



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 43

Variation 4

Definition of Height

**14 March 2016, 9.00 am
COUNCIL CHAMBERS
CIVIC ADMINISTRATION BUILDING**

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1. EXECUTIVE SUMMARY

This report addresses submission points relating to Variation 4 - Definition of Height.

The following report includes discussion and recommendations on the two submissions received in relation to this Variation. No further submissions were received.

Both submissions were generally supportive of the proposed amendments, although one submitter raised concerns around the ambiguity of some of the wording and suggested amendments to the provisions to help provide greater clarity.

Recommendations in this report support the approach in the Variations and recommend it is accepted, subject to a minor amendment to paragraph (B) of the definition of 'Height' to clarify how overhanging roof structures are to be managed.

It is proposed that the definitions will read as follows:

SECTION FOUR - DEFINITIONS

Gable-end: Means the triangular section of a wall at the end of a pitched roof with a single ridge, occupying the space between the two slopes of the roof.

Height: Means the vertical distance between the existing ground level and the top of that part of the building immediately above. Refer to the diagram below.

For the purpose of calculating height, account shall not be taken of:

- (A) lightning rods, chimneys, steeples, towers, turrets, spires, finials, dormer windows, ventilation shafts, water tanks, elevator lofts, solar heating devices and similar architectural features and parts of a building, provided the feature is incorporated within the footprint of the building, and:
 - (a) in the Residential 1, 1A, 2 and 3 Zones, the Business 4 Zone, the Rural 1 and 2 Zones and the Otatara Zone the maximum height permitted for the zone and any relevant height recession planes are not exceeded by more than 1.5m and the maximum width of the incursion does not exceed 2m. Up to one such incursion is permitted per boundary.
 - (b) in the Business 1, 2 and 3 Zones and the Industrial 1 and 1A Zones the maximum height permitted for the zone and any relevant height recession planes, are not exceeded by more than 3m and the maximum width of the projection does not exceed 3m. Up to one such incursion is permitted per boundary.
 - (c) in all other zones the maximum height permitted for the zone and any relevant height recession planes are not exceeded by more than 5m and the maximum width of the incursion does not exceed 3m. Up to one such incursion is permitted per boundary.
- (B) the top portion of a gable end or the end wall of a mono-pitched roof, including any associated overhanging eaves and/or spouting, for sites in the Residential 1, 1A, 2 and 3 Zones, and the Rural 1 and 2 Zones, provided the maximum height permitted for the zone and any relevant height recession planes are not exceeded by more than 1.5m and the maximum width of the incursion does not exceed 3m. One such incursion is permitted per boundary.

2. INTRODUCTION

2.1 Report Author

My name is Gareth James Clarke. I am a Senior Policy Planner at the Invercargill City Council, a position I commenced in May 2015. I have eight years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom, including four years as a Policy Planner at the Invercargill City Council. These roles have focused on both developing and implementing District Plans and planning documents. I hold the qualifications of BA in Geography.

2.2 Peer Review

This report has been peer reviewed by Liz Devery. Liz is a Senior Policy Planner at the Invercargill City Council, a position she has held since 2003. Liz has over 15 years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom. These roles have focused on both developing and implementing District Plans and planning documents. Liz holds the qualifications of LLB/BA (Hons I) in Geography.

2.3 How to Read this Report

This report is structured as follows:

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

To see my recommendation on an individual submission please refer to the table at the end of Appendix 1. The table sets out the name and relevant submission number of those who submitted on the Variation 4 – Definition of Height provisions and a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

2.4 Interpretation

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“Hearings Committee” means the District Plan Hearings Committee

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

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

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

“RMA” means the Resource Management Act 1991

“Submitter” means a submitter to the Variation

2.5 The Hearing Process

A hearing is to be held to consider the submissions lodged on Variations 1 - 8 to the Proposed Invercargill City District Plan 2013. This report applies to Variation 4 – Definition of Height.

This report does not necessarily reflect the recommendations made by staff in response to submissions and further submissions on the Proposed District Plan notified in August 2013. Decisions on original submissions and further submissions have yet to be notified. It is anticipated that decisions on the Proposed District Plan, as notified, will be released at the same time as decisions on this Variation. All submissions and further submissions on these issues will be considered in the final drafting of the Proposed District Plan.

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

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

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

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

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

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

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

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

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

3. BACKGROUND

Under the definition of Height in the Proposed District Plan a number of architectural appurtenances and roof top structures have been listed as being exempt from any height calculations. This approach has been carried over from the Operative District Plan. It provides for those elements of a building that protrude above the plane of the roof and that are assumed to have no more than minor effects on amenity, particularly residential amenity. However, the provisions as currently drafted do not include any controls on the scale of these exemptions, allowing for the construction or installation of structures much larger than anticipated by the current definition, and with the potential to result in significant adverse effects on amenity. For example, the construction of tall and wide chimneys, or the installation of a large rooftop water tank are permitted activities. Such structures in a residential area can be overbearing and beyond the scale of buildings otherwise anticipated in a residential context. They also have the potential to generate significant overshadowing effects on neighbouring properties. Currently those adverse effects are not managed by the District Plan.

Similarly in areas where industrial or commercial properties adjoin residential properties, large stand alone chimneys or roof top structures like ventilation shafts, elevator lofts and water tanks can give rise to the potential for significant shading effects that are unmanaged by the District Plan and could adversely affect residential amenity values.

Additionally, where a roof has a pitch of less than 35° and a gable end, the current definition of “Height” provides for the top half of that gable to be exempt from height calculations. While the definition is accompanied by a diagram intended to illustrate how the exemption is to be applied, the term “gable end” can be interpreted wider than what is illustrated in the Plan. The lack of clarity around the interpretation of the term has led to some confusion around how the exemption is to be applied, creating a level uncertainty for plan users that needs to be addressed.

4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

In developing the Proposed District Plan there are a number of statutory requirements guiding the process and outlining what must be considered.

4.1 Resource Management Act 1991

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

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

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

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

4.1.1 Part 2 of the RMA

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

The purpose of the RMA is set out in Section 5. The matters addressed within this report fall within the purpose of the RMA. Managing the height of buildings and structures is important to the economic, social and cultural well-being of the people of Invercargill, particularly within residential areas.

Section 6 of the RMA sets out matters of national importance which must be recognised and provided for. I do not consider that any of these matters are particularly relevant to this subject.

Section 7 sets out “other matters” for which particular regard shall be had. Those that are most relevant and that I believe have been had regard to in this Variation are:

- (b) *the efficient use and development of natural and physical resources:*
- (ba) *the efficiency of the end use of energy:*
- (a) *the maintenance and enhancement of amenity values:*
- (f) *maintenance and enhancement of the quality of the environment:*

Section 8 of the RMA obliges persons exercising functions and powers under the Act to take account of the principles of the Treaty of Waitangi. Representatives from Te Ao Marama have been involved in discussions on the matters raised in this Variation, raising no significant concerns.

4.1.2 Functions of Territorial Authorities under the RMA

Section 31 of the RMA states the functions of a territorial authority under that Act. Section 31(1)(b)(i) specifically states that territorial authorities have the function of controlling any actual or potential effects of the use, development or protection of land. The provisions addressed in this Variation fall within the Council's functions under the RMA.

4.1.3 Consideration of alternatives, benefits, and costs

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

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

4.2 Relevant Planning Policy Documents

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

4.2.1 New Zealand Coastal Policy Statement 2010

Section 75 of the RMA requires that a District Plan must give effect to any New Zealand coastal policy statement. The New Zealand Coastal Policy Statement 2010 (NZCPS) is not of direct relevance to the matters addressed in this Variation.

4.2.2 National Policy Statements

In accordance with Section 75 of the RMA, a District Plan must give effect to National Policy Statements (NPS). There is no NPS that is particularly relevant to this Variation.

4.2.3 National Environmental Standards

Section 44A of the RMA prescribes how District Plans must be amended if a rule conflicts with a National Environmental Standard (NES). The provisions subject to this Variation do not conflict with any NES.

4.2.4 Operative Regional Policy Statement

Under Section 75 of the RMA, a District Plan must give effect to an Operative Regional Policy Statement (RPS). The relevant RPS is the Southland Regional Policy Statement 1997. The Operative RPS included provisions on the built environment. It has four Objectives. The three of most relevance to this Variation seek to achieve the sustainable management of the built environment to meet the needs of future generations, maintain and enhance the environmental quality of the built environment, and minimise the adverse effects of the built environment on natural and physical resources.

There are seven policies relating to the built environment in the Operative RPS. Of these only two are partially relevant to this Variation. These two policies seek to protect buildings, structures, places, features or areas that have heritage, cultural or traditional values, as well as protecting sites and resources of cultural, natural and spiritual significance to Maori.

The Landscape and Natural Features chapter of the Operative RPS also includes objectives and policies that seek to protect outstanding natural features and landscapes of the Region.

This Variation manages activities that may impact on the sustainable use and development of the built environment as a physical resource. In that regard I consider the Variation gives effect to the Operative RPS.

4.2.5 Proposed Regional Policy Statement

In accordance with Section 74 of the RMA, regard needs to be given to any proposed Regional Policy Statement. The Proposed Southland Regional Policy Statement was notified in May 2012. Decisions were released on the Proposed RPS on 6 June 2015. In developing this Variation, the decisions on submissions to that policy statement form part of the considerations.

The Proposed RPS includes a chapter on Urban issues (Chapter 17). The objective of the urban chapter provisions is to ensure urban development occurs in an integrated, sustainable and well-planned manner which provides for positive environmental, social, economic and cultural outcomes. Particular regard has been had to Policy URB.1 through this Variation, which requires the adverse effects of urban development on the environment to be avoided, remedied or mitigated, and Policy URB.4, which encourages high quality urban design.

I believe this Variation addresses the potential adverse environmental effects associated with urban development, and in doing so, has regard to the Proposed RPS.

4.2.6 Regional Plans

In accordance with Section 74 of the RMA, a District Plan must not be inconsistent with a Regional Plan. There are no Regional Plans that are directly relevant to the issues covered by this Variation. The proposed Variation is not inconsistent with any of the Regional Plans.

4.2.7 Iwi Management Plans

Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an Iwi authority and lodged with the territorial authority. Ngāi Tahu has lodged an Iwi Management Plan with the Council. The relevant document is the *Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Tauira*. Section 3.5.7 Subdivision and Development outlines the expectations of Iwi with respect to these matters and the Variation is considered consistent with those policies.

4.2.8 Management Plans and Strategies Prepared under other Acts

A District Plan is required to have regard to management plans and strategies prepared under different Acts.

Regard has been had to *The Big Picture*, Council's spatial plan prepared under the Local Government Act 2002, although there is nothing within it that is of particular relevance to this Variation.

5. ANALYSIS OF SUBMISSIONS

This report addresses two submission points. Recommendations on these submissions are included in **Appendix 1**. This part of the report discusses the issues raised in the submissions in more detail.

Philip Orr of ArchDraught Ltd submitted that the proposed wording of the definition of 'Height' still leaves it open for interpretation. In particular Mr Orr points to paragraph (B) of the definition, where reference is made to the top portion of a gable end or the end wall of a mono-pitched roof, as being vague. Mr Orr considers that as the provision does not state where the dimension line for the top portion of a gable end or end wall of a mono-pitched roof is to be taken from (e.g. the intersection of the wall and roof), it is not immediately clear from this paragraph whether or not any overhanging eaves, soffits and spouting etc. are to be included within height calculations. The submitter suggests this part of the definition could be reworded to expressly exempt overhangs of less than 750mm from height calculations.

I agree that paragraph (B) of the definition should be amended to remove the ambiguity the submitter has identified with regard to how overhangs are to be treated. However, I do not consider it necessary to include a reference to the intersection point between the wall and the roof; nor do I consider it appropriate to provide for a 750mm exemption for overhangs, on top of the exemptions that are already provided for in the proposed definition. The limit for structures that are exempt from height calculations under the proposed definition has been set at no more than 1.5m above the maximum permitted height or any relevant height recession plane, and not more than 3m in width. Because large overhangs have the potential to generate shading effects that extend beyond the boundary of a property, it is not considered appropriate to provide an additional exemption of up to 750mm.

Mr Orr has also queried the absence of the diagram illustrating the rolling height method and sought clarification what method is to be used to measure from existing ground level. To clarify, the use of, and explanation to, the rolling height method is not subject to any changes as part of this Variation. As no changes are being proposed in this regard, the diagram contained in the notified Proposed District Plan was not included in the documentation for the Variation. The rolling height method therefore does still form part of the Proposed District Plan being considered by the Hearing Committee.

Ballance Agri-Nutrients submitted in support of the Variation, believing it will achieve the objective of maintaining and enhancing amenity values while providing an acceptable level of certainty and flexibility.

6. DISCUSSION OF SECTION 32 MATTERS

Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan. This requires the preparation of an Evaluation Report.

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

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

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

A Section 32 evaluation report was included with the material released at the time of notification of the Variation.

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 Variation was notified.

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

6.1 Section 32AA Further Evaluation

An amendment has been recommended to the definition of 'Height' to clarify that any structures overhanging a gable end wall or the end wall of a mono-pitched roof are to be included within the calculations of any potential exemptions provided for under the definition of 'Height'. This amendment ensures that the current approach to managing any overhanging roof features under the Operative District Plan is carried over to the Proposed District Plan. Therefore the change is considered to be minor in nature and will not alter the intent of the provision. Due to the minor nature of the recommended change, further evaluation under Section 32AA is therefore not considered necessary.

7. CONCLUDING COMMENTS

Variation 4 – Definition of Height, introduces restrictions on the size of the rooftop structures and features that the Proposed District Plan provides for as being exempt from height calculations. Under the notified provisions of the Proposed District Plan there is no limit on the size of these structures and therefore no mechanism for managing their adverse effects on neighbouring properties. That approach is inconsistent with the Objectives and Policies of the Proposed District Plan. Amending the definition of “Height” to introduce size limits, along with the introduction of a definition for “Gable End” is considered an effective and efficient method of meeting the Objectives of the Plan.

This report includes discussion and recommendations on the two submissions that were received on the Variation. It is recommended that the Variation be accepted subject to a minor change to the definition of ‘Height’, and the Proposed District Plan amended to reflect these provisions.

APPENDIX 1: Recommendations in response to submissions

| Submitter | Submission | Recommendation |
|---------------------------------------|---|--|
| GENERAL – DEFINITION OF HEIGHT | | |
| <p>1.1 Philip Orr</p> | <p>Oppose</p> <p>The submitter considers that the wording of the definition still leaves it open for a lot of interpretation.</p> <p>The submitter considers the second paragraph of the definition is unclear. The submitter refers to the term ‘top portion of a gable end or end wall of a mono-pitched roof’, and suggests that this needs reworded to clarify where the ‘intersecting point’ is.</p> <p>The submitter also notes that the definition excludes the rolling height method, and questions how to measure from the existing ground.</p> <p>The submitter has provided sketches of different scenarios.</p> <p>RELIEF SOUGHT:</p> <p>Amend the definition of “height” to include wording similar to the following to clarify where the intersecting point is:</p> <p>“Intersection between wall and roof where overhang is less than 750mm. Where overhang is more than 750mm then outer edge of roof is to be used for dimension line”</p> | <p>Accept in part</p> <p>It is accepted that it is not clear, from the proposed definition of ‘Gable end’ and paragraph (B) of the definition of ‘Height’, how overhangs that protrude beyond the intersection of the wall and roof are dealt with. Under the Operative District Plan, any part of a roof structure that overhung the portion of the gable end that was exempted from height calculations was also exempted. I see no reason to deviate from that approach, provided the overhang is within the proposed limits to the size of exempt structures. However, to improve clarity for Plan users, an amendment to the definition of height is recommended.</p> <p>The proposed provisions already limit the size of structures that are exempt from height calculations to no more than 1.5m above the maximum permitted height or any relevant height recession plane, and not more than 3m in width. Because large overhangs have the potential to generate shading effects beyond the boundary of a property, it is not considered appropriate to provide an additional exemption on top of those already being proposed by allowing for overhangs of 750mm.</p> <p>The submitter has also raised a concern at the removal of reference to the rolling height method for determining height. It should be noted that the use of the rolling height method, and its associated explanatory diagram, are intended to remain as part of the definition of height, as per the notified Proposed District Plan.</p> |

| Submitter | Submission | Recommendation |
|---|---|--|
| | | <p>RECOMMENDATION:</p> <p>Amend the definition of 'Height' as follows:</p> <p>“(B) the top portion of a gable end or the end wall of a mono-pitched roof, <u>including any associated overhanging eaves and/or spouting</u>, for sites in the Residential 1, 1A, 2 and 3 Zones, and the Rural 1 and 2 Zones, provided the maximum height permitted for the zone and any relevant height recession planes are not exceeded by more than 1.5m and the maximum width of the incursion does not exceed 3m. One such incursion is permitted per boundary.”</p> |
| <p>2.1 Ballance Agri-Nutrients Ltd</p> | <p>Support</p> <p>The submitter notes that under the Operative District Plan there is no limit on the size of rooftop structures, and as such there are no mechanisms for managing the adverse effects on neighbouring properties. The submitter considers that the introduction of size limits, along with the definition for the term 'gable end' will achieve the objective of maintaining and enhancing amenity values while providing an acceptable level of uncertainty and flexibility.</p> <p>RELIEF SOUGHT:</p> <p>Retain Rule 3.32.11 – Height of structures be adopted as notified</p> <p>OR</p> <p>Any similar relief with like effect.</p> | <p>Accept</p> <p>RECOMMENDATION:</p> <p>It is recommended that Rule 3.32.11 be retained as notified.</p> |

APPENDIX 2 - RECOMMENDED CHANGES TO VARIATION

(Underline indicates recommended additions to the Variation, ~~strikethrough~~ indicates recommended deletions.)

Note: The wording proposed below does not necessarily reflect the recommendations made by staff in response to submissions and further submissions on the Proposed District Plan. Decisions on original submissions and further submissions have yet to be notified. It is anticipated that decisions on the Proposed District Plan as notified will be released at the same time as decisions on this Variation and all submissions and further submissions on these issues will be considered in the final drafting of the Proposed District Plan.

SECTION FOUR - DEFINITIONS

Height: Means the vertical distance between the existing ground level and the top of that part of the building immediately above. Refer to the diagram below.

For the purpose of calculating height, account shall not be taken of:

- (A) lightning rods, chimneys, steeples, towers, turrets, spires, finials, dormer windows, ventilation shafts, water tanks, elevator lofts, solar heating devices and similar architectural features and parts of a building, provided the feature is incorporated within the footprint of the building, and:
 - (d) in the Residential 1, 1A, 2 and 3 Zones, the Business 4 Zone, the Rural 1 and 2 Zones and the Otatara Zone the maximum height permitted for the zone and any relevant height recession planes are not exceeded by more than 1.5m and the maximum width of the incursion does not exceed 2m. Up to one such incursion is permitted per boundary.
 - (e) in the Business 1, 2 and 3 zones and the Industrial 1 and 1A Zones the maximum height permitted for the zone and any relevant height recession planes, are not exceeded by more than 3m and the maximum width of the projection does not exceed 3m. Up to one such incursion is permitted per boundary.
 - (f) in all other zones the maximum height permitted for the zone and any relevant height recession planes are not exceeded by more than 5m and the maximum width of the incursion does not exceed 3m. Up to one such incursion is permitted per boundary.
- (B) the top portion of a gable end or the end wall of a mono-pitched roof, including any associated overhanging eaves and/or spouting, for sites in the Residential 1, 1A, 2 and 3 Zones, and the Rural 1 and 2 Zones, provided the maximum height permitted for the zone and any relevant height recession planes are not exceeded by more than 1.5m and the maximum width of the incursion does not exceed 3m. One such incursion is permitted per boundary.