



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 29

General Matters

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

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**Peer Reviewed by: Dan Wells
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1. EXECUTIVE SUMMARY

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

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

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

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

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

In this report:

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

2. INTRODUCTION

2.1 Report Author

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

2.2 Peer Review

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

2.3 How to Read this Report

This report is structured as follows:

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

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

2.4 Interpretation

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“Hearings Committee” means the District Plan Hearings Committee

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

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

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

“RMA” means the Resource Management Act 1991

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

2.5 The Hearing Process

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

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

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

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

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

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

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

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

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

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

3. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

3.1 Resource Management Act 1991

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

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

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

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

3.1.1 Part 2 of the RMA

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

3.1.2 Functions of Territorial Authorities under the RMA

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

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

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

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

3.1.3 Consideration of alternatives, benefits, and costs

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

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

3.2. Relevant Planning Policy Documents

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

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

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

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

3.3 Summary

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

4. ANALYSIS OF SUBMISSIONS

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

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

The key matters raised in the submissions were:

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

These are discussed below

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

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

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

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

4.1.1 Recommendation

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

4.2 Activity status of Temporary Military Training Activity

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

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

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

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

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

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

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

4.2.1 Recommendation:

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

4.3 Activity status of Recreational Activity.

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

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

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

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

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

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

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

4.3.1 Recommendation:

- Delete definition of Recreational Activity as follows:

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

- Amend definition of Communal Activity as follows:

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

- Amend the use of the term recreational activities on:

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

The changes are outlined in Appendix 2 of this report.

5. DISCUSSION OF SECTION 32 MATTERS

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

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

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

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

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

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

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

5.1 Section 32AA Further Evaluation

The key changes are set out and discussed below:

5.1.1 Temporary Military Training Activity

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

5.1.2 Recreational Activity

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

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

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

5.1.3 Height Rules

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

5.1.4 Planning Maps

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

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

5.1.5 Minor changes

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

6. CONCLUDING COMMENTS

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

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

APPENDIX 1: Recommendations in response to submissions

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

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

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

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

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

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

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

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

Submission No. and Point / Submitter Name	Summary of Submission	Recommendation
67.3 ICC Drainage Manager	<p>The submitter considers the flood banks around the New River Estuary on Hazard Maps 16 and 17 are inaccurate.</p> <p>DECISION SOUGHT That the stopbank position around the New River Estuary be corrected.</p>	<p>Accept</p> <p>The data used to determine the mapping of stopbanks on the Hazard Information Maps is sourced from Environment Southland.</p> <p>A discussion with Environment Southland has confirmed that one of their stopbanks has not been identified on Hazard Map 17. It is therefore recommended that the map is amended to show this.</p> <p>It is also recommended that the stopbank, situated at the top left hand corner of Hazard Map 16, is realigned to match its physical location.</p>
105.10 ICC Environmental Health and Compliance Services	<p>The submitter supports inclusion of zone specific policies relating to dilapidated structures and ill-maintained lands and supports the use of the Building Act 2004 and the RMA to ensure that buildings and sections are well maintained and have a tidy outlook or appearance.</p> <p>DECISION SOUGHT Support zone specific policies on dilapidated structures and ill-maintained lands</p>	<p>Accept</p>
105.13 ICC Environmental Health and Compliance Services	<p>The submitter notes that smoke, odour, dust and fumes create nuisances and recommends that provisions are included in the Plan to deal with these. The submitter does recognise that Environment Southland is responsible for controlling discharge to air.</p> <p>DECISION SOUGHT The submitter recommends: a. The inclusion of zone specific policies for odour b. Specific provision is made for smoke, odour, fumes and dust</p>	<p>Accept in part.</p> <p>While the Proposed District Plan includes provisions on minor nuisances such as odour, responsibility for controlling discharges to air lies with Environment Southland. It is considered that these matters are already addressed by the Regional Air Plan and do not require specific provision in the District Plan. The Council can, however, consider these matters as part of a discretionary or non-complying resource consent application, and also has the ability to manage objectionable, noxious or dangerous</p>

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

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

APPENDIX 2 - RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN

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

SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

DISTRICT WIDE

2.4 COASTAL ENVIRONMENT

Policy 5 Functional need (pg 2-12)

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

2.10 NATURAL FEATURES, LANDSCAPES AND TOWNSCAPES

Introduction

Paragraph 9 (pg 2-35)

New River Estuary

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

2.15 SURFACE OF WATER ACTIVITIES

Introduction

Sixth paragraph (pg 2-54)

General Matters

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

2.15.3 Policies (pg 2-55)

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

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

ZONE SPECIFIC

2.35 RESIDENTIAL OVERVIEW

Introduction, paragraph 10. (pg 2-139)

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

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

2.39 RESIDENTIAL 3 (LARGE LOT)

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

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

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

2.39.1 Issues (Pg 2 -156)

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

2.39.2 Objectives (2 -157)

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

2.39.3 Policies (2-157)

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

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

2.41 RURAL 2 (RURAL TRANSITION) ZONE

Introduction, paragraph 1 (Pg 2-168)

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

2.41.3 Policies

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

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

SECTION THREE RULES

3.22 AIRPORT PROTECTION ZONE

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

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

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

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

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

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

3.23 BUSINESS 1 (CENTRAL BUSINESS DISTRICT) ZONE

Height of Structures

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

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

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

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

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

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

3.24 BUSINESS 2 (SUBURBAN SHOPPING AND BUSINESS) ZONE

Height of structures

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

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

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

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

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

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

3.25 BUSINESS 3 (SPECIALIST COMMERCIAL) ZONE

Height of Structures

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

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

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

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

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

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

3.26 BUSINESS 4 (NEIGHBOURHOOD SHOP) ZONE

Height of Structures

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

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

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

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

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

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

3.27 BUSINESS 5 (RURAL SERVICE) ZONE

Height of Structures

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

- (A) Maximum height: 10 metres

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

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

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

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

3.28 HOSPITAL ZONE

Height of Structures

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

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

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

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

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

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

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

Height of Structures

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

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

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

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

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

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

3.30 INDUSTRIAL 2 (URBAN) ZONE

Height of Structures

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

(A) Maximum height: 25 metres.

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

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

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

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

3.31 INDUSTRIAL 3 (LARGE) ZONE

Height of Structures

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

(A) Maximum height: 25 metres.

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

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

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

- (A) Reasons for the building or structure height.
- (B) The compatibility of the proposed building or structure with the scale of development and character of the local area.

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

3.33 OTATARA ZONE

Height of Structures

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

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

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

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

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

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

3.34 RESIDENTIAL 1 ZONE

Height of Structures

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

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

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

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

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

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

3.36 RESIDENTIAL 2 (BLUFF AND OMAUI) ZONE

Height of Structures

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

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

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

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

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

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

3.37 RESIDENTIAL 3 (LARGE LOT) ZONE

Height of Structures

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

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

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

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

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

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

3.38 RURAL 1 ZONE

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

(A) Temporary Military Training Activity

Where it meets the following:

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

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

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

(A) The scale of the activity

(B) The duration of the activity

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

(D) Effects on the transportation network

(E) Site rehabilitation

~~3.38.2-~~

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

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

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

3.38.3

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

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

Height of Structures

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

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

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

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

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

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

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

3.39 Rural 2 Zone

Height of Structures

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

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

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

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

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

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

SECTION FOUR DEFINITIONS

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

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

HAZARD INFORMATION MAPS

The following changes are recommended to the Hazard Maps:

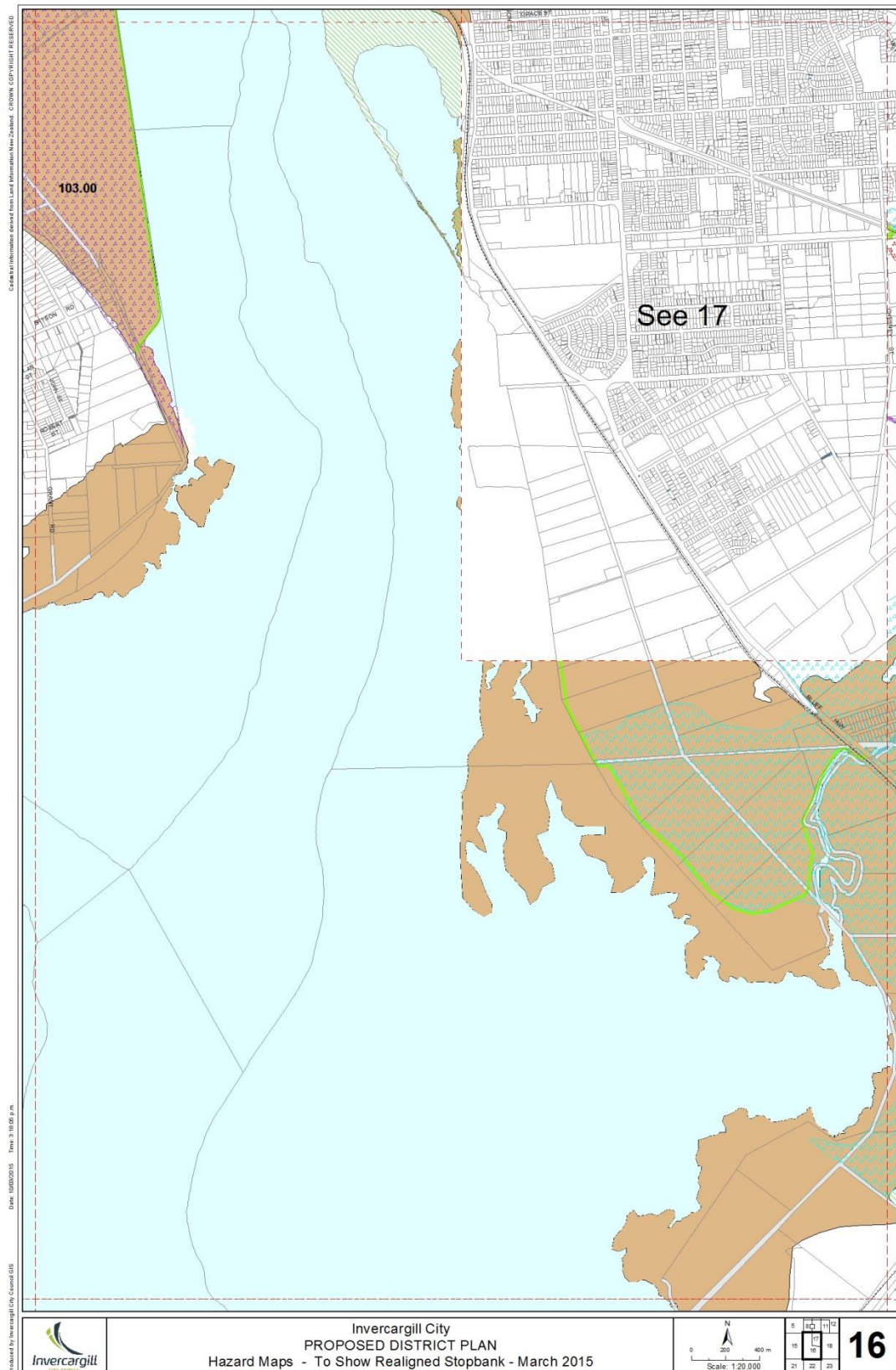
- That the stopbank situated at the top left hand corner of Hazard Map 16 is realigned to match its physical location.
- That the stopbank situated north of the sewerage treatment plant is included on Hazard Map 17.

These changes are set out in Appendix 3.

PLANNING MAPS

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

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



APPENDIX 4 – PLANNING MAP 9

