



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

**Report No. 31**

**Otatara Zone**

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

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POLICY PLANNER**

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

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# 1. EXECUTIVE SUMMARY

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

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

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

The Environmental and Planning Services Division of the Council and the Invercargill Airport Limited are the only two submitters on the Otatara Zone Specific provisions of the Proposed District Plan, discussed in this report<sup>1</sup>. The Environmental and Planning Services Division of the Council submitted in support of Policy 3 (Incidence of Daylight and Sunlight), subject to a minor amendment to the policy explanation, and the Airport submitted in support of Policy 15 (Height and Location of Structures).

It is recommended that these submissions are accepted.

In this report:

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

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

## **2. INTRODUCTION**

### **2.1 Report Author**

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

### **2.2 Peer Review**

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

### **2.3 How to Read this Report**

This report is structured as follows:

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

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

### **2.4 Interpretation**

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“Hearings Committee” means the District Plan Hearings Committee

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

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

## 2.5 The Hearing Process

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

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

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

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

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

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

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

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

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

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



### **3. BACKGROUND**

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

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

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

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

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

#### **3.1 Proposed Issues, Objectives and Policies**

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

The significant resource management issues are as follows:

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

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

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

## 3.2 Proposed Rule

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

Rules 3.33.1 – 3.33.3 list the permitted, discretionary and non-complying activities for the zone. The majority of the activities have been brought across from the Operative District Plan, with the exception of service stations which were discretionary and are now non-complying. Activities permitted within the zone, subject to the District Wide Rules, include agriculture on sites equal to and greater than 4000m<sup>2</sup>; existing educational activities; home occupation; home stay; residential activity; and residential care activity limited to a maximum of eight persons.

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

Rules 3.33.7 – 3.39 set out the maximum density requirements. The rule specifies that one residence per 4000m<sup>2</sup>, where it is connected to the reticulated foul sewerage system, and one residence per 10,000m<sup>2</sup>, where it is not connected to the foul sewerage system or located within the Outer Control Boundary, is permitted within the Zone. Where the density rule cannot be met it is a discretionary activity.

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

Rules 3.33.13 – 3.33.18 sets out requirements for Fire Safety. This is a new rule included in the Proposed District Plan for areas where reticulated water supply is not available. The rule requires the installation of sprinkler systems or water tanks and fire fighting connections for new residential units and new additions greater than 50m<sup>2</sup>. Where an activity does not comply with these requirements it is a restricted discretionary activity. Written approval from the New Zealand Fire Service must be provided with an application for resource consent.

## 4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

### 4.1 Resource Management Act 1991

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

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

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

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

#### 4.1.1 Part 2 of the RMA

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

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

Section 6 of the RMA sets out matters of national importance which must be recognised and provided for. There are no matters of national importance relevant to the Zone Specific Otatara provisions. However, the Zone contains significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes and areas within the coastal environment. These matters are addressed in the Proposed District Plan through the District Wide provisions<sup>2</sup>, which the Zone Provisions are subject to. The District Wide provisions have already been heard by the Hearing Committee<sup>3</sup> and do not form part of this report.

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

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

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

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<sup>2</sup> Sections 2.3, 2.4, 2.10, 3.1, 3.2 and 3.10 of the Proposed District Plan

<sup>3</sup> Report 16 Biodiversity; Report 17 Coastal Environment and Report 18 Natural Features Landscapes and Townscapes.

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

#### **4.1.2 Functions of Territorial Authorities under the RMA**

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

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

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

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

#### **4.1.3 Consideration of alternatives, benefits, and costs**

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

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

### **4.2. Relevant Planning Policy Documents**

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

#### **4.2.1 New Zealand Coastal Policy Statement**

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

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

#### **4.2.2 National Policy Statements and National Environmental Standards**

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

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

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

#### **4.2.3 Regional Policy Statement**

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

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

*Objective 10.1*

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

*Objective 10.2*

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

*Objective 10.5*

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

*Policy 10.7*

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

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

#### **4.2.4 Proposed Regional Policy Statement**

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

*Objective URB.1 – Urban development*

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

*Policy URB.1 – Adverse environmental effects*

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

#### **4.2.5 Regional Plans**

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

#### **4.2.6 Iwi Management Plans**

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

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

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

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

#### **4.2.7 Management Plans and Strategies Prepared under other Acts**

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

### **4.3 Summary**

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

## **5. ANALYSIS OF SUBMISSIONS**

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

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

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

I am recommending that both submissions are accepted.

### **5.1. Minor Amendments**

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

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

## **6. DISCUSSION OF SECTION 32 MATTERS**

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

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

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

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

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

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

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

### **6.1 Section 32AA Further Evaluation**

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



## **7. CONCLUDING COMMENTS**

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

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

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

It is recommended that these submissions are accepted.

## APPENDIX 1: Recommendations in response to submissions

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

## APPENDIX 2 - RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN

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

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

### SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

#### 2.34 OTATARA ZONE

Introduction (Pg 2-133) – No change

##### 2.34.1 Issues (Pg 2-133)

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

##### 2.34.2 Objectives (Pg 2-133)

**Objective 1:** No change

**Objective 2:** No change

##### 2.34.3 Policies (Pg 2-133 – 2-137)

**Policy 1** No change

**Explanation:** No change

**Policy 2 Outdoor Living:** No change

**Explanation:** No change

**Policy 3 Incidence of daylight and sunlight:** No change

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

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

**Policy 4 Noise:** No change

**Explanation:** No change

**Policy 5 Odour:** No change

**Explanation:** No change .

**Policy 6 Glare:** No change

**Explanation:** No change

**Policy 7 Electrical interference:** No change

**Explanation:** No change

**Policy 8 Lightspill:** No change

**Explanation:** No change

**Policy 9 Wind:** No change

**Explanation:** No change

**Policy 10 Signage:** No change

**Explanation:** No change

**Policy 11 Dilapidated structures and ill-maintained lands:** No change

**Explanation:** No change

**Policy 12 Demolition or removal activities:** No change

**Explanation:** No change

**Policy 13 Relocation activities:** No change

**Explanation:** No change

**Policy 14 Hazardous substances:** No change

**Explanation:** No change

**Policy 15 Height and location of structures:** No change

**Explanation:** No change

**Policy 16 Car parking and vehicle manoeuvring:** No change .

**Explanation:** No change

#### **2.34.4 Methods of Implementation**

**Method 1** No change

**Method 2** No change

**Method 3** No change

**Method 4** No change

**Method 5** No change

**Method 6** No change

**Method 7** No change

**Method 8** No change

**Method 9** No change

**Method 10** . No change

**Method 11** No change

## SECTION THREE RULES - ZONE SPECIFIC

### 3.33 OTATARA ZONE (Pgs 3-64 – 3-67)

#### 3.33.1 Permitted Activities: No change

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

- (A) Agriculture on sites of less than 4000m<sup>2</sup>
- (B) Animal boarding activity
- ~~(C) Commercial activity limited to a maximum area of 150 square metres~~
- (D) Commercial recreation activity
- (E) Communal activity
- (F) Education activity other than those on sites listed in Appendix V - Educational Activity (Existing)
- (G) Essential services
- (H) Health care activity
- (I) Hospital activity
- (J) Marae activity
- ~~(K) Professional and Personal Services limited to a maximum area of 150 square metres~~
- ~~(K) (L) Residential care activity for nine or more persons~~
- ~~(M) Restaurants, bars and taverns limited to a maximum area of 150 square metres~~
- ~~(N) Retail limited to a maximum area of 150 square metres~~
- ~~(L) (O) Veterinary clinic~~
- ~~(M) (P) Visitor accommodation~~

#### 3.33.3 Non-complying Activities: No change

#### Side and Rear Yards

#### 3.33.4 No change

#### 3.33.5 No change

#### 3.33.6 No change

- (A) No change
- (B) No change
- (C) No change
- (D) No change
- (E) No change

**Density**

- 3.33.7** No change
- 3.33.8** No change
- 3.33.9** No change

**Height of Structures**

- 3.33.10** No change
- 3.33.11** No change
- 3.33.12** No change

**Fire Safety**

- 3.33.13** No change
- 3.33.14** No change
- 3.33.15** No change
- 3.33.16** No change
- 3.33.17** No change
- 3.33.18** No change

## **PLANNING MAPS**

### **Maps 5, 15, and 16**

No changes to the boundaries of the Otatara Zone.