

# SECTION THREE

## RULES

### INTRODUCTION

The Rules of the District Plan have been developed as a method of implementation where it is considered a regulatory approach is necessary to avoid, remedy, or mitigate adverse effects. The Rules have been divided into two sections, the District Wide Rules and the Zone Rules. The District Wide Rules apply throughout the District and should be considered for all activities. The Zone Rules recognise that there are different environments and amenity values that make up the District and only apply to the Zone in which the activity is located. Within the Rule Section notes are also provided where further clarification is considered necessary or there is a particular issue that must be considered.

An activity must be assessed against all of the District Wide Rules and the Zone Rules which apply to the site. In addition to the Rules, regard must also be given to all of the District Wide Objectives and Policies and the Zone Objectives and Policies specific to the site where the activity is occurring. The Objectives and Policies are set out in Section Two of the District Plan.

## DISTRICT WIDE RULES

### 3.1 BIODIVERSITY

- 3.1.1 (A) The following are permitted activities for all indigenous vegetation and areas of significant indigenous biodiversity:
- (a) Maintenance and/or restoration planting within areas of indigenous biodiversity.
  - (b) Trimming or clearance of diseased, dead or damaged indigenous vegetation, where this is necessary to avoid adverse effects on remaining indigenous vegetation or to avoid risk to buildings, structures and/or human life.
  - (c) Clearance of pest plants as identified in the Regional Pest Management Strategy for Southland or any replacement plan prepared under the Biosecurity Act 1993.
  - (d) Trimming or clearance of indigenous vegetation that encroaches into the Airport Approach and Land Use Controls as identified in the District Planning Maps.
  - (e) Trimming or clearance of indigenous vegetation where required for the safe operation or maintenance of the National Grid or to remove a potential fire risk associated with the National Grid.
- (B) Rule 3.1.1(A) overrides Rules 3.1.2 – 3.1.13.

## Indigenous Biodiversity

**3.1.2** Rules 3.1.3 – 3.1.7 apply to indigenous vegetation that is not identified as being within an area of significant indigenous biodiversity on the Planning Maps.

**3.1.3** Clearance of indigenous vegetation is a permitted activity:

- (A) On and within 2 metres of formed roadways, where this is required to maintain road safety;
- (B) On and within 2 metres of formed vehicle access ways and existing vehicle tracks, where this is required to enable use by vehicles (including emergency vehicles where necessary);
- (C)
  - (a) Within 2.5 metres of structures and lines associated with network utility services, where required for the safe operation or maintenance of, or to avoid damage to, or to remove a potential fire risk associated with, such structures and lines;
  - (b) Where required for the construction (including associated trenches and earthworks) of the following structures and lines associated with network utility services:
    - (i) new electricity lines up to (and including) 110kV and their support structures; and
    - (ii) ground-mounted electricity substations that do not exceed six square metres in area or two metres in height.
- (D) Within 2 metres of open drains, where this is required in order to undertake maintenance of the drain;
- (E) Within 1 metre of boundary fences, where this is required to avoid damage to the fence;
- (F) On and within 0.5 metres of formed public walking tracks, where such removal or felling is required to enable safe passage by people; and
- (G) Within 1 metre of buildings and other structures, where such removal or felling is required to avoid damage to such buildings and structures.

**3.1.4** Clearance of indigenous vegetation is a permitted activity where the clearance is:

- (A) of indigenous vegetation that was been deliberately planted
  - (a) within a domestic or public garden,
  - (b) for amenity purposes,
  - (c) for the use of screening / shelter belt purposes (such as farm hedgerows), or
  - (d) for the purpose of commercial harvest; or
- (B) of indigenous vegetation that has grown naturally since 2006\* on land lawfully cleared of indigenous vegetation; or

**3.1.5** The clearance of indigenous vegetation in the Coastal Environment, and/or areas of Outstanding Natural Features and Landscape (other than provided for in rules 3.1.3 and 3.1.4), is a permitted activity where:

- (A) the clearance of indigenous vegetation less than 500m<sup>2</sup> within any site over any 5 year period; and
- (B) the clearance of indigenous vegetation is more than 10m from a wetland or river; or
- (C) for the purpose of the construction, maintenance and operation of a river crossing, the clearance of indigenous vegetation is within 10m of a river, provided that there is no more than 20 linear metres of clearance.

**3.1.6** The clearance of indigenous vegetation in areas outside the Coastal Environment and/or areas of Outstanding Natural Features and Landscapes (other than provided for in rules 3.1.3 and 3.1.4), is a permitted activity where:

- (A) the clearance of indigenous vegetation less than 1,000m<sup>2</sup> within any site over any 5 year period; and
- (B) the clearance of indigenous vegetation is more than 10m from a wetland or river; or
- (C) for the purpose of the construction, maintenance and operation of a river crossing, the clearance of indigenous vegetation is within 10m of a river, provided that there is no more than 20 linear metres of clearance.

**3.1.7** Where clearance does not meet Rules 3.1.3 - 3.1.6, clearance of indigenous vegetation, is a restricted discretionary activity.

The matters over which Council shall exercise its discretion are:

- (A) Whether the vegetation proposed to be cleared meets the criteria set out 2.3.3 Policy 1.
- (B) Where the vegetation meets the criteria in 2.3.3 Policy 1, how the proposed clearance has considered the avoidance of adverse effects on the significant indigenous biodiversity values.
- (C) The degree to which the clearance will affect biological diversity throughout the district.
- (D) Whether the indigenous vegetation contributes to an important ecological function (such as an ecological corridor) and the degree to which this function will be compromised by the proposed clearance.
- (E) The quantity of indigenous vegetation to be cleared and reason for the removal.
- (F) Where the clearance is within the Coastal Environment, how the proposed clearance has considered the avoidance of significant adverse effects on the Natural Character of the Coastal Environment.

- (G) Where the clearance is within an Outstanding Natural Feature or Landscape, whether the vegetation proposed to be cleared contributes to the Outstanding Natural Feature or Landscape values and the degree to which the proposed clearance would compromise these values.
- (H) Any potential for mitigation or offsetting of effects on ecosystems and biodiversity values.
- (I) Any technical and operational constraints and route, site and method selection process.
- (J) The benefits that the activity provides to the local community and beyond.

### **Areas of Significant Indigenous Biodiversity**

**3.1.8** Rules 3.1.9 – 3.1.13 apply to areas of significant indigenous biodiversity identified on the Planning Maps.

**3.1.9** Trimming vegetation is a permitted activity:

- (A) On and within 2 metres of formed roadways, where such trimming is required to maintain road safety.
- (B) On and within 2 metres of formed vehicle access ways and vehicle tracks, where such trimming is required to enable use by vehicles (including emergency vehicles where necessary).
- (C) Within 2.5 metres of structures and lines associated with network utility services, where such trimming is required for the safe operation or maintenance of such structures and lines or to avoid damage to such structures and lines or to remove a potential fire risk related to such structures and lines.
- (D) Within 2 metres of open drains, where such trimming is required in order to undertake maintenance of the drain.
- (E) Within 1 metre of boundary fences, where such trimming is required to avoid damage to the fence.
- (F) On and within 0.5 metres of formed public walking tracks, where such trimming is required to enable safe passage by people.
- (G) Within 1 metre of buildings and other structures, where such trimming is required to avoid damage to such buildings and structures.

Provided that trimming shall relate to the removal of parts of trees for reasons as set out above, while retaining the biological viability of the vegetation association.

**3.1.10** The clearance of vegetation is a controlled activity:

- (A) On and within 2 metres of formed roadways, where such removal or felling is required to maintain road safety.

- (B) On and within 2 metres of formed vehicle access ways and vehicle tracks, where such removal or felling is required to enable use by vehicles (including emergency vehicles where necessary).
- (C) Within 2.5 metres of structures and lines associated with network utility services, where such clearance is required for the safe operation or maintenance of such structures and lines or to avoid damage to such structures and lines or to remove a potential fire risk related to such structures and lines.
- (D) Within 2 metres of open drains, where such removal or felling is required in order to undertake maintenance of the drain.
- (E) Within 1 metre of boundary fences, where such removal or felling is required to avoid damage to the fence.
- (F) On and within 0.5 metres of formed public walking tracks, where such removal or felling is required to enable safe passage by people.
- (G) Within 1 metre of buildings and other structures, where such removal or felling is required to avoid damage to such buildings and structures.

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

- (A) Replanting; and
- (B) Disposal of trees and vegetation; and
- (C) Visual, landscape, and ecological effects

**3.1.11** It is a discretionary activity to:

- (A) Construct any road, driveway or other such access way that is intended to be used by motorised vehicles.
- (B) Construct lines and structures associated with network utility services (including associated trenches and earthworks) involving the trimming or clearance of any indigenous biodiversity or parts thereof, including of any branches or roots, within the drip line of the vegetation.

**3.1.12** It is a non-complying activity (other than as provided for in Rules 3.1.1, 3.1.9, 3.1.10 and 3.1.11), to:

- (A) Remove any live indigenous vegetation, or alter vegetation or habitat in a manner that destroys the biological viability of that significant indigenous vegetation or significant habitat.
- (B) Erect any building or other structure.
- (C) Plant exotic woodlots and commercial forestry.
- (D) Carry out earthworks.

**3.1.13** Applications under Rules 3.1.11 and 3.1.12 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Whether the affected indigenous biodiversity is one of the four priorities specified in the Statement of National Priorities for Protecting Rare and Threatened Indigenous Biodiversity on Private Land (MfE, 2007).
- (B) Whether the affected indigenous biodiversity is considered as threatened, at risk or rare in any official region wide schedule.
- (C) The quantity of vegetation to be cleared and the reason for the removal.
- (D) The degree of modification or damage that will occur to the areas of significant indigenous biodiversity.
- (E) The alternative options considered to avoid adverse effects on the significant indigenous biodiversity area and its values.
- (F) The effect on the overall ecological integrity and biological diversity and functioning of the area of significant indigenous biodiversity.
- (G) The proximity of the area affected by the proposal to riparian margins and wetland.
- (H) Methods proposed to avoid, remedy or mitigate adverse effects including:
  - (a) Soil and water conservation measures.
  - (b) Animal and plant pest control.
  - (c) Stock control measures.
- (I) The treatment of the area surrounding any clearances created so that vegetation within the adjoining area of significant indigenous biodiversity is not adversely affected.
- (J) Any proposals to compensate for or offset loss of indigenous biodiversity including setting aside equivalent areas (equal to or greater in terms of the extent of vegetation lost) of indigenous biodiversity elsewhere for protection.
- (K) Any landscape or amenity related values of the land (including contribution to natural character).
- (L) The role the affected land plays in ecosystem services (including natural hazard mitigation).
- (M) The value of the affected land to tangata whenua and the effects of the activity on cultural values, associated with lands, water, sites, wāhi tapu and wāhi taonga.
- (N) The social, cultural, and/or recreation effects of the proposal.
- (O) Where the subject property has been involved in any previous assessment processes, the outcome of such assessments.

(P) Whether the affected indigenous biodiversity has ecological value due to its location and functioning in relation to its surroundings. For example, an area may be ecologically significant because of its connections to a neighbouring area, or as part of a network of areas of fauna habitat, or as a buffer.

(Q) The economic costs and benefits of the activity for which consent is sought.

\* **Note:** 2006 has been selected as the date for the purposes of 3.1.4 (B) due to the availability of aerial photography for the District.

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## **3.2 COASTAL ENVIRONMENT**

**3.2.1** Where the need for resource consent is triggered by another provision in this Plan, and the development is within the Coastal Environment as delineated on the District Planning Maps, then it is necessary to address issues that pertain to the coastal environment in the Assessment of Environmental Effects.

Attention is drawn to Section 2.4 - Coastal Environment of this Plan, which sets out the Council's Objectives and Policies in relation to the Coastal Environment.

## **3.3 CONTAMINATED LAND**

**3.3.1** **Note:** All activities, including removing or replacing a fuel tank, soil sampling, soil disturbance, subdivision or change in land use, undertaken on a "piece of land", are required under the RMA to comply with the requirements of Clause 8 of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 contained in Appendix XII. The National Environmental Standard sets out what can be undertaken as a permitted activity and where resource consent will be required.

Where the need for resource consent is triggered by the National Environmental Standard, any relevant matters should be addressed in the Assessment of Effects.

## **3.4 DEMOLITION OR REMOVAL ACTIVITIES**

**3.4.1** Unless Section 3.8 Heritage applies, it is a permitted activity to demolish or remove all buildings and structures with an area of less than:

- (A) 80 square metres in the Residential 1, Residential 1A, Residential 2, Residential 3 and Otatara Zones.
- (B) 1,000 square metres in the Smelter Zone.
- (C) 120 square metres in other Zones.

**3.4.2** Unless Section 3.8 Heritage applies, it is a controlled activity to demolish or remove buildings and structures with an area of:

- (A) 80 square metres or more in the Residential 1, Residential 1A, Residential 2, Residential 3 and Otatara Zones.
- (B) 1,000 square metres or more in the Smelter Zone.
- (C) 120 square metres or more in other Zones.

The matters over which the Council shall exercise control are:

- (A) Screening mechanisms if needed.

- (B) Mitigation of the effects of any earthworks undertaken in association with the demolition.
- (C) Site rehabilitation.
- (D) The imposition of a bond to ensure the completion of rehabilitation, including any necessary remedial work to infrastructure damaged or affected as a result of the demolition or removal activity. The value of the bond shall be calculated at up to 1.5 times the value of the work required to rehabilitate the site.
- (E) The ability to either recycle or to dispose of waste materials in an environmentally responsible manner.
- (F) The time needed to complete the demolition or removal.
- (G) The methods proposed for demolition and disposal or removal.

**3.4.3** **Note:** Reference should be made to Section 3.8 Heritage of this Plan for Rules relating to the activity status of demolition or removal activities of heritage buildings.

## **3.6 ENERGY**

**3.6.1** Any activity associated with the investigation into renewable energy generation is a permitted activity, provided that such activities comply with all other Rules and standards in this Plan.

**3.6.2** Small and community-scale renewable energy generation with an installed electricity generation capacity of up to 20 kilowatts (kW) is a permitted activity provided that:

- (A) The energy generation facility is not located:
  - (a) In an area of significant indigenous biodiversity identified on the District Planning Maps
  - (b) On the site of an identified building, structure, place or area identified in Appendix II – Sites of Heritage Value in this District Plan, or
  - (c) Within an outstanding natural feature or landscape identified on the District Planning Maps.
- (B) No more than three wind electricity generation turbines or masts are located on any site.

**3.6.3** Any activity associated with the investigation, development and operation of renewable energy generation in the Industrial 4 Zone is a permitted activity.

- 3.6.4** The following activities are discretionary activities:
- (A) Small and community-scale renewable energy generation that does not comply with Rules 3.6.2 or 3.6.3 above.
  - (B) Any activity associated with the investigation, development and operation of non-renewable energy generation in the Industrial 4 Zone.
- 3.6.5** The following activities are non-complying activities:
- (A) Any activity associated with the investigation into the development of non-renewable energy generation, except as provided for in Rule 3.6.4(B) above.
  - (B) Any energy generation activity not provided for in Rules 3.6.1 to 3.6.5(A) above is a non-complying activity.
- 3.6.6** Applications under Rules 3.6.4 and 3.6.5 above shall address the following matters, which will be among those taken into account by the Council:
- (A) Any adverse effects on:
    - (a) The natural character of the coastal environment, wetlands, lakes and rivers and their margins.
    - (b) The protection of outstanding natural features and landscapes.
    - (c) Indigenous biodiversity.
    - (d) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.
    - (e) The safe and efficient movement of traffic.
    - (f) Amenity values of any surrounding commercial, residential or rural areas and/or activities.
    - (g) The safety and integrity of any high pressure gas line, high voltage electricity line or other significant network utility, infrastructure or service.
    - (h) Heritage.
    - (i) Any significant geological or archaeological values.
    - (j) The visual character and amenity of the area, including:
      - (1) The extent to which the proposal will adversely impact on residences, key public places including roads, and recreation areas.
      - (2) The proximity of the proposal to any significant ridgelines.

- (3) The visibility of the proposal with particular regard to any highly visible landscapes.
- (4) Glare and light flicker.
- (B) The nature and location of the energy source.
- (C) Logistical or technical practicalities associated with developing, operating or maintaining the proposed electricity generation activity.
- (D) The nature and location of existing electricity generation activities.
- (E) Any effects of connecting to existing infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities and the local electricity distribution network.
- (F) Effects of any associated earthworks.
- (G) Any adverse effects on communities and the environment through the ongoing operation and subsequent closure of energy facilities.
- (H) The ability to connect to existing National Grid transmission lines.
- (I) The need for feasibility and effects of providing additional lines/connections to the National Grid including substations.

## **3.7 HAZARDOUS SUBSTANCES**

**3.7.1** The following activities are permitted activities:

- (A) The storage and use of agrichemicals on farms over four hectares, in accordance with NZS 8409: 2004 Management of Agrichemicals.
- (B) The storage and use of Class 3 fuels on farms over four hectares in accordance with the Environmental Protection Agency's Approved Practice Guide for Above Ground Fuel Storage on Farms, January 2012 EPA 0135.
- (C) The storage and use of fertiliser within the Group 4: Rural and Airport Protection Zones and Group 6: Seaport 1 Zone in accordance with the:
  - (a) Fertiliser (Corrosive) Group Standard HSR002569; and
  - (b) Fertiliser (Oxidising) Group Standard HSR002570; and
  - (c) Fertiliser (Subsidiary Hazard) Group Standard HSR002571; and
  - (d) Fertiliser (Toxic) Group Standard HSR002572, and
  - (e) Code of Practice for Nutrient Management.
- (D) The storage and use of transformer cooling oils in electricity transformers.
- (E) The transit and two hour storage maximum of tracked hazardous substances, and the transit and 72 hour storage maximum of non-tracked hazardous substances within the Smelter, Seaport 1,

Seaport 2, Industrial 2, Industrial 3 and Industrial 4 Zones. Where this involves the transit and storage of anhydrous ammonia and chlorine gas, an emergency management plan must be supplied to the Council in advance.

- (F) The storage of hazardous substances (excluding fixed installations) within the Seaport 1 and Seaport 2 Zones with either a Hazardous Substance Location Certificate or Transit Depot Certificate issued pursuant to the Hazardous Substances (Classes 1 to 5) Regulations 2001 and for Classes 6, 8, 9 in compliance with the Hazardous Substances and New Organisms Act 1996.
- (G) The storage of sub-class 3.1A-D liquid petroleum fuels (as listed in Schedules 1 to 6 of the Hazardous Substances (Classification) Regulations 2001) in underground storage.
- (H) The following quantity of HSNO Class 2.1.1A LPG in single vessel storage tanks, or in multiple vessel storage cylinders up to a maximum size of 45kg per cylinder, is permitted at service stations selling fuel and associated products, subject to meeting all relevant requirements of HSNO 1996:  
Seaport 1 and Smelter Zones: No limit  
All other Zones: 540kg
- (I) Unless provided for by Rules 3.7.1 (A) - (H) above, the manufacture, storage, use and management of hazardous substances not exceeding the quantity limits and other requirements stipulated in Appendix VII Hazardous Substances.

**3.7.2** It is a discretionary activity to store, use and/or manage hazardous substances other than as provided for by Rule 3.7.1 above.

**3.7.3** Applications under Rule 3.7.2 shall address the following matters, which will be among those taken into account by the Council:

- (A) The site management plan and emergency response plan.
- (B) The nature and size of the development or activity.
- (C) The nature of the hazardous substance.
- (D) Ability to comply with the HSNO Act 1996.
- (E) Location of the site or sub-facility with respect to population, services, schools, emergency services, hospitals and arterial routes.
- (F) Location and design of storage tanks and associated containment areas.
- (G) Ability to transport the hazardous substance to, and from the facility in a safe and secure manner.
- (H) Consequences to people, infrastructure and the environment of any failure, escape or activation of the hazardous substance and any emergency management plan.

- (I) The cumulative effects on people, infrastructure and the environment arising from storing, using and managing hazardous substances.
- (J) Consideration of alternative locations and methods of disposing of, storing, or using hazardous substances.
- (K) Whether mitigation measures are appropriate, reliable and able to be adequately monitored.
- (L) Drainage of the area.
- (M) The long term performance and management requirements of protective or mitigation measures.
- (N) The potential risks of natural hazards on the site and how the applicant has addressed matters relating to natural hazards which may affect the suitability of the site for the proposed activity.
- (O) Industry codes of practice and other procedures which may be used to assess activities involving hazardous substances.

### **3.8 HERITAGE**

**3.8.1** Rule 3.8 applies to any building, structure, place or area identified in Appendix II – Heritage Record in this District Plan.

**3.8.2** Repair and maintenance to preserve the integrity of historic buildings and structures is a permitted activity provided that such work is undertaken using the same type of material to that originally used, and must retain the original design, form and texture of the feature under repair.

**3.8.3** Any alteration and/or addition to any building listed in Appendix II.3 Sites of Local Significance that does not affect the façade of the building is a permitted activity.

**3.8.4** In relation to buildings listed in Appendix II:3 Sites of Local Significance the following activities are restricted discretionary activities:

- (A) Any alteration or addition to the façade.
- (B) Any signage attached to the façade.

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

- (A) The classification of the buildings.
- (B) Any effects on the façade of the building.
- (C) Any design guidelines pertaining to the area.
- (D) Screening mechanisms if needed.
- (E) Mitigation of effects of any earthworks undertaken in association with the demolition or alterations.

- (F) Site rehabilitation.
- (G) The imposition of a bond (if required) to ensure the completion of rehabilitation. The value of the bond shall be calculated at up to 1.5 times the value of the work required to complete rehabilitation of the site.
- (H) Potential for the reuse and/or recycling of any material or heritage features from the historic building.
- (I) The creation and maintenance of a record of heritage features of the building on its original site (e.g. photos of existing vistas for public record of the history of the site).
- (J) Potential impact on the structural integrity of adjoining buildings and structures.
- (K) Any proposals to strengthen the structural integrity and heritage value of the building's façade, including the benefits of alterations for the purpose of implementing Building Code upgrades for seismic, fire and access purposes.
- (L) Any proposals to strengthen or replace high risk elements, such as parapets, façade decoration and chimneys, with high quality light weight material.

**3.8.5** Within Zones other than the Hospital Zone, the construction of a new building on land held in the same Certificate of Title of a building listed in Appendix II:2 is a restricted discretionary activity where that new building is located within 50 metres of the building listed in Appendix II:2.

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

- (A) The proximity of the new building to the building listed in Appendix II:2.
- (B) The scale, design and appearance of the new building.
- (C) The manner in which land within the curtilage of each building is to be developed and used.

**3.8.6** The relocation or demolition of any building listed in Appendix II:3 Sites of Local Significance other than listed in Rule 3.8.3 and 3.8.4 above, is a discretionary activity.

**3.8.7** Any alteration, addition, removal and/or demolition of, and/or the attaching of any signage to, any item listed in Appendix II.4 Street Furniture and/or Appendix II.5 War Memorials/Relics is a discretionary activity.

**3.8.8** Any alteration, addition and/or the attaching of any signage to any building, structure or place listed in Appendix II.2 Sites Registered by Heritage New Zealand Pouhere Taonga is a discretionary activity.

**3.8.9** The relocation or demolition of any building or structure listed in Appendix II.2 Sites Registered by Heritage New Zealand Pouhere Taonga is a non-complying activity.

**3.8.10** Applications under Rules 3.8.6 - 3.8.9 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The extent to which the heritage values including the design of any buildings and the context of Heritage are likely to be retained, protected and/or enhanced.
  - (B) Whether the activity is likely to have cumulative adverse effects on heritage values.
  - (C) In the case of relocation of a heritage building, measures that may be necessary to protect the fabric of the building during relocation.
  - (D) Potential for the re-use and/or recycling of any material or heritage features from the historic building.
  - (E) Consideration of any relevant Invercargill City Council heritage design guidelines.
  - (F) The extent and effect of any earthworks, tunnelling, digging, vibration or excavation that may destabilise the site, structure, place or area.
  - (G) The results of consultation undertaken including any written advice obtained as follows:
    - (a) In the case of the site having identified tangata whenua values, comment from the relevant iwi.
    - (b) Any recommendations of Heritage New Zealand Pouhere Taonga, and the New Zealand Archaeological Association File Keeper.
    - (c) Where the site history indicates that there may be historical artefacts or other physical remains, any advice obtained from a suitably qualified and experienced archaeologist.
- Note:** All advice obtained is to be provided to the Council with the resource consent application.
- (H) The reasons for the proposed activity and reasons why alternative less adverse options for achieving the same or similar outcome have been discounted. For clarification, reasons for discounting alternative options can include amongst other matters financial cost, natural hazards, safety and technical feasibility.
  - (I) The creation and maintenance of a record of heritage features of the building on its original site (e.g. photos of existing vistas for public record of the history of the site).
  - (J) Any proposals to strengthen the structural integrity and heritage value of the building, including the benefits of alterations for the purpose of implementing Building Code upgrades for seismic, fire and access purposes.



- (K) Any proposals to strengthen or replace high risk elements, such as parapets, façade decoration and chimneys, with high quality light weight material.
- (L) The extent to which the proposed alterations, additions to or demolition of a listed heritage building have been informed by the advice of qualified professionals such as conservation architects, heritage consultants, engineers and quantity surveyors as appropriate. Such advice should include a thorough analysis of the alternative options available and the extent of professional advice obtained and should be proportional to the scale and intensity of the effects of the works being undertaken.

**Note:** The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of a recorded, suspected or unrecorded archaeological site without the prior authority of Heritage New Zealand. Before commencing any activity that may affect an archaeological site, an authority from Heritage New Zealand must be obtained.

## 3.9 UTILITIES

### General

**3.9.1** Utilities are a permitted activity subject to the standards set out in 3.9.2 - 3.9.22 below.

**Note 1:** *The development, operation, maintenance, upgrading and replacement of infrastructure is provided for in the Invercargill City Council Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure and may require authorisation pursuant to that bylaw. Infrastructure intended to be vested in Council ownership unless otherwise approved is required to be designed and constructed to meet the requirements of the Bylaw.*

**Note 2:** *Works undertaken within the legal boundaries of State Highways and other roads require the written approval of the NZ Transport Agency and the Invercargill City Council respectively.*

### Maintenance

**3.9.2** The operation, maintenance, and replacement, and upgrading of existing utilities is a permitted activity and is not required to comply with any other Rules or standards in this Plan.

### Extensions

**3.9.3** Any extension to

- (A) the Council's reticulated water system outside the Water Supply Area shown in Appendix XI is a non-complying activity, other than in the Industrial 4 Zone; and/or
- (B) the Council's reticulated sewerage system to properties that do not have

a Certificate of Title boundary within the Sewerage Reticulation Area shown in Appendix XI is a non-complying activity within the Otatara and Rural Zones

### **National Grid Yard**

**3.9.4** The following buildings and structures are permitted within the National Grid Yard, provided these comply with the safe electrical clearance distances set out in the New Zealand Code of Practice for Electrical Safe Distances (NZECP34:2001) and provided those in (C) to (H) are located at least 12 metres from the outer visible foundation of a National Grid Transmission Line Support Structure:

- (A) Network utilities (other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes) undertaken by a network utility operator as defined in Section 166 of the Resource Management Act 1991 or any part of electricity infrastructure that connects to the National Grid
- (B) Fences no more than 2.5 metres in height and located more than 5 metres from the outer visible foundation of a National Grid transmission line support structure.
- (C) Any new non-habitable building less than 2.5 metres high and 10 square metres in floor area
- (D) Non-habitable buildings or structures used for agricultural activities provided they are not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), wintering barn, or building for intensive farming activities (excluding animal feed lots), or a commercial greenhouse.
- (E) Mobile irrigation equipment used for agricultural activities
- (F) Other than reticulation and storage of water in dams or reservoirs in rule 3.9.5(C), reticulation and storage of water for irrigation purposes provided that it does not permanently physically obstruct existing vehicular access to a National Grid support structure.
- (G) Alterations and extensions to existing buildings
  - (a) where the alterations or extensions are not within the National Grid Yard; or
  - (b) where the alterations do not increase the existing building envelope
- (H) Public signs required by law or provided by any statutory body in accordance with its powers under any law.

**3.9.5** The following activities are non-complying within the National Grid Yard

- (A) Any new building or structure, or addition to any building or structure, not permitted by Rule 3.9.4;

- (B) Any change of use to a National Grid Sensitive activity, or the establishment of a new National Grid Sensitive activity;
- (C) Reticulation and storage of water in dams or reservoirs, or for irrigation purposes if it permanently physically obstructs existing vehicular access to a National Grid support structure.

**Note:** The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) contains restrictions on the location of structures and activities in relation to the lines and needs to be met. Compliance with the permitted activity standards of the Plan does not ensure compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001).

**Note:** Vegetation to be planted within the National Grid Yard should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

**3.9.6** Applications under Rule 3.9.5 shall address the following matters, which will be among those taken into account by the Council:

- (A) The location, height, scale, orientation and use of buildings and structures.
- (B) Any effects on the integrity of the transmission line.
- (C) The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network.
- (D) The risk of electrical hazards affecting public or individual safety and risk of property damage.
- (E) The use of mobile machinery near transmission lines which may put the line at risk.

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- (F) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001).
- (G) Whether the written approval of the relevant line owner has been supplied.
- (H) If the proposed utility is to be located in land identified on the District Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.
- (I) The functional need of the utility to be located in the area and built in the manner proposed.

### **Electricity lines**

**3.9.7** It is a permitted activity to operate, maintain, upgrade, relocate, or remove an existing transmission line, including any of the following activities that relate to those things:

- (A) A construction activity.
- (B) A use of land.
- (C) An activity relating to an access track to an existing transmission line.
- (D) Undergrounding an existing transmission line.

Subject to the provisions of the National Environmental Standards for Electricity Transmission Activities (refer to Appendix XIV).

**3.9.8** It is a permitted activity to erect new electricity lines up to (and including) 110kV in all Zones of the District, subject to the following standards:

- (A) Other than where existing support structures are used, new lines are to be located underground in the Residential 1, 1A, 2 and 3, Business 1, 2, 3, 4 and 6, Industrial 1 and 2, Otatara and Hospital Zones.
- (B) Any lines crossing a navigable water body are located more than 10 metres above the level of the water body.

**3.9.9** For the purposes of Rule 3.9.8 above, lines supported on poles are exempt from the height and recession plane standards of the Plan.

**3.9.10** It is a restricted discretionary activity to erect any electricity lines up to (and including) 110kV that do not comply with Rules 3.9.7 and 3.9.8 above and/or any applicable District Wide Rule and/or Zone standard.

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

- (A) The effect of the proposed electricity lines and associated structures on the amenities of the immediate neighbourhood.
- (B) If the proposed infrastructure is to be located in land identified on the District Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.
- (C) The functional need of the infrastructure to be located in the area and built in the manner proposed.

**3.9.11** Except in the Smelter Zone and provided for in Rule 3.9.8, it is a discretionary activity to erect electricity lines greater than 110kV.

**3.9.12** Applications under Rule 3.9.11 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The effect of the proposed electricity lines and associated structures on the amenities of the immediate neighbourhood.
- (B) If the proposed infrastructure is to be located in land identified on the District Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.
- (C) The functional need of the infrastructure to be located in the area and built in the manner proposed.

### **Electricity Substations**

**3.9.13** It is a permitted activity to erect ground-mounted electricity substations in the Rural, Seaport 1 and 2, Industrial 2, 2A, 3 and 4, and Smelter Zones.

**3.9.14** Other than provided for in Rule 3.9.13, it is a permitted activity to erect ground-mounted electricity substations in any other Zone, provided that no ground-mounted structure exceeds six square metres in area or two metres in height.

**3.9.15** No pole mounted structure shall exceed a volume of 0.6m<sup>3</sup>.

**3.9.16** It is a discretionary activity to erect any electricity substation that does not comply with any part of Rules 3.9.13 to 3.9.15 above.

**3.9.17** Applications under Rule 3.9.16 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The effect of the proposed substation on the amenities of the immediate neighbourhood.

- (B) If the proposed infrastructure is to be located in land identified on the District Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.
- (C) The functional need of the infrastructure to be located in the area and built in the manner proposed

### **Communications – Line reticulation**

**3.9.18** Lines used for the conveying of telecommunications, television, electronic data and other such communications are a permitted activity in all Zones of the District, subject to the following standard:

- (A) Other than where existing support structures are used, such lines are located underground in the Residential 1, 1A, 2 and 3, Business 1, 2, 3, 4 and 6, Industrial 1 and 2, Otatara and Hospital Zones.

**3.9.19** Where an activity does not comply with Rule 3.9.18 above, the activity shall be a restricted discretionary activity.

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

- (A) The effect of the proposed electricity lines and associated structures on the amenity values of the immediate neighbourhood.
- (B) If the proposed infrastructure is to be located in land identified on the District Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.
- (C) The functional need of the infrastructure to be located in the area and built in the manner proposed.

**3.9.20** For the purposes of Rule 3.9.18 above, lines supported on poles are exempt from the height and recession standards of the Plan.

### **Telecommunication and Radiocommunication Facilities**

**3.9.21** Telecommunication and radiocommunication facilities are permitted activities subject to the following standards:

- (A) All facilities shall be planned and operated in accordance with NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3kHz to 300kHz.
- (B) Any facilities located in the road reserve shall be designed, built and operated as permitted in the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2008 (Refer to Appendix XIII).
- (C) No antenna dish shall be greater than:
  - (a) 1.2 metres in diameter in the Residential 1, 1A, 2 and 3 Zones and the Otatara Zone; or
  - (b) 3 metres in diameter in all other Zones.
- (D) No antenna attached to a building or mast shall extend above the

building or mast more than:

- (a) 5 metres in the Industrial 2, 2A, 3 and 4 Zones, Seaport 1 and 2 Zone, or Rural Zone or
  - (b) 3.5 metres in the Airport Protection Zone, Business Zones, Hospital Zone, Industrial 1 Zone, Otatara Zone and Residential Zones.
- (E) No masts for telecommunication or radiocommunication facilities shall exceed a height above ground level of:
- (a) 10 metres in the Airport Protection Zone, Residential Zones, Otatara Zone and Business 2 and 4 Zones
  - (b) 15 metres in the Business 6 Zone and Industrial 1 Zone
  - (c) 20 metres in the Business 1, 3 and 5 Zones
  - (d) 25 metres in the Industrial 2, 2A, 3 and 4 Zones, Seaport 2 Zone, Rural and Hospital Zones
- (F) No masts, poles, or towers for telecommunication or radiocommunication facilities shall exceed 600 mm in diameter at a point 6.0 metres or more above ground level in the Residential Zones, Otatara Zone and Business 2 and 4 Zones, or be sited within 5 metres of any boundary.
- (G) Telecommunication cabinets and radiocommunication equipment cabinets outside of the road reserve shall not exceed:
- (a) excluding the foundation plinth, 2.0 metres in height; or have a total floor area exceeding 2.0 square metres in the Residential 1, 2 and 3 Zones
  - (b) excluding the foundation plinth, 2.5 metres in height; or have a total floor area exceeding 5 square metres in floor area in all other Zones.

Note: Invercargill Airport Limited Designation 74 limits the allowable height of structures, including masts and antenna, on various height planes associated with Invercargill Airport.

**3.9.22** No Communication Kiosk shall exceed 2.5 metres in height (excluding any small cell or antenna permitted in 3.9.22(A) below) or have a total volume exceeding 2.4 cubic metres.

- (A) Any small cell or antennas attached to a Communication Kiosk shall be less than 1 metre in height and shall not have a horizontal dimension greater than the horizontal dimensions of the communication kiosk.

**3.9.23** Telecommunication and radiocommunication facilities are discretionary activities where:

- (A) The standards set out in Rule 3.9.21 and/or 3.9.22 are not met; or
- (B) Any facilities are located within a site identified in the District Plan as containing significant indigenous biodiversity, an outstanding natural feature or landscape, or an item of heritage value identified in



Appendix II; or

- (C) Any facilities are located within the road reserve that is on the same side of the road as and next to land or sites that are identified in the District Plan as containing significant indigenous biodiversity, an outstanding natural feature or landscape, or an item of heritage value identified in Appendix II.

**Assessment Matters**

- 3.9.24** Applications under Rule 3.9.23 shall address the following matters, which will be among those taken into account by the Council:

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- (A) The degree of non-compliance with the National Environmental Standard for Telecommunications Facilities and the effects of that non-compliance.
- (B) The size and height of the antennae and their supporting structures.
- (C) The proximity of the proposal to existing telecommunication facilities and the effects of that proximity, including the feasibility of co-location.
- (D) The effects on any heritage values, indigenous biodiversity, outstanding or locally distinctive and valued landscapes, and the coastal environment.
- (E) If the proposed infrastructure is to be located in land identified on the District Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.
- (F) The functional need of the infrastructure to be located in the area and built in the manner proposed.
- (G) The benefits for the wider community.

### **3.10 NATURAL FEATURES, LANDSCAPES AND TOWNSCAPES**

**3.10.1** Rule 3.10.1 applies to the areas identified on the District Planning Maps as Outstanding Natural Features and Landscapes except for land within the:

- (A) Residential 2 Zone at Ōmaui.
- (B) Otatara Zone.

**3.10.1.1** It is a permitted activity to erect buildings associated with agriculture, other than a residence, where

- (A) The height is no more than five metres; and
- (B) The building footprint does not exceed 50 square metres.

**3.10.1.2** It is a discretionary activity to:

- (A) Erect any buildings or other structures, excluding those provided for by 3.10.1.1 above;
- (B) Alter the contour of the land by more than two metres over an area of land that exceeds 200 square metres.

Applications shall address the following matters which will be among those taken into account by the Council:

- (A) All applications
  - (a) The reasons why the activity or structure is required within the area of Outstanding Natural Features and Landscapes.

- (b) The extent to which the landscape or natural feature would be modified or damaged, including the duration, frequency, magnitude or scope of any effect.
  - (c) Opportunities to remedy or mitigate previous adverse effects on the landscape or natural feature.
  - (d) Whether the activity will lead to cumulative adverse effects on the landscape or natural feature.
- (B) Infrastructure
- (a) Locational and technical constraints of regionally significant infrastructure
  - (b) The suitability of the site, compared with alternative sites or locations,
  - (c) Benefits that any network utility or other infrastructure or activity may bring to the community
  - (d) Any special technical requirements of, or constraints on, network utilities or other infrastructure
- (C) Earthworks
- (a) The reasons for undertaking the earthworks, and other options that may be available.
  - (b) The nature of the ground and any potential implications on ground stability and above ground and sub-surface water flows.
  - (c) The presence and any implications on any infrastructure in the locality.

**3.10.2** Rule 3.10.2 applies only within the Otatara Zone.

- (A) Within the Otatara Zone on any sites where the natural contour of the land varies by more than two metres, it is a restricted discretionary activity to undertake earthworks that:
- (a) Alter the ground level by more than two metres, or
  - (b) Alter the ground level by more than 500mm over an area exceeding 100 square metres.
- (B) The matters over which the Council shall restrict its discretion are:
- (a) The effects on any outstanding or locally distinctive and valued natural features or landscape that may be disturbed or otherwise altered in its appearance.
  - (b) The effects on the visual character and coherence of the natural feature or landscape and amenity of the locality.

- (c) The general shape, character and form of the natural feature or landscape.
- (d) The values derived from the feature or landscape, including any associated vegetation.
- (e) Any methods proposed to address any adverse effects of the development on the natural feature or landscape and its associated vegetation.
- (f) The extent to which the natural feature or landscape has already been modified.
- (g) The effects on the visual character and amenity of the locality.

### 3.11 LIGHTSPILL

3.11.1 All activities are to be designed, constructed and operated to comply with the following maximum levels of lightspill:

- (A) Lightspill is to be measured and assessed in accordance with the Australian Standard AS 4282 1997: Control of the Obtrusive Effects of Outdoor Lighting.

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

	<b>Sunset through midnight to sunrise</b>
Airport Operations	No limit
Airport Protection	5 lux
Business 1, Business 2, Business 3 and Business 6	10 lux
Business 4, Business 5	5 lux
Hospital	5 lux
Industrial 1	5 lux
Industrial 2, Industrial 2A Industrial 3, Industrial 4	10 lux
Otatara	5 lux
Residential 1, Residential 1A, Residential 2, Residential 3	5 lux
Rural	5 lux
Seaport 1 and 2	No limit
Smelter	No limit

3.11.3 At the boundaries of Zones, the lightspill standard is to be the lower of the two levels.

3.11.4 Where an activity cannot meet the standards above, the activity is a restricted discretionary activity.

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

- (A) The effect of the lightspill on the transportation network and all associated modes of transport.
- (B) The effect of lightspill on the amenities of properties nearby.
- (C) The effect of the lightspill on the skyline.

## **3.12 NATURAL HAZARDS**

**3.12.1 Riverine inundation - Dwellings:** Rule 3.12.1 applies only to the erection of new residences and extensions to existing residences in those areas identified on the District Hazard Information Maps as having either Level 2 or 2A risk from riverine inundation.

- (A) Within those areas identified on the District Hazard Information Maps as having a minimum floor level:
  - (a) Any extension to a residence existing as at 29 October 2016 is a permitted activity to a maximum of 50 square metres above the size that existed as at 29 October 2016.
  - (b) The erection of new residences and extensions greater than 50 square metres to residences existing as at 29 October 2016 is a restricted discretionary activity, provided that there is compliance with the minimum floor level specified on the District Hazard Information Maps.

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

- (1) The siting of the building.
  - (2) The length of time the building is to be on the site.
  - (3) The extent to which the proposed development intensifies land use in a hazard prone area.
- (c) Except as provided for in paragraphs 3.12.1(A)(a) and 3.12.1(A)(b) the erection of any new residence, or any extension to the footprint of a residence, is a non-complying activity.
- (B) Within those areas identified on the District Hazard Information Maps as having a Level 3 degree of risk of riverine inundation but excluding those areas with a minimum floor level:
    - (a) Any extension to the footprint of a residence existing as at 29 October 2016 is a restricted discretionary activity to a maximum of 50 square metres above the size that existed as at 29 October 2016.

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

- (1) The siting of the building.
  - (2) The length of time the building is to be on the site.
  - (3) The extent to which the proposed development intensifies land use in a hazard prone area.
- (b) Except as provided for in Rule 3.12.1(B)(a) above, the erection of any residence, or any extension to the footprint of a residence, is a non-complying activity.
- (C) For the purposes of Rule 3.12.1, “residences” excludes attached carports, garages, laundries and non-habitable accessory buildings.

**3.12.2 Sea level rise, coastal erosion and storm surge:** Rule 3.12.2 applies only to the erection of new residences and extensions to existing residences in those areas identified on the District Hazard Information Maps as being within the area identified as being Most at Risk from Sea Level Rise/Storm Surge Event and less than 50 metres inland from MHWS along any Coastline Most Prone to Erosion.

- (A) Any extension to a residence existing as 29 October 2016 is a permitted activity to a maximum of 50 square metres.
- (B) The erection of new residences and extensions greater than 50 square metres to residences existing as at 29 October 2016 is a restricted discretionary activity.

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

- (a) The siting of the building.
  - (b) The proposed floor levels of the building
  - (c) The length of time the building is to be on the site.
  - (d) The extent to which the proposed development intensifies land use in a hazard prone area.
  - (e) The degree of risk.
- (C) For the purposes of Rule 3.12.2 “residences” excludes attached carports, garages, laundries and non-habitable accessory buildings.

**3.12.3** It is a non-complying activity to undertake any earthworks and/or erect any structures in the following areas:

- (A) Except as provided for in Rule 3.12.4, any land on the seaward side of the line on the District Hazard Information Maps identifying the inland extent of the coastal sand dunes.
- (B) Except as provided for in Rule 3.12.4, any stopbanks identified on the District Hazard Information Maps.

**3.12.4** It is a permitted activity for an asset management authority to undertake earthworks to:

- (A) Clear and/or remove sand and other material from any formed public road.
- (B) Enable access along the margins of any waterway.
- (C) Facilitate drainage of any natural or artificial waterway, including any piped or unpiped stream or drain.
- (D) Undertake improvements, repairs and maintenance of stopbanks identified on the District Hazard Information Maps.

**3.12.5 Industrial 2A Zone:**

- (A) The following are permitted activities within the Industrial 2A Zone:
  - (a) Formation of any areas of hard surfaces (including concrete, asphalt or bitumen) and any surfaces used for the movement and parking of vehicles and the external storage of goods and materials, with a minimum site level of 2.0m AMSL.
  - (b) Erection of any buildings with a finished ground level of at least 2.7m AMSL.
- (B) Any activity which does not comply with Rule 3.12.5(A) is a restricted discretionary activity.
- (C) The matters over which the Council shall exercise its control are:
  - (a) The adequacy of the methods proposed to avoid any inundation from the New River Estuary.

**Note:** Applications under Rule 3.12.5(B) need not be publicly notified.

**3.13 NOISE**

**3.13.1 Noise Measurement and assessment:** Sound levels are to be measured in accordance with the provisions of NZS 6801 2008: Acoustics - Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802:2008: Acoustics Environmental Noise, except where expressly provided elsewhere in the Plan.



### 3.13.2 Noise Levels from Activities

- (A) All activities are to be designed and operated so that the following noise limits are not exceeded:

	Day time 0700 - 2200		Night time 2200 - 0700	
	L <sub>Aeq</sub>	L <sub>Amax</sub>	L <sub>Aeq</sub>	L <sub>Amax</sub>
<b>When measured at any point within the boundary of any other site within a zone:</b>				
Residential 1, 1A, 2, 3 Otatarā	55dB	80dB	40dB	70dB
Rural	65dB	85dB	45dB	70dB
Business 1, 2, 3, 4, 5 and 6	65dB	85dB	50dB	75dB
	Day time 0700 - 2200		Night time 2200 - 0700	
	L <sub>Aeq</sub>	L <sub>Amax</sub>	L <sub>Aeq</sub>	L <sub>Amax</sub>
Hospital Airport Protection	55dB	80dB	45dB	75dB
Industrial 1	65dB	85dB	50dB	70dB
Industrial 2, 3, 4	65dB	85dB	65dB	85dB
Smelter	No limit		No limit	
<b>When measured at any point within the notional boundary of any noise sensitive activity on a site within a zone:</b>				
Rural	50dB	80dB	45dB	65dB
<b>When measured at any point not within Invercargill City:</b>				
At or within the boundary of any site	65dB	85dB	45dB	70dB
At the notional boundary of any dwelling	50dB	80dB	45dB	65dB

In applying Rule 3.13.2:

- (1) Noise from any site shall comply with the relevant limits for all surrounding sites. Hence, at the boundaries of Zones, measurements of noise emissions will be based on the zoning of the site affected by the noise, not of the site generating the noise.
- (2) Noise generated in the Smelter Zone need not comply with the Rural Zone boundary noise limits set out in 3.13.2(A) above on any property within the Rural Zone, but shall comply with the notional boundary limits.
- (3) Where there are buildings within one metre of a site boundary, compliance with the noise limits will be assessed one metre from the façade of those buildings.

- (4) Day time noise limits are intended to provide amenity for outdoor activities. Assessment of compliance at upper levels of multi-storey buildings shall therefore be confined to balconies intended for outdoor living.
- (5) Night time noise limits are intended to allow for sleep amenity. Assessment of compliance at upper levels of multi-storey buildings shall therefore include locations immediately outside bedrooms.
- (6) Where a fence or other noise control structure is erected on a site boundary, compliance assessment shall consider the effect of such structure.

**3.13.3 Exemptions:**

- (A) Within the Rural, Airport Protection and Otatara Zones, any operational equipment which is mobile during its normal use and which is associated with primary production (e.g. tractors, harvesters and farm vehicles) is exempt from the noise limits detailed in Rule 3.13.2 above. This includes items such as motorbikes and chainsaws used as part of primary production activity but does not include recreational motorbike tracks or long term sawmilling. This exemption does not include fixed motors or equipment, forestry operations between 2200 and 0700 the following day, factory farming, bird scaring devices and frost fans.
- (B) Within the Airport Protection, Industrial 3, Industrial 4, Otatara, Residential 3 and Rural Zones, noise from livestock kept as part of agriculture is exempt from the noise limits detailed in Rule 3.13.2 above.
- (C) The noise limits detailed in Rule 3.13.2 above do not apply to noise from the following sources:
  - (a) Shooting ranges.
  - (b) Vehicles on a public road.
  - (c) Trains on land designated for railway purposes (including at railway yards, railway sidings or stations) and level crossing warning devices.
  - (d) Warning devices used by emergency services, as set out in Rule 3.13.15.
  - (e) Any noise source specifically listed in Rules 3.13.4 – 3.13.17 below.
  - (f) Temporary Military Training Activities.

**3.13.4** Construction noise is to comply with the following noise limits:

Days and Times	Noise Limit
Monday to Saturday 0730 – 1800	70dB $L_{Aeq}$ and 85 $L_{Amax}$
All other times	45dB $L_{Aeq}$ and 75 dB $L_{Amax}$

**3.13.5** Noise from any helicopter landing pad is to comply with NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*.

**3.13.6** Noise from aircraft operations is to be measured and assessed in accordance with NZS6805:1992 *Airport Noise Management and Land Use Planning*.

**3.13.7** Noise from wind farms is to comply with NZS6808:2010 *Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators*.

**3.13.8 Shooting ranges**

Shooting ranges, including but not restricted to those involving the use of rifles, shotguns and handguns, shall be a discretionary activity.

**3.13.9 Business 1 Zone – Entertainment Precinct**

(A) All new noise sensitive activities and additions to existing noise sensitive activities within the Business 1 Zone – Entertainment Precinct shall:

- (a) Be designed, constructed and maintained to meet the “satisfactory” internal design sound levels in AS/NZS2107:2000 *Recommended design sound levels and reverberation times for building interiors* based on an incident external noise level as follows:

	Octave Band Centre Frequency (Hz)						
	63	125	250	500	1000	2000	4000
Design incident sound pressure level at building façade (dB re 2 x 10 <sup>-5</sup> Pa)	71	61	54	48	45	44	44

(B) Prior to the operation of any noise sensitive activities on the site, an acoustic design certificate from a suitably qualified acoustic engineer is to be provided to the Council demonstrating that the above internal sound levels will be achieved.

**3.13.10 Business 3 (Specialist Commercial) Zone, Business 4 (Neighbourhood Shops) Zone, Industrial 1 (Light) Zone and Industrial 2 (Urban) Zone**

(A) All new noise sensitive activities and additions to existing noise sensitive activities within the Business 3, Business 4, Industrial 1 and Industrial 2 Zones shall be designed, constructed and maintained to meet the “satisfactory” internal design sound levels in AS/NZS2107:2000 *Recommended design sound levels and reverberation times for building interiors*.

**3.13.11 Seaport 1 and 2 Zones**

(A) Long Term Noise Limit - The night-weighted sound exposure from activities undertaken in the Seaport 1 and 2 Zones shall not exceed:

- (a) An average sound level of 65dB L<sub>dn</sub> beyond the Inner Control Boundary calculated over five consecutive days.

- (b) An average sound level of 68dB  $L_{dn}$  beyond the Inner Control Boundary calculated over any continuous 24 hour period.
- (B) Short Term Noise Limits - Sound from activities undertaken shall not exceed the following noise limits at any point beyond the Inner Control Boundary:
- (a) 2200 to 0700 the following day 60 dB  $L_{Aeq(9hr)}$  provided that:
- (1) No single 15 minute sound measurement shall exceed 65dB  $L_{Aeq}$ .
  - (2) No single sound measurement shall exceed 85dB  $L_{Amax}$ .
- (b) For the purpose of Rule 3.13.11(B):
- (1) Sound will be measured using a representative 15 minute  $L_{Aeq}$  value when calculating the  $L_{dn}$  or nine hour  $L_{Aeq}$  values.
  - (2) Sound will be measured and assessed in accordance with the provisions of NZS6809:1999 Acoustics – Port Noise: Management and Land Use Planning.

**3.13.12 Activities Near Transport Corridors:** Any noise sensitive activity located within:

- (A) Forty metres of the closest railway track.
- (B) Eighty metres of the seal edge of a State Highway and arterial road where the speed limit is more than 70 kph.

Is to be designed, sited and constructed to ensure that the following internal design levels are not exceeded:

- (a) 35 dB  $L_{Aeq(1\ hour)}$  inside bedrooms or 40 dB  $L_{Aeq(1\ hour)}$  inside teaching spaces and other habitable spaces.
- (b) For the purposes of compliance with these limits:
- (i) Road traffic noise shall be calculated based on existing traffic flow.
  - (ii) Train noise shall from the closest rail track be deemed to be:
    - 70 dB  $L_{Aeq(1\ hour)}$  up to 12 metres
    - 67 dB  $L_{Aeq(1\ hour)}$  between 12 and 24 metres
    - 61 dB  $L_{Aeq(1\ hour)}$  between 24 and 40 metres

Note: Compliance with Rule 3.13.12 must be achieved concurrently with any Building Code ventilation requirements.

### 3.13.13 Vibration in Rail Network Corridor

Any new building exceeding two storeys, or additions in excess of 25m<sup>2</sup> to an existing building exceeding two storeys, used for a noise sensitive activity that is within 40 metres of the closest railway track shall be designed and constructed to ensure that the following levels of vibration from trains shall not be exceeded based on the procedures set out in the Norwegian Standard NZ 8176E: *2<sup>nd</sup> edition September 2005 Vibration and Shock Measurement of Vibration in Buildings from Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.*

<b>Receiving Environment (New relocated or altered)</b>	<b>Class C Maximum Velocity, Vw,95 criterion: Weighted</b>
Noise Sensitive activities	0.3mm/s

### **3.13.15 Emergencies**

- (A) Aircraft operations for defence purposes, civil defence, search and rescue, medical emergency or during any emergency landing of any aircraft, are exempt from all noise limits.
- (B) Sound from warning devices used by emergency services, including warning devices associated with emergency service training activities, are exempt from all noise limits.

### **3.13.16 Temporary Activities/Events:** Except where otherwise provided for, noise from temporary activities held outdoors in a public place is exempt from the above Rules provided:

- (A) It meets a noise limit of 70 dB  $L_{Aeq(1hr)}$  measured at the boundary of a site containing a dwelling; and
- (B) All activities creating a noise level greater than permitted for the Zone in which activity is located, cease by 2200; and
- (C) There are no more than six events (days) on the site in any one calendar year provided no single event shall exceed three consecutive days on the site.

### **3.13.17 Invercargill Airport Operations**

- (A) Noise from aircraft operations, including take offs and landings, flight operations, routine engine testing or ground running, and the running of auxiliary power units (being the subject of designations by Invercargill

Airport Limited) are exempt from the noise limits detailed in Rule 3.13.2 above.

### **3.13.18 Activity Status and Matters of Consideration**

- (A) Where an activity does not meet the relevant Zone noise standards set out in Rules 3.13.1 - 3.13.17 above, the activity is a discretionary activity.
- (B) Applications under Rule 3.13.18(A) above shall address the following matters, which will be among those taken into account by the Council:
  - (a) The maximum level of noise likely to be generated, its nature, timing, character and frequency and the disturbance this may cause to people in the vicinity.
  - (b) The nature of the Zone within which the noise generating activity is located and the compatibility of the proposal with the expected environmental results for that Zone.
  - (c) The nature of any adjoining Zone(s), and the compatibility of the noise generating activity with the expected environmental results for those adjoining Zone(s).
  - (d) Existing ambient sound.
  - (e) The potential for cumulative noise effects to result in an adverse outcome for receivers of noise.
  - (f) The proposals made by the applicant to reduce noise generation. This may include guidance provided by a suitably qualified and experienced acoustic consultant.
  - (g) Any other standards, codes of practice or assessment methods based on robust acoustic principles.
  - (h) For consents under Rule 3.13.13,
    - (i) Any special topographical, building features or ground conditions which will mitigate vibration effects.
    - (ii) The size, nature, and location for the building on the site.

- (i) The nature of the environment, including any existing noise generating activities that may give rise to reverse sensitivity effects and methods proposed to address:
  - (i) The degree of noise attenuation achieved by the noise sensitive activity.
  - (ii) The effects of reverse sensitivity on the operation of the transportation network and the ability and suitability of mitigation measures to enable the continued and uninterrupted operation of the transportation network.
  - (iii) The nature of the environment including the scale of noise generated by the transportation network.
  - (iv) Details of consultation with operators of the transportation network and the response received.

### **3.14 PUBLIC OPEN SPACE**

- 3.14.1** (A) Subject to Rule 3.13.16, it is a permitted activity to undertake any activity proposed within areas administered under the Reserves Act 1977 where they are specifically provided for in a Management Plan approved by the Minister.
- (B) Subject to Rule 3.20A, it is a permitted activity to carry out Temporary Military Training Activities within areas administered under the Reserves Act 1977.
- (C) It is a discretionary activity to undertake any activity proposed within areas administered under the Reserves Act 1977 where:
- (a) There is no approved Management Plan for the area; and/or
  - (b) The Management Plan does not make specific provision for the proposed activity.
- 3.14.2** Applications under Rule 3.14.1(B) above shall address the following matters, which will be among those taken into account by the Council:
- (A) The extent to which the proposal differs from the approved Management Plan.
  - (B) The extent to which the proposal is compatible with the amenities of the surrounding neighbourhood.
  - (C) The effect of the proposal on the characteristics of any outstanding natural feature or landscape, any locally distinctive landscape, or townscape in which the development is to be located.
  - (D) Details of consultation undertaken.

**Note:** The landowner's consent is required prior to carrying out Temporary Military Training Activities. Rule 3.20A also sets performance standards for these activities.



### **3.15 RELOCATED BUILDINGS**

**3.15.1** Rule 3.15 applies to the Residential 1, Residential 1A, Residential 2, Residential 3, Rural, and Otatara Zones.

**3.15.2** The relocation of any accessory building on to a site is a permitted activity.

[SECTION 3.15 CONTINUES ON PAGE 3-33]

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- 3.15.3** The relocation of any new residence on to a site is a permitted activity.
- 3.15.4** The relocation of a previously used building intended for use as a residence on to a site is a permitted activity subject to the following performance standards:
- (A) A building inspection report shall accompany the application for a building consent. That report is to identify all reinstatement work required to the exterior of the building.
  - (B) All work required to reinstate the exterior of any relocated dwelling, including painting if required, is to be completed within 12 months of the building being delivered to the site. Reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.
  - (C) The building is to be placed on permanent foundations within 90 days of the building being delivered to the site.
- 3.15.5** The relocation of a previously used building intended for use as a residence on to a site that does not comply with the standards set out in Rule 3.15.4 above is a restricted discretionary activity.

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

- (A) The timing and scope of external reinstatement works, including but not restricted to the following:
  - (a) Any maintenance, repair or replacement of parts of the building proposed, including steps, windows, chimney spaces, guttering and any rotten or otherwise defective exterior cladding.
  - (b) The provision and installation of suitable sub-floor wall claddings.
  - (c) Any additions proposed to the building, including building extensions, porches and decks.
  - (d) The exterior finish (but not colour) of the building (including walls and roof areas).
  - (e) Damage occurring to the building during relocation.
- (B) Structural integrity and weatherproofing.
- (C) Stormwater management on the site.
- (D) Visibility from public places and screening.
- (E) The timing of site rehabilitation.
- (F) The inspection of the building once relocated to the site and the monitoring of progress of work.

- (G) The imposition of a bond (if required) to ensure the completion of the relocation. The value of the bond shall be calculated at up to 1.5 times the value of the work required to complete the relocation.
- (H) Any heritage values of the receiving site and/or any adjoining site.

**3.15.6** Applications made under Rule 3.15.5 shall include:

- (A) Plans and photographs of the building proposed to be relocated together with a report of the structural integrity of the building.
- (B) A site plan showing the location of the building on its new site and layout of any accesses and paths proposed.
- (C) Plans of the building as it is intended in its final form, including a site plan and elevations, showing that relevant bulk and location Rules in the District Plan are complied with.
- (D) A detailed timeline for:
  - (a) Placing of the building on to permanent foundations.
  - (b) Completion of work required to the external portions of the building.
  - (c) Undertaking any additions or other changes to the external appearance of the building.
  - (d) Connecting the building to associated services, including where relevant water, sewerage or septic tank, and electricity.
  - (e) Construction of any accesses or paths from the street to the building.

### **3.16 SIGNAGE**

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

<b>Zone</b>	<b>Provisions</b>
Airport Operations Zone	No limit to size of signage.
Airport Protection Zone	(a) Signage painted on, or attached parallel to, buildings: Maximum area: 0.25m <sup>2</sup> ; OR (b) Freestanding signage and signage attached at an angle to buildings: (i) Maximum combined area: 0.25m <sup>2</sup> . (ii) Maximum height: 2m.
Business 1 Zone	(a) Signage painted on to, or attached parallel to, buildings: No limit to size of signage. (b)

Zone	Provisions
	(b) Free standing signage: (i) Maximum area: 14m <sup>2</sup> ; (ii) Maximum height: 9m; OR (c) Signage attached at an angle to the building: 14m <sup>2</sup> ; OR (d) Any combination of (b) and (c) not exceeding a total of 14m <sup>2</sup> .
Business 2 Zone	(a) Signage painted on to, or attached parallel to, buildings: Maximum area: 1m <sup>2</sup> per metre of street frontage. (b) Free standing signage: (i) Maximum area: 8m <sup>2</sup> . (ii) Maximum height: No higher than the building to which it relates; OR (c) Signage attached at an angle to the building: 8m <sup>2</sup> ; OR (d) Any combination of (b) and (c) not exceeding a total of 8m <sup>2</sup> .
Business 3 Zone	(a) Signage painted on to, or attached parallel to, buildings: No limit to size of signage. (b) Free standing signage: (i) Maximum area: 14m <sup>2</sup> . (ii) Maximum height: 9m; OR (c) Signage attached at an angle to the building: 14m <sup>2</sup> ; OR (d) Any combination of (b) and (c) not exceeding a total of 14m <sup>2</sup> .
Business 4 Zone	(a) Signage painted on to, or attached parallel to, buildings: Maximum area: 1m <sup>2</sup> per metre of street frontage. (b) Free standing signage: (i) Maximum area: 8m <sup>2</sup> . (ii) Maximum height: no higher than the building to which it relates; OR (c) Signage attached at an angle to the building: 8m <sup>2</sup> ; OR (d) Any combination of (b) and (c) not exceeding a total of 8m <sup>2</sup> .
Business 5 Zone	(a) Signage attached on or attached parallel to building: 1m <sup>2</sup> per metre of street frontage. (b) Free standing signage and signage attached at an angle to buildings: (i) Maximum combined area: 14m <sup>2</sup> (calculated per tenancy). (ii) Maximum height: 9m.
Business 6 Zone	(a) Signage painted on, or attached parallel to, buildings: Maximum area: No limit. (b) Free standing signage: (i) Maximum area: 14m <sup>2</sup> . (ii) Maximum height: No higher than the building to which it relates; OR (c) Signage attached at an angle to the building: Maximum area: 14m <sup>2</sup> ; OR

	(d) Any combination of (b) and (c) not exceeding a total of 14m <sup>2</sup> .
Hospital Zone	No limit to size of signage.
Industrial 1, 2, 3 and 4 Zones	(a) Signage painted on, or attached parallel to, buildings: Maximum area: 1m <sup>2</sup> per metre of street frontage. (b) Freestanding signage and signage attached at an angle to buildings: (i) Maximum combined area: 14m <sup>2</sup> . (ii) Maximum height: 12m.
Industrial 2A Zone	(a) Signage painted on, or attached parallel to, buildings: Maximum area: 1m <sup>2</sup> per 10m of street frontage (Lake Street only). (b) Freestanding signage and signage attached at an angle to buildings: (i) Maximum combined area: 5m <sup>2</sup> . (ii) Maximum height: 8m.
Otatara Zone Residential 1, 1A, 2 and 3 Zones Airport Protection Zone	(a) Signage painted on, or attached parallel to, buildings: Maximum area: 0.25m <sup>2</sup> ; OR (b) Freestanding signage and signage attached at an angle to buildings: (i) Maximum combined area: 0.25m <sup>2</sup> . (ii) Maximum height: 2m.
Rural Zone	(a) Signage painted on, or attached parallel to, buildings: Maximum area: 1.5m <sup>2</sup> ; OR (b) Free standing signage: (i) Maximum area: 1.5m <sup>2</sup> . (ii) Maximum height: No higher than 2m; OR (c) Signage attached at an angle to the building: Maximum area: 1.5m <sup>2</sup> .
Seaport 1 and 2 Zones	No limit to size of signage.
Smelter Zone	No limit to size of signage.

Provided that:

- (A) All signage must relate directly to the activity that is occurring on the site.
- (B) All signage, other than that attached to verandahs or to a building façade, must be contained within the legal boundaries of the site.
- (C) Any signage attached under a verandah shall not exceed the width of the verandah and must provide a minimum of 2.6m clearance to the footpath.
- (D) Any signage attached to a building shall not exceed the height of that building.

- (E) No signage is to be mobile or rotate.
- (F) Illuminated signage is permitted within all Zones except the following:
  - (a) Otatara Zone.
  - (b) Residential 1, 1A, 2 and 3 Zones.
  - (c) Rural Zone.
- (G) Flashing signage is permitted only along the pedestrian-friendly frontages identified in the Business 1 Zone.
- (H) In measuring the area of any signage:
  - (a) The area of any double-sided signage with less than 200mm between each face is to be calculated on the basis of a single sided sign.
  - (b) The area of any three-dimensional signage is to be calculated as the sum of up to four visible perpendicular faces.

**3.16.2** The following signage is a permitted activity:

- (A) Signage erected for health and safety reasons under other legislation.
- (B) Signage described in Part 2 of Land Transport Rule 54002: Traffic Control Devices 2004.
- (C) Temporary signage provided that:
  - (a) The signage is to be in place for no longer than eight months.
  - (b) The signage is limited to a maximum area of 1m<sup>2</sup> per sign.
  - (c) The signage is removed at the cessation of the activity or situation with which it is associated.
  - (d) The signage is not illuminated.
  - (e) The signage relates directly to the site itself or an activity taking place on the site.
  - (f) The signage is stationary with no mobile or rotating parts.
- (D) Signs on National Grid and electricity distribution support structures intended to:
  - (a) Identify the structure, its owner, or circuit details and covering an area of not more than 1m<sup>2</sup>.
  - (b) Assist with safety or navigation and covering an area of not more than 6m<sup>2</sup>.

**3.16.3** The following signage is a discretionary activity:

Within the following Zones:

- Business 1, Business 2, Business 3, Business 4, Business 5, Business 6.
- Industrial 1, Industrial 2, Industrial 2A, Industrial 3, Industrial 4.
- Rural.

Any signage that exceeds the maximum area and/or height permitted under Rule 3.16.1 by less than 20% is discretionary activity, provided that the signage also meets Rule 3.16.1(A) to (G).

**3.16.4** Applications made under Rule 3.16.3 above shall address the following matters which will be among those taken into account by the Council:

- (A) The need for the signage in excess of that permitted under Rule 3.16.1.
- (B) The compatibility of the proposed signage with the scale of development and character of the local area.
- (C) The ability to mitigate any adverse effects of the increased signage.
- (D) The effect of the increased signage on safety and the general amenity of the area.

**3.16.5** Any signage which is neither a permitted activity nor a discretionary activity under Rules 3.16.1, 3.16.2 and 3.16.3 above is a non-complying activity.

**Note:** Signage shall comply with the Roading, Parking and Traffic Bylaw 2008.

## **3.17 SOILS, MINERALS AND EARTHWORKS**

### **Earthworks and Mineral Extraction**

**3.17.1** Except for within the National Grid Yard, Rules 3.17.2 – 3.17.8 do not apply to:

- (A) Land and activities in the Smelter Zone, Seaport 1 and 2 Zones or Industrial 1, 2, 3 and 4 Zones.
- (B) The movement, deposition or removal of material when it is a necessary consequence of building a structure for which a building consent has been obtained on that site.
- (C) The removal and deposition of material for the purposes of work in compliance with Council's Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure.
- (D) The movement, deposition or removal of material for the purpose of forming hard surfaces such as accessways and paths.
- (E) The cultivation of land.



- (F) The construction, maintenance and upgrading of utilities as provided for by Rule 3.9 Utilities.
- (G) The movement, deposition or removal of material associated with the removal and replacement of underground petroleum storage systems.

**3.17.2** Subject to Rule 3.1 Biodiversity, Rule 3.3 Contaminated Land, Rule 3.8 Heritage, Rule 3.9 Utilities, Rule 3.10 Natural Features, Landscapes and Townscapes, Rule 3.12 Natural Hazards and Rule 3.17.3 it is a permitted activity to undertake the following earthwork activities, provided these comply with the conditions in Rule 3.17.3:

- (A) Activities associated with the construction, operation, maintenance, repair and upgrading of utilities not provided for by Rules 3.17.1(C) and 3.17.1(F).
- (B) The excavation, stockpiling and use of material from a borrow pit.
- (C) The construction and operation of dead holes and farm landfills.
- (D) Earthworks in the National Grid Yard
- (E) All other earthworks provided that the quantity of earthworks undertaken in a 12 month period shall not exceed:
  - (a) 50m<sup>3</sup> per site up to 1,000m<sup>2</sup>, plus 50m<sup>3</sup> each 1,000m<sup>2</sup> thereafter, in the Residential 1, 1A, 2 and 3, Business 1, 2, 3, 4 and 5, and Otatara Zones.
  - (b) 2,000m<sup>3</sup> per site in the Rural Zone.
  - (c) 1,000m<sup>3</sup> per site in all other Zones.

**3.17.3** The following conditions apply to the permitted activities in Rule 3.17.2:

- (A) Within the Rural Zone no more than 50m<sup>3</sup> shall be deposited on to, or extracted from, land containing high value soils, as shown on the District Planning Maps.
- (B) Within the Airport Protection Zone or the Otatara Zone no earthworks shall result in standing bodies of water greater than 10m<sup>2</sup> in area.
- (C) Within the National Grid Yard:
  - (a) earthworks within 6 metres of the outer visible edge of the foundation of a National Grid transmission line support structure shall be no deeper than 300mm.
  - (b) earthworks between 6 metres to 12 metres from the outer visible edge of the foundation of a National Grid transmission line support structure shall be no deeper than 3 metres.
  - (c) earthworks shall not create an unstable batter that will affect a National Grid transmission line support structure.
  - (d) earthworks shall not result in a reduction in the ground to conductor clearance distance of:

- (i) 6.5 metres where the conductor voltage does not exceed 110kV; or
  - (ii) 7.5 metres where the conductor voltage exceeds 110kV.
- (e) clauses (a) to (d) above do not apply to:
- (i) earthworks undertaken by a network utility operator providing the work is not associated with buildings or structures for the storage of water for irrigation purposes;
  - (ii) earthworks undertaken as part of agricultural, horticultural or domestic cultivation;
  - (iii) repair, sealing, resealing of an existing road, footpath, farm track or driveway.

**3.17.4** It is restricted discretionary activity to undertake earthwork activities that do not comply with Rule 3.17.3(A).

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

- (A) The depth and volume of material deposited on the land and its effect on the sustainability of the soil resource.
- (B) Any effects on the future use of the land.
- (C) The management of dust and noise.
- (D) Provision to be made for the rehabilitation of the land.

**3.17.5** It is restricted discretionary activity to undertake earthwork activities that do not comply with Rule 3.17.3(B).

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

- (A) Any effect on the operation of Invercargill Airport and the movement of aircraft to and from the airport resulting from the congregation of birds on the land.
- (B) Methods to avoid, remedy, or mitigate potential conflict with the safe and efficient operation of aircraft.

Any application submitted under Rule 3.17.5 shall include details of consultation undertaken with Invercargill Airport Limited and its outcome.

**3.17.6** It is a non-complying activity to:

- (A) Establish and operate a landfill.
- (B) Undertake activities to extract minerals from the ground, except where provided for by 3.17.2(B).
- (C) Undertake earthworks activities that do not comply with 3.17.3(C)..

**3.17.7** It is a discretionary activity to undertake earthworks not provided for by Rules 3.17.2 or 3.17.6.

**3.17.8** In addition to matters required to be included in a resource consent by the Resource Management Act 1991, applications under Rules 3.17.6 and 3.17.7 above shall include:

- (A) An assessment of the following:
- (a) The nature and volume of any fill or extracted material proposed.
  - (b) The effects on the sustainability of the soil resource.
  - (c) Potential effects of dust and noise, including traffic to and from the site and machinery on the site.
  - (d) The location and standard of any access to or egress from the site which is proposed to be used and any upgrades proposed, including on the adjoining roading network.
  - (e) Effects on natural water bodies and established drainage networks.
  - (f) Any effect on sites of:
    - (i) heritage and/or archaeological significance, and cultural importance to iwi listed in Appendix II;
    - (ii) outstanding natural features and landscapes shown on the District Planning Maps.
  - (g) Any effect on the future development potential of the land.
  - (h) Any effect on indigenous biodiversity.
  - (i) When within the National Grid Yard:
    - (i) Any effects on the integrity of the transmission line.
    - (ii) Volume, area and location of the works, including temporary activities such as stockpiles;
    - (iii) Timing of works;
    - (iv) Site remediation;
    - (v) The use of mobile machinery near transmission lines;
    - (vi) The results of consultation with Transpower New Zealand including whether approval has been obtained under clause 2.2.3 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).

- (B) A management plan which considers:
  - (a) Where filling is proposed:
    - (i) The methods proposed to ensure that inappropriate material is not deposited on the land.
    - (ii) Proposals to monitor the filling operation.
  - (b) Site rehabilitation, including its timing and any proposed landscaping.
  - (c) Proposals for ongoing monitoring of the site.

**Note:** The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) contains restrictions on the location of structures and activities in relation to the lines and needs to be met.

### **3.18 SUBDIVISION**

**3.18.1** The following subdivision activities are controlled activities:

- (A) Subdivision of land to provide for a utility except in the Industrial 4 Zone.
- (B) Boundary adjustments.
- (C) Amendments to cross-lease subdivision.

Where they meet the following:

- (a) The site on which the activity is to be undertaken does not contain an item listed in Appendix II (Heritage Record).
- (b) Subdivision boundaries of any allotments which have existing buildings are being aligned to ensure that the buildings comply with the provisions of:
  - (1) The Building Act 2004 in terms of fire safety.
  - (2) The bulk and location requirements of the relevant Zone.
- (c) The provisions of any National Policy Statement or National Environmental Standard.
- (d) The site on which the activity is to be undertaken does not contain an area of significant indigenous biodiversity as shown on the District Planning Maps.

**3.18.2** The matters over which the Council shall exercise control are:

- (A) The provision of services, including adequate provision for on-site wastewater services when required.

- (B) The need for bonds. The value of the bond shall be calculated at up to 1.5 times the value of the work being bonded.
- (C) The impact of the subdivision on indigenous biodiversity.

**3.18.3** Subdivision is a discretionary activity:

- (A) in the National Grid Corridor where the resulting allotment(s) are capable of accommodating a building platform that is wholly outside the National Grid Yard with the minimum dimensions of 20m by 20m;
- (B) other than as listed in Rules 3.18.1, 3.18.6 and 3.18.7.

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**3.18.4** Applications under Rule 3.18.3 above shall address the following matters which will be among those taken into account by the Council:

- (A) Integration with and effects on existing communities.
- (B) Integration with and effects on the operation, maintenance, upgrading and development of infrastructure.
- (C) Potential effects on the environment of land uses enabled by the subdivision.
- (D) The extent to which the subdivision enables land uses which will maintain the life supporting capacity and productivity of the District's soils.
- (E) Potential effects on any locally distinctive and valued natural features and landscapes of land uses enabled by the subdivision.
- (F) Potential effects on any indigenous biodiversity, including effects on indigenous biodiversity that meets the criteria of 2.3.3 Policy 1.
- (H) Potential effects on water quality or water quantity of land uses enabled by the subdivision, in particular:
  - (a) Design of the proposed wastewater system, specifically:
    - (1) The efficiency and effectiveness of the wastewater systems proposed.
    - (2) That adequate land area is available for the on-site disposal system and the required reserve areas for replacement effluent disposal fields.
    - (3) Conveying surface water runoffs from roofs and other hard surfaces away from waste water disposal areas.
    - (4) Providing sufficient clearance between waste water discharge pipes and the mean seasonal high water table.
  - (b) Design of proposed provision for stormwater disposal, specifically:
    - (1) Efficiency and effectiveness of provisions proposed for stormwater.
    - (2) That surface water runoff is controlled in such a way that it does not cause damage to wetlands/waterways and their margins.
    - (3) That surface water runoff does not cause damage or nuisance to other properties.

- (4) The incorporation of low impact stormwater design features where practical to limit peak stormwater flows, reduce stormwater contamination and avoid adverse effects to other properties.
- (I) Opportunities to create buffer areas adjacent to waterways to avoid adverse effects of activities on waterways and water quality.
- (J) Potential effects on the safety and efficiency of the transportation network of land uses enabled by the subdivision, in particular State Highways, limited access roads, and railway lines.
- (K) The extent to which the subdivision avoids or addresses reverse sensitivity issues associated with infrastructure including Transpower, State Highways, Rail, the Seaport and the Airport.
- (L) The extent to which the subdivision addresses the relationship between Māori and their ancestral lands, sites, wāhi tapu and other taonga.
- (M) The extent to which the subdivision addresses any statutory acknowledgements.
- (N) The extent to which the subdivision acknowledges heritage values.
- (O) The extent to which the proposed subdivision will help achieve good urban design outcomes.
- (P) The extent to which the proposed subdivision retains and enhances public access to and along the coast and along the margins of streams and rivers.
- (Q) The extent to which the proposed subdivision enables uses permitted in the Zone.
- (R) Contamination issues.
- (S) Conformity with any Concept Plan contained within the District Plan.
- (T) Natural Hazard issues.
- (U) Whether the access is adequate to service the activities enabled by the subdivision, including compliance with Table 1 in Section 3 of Appendix VIII – Transport Standards.
- (V) In addition to the matters specified in 3.18.4(A) – (T) above, applications made under Rule 3.18.3 above for sites in the Industrial 4 Zone shall also address the following matters
- (a) Provision to be made for the ongoing supply of water to the site.
- (b) Provision to be made for the treatment and disposal of sewage tradewaste and stormwater from the site.
- (c) The extent to which wetland and indigenous vegetation values will be protected and enhanced on the site.

- (d) Provision to be made for landscaping associated with future use of the site, and the extent to which this is consistent with the Concept Plan in Appendix X.
- (e) Provision to be made for the protection of any heritage or archaeological values on the site.
- (f) Providing suitable ground conditions for the erection of any buildings on the site.
- (g) Provision for any upgrading of the Colyer Road / State Highway 1 intersection arising from any increased use by traffic accessing the site via that intersection.
- (h) Provision to be made for water drainage corridors.
- (i) Provision to be made for road and rail transport corridors.
- (j) Provision for street lighting.
- (k) Setting aside as Local Purpose Reserve areas shown on the Concept Plan attached in Appendix X:
  - (1) Areas less than three metres above mean sea level; and
  - (2) Riparian areas adjoining waterways as shown on the Concept Plan attached in Appendix X, as Local Purpose Reserve
- (W) In addition to the matters specified in 3.18.4(A) – (T) above, applications made under Rule 3.18.3 above for sites located inside the Outer Control Boundary or Single Event Sound Exposure Boundary shall also address the following matters:
  - (a) The extent to which evidence has been provided of a legally binding commitment (acceptable to the relevant Airport Authority) on behalf of the applicant and any successors in title not to complain as to current or potential effects associated with the operation of the airport resource and/or to waiver all rights of action under the Resource Management Act 1991 or otherwise at law against the Airport. A legally binding commitment may take the form of a restrictive non-compliant covenant or memorandum of encumbrance entered against the title to the property.

**Note:** Applications under Rule 3.18.3 will be notified to Invercargill Airport Limited as an affected party where the subdivision is located, in part or in full, within the Invercargill Airport Outer Control Boundary or the Single Event Sound Exposure Boundary.

### **National Grid Corridor**

**3.18.5** Where subdivision is within the National Grid Corridor the following matters will be among those taken into account by the Council:



- (A) The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP: 34 2001).
- (B) The results of consultation undertaken, including any written advice obtained, from the owner of the electricity transmission line.
- (C) The extent to which the subdivision or subsequent building location mitigates the effects of the transmission lines and the risk of potential injury and/or damage to property, for example through the location of roads and reserves under the route of the transmission lines.
- (D) The ability for continued access to the National Grid for maintenance, inspections and upgrading.
- (E) The extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid to ensure adverse effects on and from the National Grid and on public safety are appropriately avoided, remedied or mitigated.

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- (F) The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid.

### **Protected Areas and Minimum Lot Sizes**

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

- (A) Within areas identified on the District Planning Maps as outstanding landscapes and natural features.
- (B) Within areas identified on the District Planning Maps as containing significant indigenous biodiversity.
- (C) Within the Airport Protection Zone: Allotments of less than 15 hectares.
- (D) Within the Industrial 3 Zone: Allotments of less than one hectare.
- (E) Within the Industrial 4 Zone: Allotments of less than one hectare and which do not comply with the Concept Plan.
- (F) Within the Otatara Zone: Allotments of less than one hectare (if not connected to the Council's reticulated sewerage system) or 4,000 square metres (if connected to the Council's sewerage system).

Or

Allotments of less than one hectare and within the Outer Control Boundary or the Single Event Sound Exposure Boundary.

- (G) Within the Residential 1 Zone: Allotments of less than 350 square metres.

Or

Allotments of less than 500 square metres and within the Outer Control Boundary or the Single Event Sound Exposure Boundary.

- (H) Within the Residential 1A Zone: Allotments of less of 350 square metres where resource consent and a Code Compliance Certificate have not been issued for a dwelling as part of a medium density housing development.
- (I) Within the Residential 2 Zone: Allotments of less than 750 square metres.
- (J) Within the Residential 3 Zone: Allotments of less than 1,500 square metres.
- (K) Within the Rural Zone: Allotments of less than two hectares.
- (L) Within the National Grid Corridor that cannot comply with 3.18.3(A).

**Note:** Applications under Rule 3.18.6(F) and (G) will be notified to Invercargill Airport Limited as an affected party where the subdivision is located, in part or in full, within the Invercargill Airport Outer Control Boundary or the Single Event Sound Exposure Boundary.

### **Subdivision in Areas Subject to Inundation**

- 3.18.7** Where it is proposed to subdivide land in an area identified on the District Planning Maps as being subject to Level 2, 2A or 3 inundation, every subdivision plan shall show a building platform and, where applicable, effluent disposal area and reserve area that is hazard free. Where it is not possible to show a building platform and (where applicable) an effluent disposal area and a reserve effluent disposal area that are hazard free, then the subdivision is a non-complying activity.

### **Esplanade Strips**

- 3.18.8** Esplanade reserves will not be required.
- 3.18.9** Esplanade strips shall not be greater than 20 metres wide.
- 3.18.10** Allotments less than four hectares: Where an allotment of less than four hectares is created when land is subdivided adjacent to a river three metres or greater in width or the coastal marine area, an esplanade strip up to 20 metres in width will be required within the allotment along the bank of the river or along the mark of mean high water springs of the sea as that case may be.
- 3.18.11** Allotments greater than four hectares: Where an allotment of greater than four hectares is created, and when land is subdivided adjacent to a river three metres or greater in width or the coastal marine area, Council will require an esplanade strip in the following circumstances:
- (A) Where reserves already exist adjacent to or in the general vicinity of the subdivision and the acquisition of an esplanade strip would complement or increase the width of that land already in public ownership.
  - (B) On any water body where such a strip or reserve may be necessary to provide for the purposes set out in Section 229 of the Resource Management Act 1991.
- 3.18.12** Esplanade strips will not be required in relation to the Seaport 1 Zone and in relation to the Smelter Zone.

## **3.19 TANGATA WHENUA**

### **3.19.1 Statutory Acknowledgements**

**Note:** An application for resource consent for subdivision or land use within, adjacent to, or impacting directly upon a Statutory Acknowledgement Area, as listed in Appendix III, shall provide written approval from Te Rūnanga o Ngāi Tahu.

Where written approval is not provided, the application will be notified.

## 3.20 TRANSPORT

**3.20.1 Off-Street Car Parking Requirements:** All land use activities specified in the table below shall provide the following minimum off-street car parking facilities except:

- (A) Within the Seaport 1 and 2 Zones, Smelter Zone and the City Centre Priority Redevelopment Precinct in the Business 1 Zone.
- (B) In respect of any activity on any site involving a heritage building, place or object listed in Appendix II:2, where the protected building, place or object is to be retained on site.
- (C) In respect of any activity on any site involving a heritage building, place or object listed in Appendix II:3, where the façade of the protected building, place or object is to be retained on site.

*(Note: Where more than one activity takes place on the site, parking is assessed for each activity separately and be cumulative.)*

Where staff parking is to be provided, all such spaces are to be so identified.

ACTIVITY	PARKING REQUIREMENT
Animal Boarding Activity	One staff car park per two staff or part thereof on the site at any time (other than persons resident on the site), plus one car park for the first 20 animals boarded, thereafter two car parks.
Bars, cafes, restaurants, taverns	One staff car park per two staff or part thereof on site at any one time, plus one car park per four clients to be accommodated in the establishment.  For establishments which contain a drive-through facility a minimum of five queuing spaces are to be provided from the drive in order point.
Early Childhood Education and Care Centre	One car park per two staff or part thereof on the site at any one time, plus one car park per 10 children provided for.
Commercial Recreation Activity	Indoor: One staff car park per two staff or part thereof on the site at any time, plus one car park per ten persons (including spectators) or part thereof provided for on the site.  Outdoor: One staff car park per two staff or part thereof on the site at any time, plus one car park per 750m <sup>2</sup> or part thereof of commercial recreational activity.
Commercial Service Activity	One car park per 50m <sup>2</sup> gross floor space or part thereof.
Communal Activity	One staff car park per two staff or part thereof on the site at any time, plus one car park per 10 persons or part thereof provided for on the site.

<b>ACTIVITY</b>	<b>PARKING REQUIREMENT</b>
Community Corrections Facility	One car park per 50m <sup>2</sup> or part thereof, of gross floor area of any office and/or administration space, plus one car park per 100m <sup>2</sup> or part thereof, of gross floor area of other indoor space.
Community Service	One car park per 100m <sup>2</sup> of gross floor area or part thereof.
Educational Activity (Existing) as listed in Appendix V	<p>One staff car park per additional two staff members or part thereof, plus one car park per 10 students or part thereof over the legal driving age, for students and staff in new structures.</p> <p>Where on-site recreational facilities are erected and used by persons not part of the educational activity (existing), the additional parking on site is to be sufficient to provide one car park per 10 persons or part thereof, including spectators, that the recreation facilities are designed to accommodate.</p>
Educational Activity (excluding Early Childhood Education and Care Centres)	<p>One staff car park per two staff members or part thereof on site at any one time, plus one car park per 10 students or part thereof over the legal driving age.</p> <p>Where educational activities include recreational facilities that are available for wider community use, the total parking on site is to be sufficient to provide one car park per 10 persons designed to be accommodated in the facility.</p>
Essential Services	One car park per 100m <sup>2</sup> of gross floor area or part thereof, plus where provision is made for the public to visit the site, an additional car park is to be provided.
Freight Depots	One car park per 50m <sup>2</sup> of indoor space or part thereof up to 200m <sup>2</sup> , thereafter one car park per 200m <sup>2</sup> gross floor area or part thereof.
Healthcare Activity	One car park per 50m <sup>2</sup> gross floor area or part thereof, plus one car park for each two staff (including professionals) or part thereof on the site at any one time.
Industrial Activity (Not otherwise listed)	One car park per 50m <sup>2</sup> or part thereof up to 200m <sup>2</sup> , thereafter one car park per 200m <sup>2</sup> gross floor area or part thereof.
Home Occupation	One car park space for any non-resident person employed on the site.
Home Stay	One car park per two guests or part thereof.
Hospital Activity	One staff car park per two staff or part thereof on the site at any time, plus one car park per four beds or part thereof.
Land Transport Facility	One car park per 50m <sup>2</sup> or part thereof up to 200m <sup>2</sup> , and thereafter one car park per 200m <sup>2</sup> gross floor area or part thereof.

ACTIVITY	PARKING REQUIREMENT
Marae Activity	<p>Residences: One car park per residential unit.</p> <p>Administrative Activities: One car park per 50m<sup>2</sup> gross floor space or part thereof.</p> <p>Educational Facilities: One car park per two staff members or part thereof on site at any one time, plus one car park per 10 students or part thereof over the legal driving age.</p> <p>Other Activities: One car park per 10 persons or part thereof provided for on the site.</p>
Nursery Activity	<p>One car park per 50m<sup>2</sup> retail floor space or part thereof plus one staff car park per 100m<sup>2</sup> retail floor space or part thereof.</p> <p>Activities with outdoor display areas: One staff car park per two staff or part thereof on the site at any time, plus one car park per 50m<sup>2</sup> of indoor retail space or part thereof, plus one car park per 100m<sup>2</sup> of outdoor display area (covered or uncovered) or part thereof.</p>
Office Activity	One car park per 50m <sup>2</sup> gross floor space or part thereof.
Recreational Activity	One staff car park per two staff or part thereof on the site at any time, plus one car park per 10 persons or part thereof provided for on the site.
Residential Activity	One car park per residential unit, except that where the residential unit has an area (excluding any garaging) greater than 150m <sup>2</sup> two car parks are to be provided.
Residential Care Activity	One staff car park per two staff or part thereof on site at any one time, plus one car park per four care residents or part thereof.
Retail Sales	<p>One car park per 50m<sup>2</sup> retail floor space or part thereof plus one staff car park per 100m<sup>2</sup> retail floor space or part thereof.</p> <p>Activities with outdoor display areas: One staff car park per two staff or part thereof on the site at any time, plus one car park per 50m<sup>2</sup> of indoor retail space or part thereof, plus one car park per 100m<sup>2</sup> of outdoor display area (covered or uncovered) or part thereof.</p>
Roadside Sales Activity on State Highways	One car park per 25m <sup>2</sup> of retail floor area or part thereof.
Service Station	One staff car park per two staff or part thereof on the site at any time.
Supermarket	One car park per 20m <sup>2</sup> retail floor space or part thereof plus one staff car park per 100m <sup>2</sup> retail floor space or part thereof.

Take-Away Food Activity	One car park per 50m <sup>2</sup> of retail floor area or part thereof.  For establishments which contain a drive-through facility a minimum of five queuing spaces are to be provided from the drive-through order point.
Veterinary Clinic	One staff car park per two staff or part thereof on the site at any time, plus one car park per 200m <sup>2</sup> gross floor space or part thereof.
Vehicle Repair, Servicing and Storage	One car park per two staff or part thereof on site at any one time.
Visitor Accommodation	One staff car park per two staff or part thereof on the site at any time, plus: Unit type construction (e.g. motels, cabins): One car park per unit. Guest room type construction (e.g. hotels, hostels): One car park per four guests or part thereof. Camping ground accommodation: One car park per camp site.

**3.20.2 Car parking design:** All car parking spaces are to be designed to comply with the car parking standards set out in Appendix VIII (Transport Standards).

**3.20.3 Parking Spaces for Non-Residential Activities:** Where parking spaces are provided for a non-residential activity located within or adjoining a Residential Zone, the area comprising the off street parking spaces, together with their respective access drives and aisles, shall:

- (A) Be screened by a close boarded fence, solid wall or hedge not less than 1.8 metres in height.
- (B) Be designed to comply with the parking standards in Appendix VIII.

**3.20.4 Activity Status:** Where any of the provisions of Rules 3.20.1, 3.20.2 and 3.20.3 above will not be met then the activity is a discretionary activity.

**3.20.5** Applications made under Rule 3.20.4 above shall address the following matters which will be among those taken into account by the Council:

- (A) Alternative arrangements proposed for off-street parking.
- (B) Provision made for transportation modes other than the private motor vehicle.
- (C) Effects on the transportation network.
- (D) Effects on adjoining properties and the immediate neighbourhood.

**3.20.6 Loading Facilities and Manoeuvring Spaces:** Provision is to be made for loading and unloading facilities and manoeuvring spaces on site for vehicles servicing that activity, except:

- (A) For infrastructure.
- (B) Within the Priority Redevelopment Precinct in the Business 1 Zone.



- (C) Within the Smelter Zone.
- (D) For residences fronting the street within the Residential 1, Residential 1A, Residential 2 and Residential 3 Zones.

**3.20.7** Where any loading facility and/or manoeuvring space is provided:

- (A) It is to be so designed that vehicles using the facility are able to enter and leave the site in forward gear.
- (B) The facility and any associated vehicle manoeuvring area, is to be designed to comply with the manoeuvring diagram in Appendix VIII.

**3.20.8** For residences fronting the street within the Residential 1, Residential 1A, Residential 2 and Residential 3 Zones: Where no manoeuvring space is provided on site and a garage is built with the garage door positioned towards the street, a setback of 5.2 metres shall be provided from the garage door to the property boundary.

**3.20.9** Where any of the provisions of Rules 3.20.6, 3.20.7 and 3.20.8 above are not complied with then the activity is a discretionary activity.

**3.20.10** Applications made under Rule 3.20.9 above shall address the following matters which will be among those taken into account by the Council:

- (A) The effect of loading and unloading facilities and manoeuvring spaces on site on the transportation network and the amenities of the area.

**3.20.11** **Accesses to, and Egresses from, Roads:** It is a discretionary activity to construct and use new vehicle accesses from, and egresses on to, State Highways:

- (A) For any activity, where the speed limit exceeds 50 kph.
- (B) For any discretionary or non-complying activity where the speed limit is 50 kph or less.

**Note:** The approval of the New Zealand Transport Agency is required for any works on the State Highway.

**3.20.12** Applications made under Rule 3.20.11 shall address the following matters which will be among those taken into account by the Council:

- (A) The location of the vehicle accesses and egresses.
- (B) The dimensions, formation and surfacing of the vehicle accesses and egresses.
- (C) Any additional works that may be required on site or on the roadway itself to avoid, remedy or mitigate any potential traffic safety problems.

**3.20.13** The erection of, or addition to buildings and other structures, which exceed 1.2 metres in height, within the Railway Crossing Safety Zones shown on the District Planning Maps is a restricted discretionary activity.

The matters over which Council shall exercise its discretion are:

- (i) Any adverse effect on the safety of the level crossing for vehicles and pedestrians.
- (ii) The extent to which vehicles entering and exiting the level crossing can see trains.

**3.20.14** Except within the Seaport 1 and Seaport 2 Zones, the construction of crossings at railway lines which are intended to be used by vehicles is a discretionary activity.

### **3.20A TEMPORARY MILITARY TRAINING ACTIVITIES**

**3.20A** Subject to Rules 3.1 - 3.12 and 3.15 – 3.20, Temporary Military Training Activities are a permitted activity subject to the following performance standards:

- (A) The activity shall be carried out for no longer than 31 days on the site in any one calendar year, excluding set up and pack down which can occur one week immediately prior to and one week immediately following the activity.
- (B) There shall be no construction of a permanent structure.
- (C) Notice is provided to the Council at least two working days prior to the commencement of the activity, specifying whether the activity involves live firing and/or the use of explosives, or firing of blank ammunition; the location of the activity and the boundaries within which the activity will take place, and distances to buildings housing noise sensitive activities; and the timing and duration of the activity; and evidence of consultation with landowners of sites on which the activity is to occur.
- (D) Noise

**Noise Measurement and assessment:** Sound levels are to be measured in accordance with the provisions of NZS 6801:2008: Acoustics - Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802:2008: Acoustics Environmental Noise, except where expressly provided elsewhere in the Plan.

- (a) Any weapons firing and/or the use of explosives shall comply with the following standards:
  - (i) The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity:

0700 to 1900 hours:	500m
1900 to 0700 hours:	1250m

- (ii) Where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity:

0700 to 1900 hours: 95 dB  $L_{Cpeak}$   
 1900 to 0700 hours: 85dB  $L_{Cpeak}$

(b) Noise from Mobile Sources

Noise from mobile sources, including but not limited to personnel, light and heavy vehicles, self-propelled equipment and earthmoving equipment, shall comply with the noise limits set out in Tables 2 and 3 of *NZS6803:1999 Acoustics - Construction Noise*, with reference to "construction noise" referring to noise from mobile sources.

(c) Noise from Fixed (Stationary) Sources

Noise from fixed (stationary) noise sources, other than provided for in 3.20A.1(D)(a) above, including but not limited to power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems shall not exceed the following when measured in accordance with *NZS6801:2008 Acoustics - Measurement of Sound*:

- (i) at any point within the notional boundary of any building housing a noise sensitive activity; or  
 (ii) at any point within, any land zoned Residential 1, 1A, 2 or 3 or Otatara.

Time	Noise Level
0700 - 1900 hours	55 dB $L_{Aeq(15 mins)}$
1900 - 2200 hours	50 dB $L_{Aeq(15 mins)}$
2200 - 0700 hours the following day	45 dB $L_{Aeq(15 mins)}$ 75 dB $L_{AFmax}$

(d) Helicopter Landing Areas

The operation of helicopter landing areas shall comply with the noise limits set out in *NZ6807 Noise Management and Land Use Planning for Helicopter Landing Areas*.

**3.20A.2** Where any of the standards in Rule 3.20A.1 will not be met then the activity is a restricted discretionary activity.

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

- (A) The timing and duration of the activity;  
 (B) Site reinstatement;  
 (C) Noise

- (D) Adverse environmental effects of the activity associated with any permanent structures, with particular assessment against the environmental standards for the subject Zone.

[SECTION 3.21 CONTINUES ON PAGE 3-53]

# ZONE RULES

## 3.21 AIRPORT OPERATIONS ZONE

**3.21.1 Permitted Activities:** The following are permitted activities in the Airport Operations Zone:

- (A) Airport Activities.
- (B) Airport Service and Commercial Activity.
- (C) Land transport facility.
- (D) Meteorological facilities.
- (E) Conference Facilities, subject to:
  - (a) Use of any single facility to a maximum of 100 persons at any time

**3.21.2 Non-complying Activities:** The following are non-complying activities in the Airport Operations Zone:

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

**3.21.3 Prohibited Activity:** The following are prohibited activities in the Airport Operations Zone.

- (A) Noise Sensitive Activities not in existence as at 29 October 2016

## 3.22 AIRPORT PROTECTION ZONE

**3.22.1 Permitted Activities:** The following are permitted activities in the Airport Protection Zone:

- (A) Agriculture other than forestry and shelter planting.
- (B) Buildings for the purpose of agriculture.

**Note:** Parts of the Airport Protection Zone are also subject to height restrictions under the Airport Approach and Land Use Controls Designation. Please refer to Designation 74 in Appendix IV.

**3.22.2 Discretionary Activities:** The following are discretionary activities in the Airport Protection Zone:

- (A) Airport activities.
- (B) Alterations or additions to existing buildings or parts of buildings used for Noise Sensitive Activities, provided that the work complies with the specifications in Appendix VI Noise Sensitive Insulation Requirements.
- (C) Home occupations within existing residences.

**3.22.3 Non-complying Activities:** The following are non-complying activities in the Airport Protection Zone:

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

**3.22.4 Prohibited Activity:** The following are prohibited activities in the Airport Protection Zone.

- (A) Noise Sensitive Activities not in existence as at 29 October 2016.
- (B) Additions or alterations to existing buildings containing Noise Sensitive Activities, which do not comply with the specifications contained in Appendix VI Noise Sensitive Insulation Requirements.

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

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

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

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

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

### **3.23 BUSINESS 1 (CENTRAL BUSINESS DISTRICT) ZONE**

**3.23.1 Permitted Activities:** The following are permitted activities within the Business 1 Zone:

- (A) Car parking activity
- (B) Early childhood education and care centre
- (C) Commercial recreation activity
- (D) Communal activity
- (E) Community service activity
- (F) Educational activity
- (G) Essential services activity
- (H) Healthcare activity
- (I) Hospital activity
- (J) Residential activity, except within the Entertainment Precinct.
- (K) Restaurants excluding drive-through facilities where access and/or egress is via the Pedestrian-Friendly Frontages Precinct
- (L) Retail sales
- (M) Shopping mall activity
- (N) Service stations, except within the Priority Redevelopment Precinct, the Entertainment Precinct and the Pedestrian-Friendly Frontages Precinct
- (O) Supermarkets except within the Priority Redevelopment Precinct
- (P) Temporary activities
- (Q) Visitor accommodation
- (R) Commercial Service Activity
- (S) Office Activity
- (T) Trade retail, except within the Priority Redevelopment Precinct, the Entertainment Precinct and the Pedestrian-Friendly Frontages Precinct
- (U) Community Corrections Facility

**3.23.2 Discretionary activities:** The following are discretionary activities in the Business 1 Zone:

- (A) Any activity not listed as permitted or prohibited (other than heavy industry) up to 5,000 square metres total floor space.

**3.23.3 Non-complying activities:** The following are non-complying activities in the Business 1 Zone:

- (A) Heavy industry and any activity not listed as permitted with a total floor space exceeding 5,000 square metres other than activities listed as prohibited.

**3.23.3A Prohibited Activities:** The following are prohibited in the Business 1 Zone:

- (A) New Noise Sensitive Activities within the Outer Control Boundary or the Single Event Sound Exposure Boundary.
- (B) Additions or alterations to existing buildings containing Noise Sensitive Activity within the Outer Control Boundary or the Single Event Sound Exposure Boundary, which do not comply with the specifications contained in Appendix VI Noise Sensitive Insulation Requirements.

**Pedestrian friendly frontages:**

**3.23.4** The ground floor façade of all buildings within the Pedestrian Friendly Frontages Precinct is required to have at least:

- (A) 40% devoted to display windows.
- (B) One public entrance with glazing comprising at least 40% of the doors.

**3.23.5** Any new building within the Pedestrian Friendly Frontages Precinct is required to:

- (A) Be set back from the street boundary by no more than three metres.
- (B) Occupy at least 70% of the street frontage.
- (C) Make provision for any car parking or vehicle servicing to the side or rear of the building.

**3.23.6** Where any of the provisions of Rules 3.23.4 and 3.23.5 are not met, the activity is a discretionary activity.

**3.23.7** Applications made under Rule 3.23.6 above shall address the following matters which will be among those taken into account by the Council:

- (A) Features incorporated into the building to display the business of the building or enable people on the public footpath to be aware of what is going on inside.
- (B) Upper storey features such as fenestration and balconies.
- (C) Features intended to enhance the experience of pedestrians passing the building, such as landscape or sculptural features.
- (D) Texture and detailing of the façade to make it attractive for pedestrians.



(E) Positioning and character of entrances and exits.

**Weather protection**

**3.23.8** Within the Pedestrian-Friendly Frontages Precinct all buildings are to be provided with verandahs across the public footpath for the full width of the site frontages.

**3.23.9** Any verandah across a public footpath is to be designed and constructed to comply with the following:

[RULE 3.23.9 CONTINUES ON PAGE 3-57]

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RULE 3.23.9 CONTINUES ON PAGE 3-57]

- (A) Have a maximum height of 3.5 metres and a minimum height of three metres above the footpath.
- (B) Be set back 0.6 metres from the kerb line.
- (C) Be so related to verandahs on adjacent buildings as to provide continuous weather protection for pedestrians.

**3.23.10** Where a verandah does not meet one or more of these standards, or where weather protection is provided by other means, the activity is a restricted discretionary activity.

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

- (A) The degree to which pedestrians using the public footpath are provided with adequate protection from the weather.

### **Height of Structures**

**3.23.11** Except as otherwise provided for in Rule 3.23.14 – 3.23.20 below, all new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

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

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

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

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

### **Street frontage and building height – Pedestrian-Friendly Frontages Precinct**

**3.23.14** Except as provided for in Rule 3.23.19, all new buildings within the Pedestrian-Friendly Frontages Precinct are required to be two storeys high along the street frontage.

- 3.23.15** The actual height of the two storeys is to be sufficient to match the first two storeys of the buildings on either side where the buildings are directly adjoining each other.
- 3.23.16** Where the proposed building is to be single storey only, the additional height along the frontage is to be provided by a parapet.
- 3.23.17** Any new building which does not comply with Rules 3.23.14 to 3.23.16 is a discretionary activity.
- 3.23.18** Applications under Rule 3.23.17 above shall address the following matters, which will be among those taken into account by the Council:
- (A) The degree to which design of the proposed building will integrate with or complement the buildings in the immediate vicinity.
  - (B) The extent to which the building contributes to the character and identity of the Pedestrian-Friendly Frontages Precinct.

#### **Corner sites and building height – Priority Redevelopment Precinct**

- 3.23.19** New buildings within the Priority Redevelopment Precinct which are on the corner of two formed roads are to be three storeys over at least 50% of the footprint of the building and the higher part of the building shall face the public streets.
- 3.23.20** Any new building which does not comply with Rule 3.23.19 is a discretionary activity.
- 3.23.21** Applications under Rule 3.23.20 above shall address the following matters, which will be among those taken into account by the Council:
- (A) The degree to which design of the proposed building will integrate with or complement the buildings in the immediate vicinity.
  - (B) The extent to which the building contributes to the character and identity of the Priority Redevelopment Precinct.

#### **Side and rear yards**

- 3.23.22** A side and/or rear yard at least four metres deep shall be provided for non-residential activities along boundaries adjoining a Residential Zone.
- 3.23.23** Where an activity does not comply with Rule 3.23.22 above then the activity is a discretionary activity.
- 3.23.24** Applications under Rule 3.23.23 above shall address the following matters, which will be among those taken into account by the Council:
- (A) Adverse effects on the neighbouring residentially zoned property.

### **Outdoor Storage**

- 3.23.25** Any area utilised for outdoor storage adjoining a Residential Zone is to be screened from that residential area by a close boarded fence, solid wall or hedge not less than 1.8 metres in height.
- 3.23.26** Where an activity does not comply with Rule 3.23.25 above the activity is a discretionary activity.
- 3.23.27** Applications under Rule 3.23.26 above shall address the following matters, which will be among those taken into account by the Council:
- (A) The effects of the storage on the amenities of the adjoining neighbourhood.

### **Crime Prevention Through Environmental Design**

- 3.23.28** Alleyways for public access are to be constructed and maintained so as to:
- (A) Not include hidden corners or blind spots.
  - (B) Be provided with sufficient lighting to illuminate the pedestrian access route while the route is open to the public.
  - (C) Have a legal width of not less than 3.5 metres.
- 3.23.29** Where the requirements in Rule 3.23.28 above are not met the building or development is a restricted discretionary activity.
- The matter over which the Council shall exercise its discretion is:
- (A) Features incorporated into the design of the building or development to give effect to the principles of Crime Prevention Through Environmental Design.

## **3.24 BUSINESS 2 (SUBURBAN SHOPPING AND BUSINESS) ZONE**

- 3.24.1 Permitted Activities:** The following are permitted activities in the Business 2 Zone:
- (A) Early childhood education and care centre
  - (B) Commercial recreation activity
  - (C) Communal activity
  - (D) Community service
  - (E) Educational activity
  - (F) Essential services
  - (G) Healthcare activity

- (H) Hospital activity
- (I) Light industry, provided that no more than three people are employed on the site at any one time
- (J) Residential activity
- (K) Restaurants, cafes, bars and taverns
- (L) Retail sales, other than in the context of a shopping mall
- (M) Service stations
- (N) Supermarket
- (O) Temporary activities
- (P) Visitor accommodation
- (Q) Commercial Service Activity
- (R) Office Activity
- (S) Trade retail

Provided that except for supermarkets the floor area of any premises shall not exceed 400 square metres.

**3.24.2 Discretionary activities:** The following are discretionary activities in the Business 2 Zone:

- (A) Any activity not listed as permitted, other than heavy industry.

**3.24.3 Non-complying activities:** The following are non-complying activities in the Business 2 Zone:

- (A) Heavy industry.

#### **Height of structures**

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

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

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

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

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

#### **Side and rear yards**

**3.24.7** A side and/or rear yard at least four metres deep shall be provided for activities along boundaries adjoining a Residential Zone.

**3.24.8** Where an activity does not comply with Rule 3.24.7 above, the activity is a discretionary activity.

**3.24.9** Applications under Rule 3.24.8 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Reasons for the proposed activity to intrude within the four metres side and/or rear yard.
- (B) The scale and character of the activity, including the potential for adverse effects from noise, odour, glare, incidence of daylight and sunlight, privacy, lightspill, electrical interference and the use of hazardous substances.
- (C) The size and location of buildings and structures.
- (D) Proximity to neighbouring residential activities.
- (E) The ability to mitigate any adverse effects on adjoining sites.

#### **Outdoor Storage**

**3.24.10** Any area utilised for outdoor storage adjoining a residential area is to be screened from that residential area by a close boarded fence, solid wall or hedge not less than 1.8 metres in height.

**3.24.11** Where an activity does not comply with Rule 3.24.10 above, the activity is a discretionary activity.

**3.24.12** Applications under Rule 3.24.11 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The effects of the storage on the amenities of the adjoining neighbourhood.

### **3.25 BUSINESS 3 (SPECIALIST COMMERCIAL) ZONE**

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

- (A) Early childhood education and care centre
- (B) Commercial recreation activity
- (C) Community service
- (D) Essential services
- (E) Healthcare activity
- (F) Light industry
- (G) Motor vehicle sales
- (H) Trade Retail
- (I) Service stations
- (J) Supermarkets
- (K) Takeaway food premises
- (L) Temporary activities
- (M) Caretaker Accommodation
- (N) Commercial Service Activity

**3.25.2 Discretionary activities:** The following are discretionary activities within the Business 3 Zone:

- (A) Any activity not listed as permitted or non-complying.

**3.25.3 Non-complying activities:** The following are non-complying activities within the Business 3 Zone:

- (A) Heavy industry.
- (B) Shopping mall.



- (C) Noise sensitive activity, other than early childhood education and care centre and those listed as a prohibited activity.

**3.25.3A Prohibited Activities:** The following are prohibited in the Business 3 Zone:

- (A) New Noise Sensitive Activities within the Outer Control Boundary or the Single Event Sound Exposure Boundary.
- (B) Additions or alterations to existing buildings containing Noise Sensitive Activity within the Outer Control Boundary or the Single Event Sound Exposure Boundary which do not comply with the specifications contained in Appendix VI Noise Sensitive Insulation Requirements.

#### **Height of Structures**

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

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

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

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

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

#### **Side and rear yards**

**3.25.7** A side and/or rear yard at least four metres deep shall be provided for non-residential activities along the site boundaries adjoining a residential zone.

**3.25.8** Where any activity does not comply with Rule 3.25.7 above, the activity is a discretionary activity.

**3.25.9** Applications under Rule 3.25.8 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Reasons for the proposed activity to intrude within the four metre side and/or rear yard.

- (B) The scale and character of the activity, including the potential for adverse effects from noise, odour, glare, incidence of daylight and sunlight, privacy, lightspill, electrical interference and the use of hazardous substances.
- (C) The size and location of buildings and structures.
- (D) Proximity to neighbouring residential activities.
- (E) The ability to mitigate any adverse effects on adjoining sites.

[RULE 3.25.10 CONTINUES ON PAGE 3-64]

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## **Outdoor Storage**

- 3.25.10** Any area utilised for outdoor storage adjoining a residential area is to be screened from that residential area by a close boarded fence, solid wall or hedge not less than 1.8 metres in height.
- 3.25.11** Where an activity does not comply with Rule 3.25.10 above, the activity is a discretionary activity.
- 3.25.12** Applications under Rule 3.25.11 above shall address the following matter, which will be among those taken into account by the Council:
- (A) The effects of the storage on the amenities of the adjoining neighbourhood.

## **3.26 BUSINESS 4 (NEIGHBOURHOOD SHOP) ZONE**

**3.26.1 Permitted Activities:** The following are permitted activities within the Business 4 Zone:

- (A) Community service
- (B) Communal activity
- (C) Essential services
- (D) Healthcare activity
- (E) Light industry, provided that no more than three people are employed on the site at any one time.
- (H) Retail sales other than from supermarkets, and other than in the context of a shopping mall
- (I) Temporary activities
- (J) Commercial Service Activity
- (K) Caretaker accommodation

Provided that:

- (A) The premises is to be open to the public only within the hours of 6.30 am to 10.00 pm.
- (B) The premises shall have a floor area of less than 300 square metres.

**3.26.2 Discretionary Activities:** The following are discretionary activities within the Business 4 Zone:

- (A) Residential activity
- (B) Office Activity

**3.26.3 Non-complying Activities:** The following are non-complying activities within the Business 4 Zone:

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

#### **Height of Structures**

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

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

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

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

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

#### **Side and rear yards**

**3.26.7** A side and/or rear yard at least four metres deep shall be provided for non-residential activities along the site boundaries adjoining a residential zone.

**3.26.8** Where an activity does not comply with Rule 3.26.7 above, the activity is a discretionary activity.

**3.26.9** Applications under Rule 3.26.8 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Reasons for the proposed activity to intrude within the four metres side and/or rear yard.
- (B) The scale and character of the non-residential activity, including the potential for adverse effects from noise, odour, glare, incidence of

daylight and sunlight, privacy, lightspill, electrical interference and the use of hazardous substances.

- (C) The size and location of buildings and structures.
- (D) Proximity to neighbouring residential activities.
- (E) The ability to mitigate any adverse effects on adjoining sites.

### **Outdoor Storage**

**3.26.10** Any area utilised for outdoor storage adjoining a residential area is to be screened from that residential area by a close boarded fence, solid wall or hedge not less than 1.8 metres in height.

**3.26.11** Where an activity does not comply with Rule 3.26.10 above, the activity is a discretionary activity.

**3.26.12** Applications under Rule 3.26.11 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The effects of the storage on the amenities of the adjoining neighbourhood.

## **3.27 BUSINESS 5 (RURAL SERVICE) ZONE**

**3.27.1 Permitted Activities:** The following are permitted activities in the Business 5 Zone:

- (A) No permitted activities.

**3.27.2 Discretionary Activities:** The following are discretionary activities in the Business 5 Zone:

- (A) Rural servicing activity in accordance with the Rural Service Zone Concept Plan included in Appendix X.

**3.27.3 Non-complying Activities:** The following are non-complying activities in the Business 5 Zone:

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

### **Height of Structures**

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

- (A) Maximum height: 10 metres

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

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

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

### **Side and rear yards**

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

**3.27.8** Where an activity does not comply with Rule 3.27.7 above, the activity is a discretionary activity.

**3.27.9** Applications under Rule 3.27.8 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Reasons for the proposed activity to intrude within the four metres side and/or rear yard.
- (B) The scale and character of the non-residential activity, including the potential for adverse effects from noise, odour, glare, incidence of daylight and sunlight, privacy, lightspill, electrical interference and the use of hazardous substances.
- (C) The size and location of buildings and structures.
- (D) Proximity to neighbouring residential activities.
- (E) The ability to mitigate any adverse effects on adjoining sites.

## **3.27A BUSINESS 6 (BUSINESS PARK) ZONE**

**3.27A.1 Permitted Activities:** The following are permitted activities within the Business 6 Zone:

- (A) Car parking
- (B) Commercial recreation activity
- (C) Commercial service activity
- (D) Community service
- (E) Educational activity
- (F) Essential services

- (G) Healthcare activity
- (H) Land transport facility
- (I) Light industry
- (J) Motor vehicle sales
- (K) Retail sales, where the retail floor area exceeds 400 square metres per tenancy
- (L) Service stations
- (M) Supermarkets
- (N) Takeaway food premises
- (O) Temporary activities
- (P) Trade Retail
- (Q) Community Corrections Facility

**3.27A.2 Discretionary activities:** The following are discretionary activities within the Business 6 Zone:

- (A) Any activity not listed as permitted, non-complying or prohibited.

**3.27A.3 Non-complying activities:** The following are non-complying activities within the Business 6 Zone:

- (A) Heavy industry
- (B) Shopping mall
- (C) Any noise sensitive activity other than those provided for as a permitted activity, or those listed as a prohibited activity.

**3.27A.3A Prohibited Activities:** The following are prohibited in the Business 6 Zone:

- (A) New Noise Sensitive Activities within the Outer Control Boundary or the Single Event Sound Exposure Boundary.
- (B) Additions or alterations to existing buildings containing Noise Sensitive Activity within the Outer Control Boundary or the Single Event Sound Exposure Boundary which do not comply with the specifications contained in Appendix VI Noise Sensitive Insulation Requirements.

### Height of Structures

3.27A.4 All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

- (A) Maximum height: 15 metres



- (B) Recession plane: Infogram 4 applies in relation to any boundary with any Residential Zone

3.27A.5 Where an activity does not comply with Rule 3.27A.4 above, the activity is a restricted discretionary activity.

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

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

[RULE 3.27A.5 CONTINUES ON PAGE 3-69]

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

#### **Side and rear yards**

- 3.27A.6 A side and/or rear yard at least four metres deep shall be provided for non-residential activities along the site boundaries adjoining a Residential Zone.
- 3.27A.7 Where any activity does not comply with Rule 3.27A.6 above, the activity is a discretionary activity.
- 3.27A.8 Applications under Rule 3.27A.7 above shall address the following matters, which will be among those taken into account by the Council:
- (A) Reasons for the proposed activity to intrude within the four metre side and/or rear yard.
  - (B) The scale and character of the activity, including the potential for adverse effects from noise, odour, glare, incidence of daylight and sunlight, privacy, lightspill, electrical interference and the use of hazardous substances.
  - (C) The size and location of buildings and structures.
  - (D) Proximity to neighbouring residential activities.
  - (E) The ability to mitigate any adverse effects on adjoining sites.

#### **Outdoor Storage**

- 3.27A.9 Any area utilised for outdoor storage adjoining a residential area is to be screened from that residential area by a close boarded fence, solid wall or hedge not less than 1.8 metres in height.
- 3.27A.10 Where an activity does not comply with Rule 3.27A.9 above, the activity is a discretionary activity.
- 3.27A.11 Applications under Rule 3.27A.10 above shall address the following matter, which will be among those taken into account by the Council:
- (A) The effects of the storage on the amenities of the adjoining neighbourhood.

### **3.28 HOSPITAL ZONE**

**3.28.1 Permitted Activities:** The following are permitted activities in the Hospital Zone:

- (A) Hospital activities.

**3.28.2 Non complying activities:** The following are non-complying activities in the Hospital Zone:

- (A) Any other activity not listed as permitted.

#### **Height of Structures**

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

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

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

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

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

### **3.29 INDUSTRIAL 1 (LIGHT) ZONE**

**3.29.1 Permitted Activities:** The following are permitted activities in the Industrial 1 Zone:

- (A) Essential services
- (B) Light industry
- (C) Motor vehicle sales
- (D) Takeaway food premises not exceeding 150 square metres
- (E) Land transport facility

- (F) Trade Retail
- (G) Caretaker Accommodation
- (H) Dairy processing on the land legally described on 9 May 2017 as
  - (a) 25 Teviot Street (Sec 7 Blk XXVIII TN OF Invercargill); and
  - (b) 111 Nith Street (Sec 8 Blk XXVIII TN OF Invercargill; Lot 1 DP 2591; Lot 2 DP 2591; Lot 1 DP2294; Lot 2 and Pt Lot 4 DP 2294; Sec 23 Blk XXVIII TN OF Invercargill; Pt Sec 12 Blk XXVIII TN OF Invercargill; and Pt Sec 13 Blk XXVIII TN OF Invercargill); and
  - (c) 134 Ettrick Street (Sec 14 Blk XXVIII TN OF Invercargill).
- (H) Community Corrections Facility

**3.29.2 Discretionary activities:** The following are discretionary activities in the Industrial 1 Zone:

- (A) Any activity not listed as permitted or non-complying.

**3.29.3 Non-complying activities:** The following are non-complying activities in the Industrial 1 Zone:

- (A) Heavy industry.

#### **Height of Structures**

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

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

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

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

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

**Side and rear yards**

- 3.29.7** A side and/or rear yard of at least four metres shall be provided where the site adjoins a Residential Zone.
- 3.29.8** Where an activity does not comply with Rule 3.29.7 above, the activity is a discretionary activity.

[RULE 3.29.9 FOLLOWS ON PAGE 3-72]

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**3.29.9** Applications under Rule 3.29.8 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The reasons for the proposed non-residential activity to intrude within the four metres side and/or rear yard.
- (B) The scale and character of the non-residential activity, including the potential for adverse effects from noise, odour, glare, incidence of daylight and sunlight, privacy, lightspill, electrical interference and the use of hazardous substances.
- (C) The size and location of buildings and structures.
- (D) Proximity to neighbouring residential activities.
- (E) The ability to mitigate any adverse effects on adjoining sites.

#### **Outdoor Storage**

**3.29.10** Any area utilised for outdoor storage adjoining a residential area is to be screened from that residential area by a close boarded fence, solid wall or hedge not less than 1.8 metres in height.

**3.29.11** Where an activity does not comply with Rule 3.29.10 above, then the activity is a discretionary activity.

**3.29.12** Applications under Rule 3.29.11 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The effects of the storage on the amenities of the adjoining neighbourhood.

### **3.30 INDUSTRIAL 2 (URBAN) ZONE**

**3.30.1 Permitted Activities:** The following are permitted activities in the Industrial 2 Zone:

- (A) Essential services
- (B) Heavy industry
- (C) Land transport facility
- (D) Light industry
- (E) Motor vehicle sales
- (F) Service station
- (G) Veterinary clinic
- (H) Trade Retail
- (I) Takeaway food premises not exceeding 150 square metres



(J) Caretaker Accommodation

**3.30.2 Discretionary Activities:** The following are discretionary activities in the Industrial 2 Zone:

(A) Any activity other than those listed as permitted, non-complying, or prohibited.

**3.30.3 Non-complying Activities:** The following are non-complying activities in the Industrial 2 Zone:

(A) Noise-sensitive activity other than those listed as a prohibited activity.

**3.30.3A Prohibited Activities:** The following are prohibited in the Industrial 2 Zone:

(A) New Noise Sensitive Activities within the Outer Control Boundary or the Single Event Sound Exposure Boundary.

(B) Additions or alterations to existing buildings containing Noise Sensitive Activity within the Outer Control Boundary or the Single Event Sound Exposure Boundary which do not comply with the specifications contained in Appendix VI Noise Sensitive Insulation Requirements.

#### **Height of Structures**

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

(A) Maximum height: 25 metres.

**Note:** Parts of the Industrial 2 Zone are also subject to height restrictions under the Airport Approach and Land Use Controls Designation. Please refer to Designation 74 in Appendix IV.

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

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

(A) Reasons for the building or structure height.

(B) The compatibility of the proposed building or structure with the scale of development and character of the local area.

(C) The degree of overshadowing of neighbouring properties.

(D) The degree of overlooking of neighbouring properties.

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

### **3.30A INDUSTRIAL 2A (LAKE STREET) ZONE**

**3.30A.1 Permitted Activities:** The following are permitted activities in the Industrial 2A Zone:

- (A) Freight Depot
- (B) Land transport facility
- (C) Bulk storage of asphalt, tallow, industrial chemicals and scrap metal
- (D) Concrete batching
- (E) Light industry
- (F) Essential Service

[RULE 3.30A.1 CONTINUES ON PAGE 3-74]

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- (G) The erection of any building up to and not exceeding 19m in height with finished floor levels of at least 2.7m AMSL, roofs coloured Colorsteel New Denim Blue, and walls coloured with Colorsteel Titania or unfinished concrete.

**3.30A.2 Controlled Activities:** The following are controlled activities in the Industrial 2A Zone:

- (A) The erection of any building not otherwise permitted up to and not exceeding 19m in height with finished floor levels of at least 2.7m AMSL.

**3.30A.3 Restricted Discretionary Activities:** The following are restricted discretionary activities in the Industrial 2A Zone:

- (A) The erection of any building exceeding 19m in height and up to and not exceeding 25m in height with finished floor levels of at least 2.7m AMSL

**3.30A.4 Discretionary Activities:** The following are discretionary activities in the Industrial 2A Zone:

- (A) Any activity not listed as permitted, controlled, restricted discretionary or non-complying

**3.30A.5 Non-complying Activities:** The following are non-complying activities in the Industrial 2A Zone:

- (A) Noise sensitive activity including Habilitation Centres

#### **Height and Colour of Structures**

**3.30A.6** All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height:

19m in height, provided that roofs are coloured Colorsteel New Denim Blue, and walls are coloured either Coloursteel Titania or unfinished concrete.

**3.30A.7** Where a building up to 19m in height does not comply with the provisions of Rule 3.30A.6 above, it shall be a controlled activity. The matters over which the Council shall exercise its control are:

- (A) Colour and reflectivity

**3.30A.8** The erection of any building exceeding 19m in height and up to and not exceeding 25m in height with finished floor levels of at least 2.7m AMSL is a restricted discretionary activity. The matters over which the Council shall exercise its discretion are:

- (A) Colour and reflectivity; and
- (B) The degree to which view shafts are maintained across the site, from the Clifton residential area towards the New River Estuary by the use of 6m clear Zones around the buildings exceeding 19m in height.

**Note:** Applications under Rule 3.30A.8 need not be publicly notified.

**3.30A.9** Where a building exceeds a height of more than 25m, it shall be a discretionary activity (unrestricted).

**Concept Plan**

**3.30A.10** (A) All land use activities shall comply with the Concept Plan (“Industrial 2A Zone”) in Appendix X, including:

- (1) All vehicular access to Section 25 Block XIX Invercargill Hundred; Section 24 Block XIX Invercargill Hundred and Lot 1 of 23 Deposited Plan 2612 shall be via a new access road off Lake Street.
- (2) Any buildings located within the Frome Street View Shaft as depicted on the Concept Plan in Appendix X shall not exceed 6m in height.
- (3) Signage within the Industrial 2A Zone shall not be legible beyond the boundary of the Zone.
- (4) The erection of any buildings shall be confined to the area west of the railway siding and shown as “Warehouse Development Zone” or “Building Zone” on the Concept Plan.

(B) Any activity that does not comply with Rule 3.30A.10(A) above is a discretionary activity

**3.31 INDUSTRIAL 3 (LARGE) ZONE**

**3.31.1 Permitted Activities:** The following are permitted activities in the Industrial 3 Zone:

- (A) Agriculture
- (B) Essential services
- (C) Freight depot
- (D) Land transport facility
- (E) Heavy industry
- (F) Light industry
- (G) Specialist facilities for animal husbandry including veterinary clinic
- (H) Storage and sale of liquid and gaseous fuels
- (I) Takeaway food premises not exceeding 150 square metres

Provided that:

- (A) The development complies with the relevant Concept Plans in Appendix X.

**3.31.2 Discretionary activities:** The following are discretionary activities in the Industrial 3 Zone:

(A) Any other activity not listed as permitted or non-complying.

**3.31.3 Non-complying activities:** The following are non-complying activities in the Industrial 3 Zone:

(A) Noise sensitive activity.

**3.31.3A Deferred zone provisions:** The Rural Zone Objectives, Policies and Rules apply to the land legally described on 4 October 2017 as:

- (i) 7 Kennington Road (Sec 2 SO 484274) and
- (ii) 9\* Kennington Road (Pt Lot 2 DP 1110)

until a Council resolution has been passed that both the development for the landscaping has been completed as detailed on the relevant Concept Plan in Appendix X and a formal request for the zone to become operational has been received by the Director of Environmental and Planning Services.

#### **Height of Structures**

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

(A) Maximum height: 25 metres.

(B) Within that part of the Industrial 3 Zone illustrated on the Concept Plan in Appendix X the maximum height is 35 metres.

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

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

(A) Reasons for the building or structure height.

(B) The compatibility of the proposed building or structure with the scale of development and character of the local area.

(C) The degree of overshadowing of neighbouring properties.

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

#### **Site Coverage**

**3.31.7** The maximum coverage of all buildings on each site shall not exceed 75% of the net site area.

**3.31.8** Where an activity does not comply with Rule 3.31.7 above, the activity is a discretionary activity.

**3.31.9** Applications under Rule 3.31.8 shall address the following matters, which will be among those taken into account by the Council:

- (A) Measures proposed to deal with stormwater.
- (B) The effect of the excess coverage on the amenities of neighbouring properties.
- (C) The visual effect of large buildings.

**Access**

**3.31.10** Within that part of the Industrial 3 Zone illustrated on the Concept Plan 3.1 in Appendix X:

- (A) Access to the site on the western side of Bluff Highway shall be via the existing formed access road shown on the Concept Plans.
- (B) All on-site lighting shall be directed away from the State Highway and shielded to avoid glare reaching the State Highway.

**3.31.11** Any activity that does not comply with any of the rules and environmental standards referred to in Rule 3.31.10 above is a discretionary activity.

**3.31.12** Applications under Rule 3.31.11 above shall address the following matter, which will be among those taken into account by the Council:

- (A) Effects on the State Highway and the wider transportation network.

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SECTION 3.32 INDUSTRIAL 4 ZONE CONTINUES ON PAGE 3-77]



### **3.32 INDUSTRIAL 4 (AWARUA) ZONE**

**3.32.1 Permitted Activities:** The following are permitted activities in the Industrial 4 Zone:

- (A) Agriculture
- (B) Essential services
- (C) Freight depot
- (D) Heavy industry
- (E) Light industry
- (F) Specialist facilities for animal husbandry including veterinary clinic
- (G) Storage and sale of liquid and gaseous fuels
- (H) Land transport facility

**3.32.2 Controlled activities:** The following are controlled activities in the Industrial 4 Zone:

- (A) The erection of any buildings and structures, other than:
  - (a) Within the Awarua Historic Area shown on the District Planning Maps.
  - (b) On Part Lot 1 DP 6760.
  - (c) On Lot 1 DP 6874.
  - (d) Within areas shown on the Concept Plan as being less than five metres AMSL.

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

- (A) The manner in which the design of buildings and structures may create a hazard to the flight of birds.
- (B) The colour of buildings and structures.
- (C) The provision for the management of stormwater, sewerage and tradewaste.
- (D) The avoidance of glare and lightspill.
- (E) Landscaping.
- (F) The effect of the bulk and location of buildings on:
  - (a) The amenity of the Heritage Area shown on the Concept Plan.
  - (b) The amenity of any residence located on adjoining land within the Rural Zone within a distance of 100 metres from that building.
  - (c) Views from State Highway 1 towards Bluff Hill.
  - (d) Views from the Heritage Area shown on the Concept Plan towards Bluff Hill, Stewart Island and Ōmaui.
- (G) The avoidance of reverse sensitivity effects on any lawfully established activities or facilities in or adjacent to the Industrial 4 Zone.

**Note:** Applications under Rule 3.32.2 need not be publicly notified, but may be served on potentially affected persons.

- 3.32.3** Formation of any areas of hard surfaces (including concrete, asphalt or bitumen) and any surfaces used for the movement and parking of vehicles and the external storage of goods and materials is a controlled activity.

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

- (A) The provision for the management of stormwater.
- (B) Landscaping.

**Note:** Applications under Rule 3.32.3 need not be publicly notified, nor will written approvals be necessary.

**3.32.4 Discretionary Activities:** The following are discretionary activities in the Industrial 4 Zone:

- (A) The treatment of human effluent or industrial waste in facilities servicing more than one site.

**3.32.5 Non-complying activities:** The following are non-complying activities in the Industrial 4 Zone:

- (A) Any activity not listed as permitted, controlled or discretionary.
- (B) Erection of any buildings or structures:
  - (a) Within the Awarua Historic Area shown on the District Planning Maps
  - (b) On Part Lot 1 DP 6760
  - (c) On Lot 1 DP 6874
  - (d) Within areas shown on the Concept Plan as being less than five metres AMSL.
- (C) Noise sensitive activity
- (D) Within the Awarua Historic Area shown on the District Planning Maps - industrial, manufacturing, processing or servicing activity of any kind and/or storage and sale of liquid and gaseous fuels.

#### **Concept Plan**

**3.32.6** Within that part of the Industrial 4 Zone at Awarua, illustrated on the Concept Plans in Appendix X, all land use activities shall comply with the Concept Plans.

**3.32.7** Any activity that does not comply with Rule 3.32.6 above is a non-complying activity.

#### **Access**

**3.32.8** Except as provided for in Rule 3.32.9 below, any activity utilising any road for access to the Industrial 4 Zone other than Colyer Road shall be a discretionary activity.

**3.32.9** Rule 3.32.8 does not apply to:

- (A) Vehicles using the farm access road shown on the Concept Plan for the Industrial 4 Zone, for the purposes of travelling to and from:
  - (a) the residences located on that road
  - (b) the heritage area shown on the Concept Plan
- (B) Vehicles associated with the carrying out of agricultural activities on land within the Industrial 4 Zone

**3.32.10** Applications under Rule 3.32.8 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The potential adverse effects on road safety.
- (B) The adequacy and design of that part of the roading network used to gain access to the Zone.

#### **Height of Structures**

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

- (A) Maximum height: 35 metres.

**3.32.12** Where an activity does not comply with Rule 3.32.11 above, the activity is a restricted discretionary activity.

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

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

#### **Site Coverage**

**3.32.13** The maximum coverage of all buildings on the site shall not exceed 25% of the net site area.

**3.32.14** Where an activity does not comply with Rule 3.32.13 above, the activity is a discretionary activity.

**3.32.15** Applications under Rule 3.32.14 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Measures proposed to deal with stormwater.
- (B) The effect of the excess coverage on the amenities of neighbouring properties.
- (C) The visual effect of large buildings.

### **3.33 OTATARA ZONE**

**3.33.1 Permitted Activities:** The following are permitted activities in the Otatara Zone:

- (A) Agriculture on sites equal to and greater than 4,000m<sup>2</sup>
- (B) Educational activity on sites listed in Appendix V - Educational Activity (Existing)
- (C) Home occupation
- (D) Home stay
- (E) Residential activity
- (F) Residential care activity limited to a maximum of eight persons

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

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

**3.33.3 Non-complying Activities:** The following are non-complying activities in the Otatara Zone:

- (A) Any other activity not listed as permitted, discretionary or prohibited.

**3.33.3A Prohibited Activities:** The following are prohibited in the Otatara Zone:

- (A) Within those areas identified on the District Planning Maps as being within the Outer Control Boundary or the Single Event Sound Exposure Boundary, new Noise Sensitive Activities or alterations or additions to existing buildings containing Noise Sensitive Activity which do not comply with the specifications contained in Appendix VI Noise Sensitive Insulation Requirements.

**Note:** For those areas of the Otatara Zone located within the Invercargill Airport Outer Control Boundary or Single Event Sound Exposure Boundary, attention is drawn to the relevant objectives, policies and rules relating to the management of potential reverse sensitivity effects on Invercargill Airport.

#### **Side and Rear Yards**

**3.33.4** A yard at least four metres deep shall be provided along all side and rear boundaries of any non-residential activity.

**3.33.5** Where an activity does not comply with Rule 3.33.4 above, the activity is a discretionary activity.

**3.33.6** Applications under Rule 3.33.5 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The reasons for the proposed non-residential activity to intrude within the four metres side and/or rear yard.
- (B) The scale and character of the non-residential activity, including the potential for adverse effects from noise, odour, glare, incidence of daylight and sunlight, privacy, lightspill, electrical interference and the use of hazardous substances
- (C) The size and location of buildings and structures.
- (D) Proximity to neighbouring residential activities.
- (E) The ability to mitigate any adverse effects on adjoining sites.

#### **Density**

**3.33.7** The maximum residential density is:

- (A) One residence per 4,000m<sup>2</sup> under contiguous ownership, where the proposed residence is to be connected to a reticulated foul sewerage system.
- (B) One residence per 10,000m<sup>2</sup> under contiguous ownership, where the proposed residence is not to be connected to a reticulated foul sewerage

system or falls within the Outer Control Boundary as show on the District Planning Maps.

**3.33.8** Where an activity does not comply with Rule 3.33.7 above, the activity is a discretionary activity.

**3.33.9** Applications under Rule 3.33.8 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The reasons for a higher density of residential activity.
- (B) The effect on open space and amenity values of the immediate neighbourhood.
- (C) The size and location of structures.

[RULE 3.33.9 CONTINUES ON PAGE 3-83]

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- (D) The extent to which solar gain to the living areas is achieved.
- (E) The extent to which practicable outdoor living is achieved.
- (F) Vehicle access, manoeuvring and parking.
- (G) Effluent disposal.

### **Height of Structures**

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

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

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

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

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

### **Fire Safety**

**3.33.12** Rules 3.33.13 - 3.33.18 apply to properties that:

- (A) Are not connected to the Council's reticulated water supply; or
- (B) Are connected to the Council's reticulated Restricted Flow Supply.

**3.33.13** Each new residential unit with a building floor area of less than 200m<sup>2</sup> shall have either:

- (A) A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure 7,000 litres of water is always available to the sprinkler system in the event of a fire; or
- (B) A water tank with a storage capacity of 30,000 litres maintained to hold a minimum of 20,000 litres of water at all times as a static fire fighting reserve.

- 3.33.14** Each new residential unit with a building floor area of greater than 200m<sup>2</sup> shall have either:
- (A) A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure a sufficient quantity of water (calculated in accordance with SNZ4509:2008) is always available to the sprinkler system in the event of a fire; or
  - (B) A water tank containing a sufficient quantity of water (calculated in accordance with SNZ4509:2008) always available as a static fire fighting reserve.
- 3.33.15** A fire fighting connection, in accordance with Appendix B of SNZ PAS 4509:2008 is to be located more than six metres and less than 90 metres from any proposed building on the site. The connection point is to be designed so that:
- (A) It is located so that is it clearly visible to enable connection of a fire appliance; and
  - (B) It is located so that fire appliances have unimpeded vehicular access, including a minimum width of four metres for an accessway, from the property boundary to the connection point; and it shall have a hardstand area adjacent to it to allow for a New Zealand Fire Service appliance to park on it. The hardstand area is to be located in the centre of a clear working space with a minimum width of 4.5 metres; and
  - (C) Where the water pressure at the connection point/coupling is less than 100kPa, a 100mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or
  - (D) Where the water pressure at the connection point/coupling is greater than 100kPa, a 70mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or
  - (E) Underground tanks, or tanks that are partially buried (provided the top is no more than one metre above ground) may be accessed by an opening in the top of the tank, whereby couplings are not required.
- 3.33.16** Any addition exceeding 50m<sup>2</sup> to a residential building shall comply with Rules 3.33.13, 3.33.14 and 3.33.15 as if it were a new building.
- 3.33.17** Where an activity does not comply with the relevant standards set out in Rules 3.33.13 - 3.33.16 above, the activity is a restricted discretionary activity.
- The matter over which the Council shall exercise its discretion is:
- (A) The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008) and the health and safety of the community, including neighbouring properties.
- 3.33.18** Any application made under Rule 3.33.17 shall include details of any consultation undertaken with the New Zealand Fire Service and the response received.

### **3.34 RESIDENTIAL 1 ZONE**

**3.34.1 Permitted Activities:** The following are permitted activities in the Residential 1 Zone:

- (A) Educational activity on sites listed in Appendix V - Educational Activity (Existing)
- (B) Home occupation
- (C) Home stay
- (D) Residential activity
- (E) Residential care activity limited to a maximum of eight persons

**3.34.2 Discretionary Activities:** The following are discretionary activities in the Residential 1 Zone:

- (A) Agriculture
- (B) Commercial recreation activity
- (C) Child day care facility
- (D) Communal activity
- (E) Education activity other than those on sites listed in Appendix V - Educational Activity (Existing)
- (F) Essential services
- (G) Habilitation centre
- (H) Health care activity
- (I) Hospital activity
- (J) Marae activity
- (K) Residential care activity for nine or more persons
- (L) Visitor accommodation

**3.34.3 Non-complying activities:** The following are non-complying activities in the Residential 1 Zone:

- (a) Any activity not listed as permitted, discretionary or prohibited.

**3.33.3A Prohibited Activities:** The following are prohibited in the Residential 1 Zone:

- (A) Within those areas identified on the District Planning Maps as being within the Outer Control Boundary or the Single Event Sound Exposure Boundary, new Noise Sensitive Activities or alterations or additions to existing buildings containing Noise Sensitive Activity which do not

comply with the specifications contained in Appendix VI Noise Sensitive Insulation Requirements.

**Note:** For those areas of the Residential 1 Zone located within the Invercargill Airport Outer Control Boundary or Single Event Sound Exposure Boundary, attention is drawn to the relevant objectives, policies and rules relating to the management of potential reverse sensitivity effects on Invercargill Airport.

**Residential density**

**3.34.4** The maximum residential density is:

- (A) One residence per 400 square metres under contiguous ownership.

[RULE 3.34.4 CONTINUES ON PAGE 3-86]

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- (B) One residence per Certificate of Title existing as at 29 October 2016 where the site is less than 400 square metres.

**3.34.5** Where the residential density is one residence on a site equal to or greater than 350 square metres but less than 400 square metres and under contiguous ownership then it is a discretionary activity.

**3.34.6** Where the residential density is one residence on a site less than 350 square metres under contiguous ownership then it is a non-complying activity.

**3.34.7** Applications under Rules 3.34.5 and 3.34.6 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Provision of private open space
- (B) Incidence of daylight and sunlight
- (C) Provision of on-site parking
- (D) Effects of the proposal on the incidence of daylight and sunlight on adjoining properties
- (E) Effects of the proposal on stormwater flows
- (F) The extent to which the development achieves good urban design outcomes

#### **Outdoor Living**

**3.34.8** Residences at or near ground level: A designated area of outdoor living space is to be provided as follows:

- (A) The space shall be sufficiently large to accommodate a horizontal circle with diameter 5 metres.
- (B) Minimum area 30 square metres.
- (C) The space shall be free of all buildings except for conservatories.

Provided that this space shall not form part of areas shown on the site plan as being for vehicle parking or manoeuvring.

**3.34.9** Residences located one storey above the ground floor: A balcony is to be provided:

- (A) Minimum area 15 square metres.
- (B) Minimum horizontal dimension 2.5 metres.

**3.34.10** Where an activity does not comply with Rules 3.34.8 and/or 3.34.9 above, the activity is a discretionary activity.

**3.34.11** Applications under Rule 3.34.10 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The extent to which practicable outdoor living is achieved.
- (B) The extent to which the development incorporates qualities of good urban design

**Space around buildings**

**3.34.12** A yard at least two metres deep shall be provided along each of the two northernmost boundaries of the site. These yards may include part of the open space required under Rules 3.34.8 or 3.34.9.

Except that accessory buildings no greater than six metres in length along the boundary may be located within these yards.

**3.34.13** A yard at least four metres deep shall be provided along all side and rear boundaries of any non-residential activity.

**3.34.14** Where an activity does not comply with Rules 3.34.12 and/or 3.34.13, the activity is a discretionary activity.

**3.34.15** Applications under Rule 3.34.14 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Access to daylight and sunlight.
- (B) Effects on amenities of neighbouring properties, including privacy.
- (C) The extent to which the development incorporates qualities of good urban design.

**Note:** See Infogram 6 for definition of the northernmost boundaries.

**Site Coverage**

**3.34.16** Maximum coverage of all buildings on the site shall not exceed 40% of net site area.

**3.34.17** Where the coverage of all buildings on the site exceeds 40% but does not exceed 45% of the net site area then it is a discretionary activity.

**3.34.18** Where the coverage of all buildings on the site exceeds 45% of the net site area it is a non-complying activity.

**3.34.19** Applications under Rules 3.34.17 and 3.34.18 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The extent of impermeable surfaces which must be drained via the city's stormwater collection system.
- (B) The extent to which solar gain to the living areas is achieved.
- (C) The extent to which practicable outdoor living is achieved.

- (D) The extent to which the development achieves good urban design.

### **Height of Structures**

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

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

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

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

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

### **Permeable Surfaces**

**3.34.23** The minimum area of permeable surface is 30% of the gross site area.

**3.34.24** Where the area of permeable surfaces is to be less than 30% of the gross site area, then the activity is a discretionary activity.

**3.34.25** Applications under Rule 3.34.24 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Alternative methods of slowing stormwater runoff from the site.  
(B) Measures to address the effects of stormwater contamination.

## **3.35 RESIDENTIAL 1A (MEDIUM DENSITY) ZONE**

**3.35.1** Rules 3.34.1 - 3.34.25 which apply in the Residential 1 Zone, also apply in the Residential 1A Zone, except that Rules 3.34.4 to 3.34.7 do not apply in instances where applications are made pursuant to Rule 3.35.2.

**3.35.2** Medium Density Housing developments are a discretionary activity on sites with a combined area of 2,000 square metres or more in contiguous ownership prior to development.



**3.35.3** Applications under Rule 3.35.2 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Neighbourhood character
- (B) Connectivity
- (C) Site layout
- (D) Building location
- (E) Relationship to neighbouring buildings
- (F) Visual and acoustic privacy
- (G) Access to solar gain
- (H) Car parking and vehicle access
- (I) On-site outdoor space
- (J) Entries to buildings
- (K) Outdoor storage and accessory buildings
- (L) Landscaping
- (M) The quantum of impermeable surface and measures undertaken to address stormwater issues

### **3.36 RESIDENTIAL 2 (BLUFF AND ŌMAUI) ZONE**

**3.36.1 Permitted Activities:** The following are permitted activities in the Residential 2 Zone:

- (A) Educational activity on sites listed in Appendix V - Educational Activity (Existing)
- (B) Home occupation
- (C) Home stay
- (D) Residential activity
- (E) Residential care activity limited to a maximum of eight persons

**3.36.2 Discretionary Activities:** The following are discretionary activities in the Residential 2 Zone:

- (A) Agriculture
- (B) Commercial recreation activity
- (C) Child day care facility

- (D) Communal activity
- (E) Education activity other than those on sites listed in Appendix V - Educational Activity (Existing)
- (F) Essential services
- (G) Habilitation centre
- (H) Health care activity
- (I) Hospital activity
- (J) Marae activity
- (K) Residential care activity for nine or more persons
- (L) Visitor accommodation

**3.36.3 Non-complying activities:** The following are non-complying activities in the Residential 2 Zone:

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

**Residential Density**

**3.36.4** The maximum residential density is:

- (A) One residence per 750 square metres under contiguous ownership.
- (B) One residence per Certificate of Title existing as at 29 October 2016 where the site is less than 750 square metres.

**3.36.5** Residential dwellings are a discretionary activity on lots smaller than 750 square metres.

**3.36.6** Applications under Rule 3.36.5 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Provision of private open space
- (B) Incidence of daylight and sunlight
- (C) Provision of on-site parking
- (E) Effects of the proposal on the incidence of daylight and sunlight on adjoining properties
- (F) Effects of the proposal on stormwater flows
- (G) The extent to which the development achieves good urban design outcomes

### **Outdoor Living**

**3.36.7** Residences at or near ground level: A designated area of outdoor living space is to be provided as follows:

- (A) The space shall be sufficiently large to accommodate a horizontal circle with diameter 5.0 metres.
- (B) Minimum area 30 square metres.
- (C) The space shall be free of all buildings except for conservatories.

Provided that this space shall not form part of areas shown on the site plan as being for vehicle parking or manoeuvring.

**Note:** Within the outdoor living space a conservatory may be erected.

**3.36.8** Residences located one storey above the ground floor: A balcony is to be provided:

- (A) Minimum area 15 square metres.
- (B) Minimum dimension 2.5 metres.

**3.36.9** Where an activity does not comply with Rules 3.36.7 and/or 3.36.8 above, the activity is a discretionary activity.

**3.36.10** Applications under Rule 3.36.9 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The extent to which practicable outdoor living is achieved.
- (B) The extent to which the development incorporates qualities of good urban design.

### **Incidence of Daylight and Sunlight and Space around Buildings**

**3.36.11** A yard at least two metres deep shall be provided along all boundaries of the site. This space may include the outdoor living area required under Rules 3.36.7 or 3.36.8.

Except that accessory buildings no greater than six metres in length along the boundary may be located within these yards.

**3.36.12** A yard at least four metres deep shall be provided along all side and rear boundaries of any non-residential activity.

**3.36.13** Where an activity does not comply with Rules 3.36.11 or 3.36.12 above, the activity is a discretionary activity.

**3.36.14** Applications under Rule 3.36.13 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Access to daylight and sunlight.
- (B) Effects on amenities of neighbouring properties, including privacy.
- (C) The extent to which the development incorporates qualities of good urban design.

#### **Site Coverage**

**3.36.15** Maximum coverage of all buildings on the site shall not exceed 30% of net site area.

**3.36.16** Where the coverage of all buildings on the site exceeds 30% but does not exceed 35% of the net site area it is a discretionary activity.

**3.36.17** Where the coverage of all buildings on the site exceeds 35% of the net site area it is a non-complying activity.

**3.36.18** Applications under Rules 3.36.16 and 3.36.17 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The extent of impermeable surfaces which must be drained via the city's stormwater collection system.
- (B) The extent to which solar gain to the living areas is achieved.
- (C) The extent to which practicable outdoor living is achieved.
- (D) The extent to which the development achieves good urban design.

#### **Height of Structures**

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

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

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

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

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

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

### **Permeable Surfaces**

- 3.36.22** The minimum area of permeable surface is 30% of the gross site area.
- 3.36.23** Where the area of permeable surfaces is to be less than 30% of the gross site area, then the activity is a discretionary activity.
- 3.36.24** Applications under Rule 3.36.23 above shall address the following matters, which will be among those taken into account by the Council:
- (A) Alternative methods of slowing stormwater runoff from the site.
  - (B) Measures to address the effects of stormwater contamination.

### **Fire Safety**

- 3.36.25** Rules 3.36.26-3.36.31 apply to properties that:
- (A) Are not connected to the Council's reticulated water supply; or
  - (B) Are connected to the Council's reticulated Restricted Flow Supply.
- 3.36.26** Each new residential unit with a building floor area of less than 200 square metres shall have either:
- (A) A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure 7,000 litres of water is always available to the sprinkler system in the event of a fire; or
  - (B) A water tank with a storage capacity of 30,000 litres maintained to hold a minimum of 20,000 litres of water at all times as a static fire fighting reserve.
- 3.36.27** Each new residential unit with a building floor area of greater than 200 square metres shall have either:
- (A) A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure a sufficient quantity of water (calculated in accordance with SNZ4509:2008) is always available to the sprinkler system in the event of a fire; or
  - (B) A water tank containing a sufficient quantity of water (calculated in accordance with SNZ4509:2008) always available as a static fire fighting reserve.
- 3.36.28** A fire fighting connection, in accordance with Appendix B of SNZ PAS4509:2008 is to be located more than six metres and less than 90 metres from any proposed habitable building on the site. The connection point is to be designed so that:

- (A) It is located so that it is clearly visible to enable connection of a fire appliance; and
- (B) It is located so that fire appliances have unimpeded vehicular access, including a minimum width of four metres for an accessway, from the property boundary to the connection point; and it shall have a hardstand area adjacent to it to allow for a New Zealand Fire Service appliance to park on it. The hardstand area is to be located in the centre of a clear working space with a minimum width of 4.5 metres; and
- (C) Where the water pressure at the connection point/coupling is less than 100kPa, a 100mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or
- (D) Where the water pressure at the connection point/coupling is greater than 100kPa, a 70mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or
- (E) Underground tanks, or tanks that are partially buried (provided the top is no more than one metre above ground) may be accessed by an opening in the top of the tank, whereby couplings are not required.

**3.36.29** Any addition exceeding 50 square metres to a residential building shall comply with Rules 3.36.26 – 3.36.28 as if it were a new building.

**3.36.30** Where an activity does not comply with any of the relevant standards set out in Rules 3.36.26 – 3.36.28 the activity is a restricted discretionary activity.

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

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

**3.36.31** Any application made under Rule 3.36.30 shall include details of any consultation undertaken with the New Zealand Fire Service and the response received.

### **3.37 RESIDENTIAL 3 (LARGE LOT) ZONE**

**3.37.1 Permitted Activities:** The following are permitted activities in the Residential 3 Zone:

- (A) Agriculture on sites with an area of 4,000 square metres or more
- (B) Home occupation
- (C) Home stay
- (D) Residential activity
- (E) Residential care activity limited to a maximum of eight persons

**3.37.2 Discretionary activities:** The following are discretionary activities in the Residential 3 Zone:

- (A) Agriculture on sites of less than 4,000 square metres
- (B) Commercial recreation activity
- (C) Child day care facility
- (D) Communal activity
- (E) Education activity
- (F) Essential services
- (G) Health care activity
- (H) Hospital activity
- (I) Marae activity
- (J) Residential care activity for nine or more persons
- (K) Visitor accommodation

**3.37.3 Non-complying activity:** The following are non-complying activities in the Residential 3 Zone:

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

#### **Residential Density**

**3.37.4** The maximum residential density is:

- (A) One residence per 2,000 square metres under contiguous ownership.
- (B) One residence per Certificate of Title existing as **at 29 October 2016<sup>1</sup>** where the site is less than 2,000 square metres.

**3.37.5** Where the residential density is one residence on a site equal to or greater than 1,500 square metres but less than 2,000 square metres and under contiguous ownership then the activity is a discretionary activity

**3.37.6** Where the residential density is one residence on a site less than 1,500 square metres under contiguous ownership then it is a non-complying activity.

**3.37.7** Applications under Rule 3.37.5 and 3.37.6 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Reasons for a higher density of residential activity.
- (B) The effect on open space and amenity values of the Residential 3 Zone.

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<sup>1</sup> Appeals – Heenan, Dixon, Munro and Oakland Family Trust (“Heenan, Dixon et al.”); and Simmons

- (C) The size and location of structures.
- (D) The extent to which solar gain to the living areas is achieved.
- (E) The extent to which practicable outdoor living is achieved.
- (F) Vehicle access, manoeuvring and parking.
- (G) Effects of the proposal on stormwater flows.
- (H) The extent to which the development incorporates qualities of good urban design.
- (I) Effects of the proposal on existing Council infrastructure.<sup>2</sup>

### Outdoor living<sup>3</sup>

**3.37.8** Residences at or near ground level: A designated area of open space suitable for outdoor living is to be provided as follows:

- (A) The space shall be sufficiently large to accommodate a horizontal circle with diameter 5.0 metres.
- (B) Minimum area 30 square metres.
- (C) The space shall be free of all buildings other than conservatories.

Provided that this space shall not form part of areas shown on the site plan as being for vehicle parking or manoeuvring.

**Note:** Within the outdoor living space a conservatory may be erected.

**3.37.9<sup>4</sup>** Residences located one storey above the ground floor: A balcony is to be provided:

- (A) Minimum area 15 square metres.
- (B) Minimum dimension 2.5 metres.

**3.37.10** Where an activity does not comply with Rules 3.37.8 and/or 3.37.9 above, the activity is a discretionary activity.

**3.37.11<sup>5</sup>** Applications under Rule 3.37.10 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The extent to which practicable outdoor living is achieved.
- (B) The extent to which the development incorporates qualities of good urban design.

<sup>2</sup> Appeals – Heenan, Dixon, Munro and Oakland Family Trust (“Heenan, Dixon et al.”); and Simmons

<sup>3</sup> Appeals – Heenan, Dixon, Munro and Oakland Family Trust (“Heenan, Dixon et al.”); and Simmons

<sup>4</sup> Appeals – Heenan, Dixon, Munro and Oakland Family Trust (“Heenan, Dixon et al.”); and Simmons

<sup>5</sup> Appeals – Heenan, Dixon, Munro and Oakland Family Trust (“Heenan, Dixon et al.”); and Simmons



## Space around Buildings

**3.37.12** A yard at least two metres deep shall be provided along all boundaries of the site.<sup>6</sup> This space may include the outdoor living area required under Rules 3.37.8 or 3.37.9.

Except that accessory buildings no greater than six metres in length along the boundary may be located within these yards.

**3.37.13** A yard at least four metres deep shall be provided along all side and rear boundaries of any non-residential activity.<sup>7</sup>

**3.37.14** Where an activity does not comply with Rules 3.37.12 or 3.37.13 above, the activity is a discretionary activity.

**3.37.15** Applications under Rule 3.37.14 above shall address the following matters, which will be among those taken into account by Council:

- (A) Access to daylight and sunlight.
- (B) Effects on amenities of neighbouring properties, including privacy.
- (C) The extent to which the development incorporates qualities of good urban design.

## Site Coverage

**3.37.16** Maximum coverage of all buildings on the site shall not exceed 30% of the net site area.

**3.37.17** Maximum coverage of all buildings on the site exceeding 30% but not exceeding 35% of the net site area is a discretionary activity.

**3.37.18** Where coverage of all buildings on the site exceeds 35% of the net site area the activity is a non-complying activity.

**3.37.19** Applications under Rules 3.37.17 and 3.37.18 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The extent of impermeable surfaces which must be drained via the City's stormwater reticulation system.
- (B) The extent to which solar gain to the living areas is achieved.
- (C) The extent to which practicable outdoor living is achieved.
- (D) The extent to which the development achieves good urban design.

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<sup>6</sup> Appeals – Heenan, Dixon, Munro and Oakland Family Trust (“Heenan, Dixon et al.”); and Simmons

<sup>7</sup> Appeals – Heenan, Dixon, Munro and Oakland Family Trust (“Heenan, Dixon et al.”); and Simmons

## Services

- 3.37.20 Sewerage:** All new dwellings are to be connected to the Council's reticulated sewerage system.
- 3.37.21 On-site water storage:** Where the residence is connected to the Council's reticulated water supply, a water tank is to be provided with a minimum 15,000 litres capacity to capture stormwater off the roof of the dwelling for use for the garden irrigation or other domestic purposes.
- 3.37.22** Where new allotments do not meet comply with Rules 3.37.20 and/or 3.37.21 above the activity is a non-complying activity.

**Note:** Any extension of, and connection to, Council's infrastructure will require authorisation pursuant to the Invercargill City Council Bylaw 2016/1 Code of Practice for Land Development and Subdivision.<sup>8</sup>

## Height of Structures

- 3.37.24** All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:
- (A) Maximum height: 10 metres.
  - (B) Recession Plane: Infogram 4 applies.
- 3.37.25<sup>9</sup>** Where any activity does not comply with Rule 3.37.24 above then the activity is a **restricted** discretionary activity.

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

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

## Permeable Surfaces

- 3.37.27** The minimum area of permeable surface is 30% of the gross site area.
- 3.37.28** Where the area of permeable surfaces is to be less than 30% of the gross site area, then the activity is a discretionary activity.

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<sup>8</sup> Appeals – Heenan, Dixon, Munro and Oakland Family Trust (“Heenan, Dixon et al.”); and Simmons

<sup>9</sup> Appeals – Heenan, Dixon, Munro and Oakland Family Trust (“Heenan, Dixon et al.”); and Simmons

**3.37.29** Applications under Rule 3.37.28 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Alternative methods of slowing stormwater runoff from the site.
- (B) Measures to address the effects of stormwater contamination.

#### **Fire Safety**

**3.37.30** Rules 3.37.31 – 3.37.36 apply to properties that:

- (A) Are not connected to the Council's reticulated water supply; or
- (B) Are connected to the Council's reticulated Restricted Flow Supply.<sup>10</sup>

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

- (A) A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure 7,000 litres of water is always available to the sprinkler system in the event of a fire; or
- (B) A water tank with a storage capacity of 30,000 litres maintained to hold a minimum of 20,000 litres of water at all times as a static fire fighting reserve.

**3.37.32** Each **new**<sup>11</sup> residential unit with a building floor area of greater than 200 square metres shall have either:

- (A) A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure a sufficient quantity of water (calculated in accordance with SNZ4509:2008) is always available to the sprinkler system in the event of a fire; or
- (B) A water tank containing a sufficient quantity of water (calculated in accordance with SNZ4509:2008) always available as a static fire fighting reserve.

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

- (A) It is located so that is it clearly visible to enable connection of a fire appliance; and
- (B)<sup>12</sup> It is located so that fire appliances have unimpeded vehicular access, including a minimum width of four metres for an accessway, from the property boundary to the connection point; and it shall have a hardstand area adjacent to it to allow for a New Zealand Fire Service appliance to park on it. The hardstand area is to be located in the centre of a clear working space with a minimum width of 4.5 metres; and

<sup>10</sup> Appeals – Heenan, Dixon, Munro and Oakland Family Trust (“Heenan, Dixon et al.”); and Simmons

<sup>11</sup> Appeals – Heenan, Dixon, Munro and Oakland Family Trust (“Heenan, Dixon et al.”); and Simmons

<sup>12</sup> Appeals – Heenan, Dixon, Munro and Oakland Family Trust (“Heenan, Dixon et al.”); and Simmons

- (C) Where the water pressure at the connection point/coupling is less than 100kPa, a 100mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or
- (D) Where the water pressure at the connection point/coupling is greater than 100kPa, a 70mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or
- (E) Underground tanks, or tanks that are partially buried (provided the top is no more than one metre above ground) may be accessed by an opening in the top of the tank, whereby couplings are not required.

**3.37.34** Any addition exceeding 50 square metres to a residential building shall comply with Rules 3.37.31 - 3.37.33 as if it were a new building.

**3.37.35** Where an activity does not comply with the relevant standards set out in Rules 3.37.31 - 3.37.34 and written approval of the New Zealand Fire Service has been provided, the activity is a restricted discretionary activity.

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

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

**3.37.36<sup>13</sup>** Any application made under Rule 3.37.35 shall include details of any consultation undertaken with the New Zealand Fire Service and the response received.

### **3.38 RURAL ZONE**

**3.38.1 Permitted Activities:** The following are permitted activities in the Rural Zone:

- (A) Agriculture
- (B) Animal boarding activity
- (C) Educational activity on sites listed in Appendix V - Educational Activity (Existing)
- (D) Home occupation
- (E) Home stay
- (F) Residential activity
- (G) Residential care activity limited to a maximum of eight persons
- (H) Roadside sales activity, other than on State Highways
- (I) Veterinary clinic

<sup>13</sup> Appeals – Heenan, Dixon, Munro and Oakland Family Trust (“Heenan, Dixon et al.”); and Simmons

- (K) On the land legally described as
- (i) 223 Crowe Road (Part Section 45 Block XIV Invercargill Hundred),
  - (ii) 159 Crowe Road (Lot 32 Block II DP 64, Lot 3 DP 10900, Lot 33 Block II DP 64, Part Section 36 Block XIV Invercargill Hundred SO 284, Part Section 35 Block XIV Invercargill Hundred SO 284),
  - (iii) 1 Crowe Road (Lot 1 DP 386107, Lot 2 DP 10900, Lot 5 DP 10900) and 183 Steel Road (Lot 4 DP 10900),

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

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

Part Sections 1 and 2 Block XL Town of Wallacetown

Part Section 1 Block XL Town of Wallacetown

Lots 2, Part Lot 3 and Lot 4 DP 2156

Lots 1 - 3 DP 6657

Lot 4 DP 6863

- (L) On the land legally described on 8 November 2017 as 187 Curran Road, Lot 11 DP 8743, one residence is permitted where that residence complies with the specifications contained in Appendix VI Noise Sensitive Insulation Requirements.

**3.38.2 Discretionary Activities:** The following are discretionary activities in the Rural Zone:

- (A) Commercial recreation activity
- (B) Communal activity
- (C) Education activity other than those on sites listed in Appendix V - Educational Activity (Existing)
- (D) Essential services
- (E) Habilitation centre
- (F) Healthcare activity
- (G) Hospital activity
- (H) Marae activity
- (I) Nursery activity
- (J) Residential care activity for nine or more persons
- (K) Roadside sales activity on State Highways

- (L) Service stations
- (M) Visitor accommodation

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

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

**3.38.4 Prohibited activities:** The following are prohibited activities in the Rural Zone:

- (A) Except as provided for in Rule 3.38.1(L), new Noise Sensitive Activities within the Outer Control Boundary or the Single Event Sound Exposure Boundary.
- (B) Additions or alterations to existing buildings containing Noise Sensitive Activity within the Outer Control Boundary or the Single Event Sound Exposure Boundary which do not comply with the specifications contained in Appendix VI Noise Sensitive Insulation Requirements.

#### **Space around Buildings**

**3.38.4** A yard at least four metres deep shall be provided along all side and rear boundaries of any non-residential activity.

**3.38.5** A yard at least 20 metres deep is required between plantation forestry activities and any site boundary.

**3.38.6** Where an activity does not comply with Rules 3.38.4 or 3.38.5 above, the activity is a discretionary activity.

**3.38.7** Applications under Rule 3.38.6 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The reasons for the proposed non-residential activity to intrude within the four metres yard.
- (B) The scale and character of the non-residential activity, including the potential for adverse effects from noise, odour, glare, light spill, electrical interference and the use of hazardous substances.
- (C) The size and location of buildings and structures.
- (D) Proximity to neighbouring residential activities.
- (E) Screening of buildings.
- (F) The ability to mitigate any adverse effects on adjoining sites.

#### **Residential Density**

**3.38.8** The maximum residential density is:

- (A) One residence per two hectares or more under contiguous ownership.

- (B) For sites under two hectares: Where the proposed residence is to be connected to Council's reticulated foul sewerage system (as shown on the map in Appendix XI) the maximum density is one residence per Certificate of Title existing as at 29 October 2016, provided a boundary of that Certificate of Title is within 30 metres of the Council reticulated sewerage system.
- (C) One residence per each of the following sites:
- |                 |                 |
|-----------------|-----------------|
| 147 Ackers Road | Lot 3 DP 364369 |
| 145 Ackers Road | Lot 4 DP 364369 |
| 195 Ackers Road | Lot 1 DP 401469 |
| 197 Ackers Road | Lot 2 DP 401469 |
| 199 Ackers Road | Lot 3 DP 401469 |

[RULE 3.38.8(C) CONTINUES ON PAGE 3-103]

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205 Coggins Road	Lot 4 DP 401469
191 Ackers Road	Lot 5 DP 401469
203 Ackers Road	Lot 6 DP 401469
222 Marama Avenue North	Lot 1 DP 423684

**3.38.9** Where an activity does not comply with Rule 3.38.8 above, then it is a non-complying activity.

**3.38.10** Applications under Rule 3.38.9 above shall address the following matters, which will be among those taken into account by the Council:

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

**Height of Structures**

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

- (A) Maximum height: 10 metres.
- (B) Recession plane: Infogram 4 applies on sites less than one hectare and/or along boundaries adjoining a Residential Zone.

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

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

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

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

### **Fire Safety**

**3.38.14** Rules 3.38.15 – 3.38.20 apply to properties that:

- (A) Are not connected to the Council’s reticulated water supply; or
- (B) Are connected to the Council’s reticulated Restricted Flow Supply.

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

- (A) A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure 7,000 litres of water is always available to the sprinkler system in the event of a fire; or
- (B) A water tank with a storage capacity of 30,000 litres maintained to hold a minimum of 20,000 litres of water at all times as a static fire fighting reserve.

**3.38.16** Each new residential unit with a building floor area of greater than 200 square metres shall have either:

- (A) A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure a sufficient quantity of water (calculated in accordance with SNZ4509:2008) is always available to the sprinkler system in the event of a fire; or
- (B) A water tank containing a sufficient quantity of water (calculated in accordance with SNZ4509:2008) always available as a static fire fighting reserve.

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

- (A) It is located so that is it clearly visible to enable connection of a fire appliance; and
- (B) It is located so that fire appliances have unimpeded vehicular access, including a minimum width of four metres for an accessway, from the property boundary to the connection point; and it shall have a hardstand area adjacent to it to allow for a New Zealand Fire Service appliance to park on it. The hardstand area is to be located in the centre of a clear working space with a minimum width of 4.5 metres; and
- (C) Where the water pressure at the connection point/coupling is less than 100kPa, a 100mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or

- (D) Where the water pressure at the connection point/coupling is greater than 100kPa, a 70mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or
- (E) Underground tanks, or tanks that are partially buried (provided the top is no more than one metre above ground) may be accessed by an opening in the top of the tank, whereby couplings are not required.

**3.38.18** Any addition exceeding 50 square metres to a residential building shall comply with Rules 3.38.15, 3.38.16 and 3.38.17 as if it were a new building.

**3.38.19** Where an activity does not comply with the relevant standards set out in Rules 3.38.15 - 3.38.18 above, the activity is a restricted discretionary activity.

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

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

**3.38.20** Any application made under Rule 3.38.19 shall include details of any consultation undertaken with the New Zealand Fire Service and the response received.

### **3.40 SEAPORT 1 ZONE**

**3.40.1 Permitted Activities:** The following are permitted activities in the Seaport 1 Zone:

- (A) Seaport activities.
- (B) Essential services
- (C) Light industry
- (D) Heavy industry
- (E) Takeaway food premises not exceeding 150 square metres
- (F) Land transport facility

**3.40.2 Discretionary Activities:** The following are discretionary activities in the Seaport 1 Zone:

- (A) Any activity not listed as permitted or non-complying.

**3.40.3 Non-complying Activities:** The following are non-complying activities in the Seaport 1 Zone:

- (A) Any noise sensitive activity.

### **3.40A SEAPORT 2 ZONE**

**3.40A.1 Permitted Activities:** The following are permitted activities in the Seaport 2 Zone:

- (A) Seaport activities
- (B) Fish processing
- (C) Essential services
- (D) Light industry
- (E) Takeaway food premises not exceeding 150 square metres
- (F) Land transport facility

**3.40A.2 Discretionary Activities:** The following are discretionary activities in the Seaport 2 Zone:

- (A) Any activity not listed as permitted or non-complying.

**3.40A.3 Non-complying Activities:** The following are non-complying activities in the Seaport 2 Zone:

- (A) Any noise sensitive activity
- (B) Commercial Service Activity
- (C) Office Activity
- (C) Supermarkets

#### **Height of Structures**

**3.40A.4** All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

- (A) Maximum height: 17 metres.
- (B) Maximum height for lighting towers, cranes, lifting devices, conveyor belts, linkspans, and gangways (where fixed to land): 35m
- (C) Recession plane: Infogram 4 applies in relation to any boundary with any Residential Zone.

**3.40A.5** Where an activity does not comply with Rule 3.40A.4 above, the activity is a restricted discretionary activity.

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

- (A) Reasons for the building or structure height.

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

### **3.41 SMELTER ZONE**

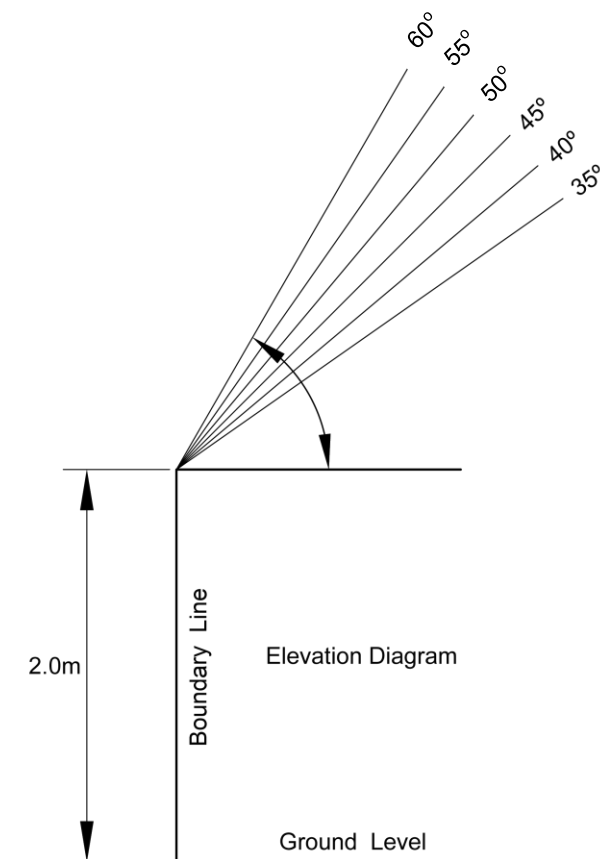
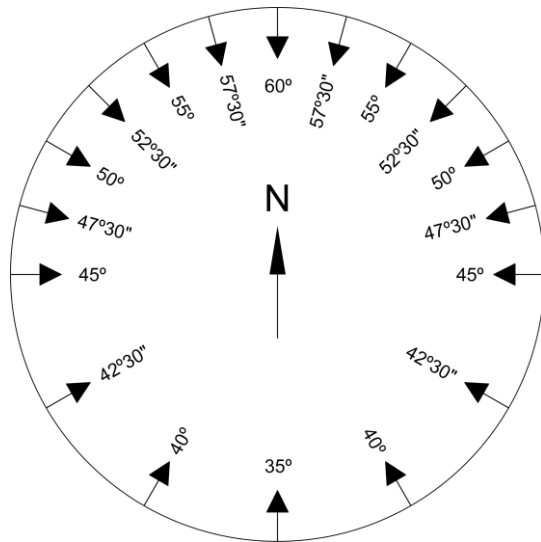
**3.41.1 Permitted Activities:** The following are permitted activities in the Smelter Zone:

- (A) Agriculture other than plantation forestry.
- (B) Aluminium smelting.

**3.41.2 Non-complying Activities:** The following are non-complying activities in the Smelter Zone:

- (A) Any other activity not listed as permitted.

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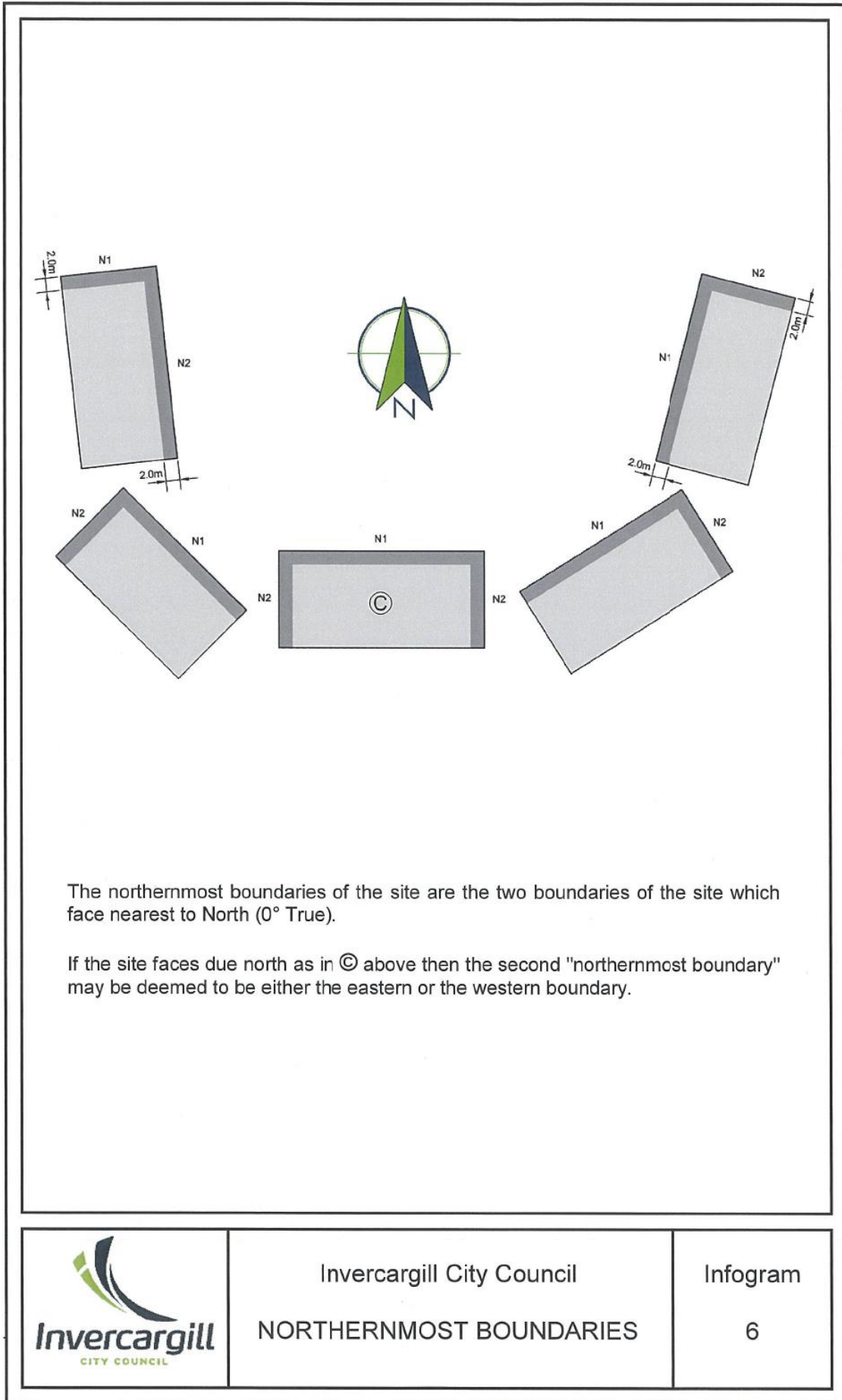
The recession plane angle shall be calculated by orienting both site plan and relevant diagram to the true north, placing the recession diagram over the site plan with the circle tangential to the inside of the site boundary under consideration. The recession plane angle shall be that indicated by the diagram at the point where it touches the site boundary. Where recession lines fall between those indicated on the diagram, interpolations shall be made.

The recession planes for accessory buildings shall commence at points 2.2 metres above site boundaries.

In all other instances, the recession plans shall commence at points 2.0 metres above site boundaries.<sup>1</sup>


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The northernmost boundaries of the site are the two boundaries of the site which face nearest to North (0° True).

If the site faces due north as in © above then the second "northernmost boundary" may be deemed to be either the eastern or the western boundary.

	<p>Invercargill City Council</p> <p>NORTHERNMOST BOUNDARIES</p>	<p>Infogram</p> <p>6</p>
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