



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 32

Definitions

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

**Reporting Officer: Liz Devery
SENIOR POLICY PLANNER**

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

[THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]

TABLE OF CONTENTS

	Page
1. Executive Summary	1
2. Introduction	2
2.1 Report Author	2
2.2 Peer Review	2
2.3 How to Read this Report.....	2
2.4 Interpretation.....	2
2.5 The Hearing Process	3
3. Background	5
4. Statutory Context / Legislative Requirements	6
5. Analysis of submissions	7
5.1 “Agriculture”	7
5.2 “Height”	7
5.3 “Professional and Personal Services”	8
5.4 Minor Amendments.....	8
5.4.1 Clarification of activity status.....	8
5.4.2 Heavy Industry.....	9
6. Discussion of Section 32 matters	11
6.1 Relevant Section 32AA matters	11
6.2 Section 32AA further evaluation.....	12
6.2.1 “Agriculture”	12
6.2.2 “Bar”.....	12
6.2.3 “Building”	12
6.2.4 “Communal Activity”	13
6.2.5 “Educational Activity”	13
6.2.6 “Factory Farming”	13
6.2.7 “Heavy Industry”.....	13
6.2.8 “Height and change to the height of Antenna in the Infrastructure Rule.....	13
6.2.9 “Industry”	13
6.2.10 “Light Industry” and changes to Business Zone Rules	13
6.2.11 “Net Site Area”	14
6.2.12 “Professional and Personal Services”	14
6.2.13 “Retail Sales”	14
6.2.14 “Supermarkets”	14
6.2.15 New definition of “Drive Through Facility”	14
6.2.16 “Meat processing facility”	14
6.2.17 New definition of “Wetland”	14
6.2.18 Amendments to Appendix IX Schedule F Heavy Industry	15
6.2.19 Rule 3.20 Transportation – replacement of the term “takeaway food activity”.....	15
7. Concluding comments	16
Appendix 1 - Recommendations in response to submissions	17
Appendix 2 - Recommended Changes to Proposed District Plan	39

[THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]

1. EXECUTIVE SUMMARY

This report addresses submission points related to Definitions and Appendix IX Schedule of Heavy Industries. It should be noted that some definitions are discussed in other Section 42A reports and are not repeated here.

This report addresses 34 submission points and ten further submission points. The submission points addressed in this report seek the introduction of five new definitions. Eighteen of the existing definitions are submitted on, with a number of submissions in support and others seeking amendments.

A number of changes to definitions are recommended which should result in a clearer, more accurate and more user friendly document.

Some of the changes recommended in this report include the introduction of new definitions for “wetlands”, and “drive through facility”. It is recommended that residences be removed from the definition of “agriculture” and a number of changes to the definitions of “retail sales” and “professional and personal services” are recommended to clarify the scope of these terms. The industrial definitions were the subject of a number of submissions. In response to these submissions, it is recommended that the hours of operation for light industry and the maximum lot size be removed from the definition, with amendments where considered necessary to the Zone provisions.

2. INTRODUCTION

2.1 Report Author

My name is Elizabeth Ann Devery. I am the Senior Planner – Policy, at the Invercargill City Council, a position I have held since January 2003. I have over 14 years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom. These roles have focused on both developing and implementing District Plans and planning documents. I hold the qualifications of LLB/BA (Hons I) in Geography.

2.2 Peer Review

This report has been peer reviewed by Dan Wells, from John Edmonds and Associates Ltd. Dan Wells is a practising 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.
- A brief general background to the definitions in 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 relating to Subdivision.

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 that submitted on Definitions; 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

“FS” means further submitter in Appendix 2

“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

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 Subdivision 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 in 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. This 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 Definitions section of the Proposed District Plan is included to aid the Plan User to interpret terms used within the document. Some of the definitions relate to specific provisions in the Proposed District Plan, the rest should apply to all references to those terms throughout the document.

Many of the definitions from the Operative District Plan have been carried through to the Proposed District Plan without any modification. Where definitions could be aligned with other policy documents in Southland and New Zealand it was intended that this be done. However, this has not always been appropriate depending on the ways the terms are used within the Plan.

4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

In drafting this report, it was not considered necessary to include a general review of the definitions against the legislative requirements. The definitions are set to aid the Plan User in interpreting the provisions of the Proposed District Plan. Where submissions have questioned specific definitions, relevant legislative requirements and the statutory context will be discussed as appropriate.

5. ANALYSIS OF SUBMISSIONS

This report addresses 34 submission points and ten further submission points covering Definitions and Appendix IX Schedule of Heavy Industries.

The submission points addressed in this report seek the introduction of five new definitions. Eighteen of the existing definitions are submitted on, with a number of submissions in support and others seeking amendments.

The submissions on Appendix IX Schedule of Heavy Industries are addressed in this report, due to the Appendix's relationship with the definitions of Light Industry and Heavy Industry.

The submissions addressed in this report are summarised in table form, along with recommended responses and notes advising where issues have been addressed elsewhere, in **Appendix 1** of this report.

A number of changes are recommended in this report in response to the submissions. Some changes are correcting minor errors, while others are more substantial. I am also recommending some minor amendments to further clarify the meaning of terms used within the Proposed District Plan.

5.1 "Agriculture"

Three submission points address the definition of "agriculture", with three further submissions. The Department of Conservation's submission (64.35) opposes the definition on the grounds that they consider the definition is too detailed and includes activities that may be associated with land use but could come under other sections of the Proposed District Plan as separate land uses. The other submissions and further submissions are supportive of the definition, with one submission seeking further detail within the definition.

In my opinion the only activity listed within the definition that is otherwise dealt with as a separate activity within the Proposed District Plan is "residences". I believe this should be removed from the definition as there are some Zones where agricultural activities may be appropriate but residential activities may not be, such as the Airport Protection Zone and the Industrial 3 Zone. Where the District Wide rules wish to exclude certain aspects of agricultural activities, such as sheds, land disturbance or fencing, then this should be specifically excluded.

It is noted that the detail that the Department of Conservation is seeking to be removed is not an exclusive list of agricultural activities. The matters listed are examples of the types of activities that will be considered to fall within the definition. Intensive farming, horticulture, bee keeping, the keeping and training of horses are all legitimate agricultural activities.

5.2 "Height"

Three submissions have sought a change to the definition of "height" seeking the exclusion of lightning rods, antennas and aerials from the calculation of height. I am recommending that lightning rods be excluded from the definition, but that the height of antennas be dealt with in the Infrastructure Rule.

The Operative District Plan provided a three metre height dispensation for antennas and their support structures. The Proposed District Plan was silent on the matter. In

response to submissions from Spark and Chorus on the Infrastructure provisions, it was recommended that antennas attached to buildings were not to extend above the building more than five metres or 3.5 metres in the different Zones. I believe that the Infrastructure rule is the appropriate place to stipulate the maximum heights for antennas. The only recommendation that I am making in this report is to clarify that the rule relating to the height of antennas refers to those antennas attached to buildings or *structures*. This will provide for antennas that are attached to masts as well as other structures.

In reviewing the definition of Height, I am concerned with the potential scale of structures that are excluded from the calculation of height. Some of the parts of structures could be quite substantial and adversely impact on the amenity values of neighbouring properties and on the wider environment, with no control through the District Plan on overall height or height in relation to boundary. This may be acceptable for residential chimneys or dormer windows that do not extend above the roof line, but a water tank or steeple, for example, may be quite substantial structures. I note that other District Plans do include some limitations on the scale of these architectural features and structures either in terms of overall height or site area. No submissions have questioned the definition of height in this respect and amending the definition to address this would not fall within the scope of the submissions received from Spark, Chorus or NZ Police. This is an area of the Proposed District Plan where a Variation should be considered.

5.3 “Professional and Personal Services”

The submission from the Department of Corrections (Submission No.3.2) on the definition of “Community Service Activities” and the submission from the NZ Racing Board (submission No. 14.2) on the definition of “Retail Sales” have highlighted a weakness in the definitions and a need for some definitions to be more explanatory. In the Operative District Plan the term “Commercial Activity” was used to encompass all retail, business and service activities. The approach in the Proposed District Plan was to separate the retail component out from service activities.

Although neither submitter commented on the definition of “Professional and Personal Services”, I believe changes to the definition of this term are required to clarify what type of activities are encompassed by the term. Both TABs and government agencies are providing a service. These services may not always be for a fee but are lawful services that fit within the definition of this term.

5.4 Minor Amendments

On reviewing the Definitions, I have identified a few areas that would benefit from minor changes.

5.4.1 Clarification of activity status

One of the minor changes I have identified relates to the more specific approach to naming activity types. In some rules activities are referred to, such as takeaway food premises, and then these terms are not specifically referred to in others. For example, takeaway food premises are specifically referred to in the Transportation Rule, and in a number of Zones. However, in other rules and Zones a broader activity type is referred to, such as Retail Sales. While takeaway food premises may be a legitimate retail sales activity, the activity status for these activity types potentially falls to the default discretionary or non-complying status because they are not specifically provided for.

Nursery activities are another activity that have been separated out from other retail sales activities in some provisions of the Proposed District Plan, and not referred to in other provisions where it may be appropriate. These activities may be a “Retail Sales” activity but it is unclear in the Proposed District Plan as notified.

Vehicle Repair, Servicing and Storage is listed in the Transportation Rule. This term is not defined in the Plan. It is not referred to anywhere else in the rule. While this may be a legitimate industrial activity, this is not clear in the Proposed District Plan and these activities may not be otherwise provided for. This is similar to the activity status for “freight depots”.

In my opinion, these activities were meant to fall within the broad definitions and there is an opportunity to change the definitions of the broader terms to clarify the types of activities they include or exclude.

RECOMMENDATION:

It is recommended that the following amendments be made to the Proposed District Plan:

Amend the definition of “Retail Sales” as follows:

Retail Sales: Means the direct sale or hire to the public from any site, and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment, but excludes ~~recreational activities~~ supermarkets and ~~sale of motor vehicle sales~~. Unless otherwise provided for, Retail Sales includes takeaway food premises, and nursery activities.

Amend Rule 3.20 by replacing the term “Takeaway food activity” with “Takeaway food premises”.

Amend the definition of “Industry” as follows:

Industry: Means an activity involving land and/or buildings used for the manufacturing, repairing, engineering, fabricating, processing, packing or warehouse storing of products or material and includes but is not limited to contractors’ yards and depots; Freight Depots; Vehicle Repair, Servicing and Storage; substations not provided for as infrastructure; and the transfer, storage and/or treatment of waste not otherwise defined.

5.5 “Heavy Industry”

Only one submission was received specifically on the definition of “Heavy Industry”, although a few were received in relation to the Schedule of Heavy Industries referred to within the definition. The submission from Silver Fern Farms (submission No. 34.9) on the definition was supportive.

On reading the definition, I feel that a change is required to clarify its intention. The objectives and policies for the Industrial Zones provide for “warehousing” and service activities, both in the “light” industrial areas and the areas identified for “heavier” types of activities. However, the definitions of “Light Industry” and “Heavy Industry” together make “warehousing activity, service or transport yard” a heavy industry and as such would not be permitted in the Industrial 1 Zone. Given the direction of the Objectives and Policies, I do not believe this was the intention. A minor change to

the definition of Heavy Industry would clarify that this term encompasses only warehousing activity and service and transport activities *associated* with heavy industries.

I do not believe that there is scope to make this change in response to the Silver Fern Farms” submission. The change cannot be neatly made as a minor amendment because the effects of the change will not be neutral. Whilst the change would ensure that the rule is consistent with the Objectives and Policies, changing the definition will provide for activities within the Industrial 1 Zone that were non-complying in the Proposed District Plan as notified. There may be an opportunity to amend the definition in response to submissions on the Industrial Zones. If not, this should be considered as a potential Variation.

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 for policies and rules to be examined to determine whether they are the most appropriate way to achieve the objectives. In this instance, the objectives are those 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 Committee recommends minor changes from what was in the Proposed Plan, a further evaluation can be relatively brief.

While Section 32 does not require an evaluation of the definitions within a District Plan, the Definitions will affect the meaning of the provisions within a District Plan.

6.1 Relevant Section 32AA Matters

Listed below are the definitions that I have recommended changes on:

- “Agriculture”
- “Bar”
- “Building”
- “Communal Activity”
- “Contiguous Ownership”
- “Educational Activity”
- “Factory Farming”
- “Height”
- “Industry”
- “Light Industry”
- “Net Site Area”
- “Professional and Personal Services”

- “Retail Sales”
- “Supermarket”
- New definition of “Drive Through Facility”
- New Definition of “Meat Processing Facility”
- New Definition of “Wetland”
- Introduction of Meat Processing Facility to Appendix IX Schedule of Heavy Industries
- Introduction of Dairy Processing to Appendix IX Schedule of Heavy Industries

The following are the changes recommended to the Rules within the Proposed District Plan that should be evaluated under Section 32AA:

- Rule 3.24.1(I), 3.25.1(F), 3.26.1(E) – Introduction of maximum lot size for light industrial activities in the Business 2, 3 and 4 Zones
- Rule 3.20 Transportation – replacement of the term “takeaway food activity”
- Infrastructure rule – height of antenna

The detail of the proposed changes to which this evaluation refers is set out in **Appendix 2**.

6.2 Section 32AA Further Evaluation

The original Section 32 report did not include an evaluation of the definitions. Given the scale of the changes recommended within this report, it is not considered necessary to undertake a detailed Section 32AA evaluation.

6.2.1 “Agriculture”

Agriculture is a term that is used in a number of provisions throughout the Proposed District Plan. The amendment to remove residences associated with agriculture from the definition will result in Rules that give effect to the Objectives and Policies for the different Zones. This will not change the activity status for residences. In most Zones, residential activity has the same activity status as agriculture. While agriculture is permitted in the Industrial 3 and Airport Protection Zones, noise sensitive activities are not. Changing the definition will clarify the activity status for residences.

6.2.2 “Bar”

The amendment to this definition is a minor correction of the title of the legislation. A Section 32AA evaluation of this change is not required.

6.2.3 “Building”

The amendment to the definition of “building” is a minor change making a specific reference to the sections in the Building Act that define “building”. A Section 32AA evaluation of this change is not required.

6.2.4 “Communal Activity”

The recommended change to the definition of “Communal activity” will result in a less stringent activity status for these types of activities that are carried out on school sites and reserves. Affected parties will still have the opportunity to be involved in the

consenting process. The amendment will result in school sites and reserves being treated in much the same manner as other land within the Zones where the activity does not fall within the scope of any designation or reserve management plan. There is no Objective or Policy framework that justifies these types of sites being treated differently. The amended change will result in a more equitable planning regime and will result in more effective and efficient planning provisions.

6.2.5 “Contiguous Ownership”

More properties will be able to be considered to fall within the term “contiguous ownership” than under the notified definition. Landowners of adjoining properties may be able to develop their land or carry out activities without needing to officially amalgamate their titles. This will result in a more effects based approach. The recommended definition is also consistent with the recommendation in the Section 42A Report No. 26(A) Soils, Minerals and Earthworks Addendum.

6.2.6 “Educational Activity”

The amendment to the definition of “educational activity” acknowledges the types of activities that are often provided for on educational sites. The amendment is minor in effect and a detailed Section 32AA evaluation is not required.

6.2.7 “Factory Farming”

The amendment to the definition of “factory farming” is a minor change, replacing the term “factory farming” with “intensive farming” but not changing the definition itself. Subsequent changes to other provisions reflecting this change will not affect the meaning of the provisions. It is anticipated that this amendment will address emotion-based concerns about the terminology

6.2.10 “Height” and change to the height of Antenna in the Infrastructure rule

The recommended amendment to this definition excludes lightning rods from the height calculation. It is considered that this will have no more than minor adverse effects on amenity values and is not contrary to the Objectives and Policies. The amendment is minor in effect and a detailed Section 32AA evaluation is not required.

6.2.11 “Industry”

The recommended change to the definition of “industry” seeks to clarify the types of activities that fall within this category and specified. This change is consistent with the Objectives and Policies of the Proposed District Plan and will result in a more user-friendly planning document.

6.2.12 “Light Industry” and changes to Business Zone provisions

The recommendations on light industry will result in less restrictions on these types of activity. The removal of hours of operation for the definition of these activities will enable some activities to operate for longer periods. There is a risk that this may impact on neighbouring areas, however, the rules on amenities, such as noise, should address the effects of these activities in order to maintain and enhance amenity values. This amendment will enable light industries to operate 24 hours and on larger allotments within heavier industrial zones, which is appropriate given the permitted baseline for other activities within the different areas. Where restrictions are considered necessary this can be dealt with through the Zone specific provisions.

It is considered that the recommended amendments are consistent with the Objectives and Policies of the Proposed District Plan and will provide for a more effective and efficient planning document.

6.2.13 “Net Site Area”

With the introduction of a definition of site, as recommended in the Section 42A report No. 26 Soils, Minerals and Earthworks, the recommended amendment to this definition is considered appropriate and the clause deleted is superfluous. The amendment is minor in effect and a detailed Section 32AA evaluation is not required.

6.2.14 “Professional and Personal Services”

The recommended amendment to this definition will result in a definition that is more descriptive and should result in easier identification of the activity type of different proposals. The amendment is minor in effect and a detailed Section 32AA evaluation is not required.

6.2.15 “Retail Sales”

The recommended amendment corrects an oversight and should result in easier identification of the activity status for different proposals in the different Zones. The amendment is minor in effect and a detailed Section 32AA evaluation is not required.

6.2.16 “Supermarket”

The recommended amendment to the definition for “supermarket” is a technical change reflecting the types of service that is anticipated at a modern supermarket. The amendment is minor in effect and a detailed Section 32AA evaluation is not required.

6.2.17 New definition of “Drive Through Facility”

The term “Drive Through Facility” is used in the Transportation Rule of the Proposed District Plan for calculating the number of car parks required for restaurants. The introduction of this definition will result in a more efficient and effective planning document.

6.2.18 “Meat Processing Facility”

Amendments to the Schedule of Heavy Industries in relation to slaughterhouses, abattoirs and meat processing and the introduction of a definition of Meat Processing Facility clarify the types of activities defined as Heavy Industry. These amendments will make the definition of Heavy Industry more user friendly and will result in a more efficient and effective planning document.

6.2.19 New Definition of “Wetland”

The Proposed District Plan biodiversity provisions, among other things, relate to areas identified as “wetland”. The definition of this term as recommended is consistent with the use of the term in other planning documents, although recognises that the term does not include certain areas. The inclusion of the definition will aid the Plan User to recognise what the criteria is for identifying wetlands referred to within the Proposed District Plan. This will be important for assessing applications for

activities within identified areas of biodiversity, or for any future identification of areas of biodiversity.

6.2.20 Amendments to Appendix IX Schedule of Heavy Industries

The recommended amendments are considered appropriate for identifying what type of activities are permitted in areas zoned for heavy industry. The changes recommended are consistent with Objectives and Policies of the Proposed District Plan and ensuring that dairy processing activities are identified as Heavy Industry will provide more certainty for dairy processing operators as to the activity status for their activity.

6.2.21 Rule 3.20 Transportation – replacement of the term “takeaway food activity”

“Takeaway food activity” is not a term used elsewhere in the Proposed District Plan and the replacement of this term with “takeaway food premises” will ensure that the provisions are consistent. The amendment is minor in effect and a detailed Section 32AA evaluation is not required.

7. CONCLUDING COMMENTS

A number of recommendations have been made to the Definitions in response to submissions. These recommendations are made in order to ensure that the Plan is accurate and easier to interpret. The changes recommended in general are relatively minor, but should result in a more user-friendly document.

APPENDIX 1: RECOMMENDATIONS IN RESPONSE TO SUBMISSIONS

Submitter	Submission	Recommendation
SUGGESTED NEW DEFINITIONS		
<p>74.1 Bunnings Ltd</p>	<p>Definition of “Building Improvement Centre”</p> <p>The submitter considers that the Plan should provide for “Building Improvement Centres” as an activity in its own right and that these centres do not fall neatly within the definition of retail sales. The submitter considers a definition of “building improvement centres” will ensure that the Bunnings activity is adequately provided for.</p> <p>RELIEF SOUGHT:</p> <p>Insert a definition of “Building Improvement Centres”: <u>“Means any premises used for the storage, display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings and includes builders supply and plumbing supply centres and home and building display centre, garden centres and outdoor nurseries”</u> AND Amend the definition of retail sales to exclude “Building Improvement Centres”</p> <p>FS46.43 Leven Investment Ltd and others Support submission 74.1 The further submitter supports the definition and considers that these should be provided for within the Business and Industrial Zones</p>	<p>Reject</p> <p>“Building Improvement Centres” as defined by the submitter falls within the definition of “Retail Sales”. The Proposed District Plan does not distinguish between the different type of products that may be sold in retail stores and it is not considered necessary to separate building improvement centres. The term is not included within the Proposed District Plan as notified.</p> <p>Discussions on the different types of activities anticipated for the different Zones will be addressed in the different Zone reports. I would anticipate that building improvement centres would be appropriate in all Zones where retail activities are permitted, depending on the scale of the development and compliance with the district wide and zone specific standards.</p>
<p>75.1 McDonald’s Restaurants (NZ) Ltd</p>	<p>Definition of “Drive-through Restaurants”</p> <p>The submitter considers that the Plan should provide for “Drive-through restaurants” as an activity in its own right and that these activities have different requirements and characteristics from other types of restaurants that do not include a drive-through component.</p> <p>RELIEF SOUGHT:</p> <p>Insert a definition of “Drive-through restaurants”: <u>“Means any land and/or buildings on or in which food and beverages are</u></p>	<p>Accept in part</p> <p>The Section 42A Report 20 on Transportation included a recommendation that carparking requirements for restaurants be amended to include provision for restaurants with a “drive-through facility”. This term is not used elsewhere in the Proposed District Plan. Whilst the term “drive-through facility” is something that the everyday person would understand, for transparency it is recommended that the definition be included</p> <p>The definition of “restaurant” acknowledges that part of the trade at a restaurant may be derived from a take away component.</p>

	<p><u>prepared, served and sold to the public for consumption on or off the premises and the customers have the option of ordering and receiving foods while remaining in their vehicles. An ancillary café and/or playground may be included.”</u> AND <u>Amend the definition of “Restaurant” to exclude drive-through restaurants.</u></p>	<p>Excluding these activities from the definition of restaurant may complicate matters. There is a definition of take away food premises. These activities fall under the broader definition of retail.</p> <p>RECOMMENDATION: Retain the definition of “Restaurant” as notified</p> <p>AND</p> <p>Include a definition of “Drive through facility” as follows:</p> <p><u>“Drive through facility means any land or building on or in which food and beverages are prepared, served and sold to the public for consumption off the premises and which are ordered and received while customers remain in their vehicles.”</u></p>
<p>105.12 ICC Environmental Health and Compliance Services</p>	<p>Definition to add “Urban Area”</p> <p>The submitter notes that the Council’s Keeping of Animals, Poultry and Bees Bylaw definition of “urban areas” refers to the District Plan definition of urban areas. In the Operative District Plan the definition did not include Otatara.</p> <p>The submitter would like the Proposed District Plan to define urban area and include Otatara within that area to ensure that the Bylaw can be readily enforced.</p>	<p>Reject</p> <p>The term “urban areas” is not used within the Proposed District Plan. Whilst the District Plan should be developed in consideration of other Council policies it is not the role of the District Plan to provide definitions for Council Bylaws. It would be tidier for the Keeping of Animals, Poultry and Bees Bylaw to be updated to include its own definition. I do not believe an amendment to the Proposed District Plan in this respect would be the most efficient way of dealing with the issue.</p>
<p>64.36 Department of Conservation</p>	<p>Definition to add “Wetland”</p> <p>The submitter notes that there is no definition of wetland in the Plan but that the biodiversity section contains an objective, policy and rule that aim to protect the natural character of wetlands.</p> <p>RELIEF SOUGHT:</p> <p>Insert a new definition of “wetland”: <u>“Wetland – means naturally occurring permanently or intermittently wet areas, shallow water and land water margins that support plants and animals that</u></p>	<p>Accept in part</p> <p>It is considered that including the definition of “wetland” into the Proposed District Plan would be useful.</p> <p>Wetlands is defined in the RMA. The RMA definition is also used in the Water Plan for Southland and the Proposed Southland District Plan. The definition proposed by the submitter differs slightly from those other definitions, with the inclusion of the last sentence.</p> <p>The RMA and these other planning documents do not exclude areas identified as wet pasture. The wetlands included in the</p>

	<p><u>are adapted to wet conditions. This definition excludes: wet pastures where water temporarily ponds after rain or pasture containing small patches of rushes (juncus species)”</u></p>	<p>Proposed District Planning Maps do not include areas of wet pasture. Including a note stating that these areas are excluded will aid Plan users when assessing land use and subdivision developments against the Objectives and Policies of the Plan.</p> <p>RECOMMENDATION:</p> <p>Include definition of “wetlands” as follows:</p> <p><u>“Wetland – means permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. This definition excludes wet pastures where water temporarily ponds after rain, or pasture containing small patches of rushes (juncus species)”</u></p>
SPECIFIC DEFINITIONS		
<p>15.38 Ballance Agri-Nutrients Ltd</p>	<p>Support definition of “Agriculture” in part.</p> <p>The submitter considers that the definition should be expanded to include the storage and use of fertiliser as one of the “associated activities”.</p> <p>The submitter considers that the storage and use of fertiliser is of similar importance and nature to the associated activities currently included within the definition and is integral to agricultural activities.</p> <p>RELIEF SOUGHT: That Section 3 – Definitions “agriculture” be amended and adopted as follows:</p> <p>“Means the use of land and buildings for the rearing, breeding and keeping of animals and/or the growing and harvesting of crops including, but not limited to:</p> <ul style="list-style-type: none"> (A) Factory farming of poultry, pigs, and other species, and feedlots (B) Horticulture, hydroponics, seed production, viticulture and forestry (C) Bee keeping 	<p>Accept</p> <p>Where the storage of fertilisers is association with agricultural activities this would fall within the definition. The use of fertilisers would also fall within the definition where it is carried out in association with the agricultural activity. The definition is inclusive and these types of activities would generally fall within the term “together” with associated activities. The fact that these types of activities are not included within the words of the definition does not imply that they are less important than the other listed activities.</p> <p>It should be noted that the storage and use of fertiliser will also need to comply with the Hazardous Substances provisions within the Proposed District Plan</p> <p>RECOMMENDATION:</p> <p>Amend the definition of “Agriculture” as follows:</p> <p>“... together with associated activities, including shelter planting, amenity plantings, land disturbance, residences,</p>

	<p>(D) The keeping and/or training of horses together with associated activities, including shelter planting, amenity plantings, land disturbance, residences, storage buildings, <u>the storage and use of fertiliser and disposal of waste produced on the site.</u>"</p> <p>ii. Any similar amendments to like effect.</p>	<p>storage buildings, <u>the storage and use of fertiliser and disposal of waste produced on the site.</u>"</p>
<p>64.35 Department of Conservation</p>	<p>Oppose definition of "Agriculture"</p> <p>The submitter considers the definition is very detailed and includes activities that may be associated with agricultural land use but could come under other sections of the plan as separate land uses. The submitter suggests the definition is reworded to narrow the scope of what is meant by agriculture</p> <p>RELIEF SOUGHT: Reword the definition of agriculture as follows: " Means the use of land or buildings for the rearing, breeding and keeping of animals and/or the growing and harvesting of crops including, but not limited to:</p> <p>(A) Factory farming of poultry, pigs and other species, and feedlots (B) Horticulture, hydroponics, seed production, viticulture and forestry (C) Bee keeping (D) The keeping and/or training of horses together with associated activities, including shelter planting, amenity plantings, land disturbance, residences, storage buildings, and disposal of waste produced on the site."</p> <p>FS2.46 NZAS Ltd Oppose submission 64.35 The further submitter supports the more inclusive definition of "agriculture" as notified RELIEF SOUGHT: Retain the definition of "agriculture" as notified</p> <p>FS4.38 Federated Farmers Oppose submission 64.35 The further submitter notes that the amendment sought in submission 64.35</p>	<p>Reject in part.</p> <p>It is accepted that the definition of agriculture is detailed. The detail is intended to aid the Plan User with the interpretation of this term. Some District Wide rule may restrict certain agricultural activities, such as structures or earthworks within areas of biodiversity, these are separated out within the context of those rules.</p> <p>The one word that should be removed from the definition is "residences". Residential activity is permitted in some of the Zones that agriculture is permitted. However, in some Zones agriculture is permitted where residential activity is not otherwise anticipated. Including associated residences within the definition of agriculture leads to inconsistencies. In the Airport Protection Zone, noise sensitive activities are not permitted, but agriculture is. Removing residences associated with agriculture from the definition of agriculture is important in this Zone to avoid any confusion about the status of residential activity. In the Industrial 3 Zone agriculture is permitted but noise sensitive activities are non-complying. Agriculture is also permitted within the Smelter Zone. The Industrial 4 Zone is the only Zone that expressly excludes dwellings associated with agricultural operations from the permitted activity status.</p> <p>RECOMMENDATION:</p> <p>Amend the definition of "Agriculture" as follows:</p> <p>"Agriculture - Means the use of land or buildings for the rearing, breeding and keeping of animals and/or the growing</p>

	<p>would capture cat and dog breeders and other companion animal owners</p> <p>FS9.6 Ballance Agri-Nutrients Ltd Oppose submission 64.35 The further submitter is concerned that the suggested amendments would make the definition too narrow, but also that it would be open to various interpretations.</p> <p>The further submitter considers that the definition in the Proposed Plan is usefully detailed yet not unwieldy</p>	<p>and harvesting of crops including, but not limited to:</p> <p>(A) Factory Intensive farming of poultry, pigs and other species, and feedlots</p> <p>(B) Horticulture, hydroponics, seed production, viticulture and forestry</p> <p>(C) Bee keeping</p> <p>(D) The keeping and/or training of horses together with associated activities, including shelter planting, amenity plantings, land disturbance, residences, storage buildings, <u>the storage and use of fertiliser</u> and disposal of waste produced on the site.”</p>
71.64 NZAS Ltd	<p>Support definition of “Agriculture”</p> <p>RELIEF SOUGHT: Retain definition of “agriculture” as notified</p>	<p>Accept in part</p> <p>See recommendations made in response to submissions 15.38 and 64.35 above</p>
65.118 ICC Environmental and Planning Services	<p>Support definition of “Bar” in part.</p> <p>The submitter notes that the definition refers to an incorrect statute</p> <p>RELIEF SOUGHT: Replace “Sale of Liquor Act 2012” with “Sale and Supply of Alcohol Act 2012”</p>	<p>Accept</p> <p>The relief sought corrects an inaccuracy.</p> <p>RECOMMENDATION: Amend definition of “Bar” to read as follows:</p> <p>“Bar: Means any premises which is used principally for the sale, supply or consumption of liquor on the premises and which has an on-licence under the Sale of Liquor Act 2012 <u>Sale and Supply of Alcohol Act 2012</u>”</p>
52.14 NZ Police	<p>Support definition of “Building” in part.</p> <p>The submitter support the use of the definition in the Building Act for “building” and also support the included exceptions, particularly (B) for structures less than 10m2 in area and two metres in height. However, the submitter notes that most of their equipment buildings are 2.4m in height and seek that this be amended accordingly.</p>	<p>Accept in part</p> <p>References to external documents can be problematic. The Building Act was amended in 2005 which changed the definition of building. As external documents can be changed I believe it is important that the reference should be to the definition of building in the specific section of the Act at a specific date. Alternatively, the definition from that legislation should be included in full in the plan. In this case the definition in the Building Act 2004 is quite</p>

	<p>RELIEF SOUGHT: Not specifically stated</p>	<p>substantial, and is covered by two sections of the Building Act - sections 8 and 9.</p> <p>I do not consider that it is necessary to include the exemption sought by the submitter. Development standards within the different zones relate to buildings and structures, such as the height, site coverage, and yard rules. The submitter has designations over a number of properties and the specific types of structures on those sites will be dealt with through the designation process.</p> <p>It should be noted that the height of buildings and structures can have adverse effects on the environment that need to be considered. For example, buildings or structures over 2.4m in height located on a boundary will not meet the recession plane requirements in certain Zones, impacting on the amenity values of the adjoining properties.</p> <p>Drafting this type of exemption would be fraught with difficulties. Whilst this is the only submitter seeking this change, in the interests of consistency and fairness, there may be other operations with similar equipment and such an exemption would need to apply to all types of structures that different organisations may have on their properties</p> <p>RECOMMENDATION:</p> <p>Amend the definition of "Building" as follows</p> <p>"Building": Shall have the same meaning as in <u>sections 8 and 9</u> of the Building Act 2004, but does not include:</p> <ul style="list-style-type: none"> (A) Fences or walls of two metres in height or less above ground level or retaining walls of two metres in height or less below ground level, not used for a sign or for any purpose other than as a fence, retaining wall or wall. (B) Structures less than 10 square metres in area and less than two metres in height above ground level. (C) Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2
--	---	---

		metres in diameter), less than two metres in height above ground level. (D) Masts and poles less than two metres in height above ground level. (E) Clothes lines “
87.56 Transpower NZ Ltd	Support definition of “Building” The submitter seeks to ensure that all rules applying to the National Grid Yards and Corridors apply to buildings and structures. RELIEF SOUGHT: The definition of “building” be retained as notified	Accept in part See recommendation in response to submission 52.14 above. The rules that apply to the National Grid Yards and Corridors were addressed in the s42A report No 19 on Infrastructure
102.19 Chorus NZ Ltd	Supports definition of “Building” RELIEF SOUGHT: Retain definition of “building” as notified	Accept in part See recommendation in response to submission 52.14 above.
104.18 Telecom NZ Ltd	Supports definition of “Building” RELIEF SOUGHT: Retain definition of “building” as notified	Accept in part See recommendation in response to submission 52.14 above.
3.2 Department of Corrections	Support definition of “Community Service” in part. The submitter suggests that the definition of “community service” be amended to include community services offered by the government. RELIEF SOUGHT: That the definition of Community Services be amended as follows: Community Service: “Means a place where services are offered that are volunteered or operated on a non-profit basis by individuals or an organisation or the government to benefit a community or its institutions e.g. charity shops operated by Salvation Army, Habitat for Humanity, Red Cross, <u>Corrections related service</u> etc.”	Reject “Community Service” as used within the Proposed District Plan refers to services offered by volunteers or non-profit organisations. The types of activities that would fall under the term “offered by the government” do not fall within the general scope of Community Service. Services offered by the government could fall within the definition of “Professional and Personal Services”. The term Professional and Personal Service is meant to encompass “any lawful service”, however, because there is no punctuation in definition it is not explicit that that service can be provided without a fee. In this case, government services are a lawful service and so technically should fall within this term. The definition of “Professional and Personal Service” could be improved to clarify the types of activities that are

		<p>likely to fall within this activity.</p> <p>There are no consistent definitions used throughout the country for terms such as commercial, retail, offices or professional and personal services. This is because each District Plan has different approaches to these types of activities and determine on a district-by-district basis what activities are appropriate in their different zones. In this case, I believe that there would be value in not only improving the punctuation in the sentence, but including a list of the types of services that may fall within this definition.</p> <p>RECOMMENDATION:</p> <p>Amend the definition of “Professional and Personal Service” as follows:</p> <p>“Professional and Personal Services: Means any lawful service, including professional service offered to individuals in return for a fee and which may or may not require a qualification or certification of the provider. <u>This includes business, government, professional, or financial services, as well as activities providing services such as laundry or dry cleaning services, travel agencies, real estate agencies, shoe and clothing repairs and alterations, hairdressers’ premises, beauty salons and Totalisator Agency Boards”.</u></p>
<p>78.2 Ministry of Education</p>	<p>Support definition of “Communal Activity” in part.</p> <p>The submitter would like to include schools to this definition as schools are often used outside school hours by people</p> <p>RELIEF SOUGHT: Amend the definition of “Communal Activity” by removing the exclusion of school sites, and education activity</p>	<p>Accept The definition of “communal activity” could be tidied up.</p> <p>It is acknowledged that school sites are often used outside school hours by people for activities that are not related to educational activities and that would otherwise be considered communal activities. It is unclear why these activities should not be considered communal activities based purely on their location. If these types of activities are excluded from the definition on reserve land and school sites, there is no alternative definition that could be used to determine the activity status. So where Communal Activities are considered discretionary within the Residential and Rural Zones, these activities carried out on school sites would have</p>

		<p>to technically be processed as non-complying as they would not fall within any other definition.</p> <p>A number of other minor amendments could be made to the sentence structure of the definition to clarify its intention and to update some of the activities referred to within the text. These changes can be made without affecting the overall definition.</p> <p>RECOMMENDATION:</p> <p>Amend the definition of “communal activity” as follows:</p> <p>“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, movie theatres, night clubs, video arcades <u>gaming centres</u> 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 <u>Communal activity excludes</u> any such use associated with any residential activity, education activity, day care activity, commercial activity, recreation activity and commercial recreation activity.”</p>
<p>53.86 NZ Transport Agency</p>	<p>Oppose definition of “Contiguous Ownership”</p> <p>The submitter considers the intention of this definition is unclear. It may mean land that is held within the same Certificate of Title, and if so, this should also be included in the definition.</p> <p>RELIEF SOUGHT: Amend the definition of Contiguous Ownership to refer to land that is held in the same Certificate of Title</p>	<p>Accept in part</p> <p>The term “contiguous ownership” is used in the Proposed District Plan in relation to density of development. The inclusion of the words “without a consent to subdivide” would imply that land in contiguous ownership is just properties held within a certificate of title. It is my opinion that the term should refer to land that cannot be separately disposed of “without Council approval”. These types of situations will include subdivision, or where there are consent notices on the certificates of title requiring that the properties be held together or where buildings may be built across boundaries.</p>

		<p>RECOMMENDATION: Amend the definition of “Contiguous Ownership” as follows: “Contiguous Ownership: Means ownership of contiguous parcels of land that cannot be separately disposed of without a consent to subdivide <u>Council approval</u>. Land shall be regarded as contiguous with other land notwithstanding that it may be separated from the other land by a road, railway, drain, river or stream.”</p>
<p>78.1 Ministry of Education</p>	<p>Support definition of “Educational Activity” in part.</p> <p>The submitter suggests that a few extra terms be included in the definition and “kohanga reo” be removed</p> <p>RELIEF SOUGHT: Amend definition of “educational activity” as follows: “Means... secondary school, <u>early childhood education centres, kohanga reo, language schools, learning centre and tertiary education facility, <u>health, social service and medical services (including dental clinics and sick bays)</u>”</u></p>	<p>Accept in part</p> <p>Not all health, social service and medical services (including dental clinics and sick bays) are educational facilities. These terms fall within other terms defined and used within the Plan. It is acknowledged that some education can be carried out within these additional facilities, as education can be carried out within any business – e.g. apprenticeships, professional training.</p> <p>It is acknowledged that educational activities offer a number of ancillary services such as careers advisors, sick bays and dental clinics.</p> <p>If health, social services and medical services are to be acknowledged within the definition of educational activity then these should be ancillary to the educational purpose of the site,</p> <p>Early childhood education centres are covered by the term “Child Day Care activity” and to avoid duplicity and confusion they should not be included within the definition of “educational activity” as well</p> <p>RECOMMENDATION: Amend definition of “Educational Activity” as follows: “Educational activity: Means the use of land and buildings for the provision of regular instruction, teaching, learning or training at state, private or integrated facilities, together with any associated boarding activities, and includes ancillary administrative, recreational, cultural, car parking, and retail facilities <u>and support facilities (including ancillary health, social,</u></p>

		and medical services. This includes, but is not limited to, any primary school, intermediate school, secondary school, kohanga reo , language schools, learning centre and tertiary education facility.”
101.8 NZ Fire Service Commission	Support definition of “Essential Services”. RELIEF SOUGHT: Retain definition of “essential services” as notified	Accept RECOMMENDATION: Retain definition of “Essential Services” as notified
88.101 Federated Farmers	Oppose definition of “Factory Farming” The submitter considers the term is subjective and emotionally-loaded and has no place in a district planning document. RELIEF SOUGHT: Delete the term “factory farming” from the district plan and replace it with “intensive farming”, with the following definition: <u>“Most species of animals farmed in New Zealand (such as cattle, sheep, deer, and alpacas) are usually farmed “extensively”, meaning that they live outdoors and are free to range within a fenced-in area.</u> <u>Pigs, layer hens, and meat chickens are farmed using various systems in New Zealand. These may include “intensive” systems, such as cages for layer hens, crates/stalls for pregnant pigs or those with piglets, and barns for meat chickens. Intensive farming involves confinement at high stocking rates for long periods beyond the productive capacity of the land over which it is carried out.</u> “	Reject in part Whilst some members of the public may be sensitised to the term “factory farming”, the use of an objective definition seeks to avoid any emotional response. The definition of “factory farming” within the Proposed District Plan itself is not emotionally loaded. Despite this, I have no objection to changing the term to “intensive farming” as opposed to factory farming”. The alternative definition suggested by the submitter is wordy and complex. It is explanatory, rather than matter-of-fact. It also has a broader focus than the definition in the Proposed District Plan, which is focussed on the use of buildings for the intensive production. Intensive farming as defined by the submitter refers to farming practices that could also be carried out outside of buildings as confinement is not explained within the context of the definition. It also specifies that the confinement must be for long periods. It is noted that the suggested definition applies only to intensive farming of animals and not vegetable matter. The term factory farming is used in the Proposed District Plan in three places. In the definition of “agricultural activity”, in the Noise Rule and within the Rural 2 Zone 3.39.1(B) – in none of these situations is vegetable matter particularly relevant. RECOMMENDATION: Amend definition of “Factory Farming” as follows: Factory Intensive Farming: Means the use of buildings for

		<p>the intensive production of livestock or vegetable matter which is not dependent on the fertility of the soils on the site.</p> <p>AND</p> <p>Subsequential changes to provisions in the Plan replacing references to “factory farming” with “Intensive farming”</p>
3.1 Department of Corrections	<p>Supports definition of “Habilitation Centre”</p> <p>RELIEF SOUGHT: Retain the definition of Habilitation Centre as notified.</p>	<p>Accept</p> <p>RECOMMENDATION: Retain the definition of “Habilitation Centre” as notified.</p>
34.9 Silver Fern Farms Ltd	<p>Support definition of “Heavy Industry”</p> <p>As separate submission point the submitter has suggested changes to the terminology used in Appendix IX Schedule of Heavy Industries.</p> <p>RELIEF SOUGHT: Retain definition of Heavy Industry as written in the proposed plan subject to changes suggested in Appendix IX.</p>	<p>Accept in part</p> <p>See discussion in Section 5 of this report. It is recommended that this definition be retained as notified, noting that amendments may be required in response to submissions discussed in the Industrial Zone reports or as a Variation.</p>
52.15 NZ Police	<p>Oppose definition of “Height” in part.</p> <p>The submitter considers that antennas, aerials and lightning rods should be included in the exclusions from the height calculation.</p> <p>RELIEF SOUGHT: Amend definition to include antennas, aerials and lightning rods as exclusions from the height calculation as follows:</p> <p>Provided that <u>antennas, aerials and lightning rods</u>, chimneys, ventilation shafts, water tanks, elevator lofts, steeples, towers, dormer windows and similar parts of a building may be excluded from the height calculation.</p>	<p>Accept in part</p> <p>The recommendations in the s42A Report No.19 on Infrastructure sought a rule on antenna attached to buildings stating that these structures could extend above buildings by 5m or 3.5m in different zones. No recommendation was made for aerials or lightning rods.</p> <p>The definition of height exempts a range of architectural appurtenances from the calculation of height. While antenna, aerials and lightning rods may not be as structurally imposing as some of the exempted building parts, I do believe that there should be some consideration of any overall height limit for these structures. This could be either through the Infrastructure rule or the definitions, or both.</p> <p>As there is no rule in the Infrastructure section for lightning rods I believe an exemption for these within the definition is appropriate where they are attached to buildings. These structures are generally of a width and area that will not significantly impact on the</p>

		<p>amenities of the neighbouring properties or areas.</p> <p>Antenna for radio communications and telecommunications are addressed within the recommended Infrastructure rule. As the recommended rule includes some discussion on the height of these structures, I think the rule is the appropriate place to stipulate the overall height.</p> <p>I am unsure what the difference is between an “aerial” and an “antenna”. In general language these terms are used interchangeably. A definition of antenna is recommended in the s42A report No. 19 being:</p> <p>“Antenna means for the purposes of 3.9 Rule 8, communications apparatus, being metal rod, wire or other structure, by which signals are transmitted or received, including any bracket or attachment but not any support mast or similar structure.”</p> <p>Including the term aerial as well as antenna into the Proposed District Plan may add to confusion as to what is excluded from the calculation of height and what is subject to the Infrastructure rule.</p> <p>RECOMMENDATION:</p> <p>Amend definition of “height” to include lightning rods as exclusions from the height calculation as follows:</p> <p>Provided that <u>lightning rods</u>, chimneys, ventilation shafts, water tanks, elevator lofts, steeples, towers, dormer windows and similar parts of a building may be excluded from the height calculation.</p> <p>AND</p> <p>Amend the recommendation on the Telecommunications and Radiocommunications Facilities provisions as follows:</p> <p>“(e) <u>Notwithstanding the zone specific height rules, No antennas attached to an existing building or structure shall may extend above the building or structure no more than</u></p> <p>(i) 5m in the Industrial 1, 1A, 2, 3 and 4 Zone and the</p>
--	--	---

		<p>Rural 1 and 2 Zones; or (ii) 3.5m in all other zones</p> <p>AND</p> <p>I recommend that a Variation be considered to address the exemptions from the height calculations as notified in the Height definition, given the scale of structures that may be exempted from the calculation of height and the potential effects and to clarify that these exempted architectural appurtenances must be attached to buildings, rather than being structures of their own right.</p>
<p>102.20 Chorus NZ Ltd</p>	<p>Support definition of "Height" in part.</p> <p>The submitter believes that antennas, aerials and lightning rods should be included in the exclusions from the height calculation</p> <p>RELIEF SOUGHT: Amend definition to include antennas, aerials and lightning rods as exclusions from the height calculation</p>	<p>Accept in part</p> <p>See recommendation in response to submission 52.15 above</p>
<p>104.19 Telecom NZ Ltd</p>	<p>Support definition of "Height" in part.</p> <p>The submitter believes that antennas, aerials and lightning rods should be included in the exclusions from the height calculation</p> <p>RELIEF SOUGHT: Amend definition to include antennas, aerials and lightning rods as exclusions from the height calculation</p>	<p>Accept in part</p> <p>See recommendation in response to submission 52.15 above</p>
<p>7.2 Southern District Health Board</p>	<p>Support definition of "Hospital Activity"</p> <p>RELIEF SOUGHT: Retain the definition of "Hospital Activity" as notified</p>	<p>Accept</p> <p>RECOMMENDATION: Retain definition of "hospital activity" as notified</p>
<p>90.32 H W Richardson Group Ltd</p>	<p>Oppose definition of "Light Industry"</p> <p>The submitter objects to the restrictions on the size of lots and the hours of operation</p> <p>RELIEF SOUGHT:</p>	<p>Accept</p> <p>The limitations within the definition seek to control the scale of industrial activity being carried out.</p> <p>One of the key reasons for restricting hours of operation was to</p>

	<p>Amend the definition of “light industry” as follows:</p> <p>“Means any industry not listed in Appendix IX and which:</p> <p>(A) Which operates between the hours of 7.00 am to 10.00 pm and (B) Is situated on a site of less than one hectare</p> <p>This includes any ancillary retail sales, any associated maintenance, any public display or tour operations within the land or premises, and associated offices and staff facilities.”</p> <p>FS24.17(a) Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd Support submission 90.32 The further submitter notes that the rules relating to the size of a site and hours of operation is not appropriate in the definition. They consider that it fails to recognise that many light industries need to be operational 24/7</p> <p>FS46.44 Leven Investment Ltd and others Support submission 90.32 The further submitter considers the restrictions on size of lots and hours of operation are unnecessary</p>	<p>control effects of noise, which has caused a number of issues at the interface of industrial activities with residential area. It is acknowledged, however, that some light industries do need to operate on a 24/7 basis, and that there are noise standards that seek to control noise at the Zone interface, with lower standards in some areas at night time. The noise standards will allow light industrial activities to continue through the night, as long as the operation of these activities considers noise emissions.</p> <p>I believe that the minimum lot size should also be removed from the definition of Light Industry, and included in the zone specific provisions where it is considered appropriate. For example, light industries that are carried out within the Industrial 3 or 4 Zones on sites over 1 hectare would be reasonably appropriate, given the scale of heavy industries that are also permitted within these zones. It is not considered necessary to have a limitation on the lot sizes for these activities. However, in zones where larger scale industrial development may not be considered as appropriate, closer to the residential interface for example, the limitations on Lot size should be included within the Zone provisions.</p> <p>RECOMMENDATION:</p> <p>Amend definition of “Light Industry” as follows:</p> <p>“ Light Industry: Means any industry not listed in Appendix IX and which:</p> <p>A) Which operates between the hours of 7.00 am to 10.00 pm and B) Is situated on a site of less than one hectare</p> <p>This includes any ancillary retail sales, any associated maintenance, any public display or tour operations within the land or premises, and associated offices and staff facilities.”</p> <p>AND</p> <p>Amend Rule 3.24.1(I) as follows:</p> <p>“(I) Light Industry, provided that no more than three people are employed on the site at any one time <u>and that the minimum site area is one hectare</u>”</p>
--	--	---

		<p>AND Amend 3.25.1(F) as follows: “(F) Light industry, <u>provided that the minimum site area is one hectare</u>”</p> <p>AND Amend 3.26.1(E) as follows: “(E) Light Industry, provided that no more than three people are employed on the site at any one time <u>and that the minimum site area is one hectare</u>”</p>
<p>58.9 Donald Moir</p>	<p>Oppose definition of “Net Site Area”</p> <p>The submitter believes the wording should be amended to avoid any confusion regarding driveways are included or excluded from site coverage calculations</p> <p>RELIEF SOUGHT: Amend the definition to read:</p> <p>Net Site Area: In relation to a site, means the total area of the site less any area subject to a designation for any purpose, and/or any area contained in the access to the site and/or any strip of land less than six metres in width</p>	<p>Accept</p> <p>The clause “and/or any area contained in the access to the site” is intended to refer to any right-of-way over another allotment that may be used to access the site. As such, the area comprised within the right-of-way that belongs to the other site is not included within the calculation of the net site area. This is not intended to refer to a driveway within the site itself, unless that comprises of a strip of land less than 6m in width.</p> <p>A recommendation in the s42A report No. 26 on Soils, Earthworks and Minerals seeks to include a definition of the term “site”. Should this definition be included and the term “site” just relate to the land held within the CT, then there would not be a need to state that rights of way over someone else’s property are excluded from this calculation. The term “and/or any area contained in the access to the site” could be deleted.</p> <p>RECOMMENDATION:</p> <p>Amend to read: Net Site Area: In relation to a site, means the total area of the site less any area subject to a designation for any purpose, and/or any area contained in the access and/or any strip of land less than six metres in width</p>
<p>14.2 NZ Racing</p>	<p>Oppose definition of “Retail Sales” in part</p>	<p>Reject in part</p>

<p>Board</p>	<p>The submitter considers that it is unclear under which land use activity Totalisator Agency Board (TAB) venues falls. Section 4 Definitions of the Plan does not clearly address this matter. As a consequence, there is the potential for different interpretations which may result in varying activity status determinations for a TAB in any zone.</p> <p>It is the submitter's opinion that a TAB should be considered to be a Retail Sale similar to a Lotto shop and other shops because it sells directly to the public and does not require a fee as in the Professional and Personal Services activity and to correct any potential confusion, a TAB should be specifically listed within the definition of Retail Sales activity.</p> <p>The submitter understands that the Council seeks to minimise inclusion of names of individual operators within each activity definition as they may be subject to change at any time. However, they consider that the specific inclusion and naming of TAB's will not undermine this approach. This is because, the name TAB has been established by way of government legislation (Racing Act 2003); this Act also clearly defines that no other agency/business may undertake the activity of the TAB, so it is a unique activity, and it is unlikely to be readily changed. The submitter notes that the Proposed Plan sometimes names specific operations in the Plan's definitions as is seen with charity shops operated by Salvation Army, Habitat for Humanity, Red Cross (included in the definition of Community Services). The submitter considers that the naming of TAB's could follow a similar approach because the TAB is a unique government business.</p> <p>RELIEF SOUGHT: That the definition of "Retail Sales" be amended to specifically include a TAB (Totalisator Agency Board venue) so that it reads as follows:</p> <p>Means the direct sale or hire to the public from any site, and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment, <u>and includes a TAB (Totalisator Agency Board venue)</u> but excludes recreational activities, supermarkets and sale of motor vehicles.</p> <p>FS1.1 NZ Racing Board Support submission 14.2 Support the need to clarify which land use activity a TAB venue falls under,</p>	<p>It is considered that a Totalisator Agency Board ("TAB") would fall within the definition of "Personal and Professional Services" A TAB, is a sports betting agency and the people purchasing from TABs are using the services of a TAB. There is no exchange of goods in the purest sense.</p> <p>It is recommended in response to submission 3.2 above, that the definition of Professional and Personal Services being expanded to clarify what type of activities are encompassed by that term. Including reference to TABs within that definition should meet the submitter's concerns.</p> <p>See section 5 of this report for further discussion.</p> <p>RECOMMENDATION:</p> <p>Retain the definition of "Retail Sales" as notified.</p> <p>AND</p> <p>Amend the definition of "Professional and Personal Services" as recommended in response to submission 3.2 above.</p>
---------------------	--	---

	<p>and specifically include TAB within the definition of “Retail Sales”</p> <p>RELIEF SOUGHT: Support relief sought OR Include “sports betting agency” in the definition of “Retail sales”.</p>	
<p>81.11 Progressive Enterprises Ltd</p>	<p>Support definition of “Supermarket” in part</p> <p>The submitter suggests that the definition be expanded to encompass all services that are offered by supermarkets</p> <p>RELIEF SOUGHT: Amend definition of supermarket as follows: “Means a building with a trading or retail floor area, greater than 500m², providing mainly for the retailing of groceries and household goods of a minor nature, being organised on a predominantly self-service basis, where a comprehensive range of predominantly domestic supplies and convenience goods and services are sold for consumption or use off premises and includes lotto shops and pharmacies located within such premises and where liquor licences are held for each premises. Supermarkets are exempt from Local Alcohol Policy.”</p> <p>FS46.45 Leven Investment Ltd and others Support submission 81.11</p>	<p>Reject in part</p> <p>Supermarkets are not exempt from Local Alcohol Policy (LAP). Whilst some of the Invercargill City District falls within the auspices of the Invercargill Licensing Trust, there are areas that are not. As such, a supermarket could potentially be set up outside the Trust area, and still be subject to the LAP. The statement that Supermarkets are exempt from the LAP is not accurate or necessary.</p> <p>I believe that it is important to retain reference to the predominance of self-service. The supermarket is to predominantly provide for the self-service shopper, rather than as a warehouse for home deliveries.</p> <p>RECOMMENDATION: Amend definition of “supermarket” as follows: “Means a building with a trading or retail floor area , greater than 500m² providing mainly for the retailing of groceries and household goods of a minor nature, being organised on a predominantly self-service basis, where a comprehensive range of predominantly domestic supplies and convenience goods and services are sold on a predominantly self-service basis for consumption or use off premises and includes lotto shops and pharmacies located within such premises.”</p>
<p>14.3 NZ Racing Board</p>	<p>Support definition of “Tavern” in part</p> <p>The submitter suggests that the Proposed District Plan does not appear to recognise the presence of ancillary facilities in taverns including TABs. The</p>	<p>Reject</p> <p>The amendments sought by the submitter are unnecessary. These types of activities are covered by other definitions, such as the</p>

	<p>submitter provides examples of two premises, the Northern Tavern and the Waikiwi Tavern, in which TABs operate as ancillary activities, with a floor area of around 20-25% of the hose establishment.</p> <p>In the opinion of the submitter, it would be more accurate and helpful to users of the District Plan if the definition of Tavern is reworded to include a list of activities/facilities which are commonly part of a licensed premise's operation. The use of the term "ancillary" indicates that these facilities are to be secondary in all ways including floor area to the main activity of a tavern on any particular site.</p> <p>RELIEF SOUGHT: That the definition of a "Tavern" be amended to include reference to associated facilities so that it reads as follows:</p> <p>Means any premises licensed as such under the Sale of Liquor Act 2012 and used or intended to be used in the course of business principally for the provision to the public of liquor and other refreshments <u>and may include associated facilities such as a bottle store, bistro bar, and a TAB (Totalisator Agency Board venue).</u></p>	<p>definitions of retail sales, restaurant.</p> <p>RECOMMENDATION:</p> <p>Retain the definition of "Tavern" as notified within the Proposed District Plan.</p>
<p>26.4 NZ Defence Force</p>	<p>Support definition "Temporary Military Training Activities"</p> <p>The submitter supports the definition as it clearly provides for such activities in a manner consistent with the Defence Act 1990, as a separate activity to "temporary activities".</p> <p>RELIEF SOUGHT: Retain definition of "Temporary Military Training Activities" as notified</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>Retain definition of "Temporary Military Training Activities" as notified</p>
APPENDIX IX – SCHEDULE OF HEAVY INDUSTRIES		
<p>15.40 Ballance Agri- Nutrients Ltd</p>	<p>The submitter considers that the term "fertiliser works" is inconsistent with other language used within the schedule and is somewhat ambiguous, and notes that the terms "manufacture" and "storage" are used throughout the schedule and provide a more accurate description of activities.</p> <p>RELIEF SOUGHT: That Section Five – Appendix IX – Schedule of Heavy Industries be adopted</p>	<p>Accept</p> <p>The amendments sought by the submitter clarify the types of activities that fall within the term "fertiliser works" and would be consistent with the terminology used within Appendix IX.</p> <p>It should be noted that these types of activities will remain subject</p>

	<p>as notified with the exception of “fertiliser works”, which Balance seek to be amended to <u>“Fertiliser manufacture, processing and storage”</u>.</p>	<p>to the District Wide and other Zone Specific rules.</p> <p>RECOMMENDATION:</p> <p>Amend the Appendix IX Schedule of Heavy Industries as follows:</p> <p>“Fertiliser works <u>Fertiliser manufacture, processing and storage”</u></p>
<p>34.10 Silver Fern Farms Ltd</p>	<p>Support with amendment.</p> <p>The submitter explains that their operations encompass modern integrated slaughter and further processing facilities, far removed from the freezing works of old, and that a change in terminology would better reflect the operation.</p> <p>RELIEF SOUGHT: Retain inclusion of descriptors to include Silver Fern Farms activities in the appendix for the purpose of being included under the definition of Heavy Industrial and therefore a permitted activity in Industrial 3.</p> <p>However, change the terminology to better reflect modern operations. It is suggested that the terms “Abattoir and Slaughterhouse” and “Meat works – killing, freezing and packing” are replaced with <u>“Meat processing facility”</u>.</p> <p>FS10.1 Open Country Dairy Ltd Support in part submission 15.40 and 34.10 The further submitter supports the amendments to the Schedule of Heavy Industries sought in the submissions, along with inclusion of Dairy Processing. The further submitter considers that these activities fit within the definition of heavy industry</p> <p>RELIEF SOUGHT: Approve relief sought in submission 15.40 and 34.10 AND Include “Dairy Processing”</p>	<p>Accept</p> <p>It is considered that the term “meat processing facility” better encompasses the types of activities that are carried out within these sites.</p> <p>It should be noted that the activities that fall within this definition will also be subject to the District Wide and Zone Specific Rules.</p> <p>RECOMMENDATION:</p> <p>Delete reference to “Abattoirs and slaughterhouses” and “Meatworks – killing, freezing and packing” from Appendix IX and replace with: <u>“Meat Processing facility”</u></p>
<p>5.4 Alliance Group Limited</p>	<p>Definitions to add “Meat Processing Plant”</p> <p>The submitter considers that its activities (including the storage and/or treatment of waste) are defined as industrial activities in terms of the</p>	<p>Accept</p> <p>Including the term “Meat processing facility” as recommended in response to submission 34.10 above, it is considered appropriate</p>

	<p>proposed definitions. However with respect to the rules applicable to the industrial zones, the Plan specifies this as being either light or heavy industry. Appendix IX lists meatworks as being defined as heavy industry but limits this to killing, freezing and packing. The removal and treatment of by-products or waste from such activities is not included in this definition. Therefore, the submitter believes that arguably such activities are also non-complying in terms of the industrial provisions of the Plan.</p> <p>RELIEF SOUGHT: Insert a definition of “meat processing plant”:</p> <p><u>“Meat Processing Plant – means the slaughtering of animals and associated ancillary activities including the treatment and disposal of waste”</u></p> <p>FS6.8 Alliance Group Limited Comment The further submitter notes that it <i>“requested that amendment to the schedule of heavy industries has not been listed, as outlined in its original submission”</i></p>	<p>to define this term to aid the Plan User.</p> <p>RECOMMENDATION:</p> <p>Include the following definition in the Proposed District Plan: <u>“Meat processing facility means the slaughtering of animals and ancillary activities, which may include activities such as the freezing, and/or packing of meat and by-products and/or the treatment and disposal of waste.”</u></p>
<p>120.3 Open Country Dairy Ltd</p>	<p>The submitter considers that dairy processing should be included in the definition of Heavy Industry</p> <p>RELIEF SOUGHT: Amend Appendix IX to include Dairy Processing in the Schedule of Heavy Industries defined as permitted activities in the Industrial 3 (Large) Zone</p>	<p>Accept</p> <p>It is considered appropriate that Dairy Processing is included within the schedule of heavy industries. This type of activity is carried out within the Industrial 3 Zone currently.</p> <p>RECOMMENDATION:</p> <p>Include the term “Dairy Processing” within Appendix IX - Schedule of Heavy Industries.</p>

[THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]

APPENDIX 2 - RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN

(Underline indicates recommended additions, strikethrough indicates recommended deletions. Note that recommendations in other Section 42A reports may include amendments to definitions not shown in this Appendix.)

SECTION THREE- RULES

3.9 Infrastructure

Telecommunications and Radiocommunications Facilities

- (e) Notwithstanding the zone specific height rules, ~~No antennas attached to an existing building or structure shall~~ may extend above the building or structure no more than:
- (i) 5m in the Industrial 1, 1A, 2, 3, and 4 Zones and the Rural 1 and 2 zones; or
 - (ii) 3.5m in all other zones¹.

3.24 Business 2 (Suburban Shopping and Business) Zone

3.24.1 **Permitted Activities:** The following are permitted activities in the Business 2 Zone:

- (I) Light Industry, provided that no more than three people are employed on the site at any one time and that the minimum site area is one hectare.

3.25 Business 3 (Specialist Commercial) Zone

3.25.1 **Permitted Activities:** The following are permitted activities within the Business 3 Zone:

- (F) Light industry, provided that the minimum site area is one hectare

3.26 Business 4 (Neighbourhood Shop) Zone

3.26.1 **Permitted Activities:**

- (E) Light Industry, provided that no more than three people are employed on the site at any one time and that the minimum site area is one hectare

SECTION FOUR - DEFINITIONS

In this District Plan unless the context otherwise requires:

Access Lot: No change

Accessory Building: No change

Agriculture: Means the use of land or buildings for the rearing, breeding and keeping of animals and/or the growing and harvesting of crops including, but not limited to:

- (A) ~~Factory~~ Intensive farming of poultry, pigs and other species, and feedlots
- (B) Horticulture, hydroponics, seed production, viticulture and forestry

¹ Text shown in blue indicates changes recommended in Report No.19 Infrastructure

(C) Bee keeping
(D) The keeping and/or training of horses
together with associated activities, including shelter planting, amenity plantings, land disturbance, residences, storage buildings, the storage and use of fertiliser and disposal of waste produced on the site.

Agrichemicals: No change

Ahi kā: No change

Airnoise Boundary: No change

Aircraft Operations: No change

Airport Activities: No change.

Airport Service and Commercial Activity: No change

Allotment: No change

Aluminium Smelting: No change

Animal Boarding Activity: No change

Antenna: No change

Areas of Significant Indigenous Biodiversity: No change

Arterial Routes: No change

Bar: Means any premises which is used principally for the sale, supply or consumption of liquor on the premises and which has an on-licence under the ~~Sale of Liquor Act~~ Sale and Supply of Alcohol Act 2012.

Biodiversity: No change.

Borrow Pit: No change

Boundary: No change.

Boundary Adjustment: No change

Building: Shall have the same meaning as in sections 8 and 9 of the Building Act 2004, but does not include:

- (A) Fences or walls of two metres in height or less above ground level or retaining walls of two metres in height or less below ground level, not used for a sign or for any purpose other than as a fence, retaining wall or wall.
- (B) Structures less than 10 square metres in area and less than two metres in height above ground level.
- (C) Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2 metres in diameter), less than two metres in height above ground level.
- (D) Masts and poles less than two metres in height above ground level.
- (E) Clothes lines

Car Parking: No change.

Child Day Care activity: No change.

Cleanfill: No change.

Coastal Environment: No change

Code of Practice for Land Development and Infrastructure Bylaw: No change

Commercial Recreation Activity: No change.

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, movie theatres, night clubs, ~~video arcades~~ gaming centres 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 Communal Activity 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.

Community Service: No change.

Contaminated Land: No change

Conservatory: No change.

Construction Work: No change.

Contiguous Ownership: Means ownership of contiguous parcels of land that cannot be separately disposed of without ~~a consent to subdivide~~ Council approval. Land shall be regarded as contiguous with other land notwithstanding that it may be separated from the other land by a road, railway, drain, river or stream.

Council: No change.

Council's Reticulated Sewerage System: No change.

Coverage: No change.

Cross-Lease Subdivision: No change

Day Care Activity: No change

District Plan: No change.

Drive through facility: Means any land or building on or in which food and beverages are prepared, served and sold to the public for consumption off the premises and which are ordered and received while customers remain in their vehicles.

Earthworks: No change

Educational Activity: Means the use of land and buildings for the provision of regular instruction, teaching, learning or training at state, private or integrated facilities, together with any associated boarding activities, and includes ancillary administrative, recreational, cultural, car parking, and retail facilities and support facilities (including ancillary health, social and medical services). This includes, but is not limited to, any primary school, intermediate school, secondary school, kohanga reo, language schools, learning centre and tertiary education facility.

Educational Activity (Existing): No change

Environmental Advocacy: No change.

Environment Southland: No change.

Essential Services: No change.

Existing Ground Level: No change.

Extended runway centreline: No change.

Façade: No change.

~~**Factory Farming:** Means the use of buildings for the intensive production of livestock or vegetable matter which is not dependent on the fertility of the soils on the site.~~

Farm: No change.

Fee Simple Subdivision: No change.

Floor Area: No change.

Floor Level: No change.

Freight Depot: No change.

Gardening: No change.

Gross Site Area: No change.

Habilitation Centre: No change.

Habitable Rooms: No change.

Hazardous Substance: No change.

Healthcare Activity: No change.

Heavy Industry: No change.

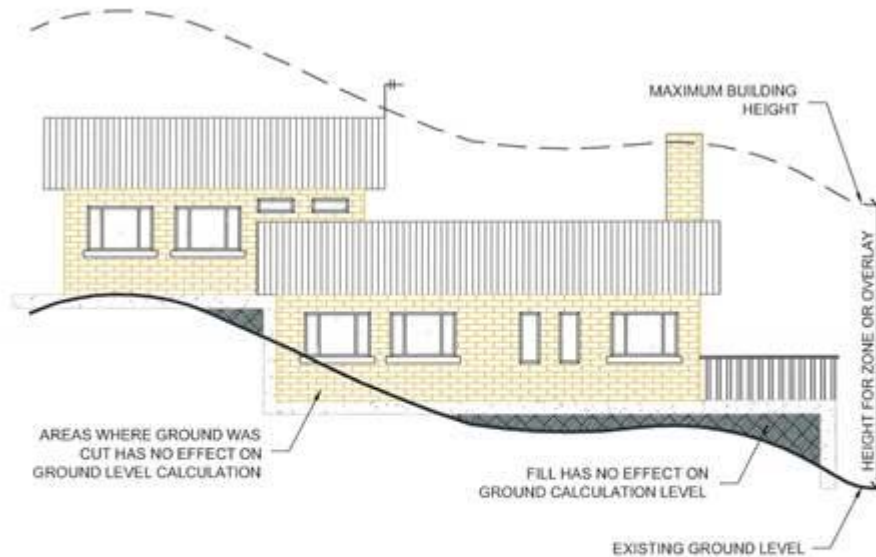
Height: Means the vertical distance between the existing ground level at the base of the building and:

- (A) The highest point of the ridge where the roof slope exceeds 35°; or
- (B) To the highest point of the parapet, or intersection of the wall and roof in the case of a flat or sloping roof less than 35° and other than a roof having a gable end; or
- (C) In the case of a roof with a slope of less than 35° and having a gable end, the mean

level between the intersection of the walls and roof and the highest points of the roof.

Provided that lightning rods, chimneys, ventilation shafts, water tanks, elevator lofts, steeples, towers, dormer windows and similar parts of a building may be excluded from the height calculations.

In determining height, the rolling height method shall be used:



ROLLING BUILDING HEIGHT IS MEASURED VERTICALLY ACROSS THE WHOLE SITE FROM EXISTING GROUND LEVEL TO THE MAXIMUM BUILDING HEIGHT FOR THAT ZONE.

ROLLING HEIGHT METHOD

Heritage: No change

Home Occupation: No change

Home Stay: No change.

Hospital Activity: No change.

Hours of Operation: No change.

ICC City Datum or City Datum: No change.

Industry: Means an activity involving land and/or buildings used for the manufacturing, repairing, engineering, fabricating, processing, packing or warehouse storing of products or material and includes but is not limited to contractors' yards and depots; Freight Depots; Vehicle Repair, Servicing and Storage; substations not provided for as infrastructure, and the transfer, storage and/or treatment of waste not otherwise defined.

Infrastructure: No change

Inner Control Boundary: No change.

Factory Intensive Farming: Means the use of buildings for the intensive production of livestock or vegetable matter which is not dependent on the fertility of the soils on the site.

Iwi: No change.

Kaitiaki: No change.

Kaitiakitanga: No change.

Kaupapa: No change

Kōiwi o Nga Tūpuna: No change.

Landfill: No change.

Landscape: No change.

Landscaping: No change.

Land Transport Facility: No change.

Large Scale Renewable Energy Generation and Distribution: No change.

Light Industrial Industry: Means any industry not listed in Appendix IX and which:
(A) ~~Which operates between the hours of 7.00 am to 10.00 pm and~~
(B) ~~Is situated on a site of less than one hectare~~

This includes any ancillary retail sales, any associated maintenance, any public display or tour operations within the land or premises, and associated offices and staff facilities.

Loading: No change.

Loading Facilities and Manoeuvring Spaces: No change.

Lux: No change.

Mahinga Kai: No change.

Main Glazing: No change

Main Living Area: No change.

Maintenance and Replacement: No change

Manawhenua: No change.

Marae Activity: No change

Mātauranga: No change.

Mauri: No change.

Mean Sea Level: No change.

Meat Processing Facility: Means the slaughtering of animals and ancillary activities, which include activities such as the freezing, and/or packing of meat and by-products and/or the treatment and disposal of waste

Medium Density Housing: No change.

Meteorological Facilities: No change.

Mineral Extraction: No change.

Motor vehicle sales: No change.

Murihiku: No change.

National Grid: No change.

Natural Character: No change.

Natural Feature: No change.

Net Site Area: In relation to a site, means the total area of the site less any area subject to a designation for any purpose, ~~and/or any area contained in the access to the site,~~ and/or any strip of land less than six metres in width.

Noise Sensitive Activities: No change

Non-Tracked Hazardous Substance: No change.

Normal Working Day: No change.

Northernmost Boundary: No change.

Notional Boundary: No change.

Nursery Activity: No change.

Office: No change.

Outer Control Boundary: No change.

Outline Development Plan: No change.

Papakāinga: No change.

Pedestrian Friendly Frontage: No change.

Permeable Surface: No change.

Plantation Forestry: No change.

Professional and Personal Services: Means any lawful service, including professional service offered to individuals in return for a fee and which may or may not require a qualification or certification of the provider. This includes, but is not limited to, business, government, professional or financial services, as well as activities providing services such as laundry or dry cleaning services, travel agencies, real estate agencies, shoe and clothing

repairs and alterations, hairdressers' premises, beauty salons and Totalisator Agency Boards.

Public Open Space: No change.

Radiocommunication Facility No change.

Rāhui: No change

Recreational Activity: No change.

Rehabilitation Plan: No change.

Renewable Energy: No change.

Reserve: No change.

Residence: No change.

Residential Activity: No change.

Residential Care Activity: No change.

Residential Zone: No change.

Restaurant: No change.

Retail Sales: Means the direct sale or hire to the public from any site, and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment, but excludes ~~recreational activities~~ supermarkets and ~~sale of motor vehicles~~ sales. Unless otherwise provided for, Retail Sales includes takeaway food premises, and nursery activities.

Retail Floor Space: No change.

Road: No change.

Roadside Sales Activity: No change.

Rohe: No change.

Rūnanga: No change.

Runway Centreline: No change.

Rural Servicing Activity: No change

Seaport Activities: No change.

Service Station: No change

Shelter Planting: No change.

Shopping Mall: No change.

Signage: No change.

Single Event Sound Exposure Boundary: No change.

Small and Community Scale Renewable Energy Generation and Distribution: No change.

Solid Waste: No change.

Specialist Facilities for Animal Husbandry: No change.

Statutory Acknowledgement: No change

Street Frontage: No change

Structures: No change.

Supermarkets: Means a building with a trading or retail floor area, greater than 500 square metres ~~providing mainly for the retailing of groceries, and household goods of a minor nature, being organised on a predominantly self-service basis where a comprehensive range of predominantly domestic supplies and convenience goods and services are sold on a predominantly self-service basis for consumption or use off premises and includes lotto shops and pharmacies located within such premises.~~ where a comprehensive range of predominantly domestic supplies and convenience goods and services are sold on a predominantly self-service basis for consumption or use off premises and includes lotto shops and pharmacies located within such premises.

Taiāpure: No change

Take-away food premises: No change.

Tangata Whenua: No change.

Taonga: No change.

Tapu: No change.

Tauranga Waka: No change.

Tavern: No change.

Telecommunication facility: No change.

Temporary Activities: No change.

Temporary Military Training Activity: No change.

Tikanga: No change.

Townscape: No change.

Tracked Hazardous Substance: No change.

Unit Title Subdivision: No change.

Upgrading: No change.

Urupa: No change.

Vehicle Access: No change.

Verandah: No change.

Veterinary Clinic: No change.

Visitor Accommodation: No change.

Warehousing Activity: No change.

Wāhi Tapu: No change.

Wāhi Taonga: No change

Wairua: No change

Wetland: Means permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. This definition excludes wet pastures where water temporarily ponds after rain, or pasture containing small patches of rushes (juncus species)

Yard: No change.

APPENDIX IX – SCHEDULE OF HEAVY INDUSTRIES

Abattoirs and slaughterhouses	Glass manufacture
Acetylene-gas manufacture	Gelatine manufacture
Acids manufacture	Glue manufacture
Aerosol packers and manufacture	Gunpowder manufacture
Aluminium alloy manufacture	Gypsum manufacture
Alkali-waste works	Hydrochloric acid manufacture
Ammonia manufacture	Incinerator works
Ammunition manufacture	Industrial chemicals manufacture
Animal by-products manufacture	Iron works and foundry
Asbestos manufacture	Lacquer manufacture
Asphalt manufacture	Lead works
Battery manufacture and recycling	Leather tanning
Bearing manufacture	Lime manufacture
Briquette manufacture	Linoleum manufacture
Bisuphide of carbon works	Lucerne dehydration
Boiler makers	Manure (artificial) manufacture
Boiler manufacture	Meatworks – killing, freezing and packing
	<u>Meat Processing Facility</u>
Boiling down works	Oil distillation and refining
Bone crushing	Oxygen – gas manufacture
Bulk storage of asphalt, tallow, industrial chemicals and scrap metal	Paint, varnish, lacquer etc. manufacture
Candle manufacture	Petroleum based products manufacture
Celluloid works	Plastics manufacture
Cement – packing bag, cleaning works	Pulp and paper manufacture
Cement manufacture	Pyridine works
Chemicals manufacture	Railway workshops
Chlorine works	Rubber goods manufacture
Coke manufacture	Sandblasting
	Sale Stock yards (commercial)

Concrete batching

Dairy Processing

Detergent manufacture

Distillation of coal, wood and bones

Explosive manufacture and storage

Fat rendering

Fellmongering

~~Fertiliser works~~

Fertiliser manufacture, processing and storage

Fibreglass manufacture

Fibrous plaster manufacture

Fireworks manufacture and storage

Fire clay products manufacture

Fish curing and preserving

Fluorine works

Foundry

Fuel oil refining

Fur curing and tanning

Smelting metals (all types)

Soap manufacture

Steel works

Stone and mineral crushing

Sulphur-chloride manufacture

Sulphur-dioxide manufacture

Tallow- melting and refining

Tanning and curing of hides and skins

Tar manufacture, refining, mixing

Timber treatment

Turpentine manufacture

Varnish manufacture

White lead manufacture

Wool scouring

Zinc chloride manufacture

Zinc works