Zone should be split into two zones, one for those areas currently rural in nature with large parcel sizes, and the second where the pattern of rural-residential usage is already well established. Alternatively, the Rural 2 Zone could be extended.</p> <p><u>Decision Sought:</u> Split the Rural 1 Zone into two zones, or alternatively, extend the Rural 2 Zone.</p>	<p><b>Decision 35/3</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b>  As set out on pages 4 – 6 of this decision, it is most appropriate to manage activities in the rural area by way of a single rural zone. In effect, the density provisions notified for the Rural 2 Zone have been extended to include all of the rural areas of the District.</p>

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<p><b>88.1 Federated Farmers</b>  The submitter is concerned that some of the changes proposed within the District Plan have the potential to result in high economic and social costs in the rural area, and these costs have not been adequately considered nor had proper account been taken of them within the Plan's Section 32 cost-benefit analysis.</p>	<p><b>Decision 35/4</b>  This submission is noted.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b>  The submitter raises a general issue and does not seek any changes through this particular submission point. The Committee has however had regard to relevant Section 32 matters in considering the submissions lodged.</p>
<b>SECTION 2.40 – ISSUES, OBJECTIVES AND POLICIES</b>	
<p><b>78.22 Ministry of Education</b>  The submitter notes that there is no Objective or Policy supporting the inclusion of educational activities as permitted.</p> <p><u>Decision Sought:</u> Include a new objective and policy that support the educational activities required to provide for the community living in the Rural 1 Zone.</p>	<p><b>Decision 35/5</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. It is not necessary to include objectives and policies in the District Plan referring specifically to individual activities. Generic provisions, such as Policy 3 refer to non-rural activities.</li> <li>2. Only existing educational activities are included as a permitted activity in the rural zones with others requiring consent as a discretionary activity. It is not appropriate therefore to include a policy providing for educational activities as a permitted activity.</li> </ol>
<b>Introduction</b>	
<p><b>58.3 Donald Moir</b>  The submitter disagrees that it is desirable to keep options open for food production on versatile soils.</p> <p><u>Decision Sought:</u> Remove the following statement:</p> <p><u>The Rural 1 Zone contains higher quality and versatile soils, particularly in the north, for which it is desirable to keep options for food production.</u></p>	<p><b>Decision 35/6</b>  This submission is accepted in part.</p> <p><b>Amendments to District Plan</b>  Amend the following statement in the introduction as follows:</p> <p>The Rural Zone contains higher quality and versatile soils, particularly in the north, for which it is desirable to keep options open for <del>food production</del> <u>productive rural activities</u>.</p>

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	<p><b>Reason</b> Amendment is appropriate to recognise that some rural activities do not relate directly to food production.</p>
<b>2.20.2 Objectives</b>	
<p><b>88.41 Federated Farmers</b> Oppose Objective 1 in part. The submitter is in principle opposed to restrictions on legitimate land use decisions in the rural area, on the basis of a fixed idea of what constitutes a rural environment. The submitter argues that larger allotment sizes in the Rural Zone may result in allotments that are costly and time consuming to maintain, and which risk the loss of potentially productive land to other land use activities when a smaller allotment size may be more efficient and effective, with no loss to amenity values.</p> <p>The submitter believes the concerns the Council is trying to address can be better achieved by focusing on an enabling approach which appropriately encourages in-fill and development in the current residential and rural-residential zones, and robust use of incentives (for instance, Development Contributions) rather than placing restrictions on land use decisions in the rural area.</p> <p>The submitter suggests deleting this Objective and providing an approach which assesses the particular merits of each allotment against an appropriate set of site standards for the Rural area. Where smaller allotment sizes in the rural area will have little to no impact on the rural environment we consider it important that there is a more flexible approach adopted.</p> <p><u>Decision Sought:</u> Amend the wording of the proposed Objective as follows: The rural environment within the Rural 1 Zone is maintained and enhanced by providing for larger sizes of while allowing for allotments that are compatible with the Rural Zone environment.</p>	<p><b>Decision 35/7</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Amend Objective 1 to read as follows: The rural environment within the Rural 1 Zone is maintained and enhanced by providing for larger sizes of allotments while allowing for productive rural activities to be undertaken.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. As set out on pages 4 - 6 of this Decision the Committee considers it is appropriate to regulate allotment sizes.</li> <li>2. It is agreed that it is unnecessary for the Objective to refer to the method of allotment sizes given that Policy 1 also does this.</li> <li>3. Given that Decision 35/20 amalgamates the Rural 1 and 2 Zones, an additional rewording of the provisions is required.</li> </ol>
<p><b>53.64(a) NZ Transport Agency</b> The submitter considers the term “urban services” in Objective 3 also includes expansion of the roading network. The submitter is concerned that no policy has been included to give effect to this objective.</p> <p><u>Decision Sought:</u> Include a new Policy 21 as follows: To restrict further intensification of development within the zone where the urban service expansion will be required to service the development.</p>	<p><b>Decision 35/8</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The policies in the District Wide sections of the Proposed Plan provide for this issue.</p>

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<b>2.40.3 Policies</b>	
<p><b>58.4 Donald Moir</b> The submitter disagrees with this statement. Remove Policy 1.</p> <p><b>88.43 Federated Farmers</b> Support 2.40.3 Policy 1 in part. The submitter does not agree that larger allotment sizes in the rural environment will always be the best mechanism through which the Council can maintain rural character and visual amenity, and ensure rural activities can occur, and they may result in allotments that are costly and time consuming to maintain, and which risk the loss of potentially productive land to other land use activities when a number of smaller allotment sizes may be more efficient and effective, with no loss to amenity values.</p> <p>The submitter believes that the Council has already developed a number of zone proposals for the Rural Zone which could be expanded to provide for an assessment of each allotment proposal (for instance, appropriate setbacks from boundaries) rather than a “one size fits all” policy that encourages larger allotment sizes.</p> <p><u>Decision Sought:</u> Amend the wording of the proposed Policy as follows: To provide for <del>larger</del> rural allotments of a size and nature that ensures rural activities can occur and which maintain the rural character and visual amenity of the Rural 1 Zone.</p>	<p><b>Decision 35/9</b> These submissions are accepted in part.</p> <p><b>Amendments to District Plan</b> Amend Policy 1 to read: To <del>provide for larger</del> <u>require</u> rural allotments <u>to be</u> of a size and nature that <del>ensures</del> <u>enables</u> rural activities <del>can occur</del> and <del>which maintains</del> the rural character and visual amenity of the Rural 4-Zone.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Allotment size and nature can affect the ability of rural activities to be carried out and can influence rural character and visual amenity.</li> <li>2. Rewording the policy is appropriate to recognise the intent of the Rural Zone and that larger allotment sizes will not always be the best mechanism through which the Council can maintain rural productivity, character and visual amenity.</li> </ol>
<p><b>88.44 Federated Farmers</b> Support 2.40.3 Policy 2. Adopt the Policy as proposed.</p>	<p><b>Decision 35/10</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the policy and seeks no change to it.</p>
<p><b>88.45 Federated Farmers</b> Oppose 2.40.3 Policy 3 in part. The submitter considers that it is not entirely clear what activities are captured, and what activities excluded under the current policy. Some non-rural activities can be incorporated into farming operations and may have benefits that outweigh any potential adverse effects.</p> <p><u>Decision Sought:</u> Either amend the wording of the policy to specify those activities</p>	<p><b>Decision 35/11</b> (i) Submission 88.45 Federated Farmers is accepted in part. (ii) Submission 90.18 H W Richardson Group Ltd is rejected.</p> <p><b>Amendments to District Plan</b> Policy 3 is amended as follows:</p>

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<p>captured under the policy, or delete the policy.</p> <p><b>FS6.6 Alliance Group Limited</b> support Submission 88.45</p> <p><b>90.18 H W Richardson Group Ltd</b> Oppose 2.40.3 Policy 3. The submitter considers that the policy should be more balanced and not just focusing on “avoiding” the adverse effects.</p> <p><u>Decision Sought:</u> Amend Policy 3 as follows:</p> <p>To avoid, <u>remedy or mitigate</u> adverse effects of non rural activities on the character and amenity of the Rural 1 Zone.</p> <p><b>FS2.44 NZAS Ltd</b> support Submission 90.18 and the proposed amendment to enable the effects of non-rural activities on the character of the Rural 1 Zone to be “remedied or mitigated”.</p> <p><b>FS6.7 Alliance Group Limited</b> support Submission 90.18 and a more balanced approach and considers it appropriate for industrial activities within the Rural Zone, where the effects of those activities can be appropriately avoided, remedied or mitigated.</p>	<p><b>Non Rural Activities:</b> To avoid <u>activities that do not have a need to locate within the Rural Zone and which would result in adverse effects inconsistent with of non-rural activities on the function, character and amenity provided for by of the Rural 1 Zone.</u></p> <p><i>Explanation: The primary purpose of the Rural 1 Zone is to provide for rural activities such as agriculture, horticulture and forestry requiring large areas of land. A minimum lot size of two hectares for rural properties will provide for sustainable “lifestyle” properties that are not connected to reticulated services. These activities give a characteristic of openness to the area. Regulatory controls will ensure that the amenity of the Rural Zone is maintained and enhanced to provide for the ongoing operation of rural production activities. Zoning controls to provide primarily for rural activities on larger allotments of land will maintain and enhance the amenity of the Rural 1 Zone.</i></p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Rewording of the policy is appropriate to clarify its intent with a change to the explanation also being required consequential to Decision 35/9.</li> <li>2. The policy as revised narrows the range of effects that are to be avoided and in such circumstances is an appropriate wording. The wording suggested by H W Richardson Group would result in a policy that would not be as strong and would not be clear as to its intent.</li> <li>3. Given that Decision 35/20 amalgamates the Rural 1 and 2 Zones, an additional rewording of the policy is required.</li> </ol>
<p><b>88.47 Federated Farmers</b> Supports 2.40.3 Policy 5 in part agreeing this policy is necessary to ensure that owners of sections which existed prior to the introduction of controls on lot sizes are able to use their land, however, the submitter believes that the date specified should be extended further into the future, ideally closer to the date the District Plan is adopted.</p> <p><u>Decision Sought:</u> Amend the wording of the policy as follows:</p> <p>To allow a single dwelling on sections for which a Certificate of Title was existing, or was approved by way of subdivision consent, on or prior to <del>30 July 2013</del> <u>31 August 2014</u>.</p>	<p><b>Decision 35/12</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> Amend Policy 5 as follows:</p> <p>To allow a single dwelling on <u>sites under two hectares which existed with sections for which a Certificate of Title issued prior to 29 October 2016 and which can be connected to the Council's reticulated sewerage system was existing, or was approved by way of subdivision consent, on or prior to 30 July 2013</u></p>

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	<p><b>Reason</b> Given the rule does not come into effect until the date decisions on submissions are notified, it is appropriate to amend the policy to reflect that. A number of other amendments to this Policy were deemed necessary as a consequence of merging the Rural 1 and Rural 2 Zones.</p>
<p><b>65.85 ICC Environmental and Planning Services</b> Support 2.40.3 Policy 6 subject to amendment of drafting error.</p> <p><u>Decision Sought:</u> Amend explanation as follows: ...Several lines of reasoning draw to a conclusion that this minimum dimension should be <u>at least</u> five <u>and a half</u> metres ...</p>	<p><b>Decision 35/13</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Amend the explanation to Policy 6 (renumbered Policy 7 as a result of decisions) as follows: ...Several lines of reasoning draw to a conclusion that this <u>minimum dimension</u> should be <u>at least about</u> five metres</p> <p><b>Reason</b> Five metres is sufficient to offer enough outdoor living space, but a minor rewording is required to enable larger outdoor areas if the owner wishes.</p>
<p><b>88.48 Federated Farmers</b> Support. Adopt the Policy as proposed.</p>	<p><b>Decision 35/14</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the policy and seeks no change to it.</p>
<p><b>90.18 H W Richardson Group Ltd</b> Oppose. The submitter considers that the policy should be more balanced and not just focusing on “avoiding” the adverse effects.</p> <p><u>Decision Sought:</u> Amend Policy 13 as follows: To avoid, <u>remedy or mitigate</u> increasing natural wind effects by land use activities</p>	<p><b>Decision 35/15</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Amend 2.40.3 Policy 13 (renumbered Policy 15 as a result of decisions), and consequentially Airport Operations Zone 2.19.3 Policy 10, Airport Protection Zone 2.20.3 Policy 10 and Otatara Zone 2.34.3 Policy 9 as follows: To avoid <u>where practical</u> increasing <u>the adverse impacts of any</u> natural wind effects <u>from</u> <u>by-land use activities, buildings and other structures</u>.</p>

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	<p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The revised wording enables practical implementation of the policy and recognises that the location and design of buildings are key in considering the impacts of natural wind effects.</li> <li>2. The submitter highlights a difficulty with the policy, but the suggested amendment does not assist in clarifying its intent.</li> </ol>
<b>3.38 Rules</b>	
<p><b>71.61 NZAS Ltd</b>  Support 3.38.1 in part. The submitter would like to expand the list of permitted activities to provide for any potential monitoring activities that they may carry out on land adjacent to the smelter in the future and to enable fire-fighting activities and training exercises that may be carried out on land adjacent to the smelter.</p> <p><u>Decision Sought:</u> Amend 3.38.1 by adding the following provisions:</p> <p>(J) Environmental monitoring carried out in relation to the Tiwai Point aluminium smelter;</p> <p>(K) Fire fighting activities and exercises.</p>	<p><b>Decision 35/16</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b></p> <ol style="list-style-type: none"> <li>1. Environmental monitoring equipment is included as part of the definition of "infrastructure" and, subject to environmental standards, is a permitted activity throughout the District. Separate inclusion in this section of the Plan is not required.</li> <li>2. It is unnecessary to regulate fire-fighting activities and exercises in the District Plan. Other legislation is in place to provide for that.</li> </ol>
<p><b>78.24 Ministry of Education</b>  Support 3.38.1. Retain 3.38.1.</p> <p><b>88.94 Federated Farmers</b>  Support 3.38.1. The submitter considers it is important to ensure that expected activities in the rural area, particularly agriculture, are specifically designated permitted activities. Adopt the Rule as proposed</p> <p><b>30.1 R T Chapman</b>  Oppose in part Rules 3.38.1 and 3.38.2. The submitter notes that "Residential Activity" is described as both a permitted activity and discretionary activity and suggests it should be deleted from Rule 3.38.2 – Discretionary activities.</p> <p><u>Decision Sought:</u> Delete Rule 3.38.2 (J)</p>	<p><b>Decision 35/17</b></p> <ol style="list-style-type: none"> <li>(i) Submissions 78.24 Ministry of Education and 88.94 Federated Farmers are noted.</li> <li>(ii) Submissions 30.1 R T Chapman and 53.84 NZ Transport Agency are accepted.</li> </ol> <p><b>Amendments to District Plan</b>  Delete Rule 3.38.2 (J).</p> <p><b>Reason</b></p> <ol style="list-style-type: none"> <li>1. The submitters generally support the rules.</li> <li>2. Removal of Clause (J) avoids duplication and confusion.</li> </ol>

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<p><b>FS5.46 Invercargill Airport Ltd</b> support Submission 30.1 and agrees clarification is necessary to determine whether residential activity within the Rural 1 Zone is permitted or discretionary.</p> <p><b>53.84 NZ Transport Agency</b> Support 3.38.1(F) and 3.38.2(J) in part and the approach taken but notes that Residential Activity appears as both a permitted and a discretionary activity.</p> <p><u>Decision Sought:</u> Clarify the activity status of Residential Activities in the Zone.</p>	
<p><b>88.95 Federated Farmers</b> Oppose 3.38.2 in part. The submitter considers that the activities listed in this rule are compatible with the rural area environment and do not significantly detract from the rural environment or rural amenities. Further, the submitter considers that sustainability of rural amenity is dependent on the economic sustainability of agriculture, and farmers should be afforded the ability to undertake businesses in the rural area without the cost and trouble of a consent application. The submitter recommends Council include Commercial recreation activities and Visitor Accommodation in the permitted activity rules, with appropriate site standards developed to protect any values.</p> <p><u>Decisions Sought:</u></p> <ul style="list-style-type: none"> <li>Commercial recreation activities and Visitor Accommodation are provided for as permitted activities in the Rural 1 Zone.</li> <li>Site standards are developed to ensure values associated with the rural area are defined and land users and landowners are informed.</li> </ul>	<p><b>Decision 35/18</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>A discretionary activity is generally seen as one that is acceptable within a zone, but may not be suitable on all sites particularly where large scale developments are proposed. The Committee considers that commercial recreation and visitor accommodation fall into that category and discretionary status should apply.</li> <li>Homestay activities, providing for up to five persons, are permitted in rural areas, thereby enabling visitor accommodation of a small scale.</li> <li>Other matters raised in the submission may be relevant as part of a resource consent and may be taken account of via the consent process.</li> </ol>
<p><b>5.2 Alliance Group Limited</b> Oppose 3.38.3 in part. The submitter opposes the non-complying activity status for Industrial Activities and the non-complying activity status for industrial activities that are not captured by the definition of heavy or light industry activities.</p> <p><u>Decision Sought:</u> That both heavy and light industrial activities are permitted on the submitter's property.</p> <p><b>FS32.3 Placer Investments Ltd</b> support Submission 5.2 and also opposes the non-complying activity status as the default activity status. The further submitter is</p>	<p><b>Decision 35/19</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>Existing industries such as Alliance have existing use rights.</li> <li>Industrial activities can have significant adverse effects, particularly</li> </ol>



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<p>particularly concerned with the activity status of mining and believes it should be discretionary.</p> <p><u>Decision Sought:</u> The activity status for Rule 3.38.3 to be changed from non-complying to discretionary, or recognition that mining within the Rural 1 Zone is not a non-complying activity.</p>	<p>where they are of a large scale. As such it cannot be said that they are generally suitable on sites in the rural area, and as a consequence it is not appropriate to categorise them as a discretionary activity.</p> <ol style="list-style-type: none"> <li>3. While some industries have a functional need to locate in rural areas most do not and each proposal needs to be considered on its merits and if approved appropriate conditions imposed.</li> <li>4. Mining issues go beyond the original submission and cannot be considered as part of this Decision.</li> </ol>
<p><b>32.1 R T Chapman</b></p> <p>Oppose 3.38.8. The submitter opposes the maximum residential density of one residence per four hectares and considers the rationale behind the increase from the one residence per two hectares under the Operative District Plan to be flawed and doesn't promote sustainable management. The submitter suggests that a consequence of the change in density will be that existing four hectare allotments will be "stranded" and need resource consent as a discretionary activity to be built on.</p> <p>While the submitter acknowledges that a restriction on further subdivision of larger allotments (i.e. greater than four hectares) may be desirable in achieving the objectives of preserving the productivity of rural land, the submitter considers that the proposed restrictions on existing four hectare allotments will not achieve that. The submitter believes that it is unrealistic to expect that existing four hectare allotments will be aggregated into larger rural blocks for rural activities.</p> <p>The submitter considers that further subdivision of four hectare allotments down to two hectares will create an additional allotment for residential development as a lifestyle block with the productive value of the land being maintained, and this would represent a sustainable use of this land. The submitter states that there is no evidence that there are any problems with modern on-site wastewater disposal systems on two hectare allotments, and two hectare allotments will not create demands for extension to or upgrades of infrastructure.</p> <p><u>Decision Sought:</u> Delete Rule 4.38.8 and substitute the following:</p> <p>The maximum residential density is one residence per two hectares under contiguous ownership.</p>	<p><b>Decision 35/20</b></p> <ol style="list-style-type: none"> <li>(i) Submission 58.7 Donald Moir is accepted in part.</li> <li>(ii) All other of these submissions are accepted.</li> </ol> <p><b>Amendments to District Plan</b></p> <ol style="list-style-type: none"> <li>1. Amend Rule 3.38.8(A) to read: One residence per <del>four</del><u>two</u> hectares ..."</li> <li>2. Delete Rule 3.38.8(B)</li> <li>3. Amalgamate the Rural 1 and Rural 2 areas, and zone provisions as set out in Appendix 2.</li> <li>4. Amend Rule 3.18.6 to read: Subdivision is a non-complying activity where it would create lots as follows: (K) Within the Rural Zone: Allotments of less than <del>four</del><u>two</u> hectares. <del>(L) Within the Rural 2 Zone: Allotments of less than two hectares</del></li> </ol> <p><b>Reasons</b></p> <p>As set out on pages 4 - 6 of this Decision:</p> <ol style="list-style-type: none"> <li>1. On the basis of historic trends there is no compelling evidence to suggest that the two hectare size is inappropriate in the Invercargill setting.</li> <li>2. As a consequence of amending the minimum lot size to two</li> </ol>

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<p><b>41.1 Angus Johnston</b>  Oppose 3.38.8. The submitter believes the current residential density of one residence per two hectares should remain as most people who purchase these small blocks do not want to farm the properties, but want space for their families. They do not have the skills, facilities or desire to intensively farm these properties.</p> <p>The submitter believes it would not make any difference to modern effluent systems to increase the size of block from two hectares to four hectares, and it's the old systems that are failing, not the new systems on two hectare blocks. The submitter believes that two hectares is an optimum transition size and should not be changed. The submitter believes there is more than enough productive land in the Southland District for agricultural use.</p> <p><u>Decision Sought:</u> That the residential density remains at one residence per two hectares of land.</p> <p><b>47.1 Graham Dick</b>  Oppose 3.38.8. The submitter opposes the maximum residential density of one residence per four hectares and considers the increase from the one residence per two hectares under the Operative District Plan is not logical and doesn't promote sustainable management.</p> <p>The submitter states that modern septic tank systems are efficient, environmentally friendly and do not require four hectares as an effluent field, and there is no evidence that there are any problems with on-site wastewater on two hectare allotments. The submitter considers that Invercargill is extremely well serviced and there will be no demand for extensions or upgrades of infrastructure.</p> <p>The submitter states that the vast majority of the Rural 1 area already consists of small lifestyle blocks of two hectares, four hectares and larger, and as such have not resulted in any reduction in traditional forms of agriculture or horticulture. The submitter believes the creation of four hectare blocks would not result in a reduction in the traditional forms of agriculture. The submitter considers that maintenance of the existing two hectare criteria as a lifestyle block is the most appropriate, productive and sustainable use of this land.</p> <p><u>Decision Sought:</u> Delete Rule 4.38.8 and replace with the following:  The maximum residential density is one residence per two hectares under contiguous ownership.</p>	<p>hectares, with the provisions of the Rural 1 and 2 Zones being almost identical, these Zones can be amalgamated.</p> <p>3. Having regard to the two hectare size, the new Rural Zone boundaries are appropriate.</p>

## APPENDIX 1 - Decisions by Submission

Submission	Decision
<p><b>57.1 Anthony Chadderton</b>  Oppose 3.38.8(A). The submitter believes the Rural 1 Zone should have a minimum section size of two hectares, not four hectares as proposed. The submitter believes the demand for land on Bainfield Road and Mclvor Road is for two hectares and properties have been reduced to this size in these areas, and indeed Makarewa. The submitter considers that to now increase the size to four hectares does not make any practical sense. The submitter considers that modern septic tank systems, when properly designed, do work, so this is not an issue, and property values for four hectare blocks will be adversely affected by this proposal, should it proceed.</p> <p><u>Decision Sought:</u> Change rule 3.38.8(A) to “One residence per two hectares ...”</p> <p><b>58.7 Donald Moir</b>  Oppose 3.38.8(A). The submitter opposes the minimum allotment size of four hectares in the Rural 1 Zone. The submitter refutes the contention that domestic wastewater systems will perform better on the larger area, or that there will be fewer of them in total. The submitter considers that it is impractical to try and control development in those areas that are already rural-residential in nature.</p> <p><u>Decision Sought:</u> The zone boundaries should be modified or the minimum allotment size should be set at two hectares as is presently the case.</p> <p><b>88.96 Federated Farmers</b>  Oppose 3.38.8 in part. The submitter considers the requirement for only one residence on a four hectare property is onerous, particularly if there is no loss to rural amenity values and no changes to the primary use of the land for agriculture as a result of these legitimate land use decisions. The submitter seeks to ensure there is a degree of flexibility for landowners in the rural area to recognise that the economic and (in respect to dwelling especially) the social drivers for subdivision differ between farming operations, and asks that Council develop appropriate site standards to protect the relevant values in this zone, or reduces the area to two hectares to provide more flexibility for landowners.</p> <p><u>Decision Sought:</u> Reduce the residential density rule area to two hectares (with appropriate site standards if deemed necessary) as follows:</p> <p style="padding-left: 40px;">3.38.8 The maximum residential density is:</p> <p style="padding-left: 40px;">(A) One residence per <del>four</del> <u>two</u> hectares or more under contiguous ownership.</p> <p>Subsequent amendments (deletions and or wording amendments) to Rules 3.38.9</p>	

## APPENDIX 1 - Decisions by Submission

Submission	Decision														
<p>and 3.38.10 to reflect the changes made to Rule 3.38.8.</p> <p><b>89.1 Doug Bath</b>  Oppose 3.38.8. The submitter strongly opposes the proposal to restrict the size of rural land size to four hectares. The submitter believes that the public are not interested in land size of four hectares as they do not possess the necessary skill, equipment and time to upkeep and run a four hectare block. It is also restricting land owners currently undergoing subdivision. The submitter considers that any restriction due to reasons of effluent disposal are unfounded as the modern septic systems are more than adequate to cope.</p> <p><u>Decision Sought:</u> That the Invercargill City Council does not allow a four hectare limit on Rural 1 Zone and instead allows the blocks to be two hectares as is now.</p> <p><b>96.1 Beverley Sherman and 97.1 Errol Sherman</b>  Oppose 3.38.8. The submitter seeks an amendment to the residential density rule in the Rural 1 area to retain the status quo of two hectares.</p> <p><u>Decision Sought:</u> Amend Rule 3.38.8(A) to change the residential density to one residence per two hectares.</p> <p><b>109.1 Diane Brough</b>  Oppose 3.38.8. The submitter seeks an amendment to the residential density rule in the Rural 1 area to retain the status quo of two hectares.</p> <p><u>Decision Sought:</u> Amend Rule 3.38.8(A) to change the residential density to one residence per two hectares.</p>															
<p><b>65.114 ICC Environmental and Planning Services, 96.1 Beverley Sherman and 97.1 Errol Sherman</b>  Oppose 3.38.8(B) in part. The submitters consider that the decision of Plan Change 9 to enable one house per Certificate of Title for 13 properties in the Rural area should be carried through to the District Plan.</p> <p><u>Decision Sought:</u> Amend Rule 3.38.8(B) to enable one residence per Certificate of Title existing as at 31 March 2010 for those 13 properties formerly located within the Otatara Sub-Area, but now included in the Rural Zone by virtue of Plan Change 9.</p>	<p><b>Decision 35/21</b>  These submissions are accepted.</p> <p><b>Amendments to District Plan</b>  Add the following to Rule 3.38.8:</p> <p>(C) One residence per each of the following sites:</p> <table border="0"> <tr> <td><u>147 Ackers Road</u></td> <td>Lot 3 DP 364369</td> </tr> <tr> <td><u>145 Ackers Road</u></td> <td>Lot 4 DP 364369</td> </tr> <tr> <td><u>195 Ackers Road</u></td> <td>Lot 1 DP 401469</td> </tr> <tr> <td><u>197 Ackers Road</u></td> <td>Lot 2 DP 401469</td> </tr> <tr> <td><u>199 Ackers Road</u></td> <td>Lot 3 DP 401469</td> </tr> <tr> <td><u>205 Coggins Road</u></td> <td>Lot 4 DP 401469</td> </tr> <tr> <td><u>191 Ackers Road</u></td> <td>Lot 5 DP 401469</td> </tr> </table>	<u>147 Ackers Road</u>	Lot 3 DP 364369	<u>145 Ackers Road</u>	Lot 4 DP 364369	<u>195 Ackers Road</u>	Lot 1 DP 401469	<u>197 Ackers Road</u>	Lot 2 DP 401469	<u>199 Ackers Road</u>	Lot 3 DP 401469	<u>205 Coggins Road</u>	Lot 4 DP 401469	<u>191 Ackers Road</u>	Lot 5 DP 401469
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## APPENDIX 1 - Decisions by Submission

Submission	Decision
	<p style="text-align: right;"> <u>203 Ackers Road</u>                      Lot 6 DP 401469  <u>222 Marama Avenue North</u>                      Lot 1 DP 423684 </p> <p><b>Reason</b> The intention was to roll over the outcome of Plan Change 9 into the proposed District Plan but this list was omitted.</p>
<p><b>88.97 Federated Farmers</b> Oppose 3.38.12 (A) in part. The submitter considers that a maximum building height of 10m is unrealistic considering the nature of the agricultural equipment likely to be housed in such buildings, and the land efficiencies and cost-effectiveness of having offices and staff facilities located on a storey above display areas, and the opportunity to build upwards should be allowed in the Rural 1 Zone where this can occur without significant adverse effects.</p> <p><u>Decision Sought:</u> Amend the wording of the Rule as follows:</p> <p><u>3.38.12</u> 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: <del>40</del> <u>15</u> metres.</p> <p><b>FS5.47 Invercargill Airport Ltd</b> Oppose in part / support in part submission 88.97 considering that it is necessary to recognise that in some locations within the City the height of all structures is limited by Invercargill Airport Ltd's designation which imposes obstacle limitation surfaces (Designation 72).</p>	<p><b>Decision 35/22</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> Buildings above ten metres could impinge on the amenity and character of the Rural Zone.</p>
<p><b>65.113 ICC Environmental and Planning Services</b> Support 3.38.12 (B) in part. The submitter considers that the rule requires amendment to ensure that it is consistent with the policies and to protect the amenity values of neighbouring residential properties.</p> <p><u>Decision Sought:</u> Amend 3.38.12(B)</p> <p>Recession Plane: Infogram 4 applies on sites less than one hectare <u>and/or along boundaries adjoining a Residential Zone.</u></p>	<p><b>Decision 35/23</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Amend Rule 3.38.12(B) (renumbered 3.38.11(B) as a result of decisions) as follows:</p> <p>Recession Plane: Infogram 4 applies on sites less than one hectare <u>and/or along boundaries adjoining a Residential Zone.</u></p> <p><b>Reason</b> The rule requires amendment to ensure that it protects the amenity values of neighbouring residential properties.</p>

## APPENDIX 1 - Decisions by Submission

Submission	Decision
<b>RURAL 1 MINIMUM LOT SIZE</b>	
<p><b>18.102 Environment Southland</b> Support 3.18.6 (A) and (B). Retain.</p>	<p><b>Decision 35/24</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the plan provisions and seeks no change to them.</p>
<p><b>32.2 R T Chapman</b> Oppose 3.18.6 (K). The submitter opposes the minimum lot size in the Rural 1 Zone of four hectares. While the submitter acknowledges that a restriction on further subdivision of larger allotments (i.e. greater than four hectares) may be desirable in achieving the objectives of preserving the productivity of rural land, the submitter considers that the proposed restrictions on existing four hectare allotments will not achieve that.</p> <p>The submitter believes that it is unrealistic to expect that existing four hectare allotments will be aggregated into larger rural blocks for rural activities. The submitter considers that further subdivision of four hectare allotments down to two hectares will create an additional allotment for residential development as a lifestyle block with the productive value of the land being maintained, and this would represent a sustainable use of this land.</p> <p>The submitter states that there is no evidence that there are any problems with modern on-site wastewater disposal systems on two hectare allotments, and two hectare allotments will not create demands for extension to or upgrades of infrastructure.</p> <p><u>Decision Sought:</u> Delete Rule 3.18.6 (K) and substitute either of the following:</p> <p>Within the Rural 1 Zone: Allotments less than four hectares unless the allotment being subdivided is five hectares or less in which case the threshold for a non-complying activity shall be two hectares.</p> <p>Or alternatively</p> <p>Within the Rural 1 Zone allotments of less than two hectares.</p>	<p><b>Decision 35/25</b> These submissions are accepted.</p> <p><b>Amendments to District Plan</b> As set out in Decision 35/20</p> <p><b>Reasons</b> As set out on pages 4 - 6 of this Decision:</p> <ol style="list-style-type: none"> <li>1. On the basis of historic trends there is no compelling evidence to suggest that the two hectare size is inappropriate in the Invercargill setting.</li> <li>2. As a consequence of amending the minimum lot size to two hectares, with the provisions of the Rural 1 and 2 Zones being almost identical, these Zones can be amalgamated.</li> </ol>

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Submission	Decision
<p><b>47.2 Graham Dick</b>  Oppose 3.18.6 (K). The submitter opposes the minimum lot size in the Rural 1 Zone of four hectares and considers the increase from the one residence per two hectares under the Operative District Plan is not logical and doesn't promote sustainable management. The submitter states that modern septic tank systems are efficient, environmentally friendly and do not require four hectares as an effluent field, and there is no evidence that there are any problems with on-site wastewater on two hectare allotments.</p> <p>The submitter considers that Invercargill is extremely well serviced and there will be no demand for extensions or upgrades of infrastructure. The submitter states that the vast majority of the Rural 1 area already consists of small lifestyle blocks of two hectares, four hectares and larger, and as such have not resulted in any reduction in traditional forms of agriculture or horticulture. The submitter believes the creation of four hectare blocks would not result in a reduction in the traditional forms of agriculture.</p> <p>The submitter considers that maintenance of the existing two hectares criteria as a lifestyle block is the most appropriate, productive and sustainable use of this land.</p> <p><u>Decision Sought:</u> Delete Rule 3.18.6 (K) and replace with the following:  Within the Rural 1 Zone allotments of less than two hectares.</p> <p><b>58.7 Donald Moir</b>  Oppose 3.18.6 and the minimum allotment size of four hectares in the Rural 1 Zone. The submitter refutes the contention that domestic wastewater systems will perform better on the larger area, or that there will be fewer of them in total. The submitter considers that it is impractical to try and control development in those areas that are already rural-residential in nature.</p> <p><u>Decision Sought:</u> Give further consideration to the Rural 1 Zone. The zone boundaries should be modified or the minimum allotment size should be set at two hectares as is presently the case.</p> <p><b>6.1 J W and L A Van Uden</b>  Opposes the introduction of a four hectare minimum lot size in the Rural 1 Zone. Disagrees with the implication that two hectares is not enough to support on-site effluent systems. States that there are systems in existence on quarter acre sites that work with no adverse effects. Believes that the proposed four hectare minimum lot size in the Rural Zone would stagnate rural development. States that people</p>	

## APPENDIX 1 - Decisions by Submission

Submission	Decision
<p>wanting lifestyle blocks sometimes find four hectares too large to manage and do not want the work associated with them, yet want to live in a rural area. The proposed lot size rule would take away peoples' choice. Would like the Council to consult with the community.</p> <p><b>10.1 Aleisha Henderson</b>  Opposes the introduction of a four hectare minimum lot size in the Rural 1 Zone. The submitter would like to purchase a block of land but believes that she would not be able to afford a four hectare section or manage that much land. The submitter asserts that people only want two hectares to live on. The submitter believes that two hectare blocks are not hard on the City's drainage systems. The submitter cannot see a logical reason for the change, especially in areas, such as Myross Bush, where the lots are already two hectares.</p> <p><u>Decision Sought:</u> Retain the residential density provisions as per the operative District Plan.</p> <p><b>12.1 Ian and Colleen Smith</b>  Opposes the introduction of a four hectare minimum lot size in the Rural 1 Zone. The submitter purchased four hectares of rural land as an investment and a great place to raise a family. They believe the four hectares lot size would not enable them to realise the financial gain that they had envisaged. The submitter believes that this is not only bad timing for them, but also unfair as they are one of the few properties over four hectares in the area. The submitter asserts that the proposed activity status for subdividing below four hectares would devalue their property.</p> <p><u>Decision Sought:</u> Retain the residential density provisions for their area as per the Operative District Plan</p> <p><b>17.1 Rex and Ann-Marie Miller</b>  Oppose. The submitter states that they had planned to subdivide for their retirement and feel that the Council should not be doing a U-turn and stopping this from happening. The submitter states that Myross Bush is heavily subdivided already and their property is surrounded by mostly two hectare blocks. They believe that it is too late to change land use now and any further subdivision will not have an impact on the area. The submitter believes that there is no problem with waste/sewage disposal. They believe that a two hectare block is capable of dealing with one houseload of waste disposal. The submitter considers that a four hectare block is uneconomic as a farm so there is no use trying to retain farming as an option. The market in the submitter's area is only for two hectare blocks for</p>	



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Submission	Decision
<p>people moving out from the city who want extra room but do not have the knowledge or the resources to manage four hectares.</p> <p><u>Decision Sought:</u> That the two hectare minimum lot size be retained for lifestyle areas of Invercargill that are already heavily subdivided and have established amenities e.g. school, community hall.</p> <p><b>FS22.1 Donald Marshall</b> supports Submission 17.1 and considers that there should be a two hectare minimum lot size in the Rural Zone. The further submitter supports the submitter's arguments that waste disposal can occur on two hectare lots; that lifestyles struggle to manage two hectares vs four hectares; two hectares provides open spaces and landscapes; there is an imbalance in permitted lot sizes, particularly in Myross Bush.</p> <p><b>73.1 John Beaufill</b> Oppose. The submitter opposes the proposed four hectare minimum lot size in the Rural 1 Zone, in preference to two hectares. The submitter believes that effluent disposal fields can be designed for two hectares, that requiring larger blocks of land will hasten urban sprawl, that people only want two hectares or less, that more land will be required for residential development, and that people can get privacy on two hectares.</p> <p><b>88.92 Federated Farmers</b> Oppose 3.18.6 in part. The submitter would like to see greater flexibility around the minimum lot size in both the Rural 1 and Rural 2 zones, ideally occur through site standards against which each consent could be considered on its individual merits, particularly given the wide range of factors Council is seeking to consider. The submitter considers it is also important that the District Plan recognises that unnecessary constraints on otherwise appropriate subdivision can also result in adverse effects, and that the economic and social drivers for subdivision differ between farming operations, and often require different treatment. The submitter believes that If the proposed minimum lot size of four hectares was reduced to two hectares in the Rural 1 Zone, there would be consistency of rules between the two Rural Zones, and there would be greater flexibility for land use decisions in the Rural 1 Zone while still allowing consideration of a number of issues relevant to subdivision, through the discretionary activity Rules 3.18.3 and 3.18.4.</p> <p><u>Decision Sought:</u> Remove any reference to minimum Lot sizes for subdivision in the Rural Zones OR retain the two hectare minimum lot size for the Rural 2 Zone, and reduce the minimum lot size for the Rural 1 Zone from four hectares to two</p>	

## APPENDIX 1 - Decisions by Submission

Submission	Decision
<p>hectares.</p> <p><b>119.1 Philip Brough</b>  Oppose. The submitter agrees with the concept of preserving open space and landscapes but considers a blanket four hectare lot size will be detrimental to the general local economy and contrasts with property demand. The submitter believes that the Plan should be more proactive in enabling subdivision less than two hectares, where the on-site waste water disposal systems can be designed to suit the soils by making this a discretionary activity. The submitter believes that the minimum four hectare lot size will put more pressure on Otatara, which allows for more intense residential density.</p>	
<b>Zoning</b>	
<p><b>71.70 NZAS Ltd</b>  Support Rural 1 Zone in Planning Maps 22, 23, 27, 29, 30, 31 and 32. The submitter supports the Rural 1 Zoning adjoining the Smelter Zone and more generally on the Tiwai Peninsula. Retain the Rural 1 Zone.</p>	<p><b>Decision 35/26</b>  This submission is noted.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b>  The submitter supports the zoning and seeks no change to it.</p>

## APPENDIX 1 - Decisions by Submission

Submission	Decision
<b>RURAL 2 ZONE</b>	
<b>GENERAL</b>	
<p><b>107.2 A4 Simpson Architects Limited</b>  The submitter supports the general Plan approach aimed at providing for infill residential development within the city limits rather than “Greenfields” development in rural areas.</p> <p><u>Decision Sought:</u> Set clear direction through zoning as to where residential development is appropriate and avoid “Greenfields” development in rural areas</p> <p><b>FS45.1 Leven Developments Ltd</b> oppose in part Submission 107.2 agreeing that generally infill residential development within the city limits rather than ‘greenfields’ development in rural areas should be encouraged. However, the further submitter considers that the city limits need to be better defined under the Proposed Plan. The further submitter considers that there are large areas of Rural 2 land isolated from the Rural 1 zone that are more likely to be developed for urban uses rather than rural, e.g 4 Beatrice St which the further submitter should be rezoned Business 6 given its isolation from other rural land and the size of the property.</p>	<p><b>Decision 35/27</b>  This submission is noted.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The submitter supports the Plan approach and seeks no change to it. Notwithstanding the amalgamation of the Rural 1 and 2 Zones, the approach towards greenfield development in the rural area is retained, including through the retention of Outline Development Plan areas.</li> <li>2. The issue raised by Leven Developments Ltd goes beyond the original submission and cannot be considered here.</li> </ol>
<p><b>107.5 A4 Simpson Architects Limited</b>  The submitter opposes the zoning of urban areas of the city as Rural 2 Zone. The submitter states that if the land cannot be used for agricultural purposes then it should not be zoned rural.</p> <p><u>Decision Sought:</u> Rezone Rural 2 Zones that are unlikely to be farmed long term to an urban zone i.e. residential, industrial or business.</p> <p><b>FS26.9 - A4 Somerset Development Ltd</b> support Submission 107.5 and opposes the Rural 2 zoning of urban areas of the City. The further submitter considers that those areas in the Rural 2 Zone that can’t be independent farm units and are unlikely to be farmed long term should be changed to an appropriate urban zone. The further submitter does not consider it appropriate to incorporate small urban areas within the built up urban area as Rural 1, given the size and location of some of these areas where rural and rural residential land uses will not be viable.</p> <p><b>FS45.22 - Leven Developments Ltd</b> support Submission 107.5 and opposes the Rural 2 zoning of the property at Somerset Lane. The further submitter considers that Rural 2 zones that are on the city’s urban fringe should be rezoned residential, industrial or business depending on existing adjoining urban land uses. The further</p>	<p><b>Decision 35/28</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b></p> <ol style="list-style-type: none"> <li>1. The submission lacks specificity as to areas that should be rezoned and as a consequence no relief can reasonably be given.</li> <li>2. Zoning areas for rural purposes provides protection to their character and amenity.</li> <li>3. Matters raised by the further submitters are considered explicitly within other decisions, with the Somerset Lane property addressed in the Residential Decision and the zoning of 4 Beatrice Street in the Business and Industrial Zones Decision.</li> </ol>

## APPENDIX 1 - Decisions by Submission

Submission	Decision
<p>submitter refers to its original submission relating to the zoning of 4 Beatrice Street, which they believe given its size and location should be rezoned Business 6.</p> <p><b>FS46.40 - Leven Investments Ltd and others</b> support Submission 107.5 and considers that Rural 2 zones that are on the city's urban fringe should be rezoned residential, industrial or business depending on existing adjoining urban land uses.</p>	
<b>SECTION 2.41 – ISSUES, OBJECTIVES, POLICIES AND METHODS OF IMPLEMENTATION</b>	
<b>General</b>	
<p><b>78.23 Ministry of Education</b> The submitter notes that there is no Objective or Policy supporting the inclusion of educational activities as permitted.</p> <p><u>Decision Sought:</u> Include a new Objective and Policy that support the educational activities required to provide for the community living in the Rural 2 Zone.</p>	<p><b>Decision 35/29</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The Rural 2 Zone has been deleted and the provisions of the Rural 1 and 2 Zones have been amalgamated.</li> <li>2. The submitter has raised the same issue in relation to the Rural 1 Zone, now the Rural Zone.</li> </ol>
<p><b>78.26 Ministry of Education</b> Oppose Objective 2 and Policy 4 in part. The submitter suggests that these provisions be amended to ensure any future residential development in the outline development plan areas takes into account the effect on education activities in the area.</p> <p><u>Decision Sought:</u> Amend Objective 2 and Policy 4 to ensure that the effect of educational activities is taken into account.</p>	<p><b>Decision 35/30</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. At a time when schools are closing it is surprising that regard is being given to new sites.</li> <li>2. Explicit reference to "educational activities" is not needed in the policy as it is one of a number of activities to which regard may be required.</li> <li>3. The amalgamated Rural Zone provisions retain Objective 2 and Policy 4 but note they are now renumbered as 2.40.2 Objective 3 and 2.40.3 Policy 6.</li> </ol>

## APPENDIX 1 - Decisions by Submission

Submission	Decision
<b>2.41.2 Objectives</b>	
<p><b>53.64(b) NZ Transport Agency</b>  Oppose 2.41.2 Objective 2 in part. The submitter considers this the term “urban services” also includes expansion of the roading network. The submitter is concerned that no policy has been included to give effect to this objective.</p> <p><u>Decision Sought:</u> Include a new Policy 20 as follows:</p> <p>To restrict further intensification of development within the zone where the urban service expansion will be required to service the development.</p>	<p><b>Decision 35/31</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b>  There are various policies through the District wide chapters which encompass this principle. Explicit recognition in the amalgamated Rural provisions is not required.</p>
<p><b>65.87 ICC Environmental and Planning Services</b>  Support Objective 2 subject to amendment of drafting error.</p> <p><u>Decision Sought:</u></p> <p>... and only when adequate servicing and infrastructure <u>are</u> is available.</p> <p><b>FS26.11 A4 Somerset Development Ltd</b> oppose Submission 65.87 as it is not clear why the Plan is introducing an “Outline Development Plan” process, where land in the Rural 2 Zone can be developed through the resource consent and Plan Change process, neither of which requires an outline development plan. The further submitter also considers that a private plan change for a property as small as 12 Somerset Lane would be overly onerous and expensive.</p>	<p><b>Decision 35/32</b>  This submission is noted.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The change made corrects a minor error.</li> <li>2. The Rural 2 Zone has been merged with the Rural 1 Zone to create a single Rural Zone. This Objective is now 2.40.2 Objective 3.</li> <li>3. The further submission raises a new point not dealt with in the original submission. It cannot be considered.</li> </ol>
<b>2.41.3 Policies</b>	
<p><b>88.51 Federated Farmers</b>  Support Policy 1 – Rural 2 Zone in part. The submitter agrees that two hectares appears a reasonable area for subdivision in the Rural 2 Zone, however, they suggest that requiring a minimum lot size may be enforcing a subdivision size that is larger than preferred by the landowner or developer, and it is not unreasonable to assume that there may be some subdivisions of less than two hectares which result in the rural amenity values being retained or enhanced. The submitter would like to see greater flexibility around this minimum size, ideally through site standards against which each consent can be considered on its individual merits.</p> <p><u>Decision Sought:</u> Amend the wording of the Policy as proposed:</p>	<p><b>Decision 35/33</b>  This submission is noted.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b>  Given the amalgamation of the Rural 1 and 2 Zone provisions, this policy is no longer required.</p>

## APPENDIX 1 - Decisions by Submission

Submission	Decision
<p>To create a transition between the rural and urban environments by providing for lifestyle" 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.</p> <p><b>FS26.12 A4 Somerset Development Ltd</b> oppose Submission 88.51 and the two hectares minimum lot size applying to its property at 12 Somerset Lane through this policy, given that the property is only 1.5 hectares.</p> <p><b>FS45.25 Leven Development Ltd</b> oppose Submission 88.51 and considers that in relation to its property at 4 Beatrice Street the two hectares density requirement is not considered reasonable or an efficient use of natural and physical resources. The further submitter considers that the property is on the urban fringe of the city and is able to be serviced by existing Council services. The further submitter considers 4 Beatrice Street should be rezoned either Enterprise or Business 6.</p>	
<p><b>53.67 NZ Transport Agency</b> Support Policy 2 – Urban Development. Retain Policy 2 as proposed.</p> <p><b>88.52 Federated Farmers</b> Support Policy 2 – Urban Development in part. The submitter considers that the best way to achieve this policy is to develop supportive planning approaches for the urban area, rather than restricting land use decisions in the rural area.</p> <p><u>Decision Sought:</u> Amend the wording of the Policy as proposed: To discourage urban-incompatible development within the Rural 2 Zone.</p> <p><b>FS26.13 A4 Somerset Development Ltd</b> support in part Submission 88.52 and agrees the best way to achieve the policy is to develop supportive planning approaches for the urban area, rather than restricting land use decisions in rural areas. However, the further submitter objects to the policy applying to its property at 12 Somerset Lane.</p> <p><b>FS46.42 Leven Investment Ltd and others</b> support Submission 88.52 and agrees that the best way to achieve the policy is to develop supportive planning approaches for the urban area, rather than restricting land use decisions in the rural area. The further submitter questions the ability of Rural 2 Zone properties to be developed for urban land use activities given the limited number of activities that are permitted in the Rural 2 Zone and considers that the zoning should be changed to some form of urban zoning.</p>	<p><b>Decision 35/34</b> (i) Submission 53.67 NZ Transport Agency is rejected. (ii) Submission 88.52 Federated Farmers is accepted in part.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b> 1. Given the amalgamation of the Rural 1 and 2 Zone provisions, this policy is no longer required. 2. The matters raised by the further submitters go beyond the original submission and cannot be considered here.</p>

## APPENDIX 1 - Decisions by Submission

Submission	Decision
<p><b>88.53 Federated Farmers</b>  Support Policy 3 – Historical sections in part. The submitter agrees that this policy is necessary to ensure that owners of sections which existed prior to the introduction of controls on lot sizes are able to use their land, however, the submitter believes that the date specified should be extended further into the future, ideally closer to the date the District Plan is adopted.</p> <p><u>Decision Sought:</u> Amend the wording of the policy as follows:</p> <p>To allow a single dwelling on sections which existed with a Certificate of Title issued prior to 30 July 2013 <u>31 August 2014</u> and which can be connected to the Council's reticulated sewerage system.</p> <p>To allow a single dwelling on sections for which a Certificate of Title was existing, or was approved by way of subdivision consent, on or prior to <del>30 July 2013</del> <u>31 August 2014</u>.</p> <p><b>FS26.14 A4 Somerset Development Ltd</b> oppose Submission 88.53. The further submitter opposes the policy as it would apply to its property at 12 Somerset Lane as it considers the erection on one dwelling on 1.4 hectares is not an efficient use of land.</p> <p><b>FS45.26 Leven Development Ltd</b> oppose Submission 88.53 as it would apply to 4 Beatrice Street. The further submitter does not consider that the erection of one dwelling on the 10 hectare property would not amount to an efficient use of land. The further submitter considers that Rural 2 zones that are on the city's urban fringe should be rezoned urban.</p> <p><b>90.23 H W Richardson Group Ltd</b>  Oppose Policy 12 - Wind. The submitter considers that the policy should be more balanced and not just focusing on "avoiding" the adverse effects.</p> <p><u>Decision Sought:</u> Amend Policy 12 as follows:</p> <p>To avoid, <u>remedy or mitigate</u> increasing natural wind effects by land use activities.</p>	<p><b>Decision 35/35</b>  These submissions are noted.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The Rural 2 Zone has been deleted and the provisions of the Rural 1 and 2 Zones have been amalgamated.</li> <li>2. The submitters have raised the same issue in relation to the Rural 1 Zone, now the Rural Zone.</li> </ol>

## APPENDIX 1 - Decisions by Submission

Submission	Decision
<b>3.39 Rules</b>	
<p><b>78.25 Ministry of Education</b> Support 3.39.1. Retain 3.39.1 as notified.</p> <p><b>88.98 Federated Farmers</b> Support 3.39.1. The submitter considers it is important to ensure that expected activities in the rural area, particularly agriculture, are specifically designated permitted activities. Retain 3.39.1 as notified.</p> <p><b>FS25.15 A4 Somerset Development Ltd</b> support in part submission 88.98 agreeing that it is important to ensure that expected activities in a rural area are specifically designated permitted activities in rural zones. However, the further submitter objects to these applying to its property on Somerset Lane. The further submitter considers that the activities provided for in the Rural 2 Zone are not appropriate for Somerset Lane, and those small properties on the urban fringe.</p> <p><u>Decision Sought:</u> Rezone 12 Somerset Lane Residential.</p> <p><b>88.99 Federated Farmers</b> Oppose 3.39.2 in part. The submitter considers that the activities listed in this rule are compatible with the rural area environment and do not significantly detract from the rural environment or rural amenities. Further, the submitter considers that sustainability of rural amenity is dependent on the economic sustainability of agriculture, and farmers should be afforded the ability to undertake businesses in the rural area without the cost and trouble of a consent application, particularly in the rural transition area where the underlying economic value of primary productive land is often exceeded by the potential economic value of subdivision. The submitter recommends Council include Commercial recreation activities and Visitor Accommodation in the permitted activity rules, with appropriate site standards developed to protect any values.</p> <p><u>Decision Sought:</u></p> <ul style="list-style-type: none"> <li>Commercial recreation activities and Visitor Accommodation are provided for as permitted activities in the Rural 2 Zone.</li> <li>Site standards are developed to ensure values associated with the rural area are defined and land users and landowners are informed.</li> </ul> <p><b>FS26.16 A4 Somerset Development Ltd</b> oppose in part Submission 88.99 as the activities listed are compatible with the Rural area environment but considers that</p>	<p><b>Decision 35/36</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>The Rural 2 Zone has been deleted and the provisions of the Rural 1 and 2 Zones have been amalgamated. Many of these provisions are retained.</li> <li>The submitters have raised the same issue in relation to the Rural 1 Zone, now the Rural Zone.</li> </ol>



## APPENDIX 1 - Decisions by Submission

Submission	Decision
<p>this rule should not apply to its property on Somerset Lane. The further submitter considers that land owners should be afforded the ability to undertake activities on their property without the cost and trouble of a consent application and that this will not be the case if the mixed use zoning of 12 Somerset Lane is not changed.</p> <p><b>88.100 Federated Farmers</b>  Oppose 3.39.10(A) in part. The submitter considers that a maximum building height of 10m is unrealistic considering the nature of the agricultural equipment likely to be housed in such buildings, and the land efficiencies and cost-effectiveness of having offices and staff facilities located on a storey above display areas, and the opportunity to build upwards should be allowed in the Rural 1 Zone where this can occur without significant adverse effects.</p> <p><u>Decision Sought:</u> Amend the wording of the Rule as follows:</p> <p><u>3.39.10</u> 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: 40 <u>15</u> metres.</p> <p><b>65.115 ICC Environmental and Planning Services</b>  Support 3.39.10(B) in part. The submitter considers that the rule requires amendment to ensure that it is consistent with the policies and to protect the amenity values of neighbouring residential properties.</p> <p><u>Decision Sought:</u> Amend 3.39.10(B)</p> <p>Recession Plane: Infogram 4 applies on sites less than one hectare <u>and/or along boundaries adjoining a Residential Zone</u></p> <p><b>FS26.17 A4 Somerset Development Ltd</b> oppose Submission 65.115 as urban areas of the city that cannot be farmed as independent farming units and are likely to be farmed long term should be changed to an appropriate urban zone. The submitter considers that if the proposed zoning in the plan reflects the urban nature of properties there is no need for the use of additional height control rules.</p> <p><b>FS45.24 Leven Development Ltd</b> oppose Submission 65.155 as the rule does not need amendment and will impose unnecessary regulatory controls on what are supposed to be large rural properties. The further submitter considers that if a recession plane is needed along the boundary of a Rural 2 property it indicates that they should be zoned urban and subject to the relevant residential, business or industrial performance standards of the Proposed Plan.</p>	

## APPENDIX 1 - Decisions by Submission

Submission	Decision
<b>ZONING</b>	
<p><b>2.6 Bluff Community Board</b>  The area at the top of Suir Street and behind Foyle Street should not be zoned Rural 2 as part of it is a landfill area. Rural 2 allows for the building of a house which could not occur on land which should be recorded as hazard/contaminated land.</p> <p><u>Decision Sought:</u> Not stated. It is considered the submitter requests the following:</p> <ul style="list-style-type: none"> <li>• The land in question be rezoned so as to not allow the development of residential activity; and</li> <li>• The land in question be identified on the hazard information maps as being filled land.</li> </ul>	<p><b>Decision 35/37</b>  This submission is noted.</p> <p><b>Amendments to District Plan</b>  None required</p> <p><b>Reason</b>  The areas zoned Rural 1 and 2 have been amalgamated into a single Rural Zone thereby achieving the outcome sought by the submitter.</p>
<p><b>65.129 ICC Environmental and Planning Services</b>  The submitter considers that the split zoning shown on 290 Bain Street should be removed to reflect the property boundaries.</p> <p><u>Decision Sought:</u> Amend Map 17, to remove the split zoning at 290 Bain Street from Rural 1/Rural 2 to replace it with Rural 2.</p> <p><b>FS26.18 A4 Somerset Development Ltd</b> support Submission 65.129 and submits that all split zoning under the proposed Plan should be amended to follow property boundaries, with particular reference to its property at 12 Somerset Lane. The further submitter is concerned that split zoning has implications in regard to the future land use potential of properties.</p> <p><u>Decision Sought:</u> Accept relief sought and remove the split zoning at 12 Somerset Lane so that the property is zoned Residential 1.</p>	<p><b>Decision 35/38</b>  This submission is noted.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b></p> <ol style="list-style-type: none"> <li>1. It is accepted that the zoning should follow the property boundaries to facilitate its use and future management.</li> <li>2. The areas zoned Rural 1 and 2 have been amalgamated into a single Rural Zone thereby achieving in part the outcome sought by the submitter.</li> <li>3. The matters raised by the further submitters go beyond the original submission and cannot be considered here.</li> </ol>

## SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

Amend provisions throughout the Proposed District Plan amalgamating the Rural 1 and Rural 2 Zones by creating a Rural Zone<sup>1</sup>

## SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

### 2.19 AIRPORT OPERATIONS ZONE

#### 2.26.3 Policies

**Policy 10 Wind:** To avoid where practical increasing the adverse impacts of any natural wind effects from ~~by~~ land use activities, buildings and other structures.<sup>2</sup>

### 2.20 AIRPORT PROTECTION ZONE

#### 2.20.3 Policies

**Policy 10 Wind:** To avoid where practical increasing the adverse impacts of any natural wind effects from ~~by~~ land use activities, buildings and other structures.<sup>3</sup>

### 2.26 BUSINESS 5 (RURAL SERVICE) ZONE

#### 2.26.3 Policies

**Policy 2 Noise:** To provide for a moderate level of noise within the zone consistent with its character whilst ensuring that noise levels at the boundary of the zone are consistent with those of the adjoining Rural 4-Zone.

**Policy 16 Landscaping planting and screening:** To require landscaping along the perimeter of the adjacent Rural 4-Zone, to public roads and the State Highway, as set out in the Concept Plan attached as Appendix X.

### 2.34 OTATARA ZONE

#### 2.34.3 Policies

**Policy 9 Wind:** To avoid where practical increasing the adverse impacts of any natural wind effects from ~~by~~ land use activities, buildings and other structures.<sup>4</sup>

### 2.40 RURAL 4-ZONE<sup>5</sup>

The Rural 4-Zone provides for rural activities such as agriculture, horticulture and forestry and ~~associated~~ 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. As such it comprises a dynamic working

<sup>1</sup> Decision 35/20

<sup>2</sup> Decision 35/15

<sup>3</sup> Decision 35/15

<sup>4</sup> Decision 35/15

<sup>5</sup> A number of these provisions have been amended in response to Decision 35/20 which amalgamated the Rural 1 and Rural 2 Zones

## APPENDIX 2 – Amended District Plan Provisions

~~environment within which productive primary use is the dominant land use.<sup>6</sup> The zone boundary reflects the Council's non-statutory Spatial Plan, *The Big Picture*, which makes a firm distinction between the rural parts of the district, now contained within the Rural 1 Zone, and the urban parts.~~

The Rural 4 Zone contains higher quality and versatile soils, particularly in the north, for which it is desirable to keep options open for productive rural activities ~~food production<sup>7</sup>.~~

~~Rural residential subdivision and~~ Non-rural land use activities are not always compatible with rural primary production activities and can give rise to reverse sensitivity effects and limit the productivity of rural land.

Greenfield residential development in the Rural Zone can lead to a demand for extensions to urban services that can be expensive to provide and need to be carefully considered.

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Instead urban development should be encouraged to locate within the existing built up environment and where provision is made for large lot housing.

The southern parts of the zone contain nationally significant landscapes and include the Awarua wetlands.

### 2.40.1 Issues

#### **The significant resource management issues for the Rural 4 Zone:**

1. The amenity of the rural area can be adversely affected through subdivision and consequent development and/or by reverse sensitivity.
2. Rural-residential subdivision and development can limit the use of the rural land resource for primary production activities.
3. Conflict between rural and non-rural activities can adversely affect rural productivity.
4. Long-term pressures for urban expansion can adversely affect the character of the Rural 2 Zone and lead to demands for urban services.
5. Sporadic subdivision can lead to poor connectivity and adverse effects on existing infrastructure.
6. Ongoing problems can occur with on-site sewage disposal systems, especially on smaller sites.
7. Connection to the Council's sewerage reticulation system can create ongoing cost to ratepayers for expanded services.

### 2.40.2 Objectives

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<sup>6</sup> Decision 1/5

<sup>7</sup> Decision 35/6

## APPENDIX 2 – Amended District Plan Provisions

**Objective 1:** ~~The rural environment within the Rural 1 Zone is maintained and enhanced while allowing for productive rural activities to be undertaken. by providing for larger sizes of allotments.~~<sup>8</sup>

**Objective 2:** ~~The amenity values of the Rural 1 Zone are maintained and enhanced. Provide for the use and development of land within the rural area while maintaining, and where practical enhancing, amenity values.~~<sup>9</sup>

**Objective 3:** New urban development within the Rural Zone only occurs within the areas identified in Appendix XV and in general accordance with an operative outline development plan included in the District Plan through an approved Plan Change, and only when adequate servicing and infrastructure is available<sup>10</sup>. ~~To enable existing sites (with a Certificate of Title issued on or prior to 30 July 2013) to be used for rural residential development without changing the character or amenities of the rural environment and without creating additional demands for urban services.~~

### 2.40.3 Policies

**Policy 1 Rural 4-Zone:** ~~To provide for larger~~ require rural allotments to be of a size and nature that ~~ensures~~ enables rural activities ~~can occur~~ and ~~which~~ maintains the rural character and visual amenity of the Rural 4 Zone.<sup>11</sup>

**Policy 2 Rural Activities:** To provide for rural activities to establish and operate within the Rural 4-Zone.

**Policy 3 Non Rural Activities:** To avoid activities that do not have a need to locate within the Rural Zone and which would result in adverse effects inconsistent with of non-rural activities on the function, character and amenity provided for by of the Rural Zone<sup>12</sup>.

**Explanation:** *The primary purpose of the Rural 4-Zone is to provide for rural activities such as agriculture, horticulture and forestry ~~requiring large areas of land.~~ A minimum lot size of two hectares for rural properties will provide for sustainable “lifestyle” properties that are not connected to reticulated services. These activities give a characteristic of openness to the area. Regulatory controls will ensure that the amenity of the Rural Zone is maintained and enhanced to provide for the ongoing operation of rural production activities. ~~Zoning controls to provide primarily for rural activities on larger allotments of land will maintain and enhance the amenity of the Rural 1 Zone.~~*<sup>13</sup>

**Policy 4 Soils:** To maintain the life supporting capacity and productive value of the soil resource in the Rural 4-Zone.

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<sup>8</sup> Decision 35/7

<sup>9</sup> Decision 1/5

<sup>10</sup> Decision 35/32, note amendment to Objective as a result of merging the two Rural Zones

<sup>11</sup> Decision 35/9

<sup>12</sup> Decision 35/11

<sup>13</sup> Decision 35/11

## APPENDIX 2 – Amended District Plan Provisions

**Explanation:** Fragmentation of rural properties, non rural land uses and poor soil management practices can reduce the productive use of land in the Rural 4 Zone.

**Policy 5 Historical Sections:** To allow a single dwelling on sites under two hectares which existed with sections for which a Certificate of Title issued prior to 29 October 2016 and which can be connected to the Council's reticulated sewerage system was existing, or was approved by way of subdivision consent, on or prior to 30 July 2013.<sup>14</sup>

**Explanation:** This policy is to ensure that owners of sections which existed prior to the introduction of controls on lot sizes are able to use their land.

**Policy 6 Outline Development Plans:** To identify areas within the Rural Zone for long term urban development as Outline Development Plan Areas. Within these areas development does not proceed until an operative Outline Plan for that area has been included within the District Plan and adequate servicing and infrastructure is available.

**Explanation:** "Outline Development Plan Areas" are identified in the District Plan as the preferred areas for any future greenfield residential growth. The reason for providing them is to enable the city to respond, reasonably quickly and in a considered way, to any future pressure for residential growth.

These areas have been identified because they connect directly to existing Invercargill City Council infrastructure and services which have capacity for growth, and immediately adjoin residential areas.

The process envisaged for enabling development of one of the Outline Development Plan Areas would involve a request for a Plan Change that would need to set out how the land is to be developed in accordance with the objectives and policies of the District Plan. Development will not proceed until the Plan Change has been approved.

**Policy 76 Outdoor Living:** To promote the provision of practical outdoor private open space, accessible to the living areas of the dwellings, as an important dimension of amenity.

**Explanation:** There is a need for private open space on smaller rural lots to enable:

- (A) Outlook – a pleasant outlook from inside the living areas of the dwelling.
- (B) Ventilation of indoor spaces on to a sheltered outdoor space.
- (C) Outdoor living (e.g. sitting in the sun with a cup of coffee).
- (D) Outdoor household activities (such as barbecues).
- (E) Children to play outdoors.

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<sup>14</sup> Decision 35/12

## APPENDIX 2 – Amended District Plan Provisions

- (F) *Provision of biodiversity, aesthetic pleasure and a beneficial microclimate.*

*To be capable of being used for these purposes, the open space needs to have a minimum dimension. Several lines of reasoning draw to a conclusion that this minimum dimension should be ~~about~~ at least<sup>15</sup> five metres. The private open space needs to be oriented appropriately in relation to the building.*

**Policy 87 Incidence of daylight and sunlight:** To ensure light and sunlight incidence to the subject property and to neighbouring properties for amenity, home heating (energy conservation) and health reasons.

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

*Seasonal variations in sun angles, sunrise and sunset affect the incidence of daylight and sunlight. In most cases, even on sloping sites, setting buildings back from the northern boundary will enable daylight and sunlight incidence and hence solar gain. Renovations of existing dwellings, or replacement dwellings, can be designed to take advantage of this opportunity for solar gain. Furthermore, the amenities of neighbouring properties are affected if buildings are too close to the boundary.*

**Policy 98 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<sup>16</sup>.

**Explanation:** *Low ambient noise levels, particularly at night, are an important dimension to the amenity of the Rural 4 Zone. However, it is important to recognise that the Rural 4 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.*~~<sup>17</sup>

**Policy 10 Noise:** To recognise that some parts of the Rural 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.<sup>18</sup>

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<sup>15</sup> Decision 35/13

<sup>16</sup> Decision 33/5

<sup>17</sup> Decision 33/5

<sup>18</sup> Decision 33/5

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**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.*<sup>19</sup>

**Policy 119 Odour:** To accept that intermittent emissions of agricultural related odours will occur within the Rural 4-Zone.

***Explanation:*** *It is important to recognise that the Rural 4-Zone is a working environment and rural activities such as agriculture and horticulture need to be provided for to ensure they are not compromised by reverse sensitivity issues involving intermittent emissions of odour.*

**Policy 1240 Glare:** To ensure freedom of nuisance from glare.

***Explanation:*** *Significant amounts of glare from the built environment are not anticipated in rural areas. Glare can become a major nuisance or even a hazard if not considered in the design of building elevations. Nuisance from glare should be avoided where practicable, or otherwise remedied or mitigated.*

**Policy 1344 Electrical interference:** To ensure freedom from avoid nuisance from electrical interference.

***Explanation:*** *The possibility of electrical interference is an environmental effect that needs to be considered in the placement and maintenance of electrical equipment and machinery, including transmitting aerials.*

**Policy 1442 Lightspill:** To avoid, remedy or mitigate the adverse effects of lightspill. To minimise lightspill.<sup>20</sup>

***Explanation:*** *Lightspill (e.g. security lighting on a neighbouring property) can be a source of annoyance to residents. The character of the night sky, with its starscapes, cloud effects and occasional glimpses of the Aurora Australis, is also an amenity of rural areas and can be masked by light “pollution”. Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.*<sup>21</sup>

**Policy 1513 Wind:** ~~To avoid increasing natural wind effects by land use activities.~~ To avoid where practical increasing the adverse impacts of any natural wind effects from land use activities, buildings and other structures.<sup>22</sup>

***Explanation:*** *At times Invercargill is subject to very strong winds for extended periods, particularly from the westerly quarter. Any development which*

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<sup>19</sup> Decision 33/5

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

<sup>21</sup> Decision 3/10

<sup>22</sup> Decision 35/15



## APPENDIX 2 – Amended District Plan Provisions

*exacerbates wind effects has potential to have a significant adverse effect on the amenities of adjoining properties.*

**Policy ~~1614~~–Signage:** To protect the amenity of the Rural 4–Zone by controlling the size and nature of signage and requiring that any signage should relate to the activity being carried out on the site.

***Explanation:*** *In rural areas signage of sufficient size and clarity to enable people to find rural activities or home occupations occurring on a site is considered appropriate. Advertising signage which does not relate to the activity on the site is not appropriate in rural areas.*

**Policy ~~1715~~–Dilapidated structures and ill-maintained lands:** To avoid the adverse effects of dilapidated structures and ill-maintained lands on the amenity of rural areas.

***Explanation:*** *Derelict properties and poorly maintained properties can significantly detract from the amenities of neighbouring properties.*

**Policy ~~1816~~–Demolition or removal activities:** To manage the adverse effects of demolition or removal activities on amenity values by ensuring the clean-up, screening and maintenance of sites.

***Explanation:*** *Although normally temporary and localised, demolition activities can create a significant nuisance. There is an obligation to ensure that demolition materials are disposed of responsibly. There is also a need to ensure that the site is made safe, clean and tidy in a timely manner.*

**Policy ~~1917~~–Relocation activities:** To manage the adverse effects of relocation activities on amenity values by ensuring that any relocated building is placed on permanent foundations and reinstated within a reasonable timeframe.

***Explanation:*** *There are many instances of dwellings which have been relocated on to sections in Invercargill and which offer a high standard of amenity to their occupiers and which contribute to the appearance of the neighbourhood. However, the process of relocation, and in particular adherence to a reasonable timeframe, needs to be carefully managed in order to minimise adverse effects on neighbours.*

**Policy ~~2018~~–Hazardous Substances:** To provide for the opportunity to store and use moderate amounts of hazardous substances.

***Explanation:*** *Some substances used in normal domestic living and rural activities are potentially hazardous. There is a need to control the storage of more than domestic quantities of hazardous material.*

**Policy ~~2119~~–Height and location of structures:** To manage the scale of development in rural areas is an important dimension of amenity, recognising that the height and location of structures are main components of that.

## APPENDIX 2 – Amended District Plan Provisions

**Explanation:** *The great majority of housing in rural areas is set on larger allotments. In some areas houses are set on smaller historic allotments. The scale, form and location of new buildings should be designed to maintain high levels of amenity by adhering to the overall characteristic of structures of modest height placed with space around them on individual sections. This characteristic is an important dimension of rural amenity.*

**Policy 2220 Car parking and vehicle manoeuvring:** To recognise that the opportunity for residents on smaller rural lots to park their vehicle(s) on-site is an important dimension of amenity.

**Explanation:** ~~*The ability to park one's own vehicle "off the road" is important to most people. Space to park at least two cars is expected on the smaller historic allotments. Provision for off street car parking and manoeuvring minimises the adverse effects on the safety and efficiency of the road. It also enables the retention of on-street parking for short term visitors and improves the visual amenity of the streets by reducing the level of long term on-street parking.*~~<sup>23</sup>

### 2.40.4 Methods of Implementation

**Method 1** Delineate the Rural 4-Zone on the District Planning Maps.

**Method 2** Include rules identifying activities that are appropriate within the Rural 4-Zone.

**Method 3** Identify the anticipated amenity values for the Rural 4-Zone, include environmental standards to protect and enhance them, and implement through enforcement under the RMA, education, advocacy and collaborating with other Territorial Authorities.

**Method 4** Include rules addressing District wide issues.

**Method 5** Require all applications for resource consent to include an analysis of the proposal on the defined amenity values of the Rural 4-Zone.

**Method 6** Identify on the District Planning Maps areas where long term residential development may be considered as part of a Plan Change process.

**Method 7** ~~6~~ Initiate environmental advocacy for:

- (A) Promotion of the principles of qualities of good design.
- (B) Promotion of the principles of Crime Prevention Through Environmental Design (CPTED).
- (C) Protection of landscape values.
- (D) Mitigation or avoidance of nuisance arising from glare and accentuation of windflow effects.
- (E) Promotion of well maintained structures and land.

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<sup>23</sup> Decision 20/48

## APPENDIX 2 – Amended District Plan Provisions

(F) Connectivity – connections between places.

**Method ~~87~~** Develop and disseminate information promoting good practice for living and working in the rural environment.

**Method ~~98~~** Environmental awards may be given for outstanding examples of good design.

**Method ~~109~~** Identify cross boundary issues e.g. discharges.

**Method ~~1140~~** Consult with landowners and occupiers, iwi, other councils, Central Government and other organisations, internal Council departments and local community and business groups.

**Method ~~1244~~** Recognise sectorial responses, such as NZTA published guidelines.

### **~~2.41~~ — ~~RURAL 2 (RURAL TRANSITION) ZONE~~**

~~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.~~

~~Greenfield residential development in the Rural 2 Zone can lead to a demand for extensions to urban services that can be expensive to provide and need to be carefully considered.~~

~~Instead urban development should be encouraged to locate within the existing built up environment and where provision is made for large lot housing.~~

#### **~~2.41.1~~ — ~~Issues~~**

**~~The significant resource management issues for the Rural 2 (Rural Transition) Zone are:~~**

- ~~1. The amenity of the rural area can be adversely affected through subdivision and consequent development and/or by reverse sensitivity.~~
- ~~2. Long-term pressures for urban expansion can adversely affect the character of the Rural 2 Zone and lead to demands for urban services.~~
- ~~3. Sporadic subdivision can lead to poor connectivity and adverse effects on existing infrastructure.~~
- ~~4. Ongoing problems can occur with on-site sewage disposal systems, especially on smaller sites.~~
- ~~5. Connection to the Council’s sewerage reticulation system can create ongoing cost to ratepayers for expanded services.~~

#### **~~2.41.2~~ — ~~Objectives~~**

**~~Objective 1:~~** ~~The amenity values of the Rural 2 Zone are maintained and enhanced.~~

**~~Objective 2:~~** ~~New urban development within the Rural 2 Zone only occurs within the areas identified in Appendix XV and in general accordance with an operative outline~~

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~~development plan included in the District Plan through an approved Plan Change, and only when adequate servicing and infrastructure is available.~~

### 2.41.3 Policies

**Policy 1 Rural 2 Zone:** ~~To create a transition between the rural and urban environments by providing for “lifestyle” 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” 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.~~

**Policy 2 Urban Development:** ~~To discourage urban development within the Rural 2 Zone.~~

~~**Explanation:** Discouraging urban development to occur within the Rural 2 Zone will help direct economic activity into the existing built up environment of Invercargill to help retain and/or improve amenity, while also containing demand for new city services and making best use of existing ones, avoiding or delaying the need for infrastructure expansion.~~

**Policy 3 Historical sections:** ~~To allow a single dwelling on sections which existed with a Certificate of Title issued prior to 30 July 2013 and which can be connected to the Council’s reticulated sewerage system.~~

~~**Explanation:** This policy is to ensure that owners of sections which existed prior to the introduction of controls on lot sizes are able to use their land.~~

**Policy 4 Outline Development Plans:** ~~To identify areas within the Rural 2 Zone for long term urban development as Outline Development Plan Areas. Within these areas development does not proceed until an operative Outline Plan for that area has been included within the District Plan and adequate servicing and infrastructure is available.~~

~~**Explanation:** “Outline Development Plan Areas” are identified in the District Plan as the preferred areas for any future greenfield residential growth. The reason for providing them is to enable the city to respond, reasonably quickly and in a considered way, to any future pressure for residential growth.~~

~~These areas have been identified because they connect directly to existing Invercargill City Council infrastructure and services which have capacity for growth, and immediately adjoin residential areas.~~

~~The process envisaged for enabling development of one of the Outline Development Plan Areas would involve a request for a Plan Change that would~~

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~~need to set out how the land is to be developed in accordance with the objectives and policies of the District Plan. Development will not proceed until the Plan Change has been approved.~~

**Policy 5 – Outdoor Living:** ~~To require the provision of practical outdoor private open space, accessible to the living areas of the dwellings, as an important dimension of amenity.~~

**Explanation:** ~~There is a need for private open space on residential lots to enable:~~

- ~~(A) Outlook – a pleasant outlook from inside the living areas of the dwelling.~~
- ~~(B) Ventilation of indoor spaces on to a sheltered outdoor space.~~
- ~~(C) Outdoor living (e.g. sitting in the sun with a cup of coffee).~~
- ~~(D) Outdoor household activities (such as barbecues).~~
- ~~(E) Children to play outdoors.~~
- ~~(F) Provision of biodiversity, aesthetic pleasure and a beneficial microclimate.~~

~~To be capable of being used for these purposes, the open space needs to have a minimum dimension. Several lines of reasoning draw to a conclusion that this should be 5.5 metres. The private open space needs to be oriented appropriately in relation to the building.~~

**Policy 6 – Incidence of daylight and sunlight:** ~~To ensure light and sunlight incidence to the subject property and to neighbouring properties for amenity, home heating (energy conservation) and health reasons.~~

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

~~Seasonal variations in sun angles, sunrise and sunset affect the incidence of daylight and sunlight. In most cases, even on sloping sites, setting buildings back from the northern boundary will enable daylight and sunlight incidence and hence solar gain. Renovations of existing dwellings, or replacement dwellings, can be designed to take advantage of this opportunity for solar gain. Furthermore, the amenities of neighbouring properties are affected if buildings are too close to the boundary.~~

**Policy 7 – Noise:** ~~To maintain low daytime ambient noise levels and lower night time ambient noise levels whilst allowing agricultural activities, and 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 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.~~

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~~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 8 – Odour:** ~~To accept that intermittent emissions of agricultural related odours will occur within the Rural 2 Zone.~~

~~**Explanation:** It is important to recognise that the Rural 2 Zone is a working environment and rural activities such as agriculture and horticulture need to be provided for to ensure they are not compromised by reverse sensitivity issues involving intermittent emissions of odour.~~

**Policy 9 – Glare:** ~~To ensure freedom of nuisance from glare.~~

~~**Explanation:** Significant amounts of glare from the built environment are not anticipated in rural areas. Glare can become a major nuisance or even a hazard if not considered in the design of buildings. Nuisance from glare should be avoided where practicable, or otherwise remedied or mitigated.~~

**Policy 10 – Electrical interference:** ~~To ensure freedom from nuisance from electrical interference.~~

~~**Explanation:** The possibility of electrical interference is an environmental effect that needs to be considered in the placement and maintenance of electrical equipment and machinery, including transmitting aerials.~~

**Policy 11 – Lightspill:** ~~To minimise lightspill.~~

~~**Explanation:** Lightspill can be a source of annoyance to residents. The character of the night sky, with its starscapes, cloud effects and occasional glimpses of the Aurora Australis, is also an amenity of rural areas and can be masked by light “pollution”.~~

**Policy 12 – Wind:** ~~To avoid increasing natural wind effects by land use activities.~~

~~**Explanation:** At times Invercargill is subject to very strong winds for extended periods, particularly from the westerly quarter. Any development which exacerbates wind effects has potential to have a significant adverse effect on the amenities of adjoining properties.~~

**Policy 13 – Signage:** ~~To protect the amenity of the Rural 2 Zone by controlling the size and nature of signage and requiring that any signage should relate to the activity being carried out on the site.~~

~~**Explanation:** In rural areas signage of sufficient size and clarity to enable people to find rural activities or home occupations occurring on a site is considered appropriate. Advertising signage which does not relate to the activity on the site is not appropriate in rural areas.~~

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**~~Policy 14 Dilapidated structures and ill-maintained lands:~~** To avoid the adverse effects of dilapidated structures and ill-maintained lands on the amenity of rural areas.

**~~Explanation:~~** *Derelict properties and poorly maintained sections significantly detract from the amenities of neighbouring properties.*

**~~Policy 15 Demolition or removal activities:~~** To manage the adverse effects of demolition or removal activities on amenity values by ensuring the clean-up, screening and maintenance of sites.

**~~Explanation:~~** *Although normally temporary and localised, demolition activities can create a significant nuisance. There is an obligation to ensure that demolition materials are disposed of responsibly. There is also a need to ensure that the site is made safe, clean and tidy in a timely manner.*

**~~Policy 16 Relocation activities:~~** To manage the adverse effects of relocation activities on amenity values by ensuring that any relocated building is placed on permanent foundations and reinstated to a reasonable state of repair within a reasonable timeframe.

**~~Explanation:~~** *There are many instances of dwellings which have been relocated on to sections in Invercargill and which offer a high standard of amenity to their occupiers and which contribute to the appearance of the neighbourhood. However the process of relocation, and in particular adherence to a reasonable timeframe, needs to be carefully managed in order to minimise adverse effects on neighbours.*

**~~Policy 17 Hazardous Substances:~~** To provide for the opportunity to store and use moderate amounts of hazardous substances associated with activities within the zone.

**~~Explanation:~~** *Some substances used in normal domestic living and rural activities are potentially hazardous. The Council needs the ability to control the storage of more than domestic quantities of hazardous material and bad practice in the use of such material.*

**~~Policy 18 Height and location of structures:~~** To manage the scale of development in rural areas.

**~~Explanation:~~** *The great majority of housing in rural areas is set on larger allotments. In some areas houses are set on smaller allotments that have the ability to connect to Council's reticulated services. The scale, form and location of new buildings should be designed to maintain high levels of amenity by adhering to the overall characteristic of structures of modest height placed with space around them on individual sections. This characteristic is an important dimension of rural amenity.*

**~~Policy 19 Car parking and vehicle manoeuvring:~~** To recognise that the opportunity for residents on smaller rural lots to park their vehicle(s) on-site is an important dimension of amenity.

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~~**Explanation:** The ability to park one's own vehicle "off the road" is important to most people. Space to park at least two cars is expected on the smaller historic allotments.~~

### ~~2.41.4 Methods of Implementation~~

~~**Method 1** Delineate the Rural 2 Zone on the District Planning Maps.~~

~~**Method 2** Include rules identifying activities that are appropriate within the Rural 2 Zone.~~

~~**Method 3** Identify the anticipated amenity values for the Rural 2 Zone, include environmental standards to protect and enhance them, and implement through enforcement under the RMA, education, advocacy and collaborating with other territorial authorities.~~

~~**Method 4** Include rules addressing District Wide issues.~~

~~**Method 5** Require all applications for resource consent to include an analysis of the proposal on the defined amenity values of the Rural 2 Zone.~~

~~**Method 6** Identify on the Planning Maps areas where long term residential development may be considered as part of a Plan Change process.~~

~~**Method 7** Initiate environmental advocacy for:~~

~~(A) Promotion of the principles of qualities of good design.~~

~~(B) Promotion of the principles of Crime Prevention Through Environmental Design (CPTED).~~

~~(C) Protection of landscape values.~~

~~(D) Mitigation or avoidance of nuisance arising from glare and accentuation of windflow effects.~~

~~(E) Promotion of well maintained structures and land.~~

~~(F) Connectivity connections between places.~~

~~**Method 8** Develop and disseminate information promoting good practice for living and working in the rural environment.~~

~~**Method 9** Environmental awards may be given for outstanding examples of good design.~~

~~**Method 10** Identify cross boundary issues e.g. discharges.~~

~~**Method 11** Consult with landowners and occupiers, iwi, other councils, Central Government and other organisations, internal Council departments and local community and business groups.~~

~~**Method 12** Recognise sectorial responses, such as NZTA published guidelines~~



## **SECTION THREE - RULES**

### **3.7 HAZARDOUS SUBSTANCES**

- 3.7.1** The following activities are permitted activities:  
 (C) The storage and use of fertiliser within the Group 4: Rural 4, ~~Rural 2~~ and Airport Protection Zones in accordance with the ...

### **3.11 LIGHTSPILL**

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

	<b>Sunset through midnight to sunrise</b>
Rural 4, <del>Rural 2</del>	5 lux

### **3.13 NOISE**

#### **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:

	<b>Day time 0700 - 2200</b>		<b>Night time 2200 - 0700</b>	
	<b>L<sub>Aeq</sub></b>	<b>L<sub>Amax</sub></b>	<b>L<sub>Aeq</sub></b>	<b>L<sub>Amax</sub></b>
<b>When measured at <del>or</del> any point <sup>24</sup> within the boundary of any other site within a zone:</b>				
Rural 4, 2	65dB	85dB	45dB	70dB
<b>When measured at the any point within the <sup>25</sup> notional boundary of any noise sensitive activity on a site within a zone:</b>				
Rural 4	50dB	80dB	40dB	65dB

<sup>24</sup> Decision 33/19

<sup>25</sup> Decision 33/19

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### 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.

### 3.15 RELOCATED BUILDINGS

- 3.15.1 This Rule applies to the Residential 1, Residential 1A, Residential 2, Residential 3, Rural 1, Rural 2, and Otatara Zones.

### 3.16 SIGNAGE

- 3.16.1 It is a permitted activity to erect signage that complies with the following maximum levels:

Rural 1 and 2 Zones	(a) Signage painted on to, or attached parallel to, buildings: Maximum area: 1.5m <sup>2</sup> ; OR (b) Free standing signage: (i) Maximum area: 1.5m <sup>2</sup> (ii) Maximum height: No higher than 2m; OR (c) Signage attached at an angle to the building: Maximum area: 1.5m <sup>2</sup>
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Provided that:

- (F) Illuminated signage is permitted within all zones except the following:  
(c) Rural 1 and 2 Zones.

### 3.18 SUBDIVISION

#### Protected Areas and Minimum Lot Sizes

- 3.18.6 Subdivision is a non-complying activity where it would create lots as follows:

- (K) Within the Rural 1 Zone: Allotments of less than ~~four~~ two hectares<sup>26</sup>.  
(L) ~~Within the Rural 2 Zone: Allotments of less than two hectares<sup>27</sup>.~~

<sup>26</sup> Decision 35/20

<sup>27</sup> Decision 35/20

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### 3.27 BUSINESS 5 (RURAL SERVICE) ZONE

#### Bulk and Location

- 3.27.7 Where the site adjoins the Rural 4-Zone there shall be a side and/or rear yard of at least four metres.

### 3.32 INDUSTRIAL 4 (AWARUA) ZONE

#### 3.32.2 Controlled activities:

...

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

- (F) The effect of the bulk and location of buildings on:
  - (b) The amenity of any residence located on adjoining land within the Rural 4-Zone within a distance of 100 metres from that building.

### 3.38 RURAL 4-ZONE

#### 3.38.1 Permitted Activities: The following are permitted activities in the Rural 4-Zone:

- (A) Agriculture
- (B) Animal boarding activity
- (C) Educational activity on sites listed in Appendix V - Educational Activity (Existing)
- (D) Home occupation
- (E) Home stay
- (F) Residential activity
- (G) Residential care activity limited to a maximum of eight persons
- (H) Roadside sales activity, other than on State Highways
- (I) Veterinary clinic
- (J)<sup>28</sup> Temporary Military Training Activities
- (K) On the land legally described as
  - (i) Crowe Road (Part Sec 45 Blk XIV Invercargill Hundred),
  - (ii) 159 Crowe Road (Lot 32 Blk II DP 64, Lot 3 DP 10900, Lot 33 Blk II DP 64, Part Sec 36 Blk XIV Invercargill Hundred SO 284, Part Sec 35 Blk XIV Invercargill Hundred SO 284),

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<sup>28</sup> Decision 29/6

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(iii) 1 Crowe Road (Lot 1 DP 386107, Lot 2 DP 10900, Lot 5 DP 10900) and 183 Steel Road (Lot 4 DP 10900),

the disposal of liquid and solid waste associated with meat processing activities undertaken on land legally described as:

Part Sections 26 – 28, 32, 50 – 58 and 61 Block XIV Invercargill Hundred

Part Sections 1 and 2 Block XL Town of Wallacetown

Part Section 1 Block XL Town of Wallacetown,

Lots 2, Part Lot 3 and Lot 4 DP 2156,

Lots 1 - 3 DP 6657

Lot 4 DP 6863<sup>29</sup>

**3.38.2 Discretionary Activities:** The following are discretionary activities in the Rural 4-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~~<sup>30</sup>
- (~~J~~~~K~~) Residential care activity for nine or more persons
- (~~K~~~~L~~) Roadside sales activity on State Highways
- (~~L~~~~M~~) Service stations
- (~~M~~~~N~~) Visitor accommodation

**3.38.3 Non-complying Activities:** The following are non-complying activities in the Rural 4-Zone:

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

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<sup>29</sup> Decision 38/38

<sup>30</sup> Decision 35/17

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### Space around Buildings

- 3.38.4** A yard of at least four metres shall be provided on all side and rear boundaries of any non-residential activity.
- 3.38.5** A yard of at least 20 metres is required for plantation forestry activities.
- 3.38.6** Where an activity does not comply with Rules 3.38.4 or 3.38.5 above, the activity is a discretionary activity.
- 3.38.7** Applications under Rule 3.38.6 above shall address the following matters, which will be among those taken into account by the Council:
- (A) The reasons for the proposed non-residential activity to intrude within the four metres yard.
  - (B) The scale and character of the non-residential activity, including the potential for adverse effects from noise, odour, glare, light spill, electrical interference and the use of hazardous substances.
  - (C) The size and location of buildings and structures.
  - (D) Proximity to neighbouring residential activities.
  - (E) Screening of buildings.
  - (F) The ability to mitigate any adverse effects on adjoining sites.

### Residential Density

- 3.38.8** The maximum residential density is:
- (A) One residence per ~~two~~ <sup>31</sup>four hectares or more under contiguous ownership.
  - (B) For sites under two hectares: Where the proposed residence is to be connected to Council's reticulated foul sewerage system (as shown on the map in Appendix XI) the maximum density is one residence per Certificate of Title existing as at [Insert date decision is notified], provided a boundary of that Certificate of Title is within 30 metres of the Council reticulated sewerage system.
- ~~One residence per two hectares under contiguous ownership for sites under four hectares but equal to or greater than two hectares:~~
- ~~(a) Where there is a Certificate of Title existing as at 30 July 2013 or~~
  - ~~(b) Where the lot is part of a subdivision approved prior to 30 July 2013.<sup>32</sup>~~

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<sup>31</sup> Decision 35/20

<sup>32</sup> Decision 35/20

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(C)<sup>33</sup> One residence per each of the following sites:

<u>147 Ackers Road</u>	<u>Lot 3 DP 364369</u>
<u>145 Ackers Road</u>	<u>Lot 4 DP 364369</u>
<u>195 Ackers Road</u>	<u>Lot 1 DP 401469</u>
<u>197 Ackers Road</u>	<u>Lot 2 DP 401469</u>
<u>199 Ackers Road</u>	<u>Lot 3 DP 401469</u>
<u>205 Coggins Road</u>	<u>Lot 4 DP 401469</u>
<u>191 Ackers Road</u>	<u>Lot 5 DP 401469</u>
<u>203 Ackers Road</u>	<u>Lot 6 DP 401469</u>
<u>222 Marama Avenue North</u>	<u>Lot 1 DP 423684</u>

~~3.38.9~~ Except as provided for in Rule 3.38.8(B) above, where the residential density is one residence on a site under four hectares but equal to or greater than two hectares and under contiguous ownership then it is a discretionary activity.

~~3.38.910~~ Where an activity does not comply with Rule 3.38.8 above, then it is a non-complying activity. ~~Where the residential density is one residence on a site of less than two hectares under contiguous ownership then it is a non-complying activity.~~

~~3.38.1011~~ Applications under Rules 3.38.9 and ~~3.38.10~~ above shall address the following matters, which will be among those taken into account by the Council:

- (A) The reasons for a higher density of residential activity.
- (B) The effect on open space and amenity values of the Rural 4-Zone.
- (C) The size and location of structures.
- (D) The extent to which solar gain to the living areas is achieved.
- (E) The extent to which practicable outdoor living is achieved.
- (F) Vehicle access, manoeuvring and parking.
- (G) Effects of the proposal on stormwater flows.
- (H) The extent to which the development incorporates qualities of good urban design.

### Height of Structures<sup>34</sup>

~~3.38.1112~~ 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.

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<sup>33</sup> Decision 35/21

<sup>34</sup> Decision 29/3

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- (B) Recession plane: Infogram 4 applies on sites less than one hectare and/or along boundaries adjoining a Residential Zone<sup>35</sup>.

**3.38.1213** 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:

~~**3.38.1314** 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 (RURAL TRANSITION) ZONE**~~

~~**3.39.1** **Permitted Activities:** The following are permitted activities in the Rural 2 Zone:~~

- ~~(A) Agriculture excluding plantation forestry.~~
- ~~(B) Any building associated with the housing of animals including factory farming, dairy sheds, and animal boarding activity, provided the activity is more than 500 metres from the boundary with a residential zone.~~
- ~~(C) Educational activity on sites listed in Appendix V – Educational Activity (Existing).~~
- ~~(D) Home occupation.~~
- ~~(E) Home stay.~~
- ~~(F) Residential activity.~~
- ~~(G) Residential care activity limited to a maximum of eight persons.~~
- ~~(H) Roadside sales activity, other than on State Highways.~~
- ~~(I) Veterinary clinic.~~

~~**3.39.2** **Discretionary Activities:** The following are discretionary activities in the Rural 2 Zone:~~

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<sup>35</sup> Decision 35/23

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- ~~(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) — Health care activity.~~
- ~~(G) — Hospital activity.~~
- ~~(H) — Marae activity.~~
- ~~(I) — Nursery activity.~~
- ~~(J) — Plantation forestry.~~
- ~~(K) — Residential care activity for nine or more persons.~~
- ~~(L) — Roadside sales activity on State Highways.~~
- ~~(M) — Service stations.~~
- ~~(N) — Visitor accommodation.~~

~~**3.39.3 Non-complying Activities:** The following are non-complying activities in the Rural 2 Zone:~~

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

### **Space around Buildings**

~~**3.39.4** — A yard of at least four metres shall be provided on all side and rear boundaries of any non-residential activity.~~

~~**3.39.5** — Where an activity does not comply with Rule 3.39.4 above, the activity is a discretionary activity.~~

~~**3.39.6** — Applications under Rule 3.39.5 above shall address the following matters, which will be among those taken into account by the Council:~~

- ~~(A) — The reasons for the proposed non-residential activity to intrude within the four metre yard.~~
- ~~(B) — The scale and character of the non-residential activity, including the potential for adverse effects from noise, odour, glare, lightspill, electrical interference and the use of hazardous substances.~~
- ~~(C) — The size and location of buildings and structures.~~
- ~~(D) — Proximity to neighbouring residential activities.~~



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~~(E) Screening options.~~

~~(F) The ability to mitigate any adverse effects on adjoining sites.~~

### **Residential Density**

~~3.39.7 The maximum residential density is:~~

~~(A) One residence per two hectares under contiguous ownership.~~

~~(B) For sites under two hectares: Where the proposed residence is to be connected to Council's reticulated foul sewerage system (as shown on the map in Appendix XI) the maximum density is one residence per Certificate of Title existing as at 30 July 2013, provided a boundary of that Certificate of Title is within 30 metres of the Council reticulated sewerage system.~~

~~3.39.8 Where an activity does not comply with Rule 3.39.7 above, the activity is a discretionary activity.~~

~~3.39.9 Applications under Rule 3.39.8 above shall address the following matters which will be among those taken into account by the Council:~~

~~(A) The reasons for a higher density of residential activity.~~

~~(B) The effect on open space and amenity values of the Rural 2 Zone.~~

~~(C) The size and location of structures.~~

~~(D) The extent to which solar gain to the living areas is achieved.~~

~~(E) The extent to which practicable outdoor living is achieved.~~

~~(F) Vehicle access, manoeuvring and parking.~~

~~(G) Effluent disposal.~~

### **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 discretionary activity.~~

~~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.~~

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~~(D) — The degree of overlooking of neighbouring properties.~~

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

### **Fire Safety**

~~**3.39.13** — This rule applies to properties that are not connected to the Council's reticulated water supply.~~

~~**3.39.14** — Each new residential unit with a building floor area of less than 200 square metres shall have either:~~

~~(A) — A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure 7,000 litres of water is always available to the sprinkler system in the event of a fire; or~~

~~(B) — A water tank with a storage capacity of 30,000 litres maintained to hold a minimum of 20,000 litres of water at all times as a static fire fighting reserve.~~

~~**3.39.15** — Each residential unit with a building floor area of greater than 200 square metres shall have either:~~

~~(A) — A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure a sufficient quantity of water (calculated in accordance with SNZ4509:2008) is always available to the sprinkler system in the event of a fire; or~~

~~(B) — A water tank containing a sufficient quantity of water (calculated in accordance with SNZ4509:2008) always available as a static fire fighting reserve.~~

~~**3.39.16** — A fire fighting connection, in accordance with Appendix B of SNZ PAS 4509:2008 is to be located more than six metres and less than 90 metres from any proposed building on the site. The connection point is to be designed so that:~~

~~(A) — It is located so that is it clearly visible to enable connection of a fire appliance; and~~

~~(B) — It shall have a hardstand area adjacent to it to allow for a New Zealand Fire Service appliance to park on it. The hardstand area is to be located in the centre of a clear working space with a minimum width of 4.5 metres; and~~

~~(C) — Where the water pressure at the connection point/coupling is less than 100kPa, a 100mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or~~

~~(D) — Where the water pressure at the connection point/coupling is greater than 100kPa, a 70mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or~~

## APPENDIX 2 – Amended District Plan Provisions

~~(E) — Underground tanks, or tanks that are partially buried (provided the top is no more than one metre above ground) may be accessed by an opening in the top of the tank, whereby couplings are not required.~~

~~3.39.17 — Any addition exceeding 50 square metres to a residential building shall comply with Rules 3.39.4, 3.39.5 and 3.39.6 above as if it were a new building.~~

~~3.39.18 — Where an activity does not comply with the relevant standards set out in Rules 3.39.14, 3.39.15 and 3.39.16 above, the activity is a restricted discretionary activity.~~

~~— The matter over which the Council shall exercise its discretion is:~~

~~(A) — The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008) health and safety of the community, including neighbouring properties.~~

~~3.39.19 — Where an activity does not comply with the relevant standards set out in Rules 3.39.14 – 3.39.18 written approval of the New Zealand Fire Service must be provided.~~

## SECTION FIVE APPENDICES

### APPENDIX VII – HAZARDOUS SUBSTANCES

SUBSTANCE	HSNO SUB-CLASS AND HAZARD CLASSIFICATION	GROUP 5: RURAL 1, RURAL 2 AND AIRPORT PROTECTIONS ZONES, EXCLUDING RESIDENTIAL ACTIVITIES
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Notes:

- Where any site contains residential activity then the Residential 1, 2 and 3 Zone thresholds detailed in the table shall exclusively apply, regardless of any other activity occurring on the site except for within the Rural 1 and Rural 2 Zones, where the Residential 1, 2 and 3 Zone thresholds apply to the residential dwelling and cartilage only.

## PLANNING MAPS

Amend District Planning Maps to show the amalgamation of the Rural 1 and Rural 2 Zones into a new Zone called the Rural Zone.