

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of appeals under clause 14(1) of the First
Schedule of the Act
BETWEEN THOMAS ANDREW DIXON, DOUGLAS
STANLEY MUNRO AND R MUNRO, JOHN
DAVID SCOTT AND OAKLAND FAMILY
TRUST
(ENV-2016-CHC-97)
GREGORY SIMMONS
(ENV-2016-CHC-101)
Appellants
AND INVERCARGILL CITY COUNCIL
Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 15 February 2019

CONSENT ORDER

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeals are allowed to the extent that the Invercargill City Council is directed to amend the proposed Invercargill City District Plan as set out in Annexure A, attached to and forming part of this order;
- (2) the appeals are otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.



REASONS

Introduction

[1] This proceeding concerns two appeals, one from T Dixon, D and R Munro, J Scott and the Oakland Family Trust (ENV-2016-CHC-97), and one from G Simmons (ENV-2016-CHC-101) against a decision of the Invercargill City Council on the Proposed Invercargill City District Plan in relation to the Residential 3 zone. The court has already resolved¹ parts of these appeals.

[2] The court has now read and considered the consent memorandum of the parties dated 16 January 2019 which proposes to resolve the appeals.

Other relevant matters

[3] Southland Regional Council and Mr W Devine gave notice of an intention to become parties under section 274 of the Resource Management Act (“the RMA” or “the Act”) and have signed the memorandum setting out the relief sought.

[4] In August 2018 a hearing was held to determine matters raised by Mr Devine that could not be agreed. In interim decision [2018] NZEnvC 217 Mr Devine’s relief was declined and the parties were directed to file a consent memorandum within 30 working days of the issue of that decision.

[5] While Mr Devine has signed the consent memorandum, the parties record² that all the parties except Mr Devine agree that the changes and amendments meet the purpose of the RMA. Mr Devine chooses to “acknowledge” this point.

Orders

[6] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;



¹ By way of consent memorandum dated 31 October 2017 in relation to P Heenan’s land and interim decision [2018] NZEnvC 217.

² Consent memorandum dated 16 January 2019 at 25.

- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the purpose and principles of the Act including, in particular, Part 2.



J R Jackson
Environment Judge



~~Blue strikethrough~~ indicates deletion

Red underline indicates words to be added

SECTION TWO

ISSUES, OBJECTIVES AND POLICIES

2.35 RESIDENTIAL OVERVIEW

Population projections indicate that growth in population numbers will at best be slow. The ageing of the population and associated demographic trends will continue to create a very modest demand for increases in dwelling numbers. Infill development and redevelopment are likely to comprise the majority of residential development over the next 10 – 20 years. There is no need for extensive "greenfield" residential development which would create increased demand for urban services that an ageing population may find difficult to sustain. A significant proportion of the dwellings in Invercargill and Bluff were built prior to 1930. The long term maintenance and upgrading of these older dwellings and their replacement when they reach the end of their service life needs to be encouraged.

Maintenance of critical mass in residential areas is the most important overall issue in enabling the Invercargill community to provide for its future well-being. In residential areas this means ongoing maintenance, development and redevelopment of existing residential land whilst avoiding unnecessary extensions of urban services into rural land and encouraging redevelopment in priority areas.

Invercargill residents enjoy a high standard of residential amenity, and retaining the main qualities of this amenity is important for the future health and well-being of Invercargill people.

Residential zoning will enable and encourage ongoing development and redevelopment in the urban area of Invercargill, in Bluff and in the coastal settlement of Ōmaui.

Within an area of urban Invercargill which is very conveniently located with respect to City amenities and where redevelopment is seen as a priority, provision has been made for medium density housing.

~~Four~~ Five Residential Zones have been identified to reflect the differing needs for residential development in Invercargill.

1. **Residential 1 Zone:** This Zone covers the greater part of the residential area of urban Invercargill and provides for residential development and redevelopment within it.
2. **Residential 1A Zone:** The Residential 1A Zone is located in an area of Invercargill within the Residential 1 Zone where residential redevelopment is a priority. It makes provision for medium density housing as a redevelopment option. This area is within practicable



walking distance of the CBD, the South City Suburban Shopping Centre, and institutions such as the Southland Institute of Technology.

3. **Residential 2 Zone:** The Residential 2 Zone makes provision for development and redevelopment in the residential area of Bluff, and in the coastal settlement of Ōmaui which is the one area of the coastal environment identified in the Plan where residential development is seen as appropriate.
4. **Residential 3 Zone:** The Residential 3 Zone meets the demand for large lot residential properties that offer some of the experience of country living, in particular large dwellings, space between dwellings, and larger gardens.
5. **Residential 4 Zone:** The Residential 4 Zone is a deferred Zone that, once limited services are in place, will meet a demand for low density, large lot residential properties at the interface with the rural environment, with few urban service expectations.

2.35.1 Issues

The significant resource management issues with respect to residential development:

1. Lack of ongoing maintenance, development and redevelopment in existing residential areas can lead to neighbourhoods ageing and decaying, resulting ultimately in problems associated with old and substandard housing and inefficient use of existing infrastructure.
2. A lack of clearly defined boundaries to land zoned for residential development can lead to peripheral expansion creating a demand for uneconomic extensions to urban services.
3. Inadequate identification and protection of amenity values can lead to long term loss of residential amenity.

2.35.2 Objectives

Objective 1: Critical mass is maintained within the defined residential areas.

Objective 2: A range of housing types is available, meeting the housing needs of a population that is growing only slowly and ageing.

Objective 3: A high standard of residential amenity is maintained.

Objective 4: Unplanned peripheral expansion of the built-up area resulting in increased demand for urban services is avoided.



2.35.3 Policies

Policy 1 Existing residential areas: To encourage infill development, use of vacant allotments and upgrading/redevelopment of existing houses in the Invercargill and Bluff urban areas.

***Explanation:** Much of the housing stock of the Invercargill City District is old. The majority pre-dates 1970 and significant areas were built prior to WWII. Newer development has often taken the form of infill, involving subdivision of previously large allotments, or extensions/modification to update existing homes. This trend seems likely to continue. The street layout and infrastructure provision in the Invercargill City District are such that this trend results in a compact and economical urban form offering a high level of amenity.*

Policy 2 Residential density: To provide for a range of housing densities, from large lot residential to medium density, in recognition of the changing demographics of the Invercargill population.

***Explanation:** Needs for housing change as the population ages and average household size becomes smaller. For some, the single family home with generous outdoor and garden space are the desired housing type. Others desire smaller sections involving less maintenance, with convenient access to shops and facilities.*

Policy 3 Ōmaui: To enable housing development in the coastal environment at Ōmaui.

***Explanation:** Ōmaui is the one area in the coastal environment, outside the existing built-up areas, where housing is seen as appropriate.*

Policy 4 Residential amenity: To require a high standard of residential amenity in new development, particularly with respect to space for outdoor living.

***Explanation:** The opportunity for outdoor living is generally accepted as an important dimension to residential amenity.*

Policy 5 Greenfield development: To discourage residential development outside residentially zoned areas.

***Explanation:** The Invercargill City District has an ageing population that is growing only slowly and population projections indicate a decline in population to be a distinct possibility. The Council does not wish to burden an ageing and possibly declining population with costs of maintaining expanded service networks if this expansion can be avoided.*

Policy 6 Non-residential activities: To enable non-residential activities when it can be demonstrated that they:

- (a) Are in keeping with the character anticipated in a residential area; and
- (b) Will not compromise the health, safety and amenity values enjoyed by residents; and
- (c) Cannot be practically located in other zones where such activities are anticipated.

***Explanation:** Whilst the primary purpose of Residential Zones revolves around residential activities, it is recognised that there will be some non-residential activities that need to be located within parts of the Residential Zones.*



Examples may include education activities and visitor accommodation. In instances where it is accepted that a location in a Residential Zone is appropriate for a non-residential land use, the activity will need to be designed in a manner which minimises adverse effects and where possible contributes to residential amenity. Some activities, such as new industrial activities, are very unlikely to be appropriate in any part of the Residential Zone. The Council intends to support the vitality of the Business Zones, including the Central Business District. Commercial activities are therefore not anticipated to locate within the Residential Zones.

Policy 7 Residential Amenity: To advocate for and encourage the site layout and design of residential buildings so as to provide as far as practical sunlight access and opportunity for solar gain.

Explanation: Maximising sunlight access/solar gain is a practical way to achieve warmer and healthier homes while minimising heating costs. Sunlight also enhances internal illumination of buildings.

2.39A RESIDENTIAL 4 (RESIDENTIAL TRANSITION) ZONE

As a deferred Residential Zone, these provisions will not be deemed operative until a Council resolution has been passed that it is satisfied that the footpaths and Council's reticulated sewerage system have been extended in accordance with the relevant Concept Plan in Appendix X. At this stage, the Plan will be amended without formality and the Residential 4 Zone provisions will be operative for the relevant area.

This Zone is located at an interface between rural and residential environments. While it is residential, the Residential 4 Zone also comprises a dynamic working environment within which productive primary use is enabled. As such, the Residential 4 Zone will continue to provide for rural activities, like agriculture and forestry.

On-site disposal of wastewater is not appropriate in this Zone on sites less than two hectares given the soil types and water table. Once the reticulated sewerage services are in place to service the land within the Zone, residential activities will be enabled on smaller allotments that are still of sufficient size to give a character of openness to the Zone.

Where residences are connected to reticulated sewerage services, the Zone provides an opportunity for low-density rural-residential activity. While the Invercargill City District Plan provides sufficient residential land to meet projected population growth within urban environments, this Zone will provide an alternative option for a small number of residences on large, greenfields, residential allotments at the interface with a rural area. The large lot residential properties provided for in the Residential 4 Zone will offer some of the experience of country living, in particular the opportunity for large dwellings, and large accessory buildings, space between dwellings, and large gardens, but on areas of land that, whilst providing opportunities to do so, are not large enough to require the keeping of animals.

Given the semi-rural context of this Zone, access to the full range of residential services, such as reticulated water, and street lights, may not be possible or appropriate. However, this Zone is located where it is possible for



developments, at the cost of the developer, to connect to the Council's services, such as the sewerage reticulation system. New residences on properties smaller than two hectares will be required to connect to Council's reticulated sewerage services. Footpath access will provide for the safety of all road users and will ensure connectivity of infrastructure, linking future development within the area with the existing footpath network. As there is no expectation that the road traffic speed will be reduced as a result of this zoning, providing a safe environment for alternative modes of transport will be important within this area. Where properties are connected to Council's reticulated water supply, supplementary water supply for garden irrigation needs to be considered. Given the soil types and water table in the Residential 4 Zone area, and the limitations of the wider stormwater network, effects of development on the wider stormwater network need to be specifically considered, with preference to low-impact design solutions and systems that will not increase the volume of stormwater discharge.

2.39A.1 Issues

The significant resource management issues for the Residential 4 (Residential Transition) Zone:

1. Ongoing problems can occur with on-site sewage disposal systems, especially on smaller sites.
3. Connection to the Council's infrastructure, such as sewerage and water reticulation systems and transportation networks, can create ongoing cost to ratepayers.
2. Inefficient use of reticulated services can result in ongoing maintenance demands.
4. Maintaining landscaping on large lots can result in significant demands on water.
5. Large new servicing activity or industry in or near Invercargill may cause an increase in population and an increased demand for housing.
6. An oversupply of residential land could disperse the population from residential land sufficiently serviced for urban development.
7. Poor urban design can affect the advantages of Invercargill in terms of convenience, accessibility and short travel times.
8. Residential amenity can be affected by non-residential activities within or adjoining the Residential 4 Zone.
9. The amenity of the area can be adversely affected through subdivision and consequent development and/or by reverse sensitivity.
10. Rural-residential subdivision and development can limit the use of the rural land resource for primary production activities.
11. Conflict between rural and non-rural activities can adversely affect rural productivity.

2.39A.2 Objectives

Objective 1: Limited large lot residential development is to be provided for at the interface of the Rural Zone, offering some of the experience of country living in a semi-rural environment adjoining a residential area of Invercargill following the extension of Council's reticulated sewerage system and the footpath along Retreat Road.



Objective 2: The reticulated sewerage services and footpaths will be extended in accordance with the relevant Concept Plan detailed in Appendix X and developed comprehensively prior to the development of low-density residential development.

Objective 3: Adverse effects of urban development on the environment are avoided, remedied or mitigated.

Objective 4: Opportunities for urban intensification and redevelopment are encouraged within Invercargill's existing urban areas.

Objective 5: High quality urban design is incorporated into new development.

Objective 6: The amenity values of the Residential 4 Zone are maintained and enhanced.

2.39A.3 Policies

Policy 1 Deferred zoning: To retain the Rural Zone provisions for the land identified on the District Planning Maps as Rural Zone (deferred Residential 4 Zone) until a Council resolution has been passed that it is satisfied that the footpaths and Council's reticulated sewerage system have been extended in accordance with the relevant Concept Plan in Appendix X. Council accepts no responsibility for the costs involved in the extension of these services.

Explanation: The intended future use of the land in the Residential 4 Zone includes low-density residential development. However, until the extension of the reticulated sewerage services is carried out in accordance with the relevant Concept Plan in Appendix X, the Rural Zone provisions will continue to apply. Footpaths are also a prerequisite for the Residential 4 Zone provisions. The comprehensive development of the reticulated sewerage services and the footpaths are necessary to ensure that the services are put in place in an efficient and effective manner and that landowners and developers can spread the costs equitably between them. Council accepts no responsibility for the costs of extending the services.

On-site wastewater management is not appropriate within this area of the city on properties with an area of less than two hectares. Therefore, before low-density residential development can occur the services will need to be available. A footpath along Retreat Road will provide for the safety of all road users and will ensure connectivity of infrastructure, linking future development within the area with the existing footpath network. As there is no immediate expectation that the road traffic speed will be reduced as a result of this zoning, providing a safe environment for alternative modes of transport will be important within this area.

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 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.

The removal of the deferred status and commencement of the Residential 4 Zone is effected by resolution of Council when the required services have been provided to the satisfaction of the Council. At the date of the Council resolution,



the District Plan will be amended without formality and the Residential 4 Zone will become operative. The Council will advise landowners when it has made a resolution.

Policy 2 Rural activities: To provide for rural activities to establish and operate within the Residential 4 Zone recognising the adverse effects that may be generated from these activities and:

- (A) provide information to owners and prospective owners on the potential effects;
- (B) encourage owners of affected land to mitigate those effects on the occupiers of those properties; and
- (C) when considering resource consents for subdivision, use and development, have regard to potential for reverse sensitivity issues that may impact on lawfully established activities to ensure that they are protected from sensitive activities that are vulnerable to the range of adverse effects generated from both within the Residential 4 Zone and neighbouring areas.

Explanation: The Residential 4 Zone sits at the interface between a rural and residential area. The area is historically rural in nature and rural activities are enabled within the Zone.

Activities lawfully established in the area need to be able to operate reasonably and within the parameters set by the District Plan or by their lawful establishment without being subject to reverse sensitivity effects associated with complaints by newcomers to the area who do not understand the working environment, and the range of adverse effects that may be generated within it.

Policy 2 Low-density residential development: To provide for:

- (A) lots of two hectares or more where the lot is not connected to the Invercargill City Council reticulated sewerage system.
- (B) for residential housing on lots of 4,000m² or more which are connected to the Invercargill City Council reticulated sewerage system, and
- (C) To restrict residential activities on lots less than 4,000m².

Explanation: A minimum lot size of two hectares for rural properties will provide for sustainable "lifestyle" properties that are not connected to reticulated services. On-site wastewater management is not considered to be sustainable on properties less than two hectares in this area. Properties with a minimum lot size of two hectares will also provide amenity values, such as feeling of open space, and the ability to carry out rural activities, as anticipated within the rural environment.

As a transition between the adjoining Rural and Residential areas, this Zone also provides the option for low-density residential development, with the opportunity for dwellings with large gardens, a semi-rural outlook and space between structures. This residential development is restricted to lots of 4,000m² or more to add to the range of residential options within the Invercargill City district, whilst minimising potential reverse sensitivity issues at the interface between Zones.

The ability to extend services and connect to existing services will be dependent on matters such as the capacity of that infrastructure and any potential downstream effects. Costs associated with new or upgraded Council



infrastructure as a result of development will be the responsibility of the developer.

Connection to the Council's reticulated sewerage system is required prior to the development of residential development on allotments less than 2ha in order protect the values of the soils, and the health and well-being of the community.

Policy 3 Urban design: To encourage qualities of good urban design in terms of:

- (A) Context.
- (B) Character.
- (C) Choice.
- (D) Connections.
- (E) Creativity.
- (F) Custodianship.
- (G) Collaboration.

Explanation: Promoting good urban design in the developing areas of the City is an important part of reinforcing their function as the City's day to day living spaces. There are seven essential design qualities:

- (A) **Context:** Seeing that buildings, places and spaces are part of the whole town or City.
- (B) **Character:** Reflecting and enhancing the distinctive character, heritage and identity of our urban environment.
- (C) **Choice:** Ensuring diversity and choice for people.
- (D) **Connections:** Enhancing how different networks link together for people.
- (E) **Creativity:** Encouraging innovative and imaginative solutions.
- (F) **Custodianship:** Ensuring design is environmentally sustainable, safe and healthy.
- (G) **Collaboration:** Communicating and sharing knowledge across sectors, professions and with communities.

Policy 4 Stormwater runoff: To require site and building development to incorporate methods to:

- (A) Minimise loadings on stormwater runoff networks and reticulation systems caused by rainfall events; and
- (B) Improve the water quality of stormwater flows.



Explanation: Climate change is likely to mean that rainfall in Invercargill may become higher on average but, more significantly, there is likely to be increased incidence of extreme climatic events. Whatever can sensibly be done to lessen the immediate effect of peak stormwater flows on stormwater systems will reduce the risk of localised surface flooding. Preferably, there will be no increase in stormwater discharge as a result of development. On-site, low impact stormwater system options are encouraged.

There is also increasing concern about the condition of Southland's waterways. Stormwater can contain pollutants and organic matter. Best practical means are necessary to minimise pollution of waterways by stormwater.

Policy 5 Outdoor living: To require the provision of practical outdoor private open space as an important dimension of amenity.

Explanation: Private open space is desirable on residential lots to enable:

- (A) Outlook – a pleasant outlook from inside the living areas of the dwelling.
- (B) Ventilation of indoor spaces on to a sheltered outdoor space.
- (C) Outdoor living (e.g. sitting in the sun with a cup of coffee).
- (D) Outdoor household activities (such as barbecues).
- (E) Children to play outdoors.
- (F) Provision of biodiversity, aesthetic pleasure and a beneficial microclimate.

To be capable of being used for these purposes, the open space needs to have a minimum dimension. Several lines of reasoning draw to a conclusion that this should be about five metres.

Policy 7 Space around buildings: To maintain the rural-residential scale and amenity of space around and between buildings by setting maxima on the proportion of the site that may be covered by buildings.

Explanation: Experience has shown that the proportion of the site covered by buildings is an important determinant of amenity (or lack of it). Because lots in the Zone are larger, amenity is maintained by requiring a greater proportion to be maintained clear of buildings.

Policy 8 Infrastructure – costs: To require developers to pay for any extensions and connections to the Council's infrastructure services, and any consequential upgrades, at full cost to them and with no contribution from the Council.

Explanation: Council has no intention of paying for extensions or connections to its services within this Zone. The developer will bear the responsibility of installing the required infrastructure and any consequential upgrades to that infrastructure. The infrastructure will be required to be constructed in accordance with the standards and procedures set out in the Council's Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure.



Policy 9 Infrastructure – reticulated sewerage: To require that new individual allotments with an area of less than two hectares in these Zones connect to the Invercargill City Council reticulated sewerage system.

Explanation: The overall density of development enabled in the Residential 4 Zone will not allow for the effective treatment and disposal of effluent on-site. As a consequence, development in the Zone is required to connect to the Council's reticulated sewerage system where allotments are less than two hectares. The full costs of connecting to the sewerage system are the responsibility of the developer without any contribution from the Council. The reticulated sewerage infrastructure is required to be constructed in accordance with the standards and procedures set out in the Council's Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure.

Policy 10 Infrastructure – water: To encourage on-site water management in preference to extension of and connection to Council's reticulated water supply.

Explanation: To manage the effects of activities on water quantity and on Council's infrastructure, on-site water management solutions are favoured in preference to extending the Council's reticulated services and increasing demand on the District's finite water resource.

Connection to Council's reticulated water supply is not a requirement for this Zone nor can the Council guarantee that water supply will be available throughout the Zone. Council has no intention of extending water services to this area of the District. Developers will be responsible at cost to them, with no contribution from the Council, for any extensions and connections to the Council's reticulated water supply. Where water reticulation is installed as part of any development it is required to be constructed in accordance with the standards and procedures of the Council's Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure.

Garden irrigation and other domestic activities associated with large lot residential activities can lead to an increased demand for water. Where an activity is connected to Council's water supply, on-site water collection and storage will be required to complement the reticulated service. Provision will also be required for the storage of water for fire fighting purposes.

Policy 11 Infrastructure – transportation: To provide for alternative modes of transport by methods such as requiring a footpath be developed.

Explanation: As there is no immediate expectation that the road traffic speed will be reduced as a result of this zoning, providing a safe environment for alternative modes of transport will be important within this area.

A footpath along Retreat Road will provide for the safety of all road users and will ensure connectivity of infrastructure, linking future development within the area with the existing footpath network. Similarly, a footpath linking the properties on McIvor Road with the existing development on Inverurie Drive will be required.

Policy 12 Noise: To maintain low daytime ambient noise levels and lower night time ambient noise levels consistent with residential use of the area, recognising that some parts of the Zone are subject to higher levels of noise generated by agricultural and transportation activities.



Explanation: "Peace and tranquillity" are important dimensions to the amenity of these areas. Excess noise, especially if it occurs repeatedly, can engender a reaction of increased intolerance. However, it is important to recognise the existence of rural activities and ensure they are not compromised by reverse sensitivity issues involving noise.

Policy 13 Odour: To ensure absence of nuisance from objectionable odour.

Explanation: Within the Residential 4 Zone there will be an expectation of freedom from the presence of objectionable odour. However, it is important to recognise that odour is an inevitable by-product of existing rural activities. The Council needs to ensure these activities are not compromised by reverse sensitivity issues involving odour, but also needs the ability to take enforcement action when odours become excessive or unpleasant.

Policy 14 Glare: To ensure freedom of nuisance from glare.

Explanation: Some glare from larger rural buildings can be expected. However, glare can become a major nuisance or even a hazard if not considered in the design of building elevations and the Council needs the ability to take enforcement action.

Policy 15 Electrical interference: To avoid nuisance from electrical interference.

Explanation: Electrical interference can be a source of irritation to residents within the residential zones. This is an environmental effect that needs to be considered in the placement and maintenance of electrical equipment and machinery, including transmitting aerials.

Policy 16 Lightspill: To avoid, remedy or mitigate the adverse effects of lightspill.

Explanation: Lightspill (e.g. from a floodlight on a neighbouring property) can be a source of annoyance to residents. The character of the night sky, with its starscapes, cloud effects and occasional glimpses of the Aurora Australis, is also an amenity of these areas and can be masked by light "pollution". Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.

Policy 17 Wind: To avoid increasing natural wind effects by land use activities and to encourage the creation of shelter.

Explanation: At times Invercargill is subject to very strong winds for extended periods, particularly from the westerly quarter. Any development which exacerbates wind effects has potential to have a significant adverse effect on the amenities of adjoining properties.

Policy 18 Signage: To recognise that a low level of visual intrusion from signage is an important dimension of the amenity of these areas and any signage should relate to the activity being carried out on the site.

Explanation: There will be an expectation that the use of buildings and property will be predominantly residential. There is reasonable tolerance for hobbies and home occupations, but experience has shown this tolerance wears thin when noisy activities occur repeatedly and when numbers of people are employed on the site. Signage of sufficient size and clarity to enable people to find someone



offering a professional service from home is appropriate. Signage which hints at a residential property being used for predominantly non-residential purposes is likely to be seen as a visual intrusion. Advertising signage which does not relate to the activity on the site is not appropriate in the Residential 4 Zone.

Policy 19 Dilapidated structures and ill-maintained lands: To require that buildings and sections in the Residential 4 Zone shall be sound, well-maintained and tidy in appearance, recognising the adverse effects of dilapidated structures and ill-maintained lands on the wider neighbourhood.

***Explanation:** Derelict properties and poorly maintained sections significantly detract from the amenities of neighbouring properties and the Council needs the authority to be able to take enforcement action when necessary.*

Policy 20 Demolition or removal activities: To manage the adverse effects of demolition or removal activities on amenity values by ensuring the clean-up, screening and maintenance of sites.

***Explanation:** Although normally temporary and localised, demolition activities can create a significant nuisance. There is an obligation to ensure that demolition materials are disposed of responsibly. There is also a need to ensure that the site is made safe, clean and tidy in a timely manner.*

Policy 21 Relocation activities: To manage the adverse effects of relocation activities on amenity values by ensuring that any relocated building is placed on permanent foundations and reinstated to a reasonable state of repair within a limited timeframe.

***Explanation:** There are many instances of dwellings which have been relocated on to sections in Invercargill and which offer a high standard of amenity to their occupiers and which contribute to the appearance of the neighbourhood. However, the process of relocation, and in particular adherence to a reasonable timeframe, needs to be carefully managed in order to minimise adverse effects on neighbours.*

Policy 22 Hazardous substances: To protect the public from the effects of storage and use of hazardous substances.

***Explanation:** Some substances used in normal domestic living and rural activities are potentially hazardous. Neighbours are entitled to protection from hazard from more than domestic quantities of hazardous material or bad practice in the use of such material.*

Policy 23 Height and location of structures: To ensure light and sunlight incidence to the subject property and to neighbouring properties for amenity, home heating (energy conservation) and health reasons and to protect outlook and amenity.

***Explanation:** Height and location of buildings significantly influence amenity. The great majority of housing in and around Invercargill is one or two storey stand alone dwellings. There are very few higher buildings. The scale, form and location of new buildings should be designed to maintain high levels of amenity by adhering to the overall characteristic of structures of modest height placed with space around them on individual sections. This characteristic is an important dimension of the rural-residential amenity.*



Policy 24 Car parking and vehicle manoeuvring: To maintain road safety by providing for residents to park their vehicle(s) on-site and to manoeuvre them safely on and off the formed road.

Explanation: Provision for off street car parking and manoeuvring minimises the adverse effects on the safety and efficiency of the road. It also enables the retention of on-street parking for short term visitors and improves the visual amenity of the streets by reducing the level of long term on-street parking

2.39A.4 Methods of Implementation

Method 1 Delineate the Residential 4 Zone on the District Planning Maps.

Method 2 Include Rules identifying activities that are appropriate within the Residential 4 Zone.

Method 3 Identify the anticipated amenity values for the Residential 4 Zone, include environmental standards to protect and enhance them, and implement through enforcement under the RMA, education, advocacy and collaboration with other Territorial Authorities.

Method 4 Include Rules addressing District Wide issues.

Method 5 Require applications for resource consent to include an analysis of the proposal on the defined amenity values of the Residential 4 Zone, as well as the principles of good urban design.

Method 6 Initiate environmental advocacy for:

- (A) Promotion of the principles of qualities of good urban design.
- (B) Promotion of the principles of Crime Prevention Through Environmental Design (CPTED).
- (C) Protection of landscape values.
- (D) Mitigation or avoidance of nuisance arising from glare and accentuation of windflow effects.
- (E) Promotion of well maintained structures and land.
- (F) Promotion of the provision of public open space.
- (G) Connectivity – connections between places.
- (H) Promotion of site and building design that recognises energy efficiency and its benefits, such as passive solar gain.

Method 7 Develop and disseminate guidelines promoting good urban design.

Method 8 Consider infrastructure needs and the implications of providing such infrastructure as part of subdivision and/or land use consents, including financial implications, capacity of existing infrastructure, and compliance with the Council's infrastructure standards.

Proposed Invercargill City District Plan –provisions for introduction of proposed Residential 4 (Rural Transition)



Method 10 Require all new residential developments to make provision for on-site storage of water for use for domestic gardening.

Method 11 Require all new residential developments on properties less than two hectares to connect to Council's reticulated sewerage system.

Method 12 Environmental awards may be given for outstanding examples of good urban design.

Method 13 Identify cross boundary issues e.g. discharges.

Method 14 Consult with land owners and occupiers, iwi, other Councils, Central Government and other organisations, internal Council departments and local community and business groups.

Method 15 Recognise sectorial responses, such as NZTA published guidelines.



2.40 RURAL ZONE

The Rural Zone provides for rural activities such as agriculture, horticulture and forestry and residential activities on larger land allotments that are of sufficient size to effectively deal with the disposal of wastewater on-site, and give a character of openness to the Zone. As such it comprises a dynamic working environment within which productive primary use is the dominant land use.

The Rural Zone contains higher quality and versatile soils, particularly in the north, for which it is desirable to keep options open for productive rural activities.

Non-rural land use activities are not always compatible with rural primary production activities and can give rise to reverse sensitivity effects and limit the productivity of rural land.

Greenfield residential development in the Rural Zone can lead to a demand for extensions to urban services that can be expensive to provide and need to be carefully considered.

Instead urban development should be encouraged to locate within the existing built up environment and where provision is made for large lot housing.

The southern parts of the Zone contain nationally significant landscapes and include the Awarua wetlands.

2.40.1 Issues

The significant resource management issues for the Rural 1 Zone:

1. The amenity of the rural area can be adversely affected through subdivision and consequent development and/or by reverse sensitivity.
2. Rural-residential subdivision and development can limit the use of the rural land resource for primary production activities.
3. Conflict between rural and non-rural activities can adversely affect rural productivity.
4. Long-term pressures for urban expansion can adversely affect the character of the Rural Zone and lead to demands for urban services.
5. Sporadic subdivision can lead to poor connectivity and adverse effects on existing infrastructure.
6. Ongoing problems can occur with on-site sewage disposal systems, especially on smaller sites.
7. Connection to the Council's sewerage reticulation system can create ongoing cost to ratepayers for expanded services

2.40.2 Objectives

Objective 1: The rural environment is maintained and enhanced while allowing for productive rural activities to be undertaken.



Objective 2: Provide for the use and development of land within the rural area while maintaining, and where practical enhancing, amenity values.

Objective 3: New urban development within the Rural Zone only occurs within the areas identified in Appendix XV and in general accordance with an operative outline development plan included in the District Plan through an approved Plan Change, and only when adequate servicing and infrastructure are available.

Objective 4: New urban development within the land identified in the District Planning Maps as the Rural Zone (deferred Residential 4 Zone) only occurs once Council's reticulated sewerage services and footpaths have been extended in accordance with the relevant Concept Plan in Appendix X and developed comprehensively for the area as a whole.

2.40.3 Policies

Policy 1 Rural Zone: To require rural allotments to be of a size and nature that enables rural activities and maintains the rural character and visual amenity of the Rural Zone.

Policy 2 Rural activities: To provide for rural activities to establish and operate within the Rural Zone.

Policy 3 Non rural activities: To avoid activities that do not have a need to locate within the Rural Zone and which would result in adverse effects inconsistent with the function, character and amenity provided for by the Rural Zone.

***Explanation:** The primary purpose of the Rural Zone is to provide for rural activities such as agriculture, horticulture and forestry. A minimum lot size of two hectares for rural properties will provide for sustainable "lifestyle" properties that are not connected to reticulated services. These activities give a characteristic of openness to the area. Regulatory controls will ensure that the amenity of the Rural Zone is maintained and enhanced to provide for the ongoing operation of rural production activities.*

Policy 4 Soils: To maintain the life supporting capacity and productive value of the soil resource in the Rural Zone.

***Explanation:** Fragmentation of rural properties, non rural land uses and poor soil management practices can reduce the productive use of land in the Rural Zone.*

Policy 5 Historical sections: To allow a single dwelling on sites under two hectares which existed with a Certificate of Title issued prior to 29 October 2016 and which can be connected to the Council's reticulated sewerage system.

***Explanation:** This policy is to ensure that owners of sections which existed prior to the introduction of controls on lot sizes are able to use their land.*

Policy W Deferred zoning: To identify an area within the Rural Zone for an additional residential zone that will not become operative until a Council resolution has been passed that it is satisfied that the footpaths and Council's reticulated sewerage system have been extended in accordance with the relevant Concept



Plan detailed in Appendix X. Council accepts no responsibility for the costs involved in the extension of these services.

Explanation: An area is identified on the District Planning Maps as Rural Zone (deferred Residential 4 Zone). The intended future use of the land in this area includes low-density residential development. However, until the development of the reticulated sewerage services is complete, the Rural Zone provisions will continue to apply. Footpaths are also a prerequisite before the deferred status is removed for the Residential 4 Zone provisions. The comprehensive development of the reticulated sewerage services and the footpaths are necessary to ensure that the services are put in place in an efficient and effective manner and so that landowners and developers can spread the costs equitably between them. Council accepts no responsibility for the costs of extending the services.

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 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.

The removal of the deferred status and commencement of the Residential 4 Zone is effected by resolution of Council when the required services have been provided to the satisfaction of the Council. At the date of the Council resolution, the District Plan will be amended without formality and the Residential 4 Zone will become operative. The Council will advise landowners when it has made a resolution.

Policy X Deferred Zone Infrastructure – transportation: Within the area identified on the District Planning Maps as Rural Zone (deferred Residential 4 Zone), to provide for alternative modes of transport by methods such as requiring a footpath be developed along the length of the eastern side of Retreat Road in accordance with the relevant Concept Plan in Appendix X prior to the zone becoming operative.

Explanation: Within the area identified on the District Planning Maps as Rural Zone (deferred Residential 4 Zone), there is no immediate expectation that the road traffic speed will be reduced, and therefore, providing a safe environment for alternative modes of transport will be important within this area.

A footpath along Retreat Road will provide for the safety of all road users and will ensure connectivity of infrastructure, linking future development within the area with the existing footpath network. Similarly, a footpath linking the properties on McIvor Road with the existing development on Inverurie Drive will be required. The footpaths are to be developed at no cost to the Council before low-density residential development can be considered.

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 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.



Policy Y Deferred Zone Infrastructure – reticulated sewerage: Within the area identified on the District Planning Maps as Rural Zone (deferred Residential 4 Zone), to require the Council's reticulated sewerage services be extended in accordance with the relevant Concept Plan in Appendix X prior to the zone becoming operative.

Explanation: *On-site wastewater management is not appropriate within this area of the city on properties with an area of less than two hectares. Therefore, before low-density residential development can occur Council's reticulated sewerage system will need to be available. To ensure equitable sharing of costs and to avoid sporadic development of the services, reticulated sewerage services shall be extended to the area identified as Rural Zone (deferred Residential 4 Zone) before low-density residential development can be considered. The Concept Plan for the land within the Rural Zone (Deferred Residential 4 Zone) in Appendix X details where the reticulated sewerage services are to be installed to service the Zone.*

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 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.

Policy Z Deferred Zone Infrastructure – costs: Within the area identified on the District Planning Maps as Rural Zone (deferred Residential 4 Zone), to require developers to pay for any extensions and connections to the Council's infrastructure services, and any consequential upgrades, at full cost to them and with no contribution from the Council.

Explanation: *Council has no intention of paying for extensions or connections to its services within this area of the District. The developer will bear the responsibility of installing the required infrastructure and any consequential upgrades to that infrastructure before the development of this Zone to allotments with an area of less than two hectares is provided for. The infrastructure, unless otherwise approved, will be required to be constructed in accordance with the standards and procedures set out in the Council's Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure.*

Policy 6 Outline Development Plans: To identify areas within the Rural Zone for long term urban development as Outline Development Plan Areas. Within these areas development does not proceed until an operative Outline Plan for that area has been included within the District Plan and adequate servicing and infrastructure is available.

Explanation: "Outline Development Plan Areas" are identified in the District Plan as the preferred areas for any future greenfield residential growth. The reason for providing them is to enable the City to respond, reasonably quickly and in a considered way, to any future pressure for residential growth.



These areas have been identified because they connect directly to existing Invercargill City Council infrastructure and services which have capacity for growth, and immediately adjoin residential areas.

The process envisaged for enabling development of one of the Outline Development Plan Areas would involve a request for a Plan Change that would need to set out how the land is to be developed in accordance with the Objectives and Policies of the District Plan. Development will not proceed until the Plan Change has been approved.

2.40.4 Methods of Implementation

Method 1 Delineate the Rural Zone on the District Planning Maps.

Method 2 Include Rules identifying activities that are appropriate within the Rural Zone.

Method 3 Identify the anticipated amenity values for the Rural Zone, include environmental standards to protect and enhance them, and implement through enforcement under the RMA, education, advocacy and collaboration with other Territorial Authorities.

Method 4 Include Rules addressing District Wide issues.

Method 5 Require all applications for resource consent to include an analysis of the proposal on the defined amenity values of the Rural Zone.

Method 6 Identify on the District Planning Maps areas where long term residential development may be considered either as a deferred Zone or as part of a Plan Change process.

Method 9 Prior to the provisions of the Residential 4 Zone becoming operative, require the extension of services at the cost of the developer in accordance with the Rural Zone (deferred Residential 4 Zone) Concept Plan in Appendix X.

Method 7 Initiate environmental advocacy for:

(A) Promotion of the principles of qualities of good design.(B) Promotion of the principles of Crime Prevention Through Environmental Design (CPTED).

(C) Protection of landscape values.

(D) Mitigation or avoidance of nuisance arising from glare and accentuation of windflow effects.

(E) Promotion of well maintained structures and land.

(F) Connectivity – connections between places.

Method 8 Develop and disseminate information promoting good practice for living and working in the rural environment.

Method 9 Environmental awards may be given for outstanding examples of good design.

Method 10 Identify cross boundary issues e.g. discharges.



Method 11 Consult with land owners and occupiers, iwi, other Councils, Central Government and other organisations, internal Council departments and local community and business groups.

Method 12 Recognise sectorial responses, such as NZTA published guidelines.



SECTION THREE

RULES

DISTRICT WIDE RULES

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, Residential 4 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, Residential 4 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.



3.7 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.

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.*

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

Electricity lines

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, and 4, 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.

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, and 4, Business 1, 2, 3, 4 and 6, Industrial 1 and 2, Otatara and Hospital Zones.

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, and 4 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 and 4 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.

3.11 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:

	Sunset through midnight to sunrise
Residential 1, Residential 1A, Residential 2, Residential 3, Residential 4	5 lux
Rural	5 lux

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



3.13 NOISE

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 _{Aeq}	L _{Amax}	L _{Aeq}	L _{Amax}
When measured at any point within the boundary of any other site within a zone:				
Residential 1, 1A, 2, 3, 4 Otatara	55dB	80dB	40dB	70dB
When measured at any point within the notional boundary of any noise sensitive activity on a site within a zone:				
Rural	50dB	80dB	45dB	65dB

3.13.3 Exemptions:

- (A) Within the Rural, Residential 4, 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, Residential 4 and Rural Zones, noise from livestock kept as part of agriculture is exempt from the noise limits detailed in Rule 3.13.2 above.

3.15 RELOCATED BUILDINGS

- 3.15.1 Rule 3.15 applies to the Residential 1, Residential 1A, Residential 2, Residential 3, Residential 4, Rural, and Otatara Zones.

3.16 SIGNAGE

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



Zone	Provisions
Otatara Zone Residential 1, 1A, 2 and 3, 4 Zones Airport Protection Zone	(a) Signage painted on, or attached parallel to, buildings: Maximum area: 0.25m ² ; OR (b) Freestanding signage and signage attached at an angle to buildings: (i) Maximum combined area: 0.25m ² . (ii) Maximum height: 2m.
Rural Zone	(a) Signage painted on, or attached parallel to, buildings: Maximum area: 1.5m ² ; OR (b) Free standing signage: (i) Maximum area: 1.5m ² . (ii) Maximum height: No higher than 2m; OR (c) Signage attached at an angle to the building: Maximum area: 1.5m ² .

Provided that:

- (F) Illuminated signage is permitted within all Zones except the following:
- (a) Otatara Zone.
 - (b) Residential 1, 1A, 2, and 3, and 4 Zones.
 - (c) Rural Zone.

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).

3.17 SOILS, MINERALS AND EARTHWORKS¹

Earthworks and Mineral Extraction

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:

- (A) Activities associated with the construction, operation, maintenance,



Appeal – Director-General of Conservation

Proposed Invercargill City District Plan – provisions for introduction of proposed Residential 4 (Rural Transition)

- (D) All other earthworks provided that the quantity of earthworks undertaken in a 12 month period shall not exceed:
- (a) 50m³ per site up to 1,000m², plus 50m³ each 1,000m² thereafter, in the Residential 1, 1A, 2, and 3, and 4, Business 1, 2, 3, 4 and 5, and Otatara Zones.
 - (b) 2,000m³ per site in the Rural Zone.
 - (c) 1,000m³ 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 50m³ 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 10m² in area.

3.18 SUBDIVISION

Protected Areas and Minimum Lot Sizes

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

- (K) Within the Residential 4 Zone: Allotments of less than two hectares (if not connected to the Council's reticulated sewerage system) or 4,000 square metres (if connected to the Council's sewerage system).
- (LK) Within the Rural Zone: Allotments of less than two hectares.

3.20 TRANSPORT

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.

3.20.6 **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, and Residential 4 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, and Residential 4 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.

ZONE RULES

3.37A RESIDENTIAL 4 (RESIDENTIAL TRANSITION) ZONE

3.37A.1 Deferred zone provisions: The Rural Zone Objectives, Policies and Rules apply to the land in the Rural Zone (deferred Residential 4 Zone) until a Council resolution has been passed. The Residential 4 Zone has been divided into two areas, Area A and Area B. Council will consider passing a resolution to change the zoning for either area upon notice that the extension of the footpath and Council's reticulated sewerage system have been extended to service that area in accordance with the relevant Concept Plan in Appendix X.

3.37A.2 Permitted Activities: The following are permitted activities in the Residential 4 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
- (F) Roadside sales activity

3.37A.3 Discretionary activities: The following are discretionary activities in the Residential 4 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

3.37A.4 Non-complying activity: The following are non-complying activities in the Residential 4 Zone:

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

Residential Density

3.37A.5 The maximum residential density is:

- (A) One residence per 4,000 square metres under contiguous ownership, where the proposed residence is to be connected to Council's reticulated sewerage system.
- (B) One residence per 2ha under contiguous ownership, where the proposed residence is not to be connected to Council's reticulated sewerage system.

3.37A.6 Where the residential density does not comply with 3.37A.5, the activity is a non-complying activity.

3.37A.7 Applications under Rule 3.37A.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 4 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, water quality and quantity.
- (H) Effects of the activity on soil and public health.
- (I) The extent to which the development incorporates qualities of good urban design.
- (J) Effects of the proposal on existing Council infrastructure.

Outdoor living

3.37A.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.

3.37A.9 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.

3.37A.10 Where an activity does not comply with Rules 3.37A.8 and/or 3.37A.9 above, the activity is a discretionary activity.

3.37A.11 Applications under Rule 3.37A.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

3.37A.12 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 3.37A.8 or 3.37A.9.



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

3.37A.13 A yard at least four metres deep shall be provided along all side and rear boundaries of any non-residential activity.

3.37A.14 Where an activity does not comply with Rules 3.37A.12 or 3.37A.13 above, the activity is a discretionary activity.

3.37A.15 Applications under Rule 3.37A.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

3.37A.16 Maximum coverage of all buildings on the site shall not exceed 30% of the net site area.

3.37A.17 Maximum coverage of all buildings on the site exceeding 30% but not exceeding 35% of the net site area is a discretionary activity.

3.37A.18 Where coverage of all buildings on the site exceeds 35% of the net site area the activity is a non-complying activity.

3.37A.19 Applications under Rules 3.37A.17 and 3.37A.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.

Services

3.37A.20 Sewerage: All new residences on properties less than 2ha are to be connected to the Council's reticulated sewerage system.

3.37A.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.



3.37A.22 Where activities do not comply with Rules 3.37A.20 and/or 3.37A.21 above the activity is a non-complying activity.

Note: The developer will be responsible for costs of any extension of, and connection to, Council's infrastructure. Extensions and connections will require authorisation pursuant to the Invercargill City Council Bylaw 2016/1 Code of Practice for Land Development and Subdivision.

Height of Structures

3.37A.23 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 less than two hectares.

3.37A.24 Where any activity does not comply with Rule 3.37A.23 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

3.37A.25 The minimum area of permeable surface is 30% of the gross site area.

3.37A.26 Where the area of permeable surfaces is to be less than 30% of the gross site area, then the activity is a discretionary activity.

3.37A.27 Applications under Rule 3.37A.26 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

3.37A.28 Rules 3.37A.29 – 3.37A.34 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.

3.37A.29 Each new residential unit with a building floor area of less than 200m² 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.

3.37A.30 Each new residential unit with a building floor area of greater than 200m² 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.

3.37A.31 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.



3.37A.32 Any addition exceeding 50m² to a residential building shall comply with Rules 3.37A.28 - 3.37A.30 as if it were a new building.

3.37A.33 Where an activity does not comply with the relevant standards set out in Rules 3.37A.29 - 3.37A.32, 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.

3.37A.34 Any application made under Rule 3.37A.33 shall include details of any consultation undertaken with the New Zealand Fire Service and the response received.





APPENDIX VII – HAZARDOUS SUBSTANCES

HSNO SUB-CLASS AND HAZARD CLASSIFICATION	SUBSTANCE	GROUP 1: RESIDENTIAL 1, RESIDENTIAL 1A, RESIDENTIAL 2, RESIDENTIAL 3, <u>RESIDENTIAL 4</u> AND OTATARA ZONES AND RESIDENTIAL ACTIVITIES IN ALL OTHER ZONES	GROUP 2: INDUSTRIAL 1, BUSINESS 1, BUSINESS 2, BUSINESS 3, BUSINESS 4, BUSINESS 5 AND BUSINESS 6 EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 3: INDUSTRIAL 2, INDUSTRIAL 3, INDUSTRIAL 4 AND SEAPORT 2 ZONES, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 4 HOSPITAL, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 5: RURAL AND AIRPORT PROTECTIONS ZONES, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 6: SEAPORT 1 ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 7: AIRPORT OPERATIONS ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 8: SMELTER ZONE, EXCLUDING RESIDENTIAL ACTIVITIES
--	-----------	--	---	--	--	---	--	--	--

Notes:

1. The above table contains maximum permitted quantity thresholds (plus, in certain cases, storage requirements) for the storage, use and management of different types of hazardous substance, as classified via the Hazardous Substance (Classification) Regulations 2001. To avoid confusion, maximum permitted means up to and equal to the quantity thresholds specified. The quantities vary according to Zone and/or activity type. Where the requirements set out in this table are not met, resource consent will be required under Rule 3.7.2 of the District Plan.
2. Unless otherwise stated, if a hazardous substance falls into more than one HSNO sub-class and is therefore controlled by more than one maximum permitted quantity threshold, the base or primary class shall determine the maximum permitted quantity threshold. The base or primary class of a substance is the first classification listed beside any substance within New Zealand Gazette Notice No. 35, as well as in all HSNO required labelling and signage. Where the requirements set out in this table are not met, resource consent will be required under Rule 3.7.2 of the District Plan.
3. The permitted quantity thresholds in the above table apply per site, except for in Group 2, 3, 6 and 7 where the permitted quantity thresholds apply per hazardous sub-facility. Where more than one activity is carried out per site or hazardous sub-facility, each hazardous sub-facility shall comply with the above table, otherwise resource consent will be required under Rule 3.7.2 of the District Plan.
4. Where the volume or weight of a hazardous substance is affected by the temperature and pressure at which it is stored, the volume or weight shall be considered (for the purposes of this table) to be that present in conditions of 20°C and 101.3kPa otherwise resource consent will be required under Rule 3.7.2 of the District Plan.
5. Waste hazardous substances and waste generated by hazardous substances shall be treated as if it were the original hazardous substance. The disposal of hazardous substances is adequately controlled by the Hazardous Substances and New Organisms Act 1996 and by Environment Southland and is not controlled by the District Plan.
6. Where any site contains residential activity then the Residential 1, 2, and 3 and 4 Zone thresholds detailed in the table shall exclusively apply, regardless of any other activity occurring on the site except for within the Rural 1 Zone, where the Residential 1, 2, and 3 and 4 Zone thresholds apply to the residential dwelling and cartilage only.
7. Dwelling under HSNO includes the house and any structure attached to the house including a carport, basement garage, etc. It does include a balcony and a veranda but not a deck or patio unless roofed over.



"Approved" means test certified as compliant with HSNO, or in some cases approved by the EPA.

9. "Certified" means tanks that are issued with a Design Verification Test Certificate under HSNO by a Test Certifier if they are of a standard design e.g. service station tanks, farm tanks, etc. The Design Verification Certificate is for the EPA listed Test Certified Approved Tank Fabricator's production tanks; or, they are site built and subject to Engineer's Producer Statements – PS1 and PS4's for design, tanks slab and seismic restraint. Both construction methods are then subject to Stationary Container Systems Certificates on site by another Test Certifier.

10. In addition to these District Plan rules, the provisions of other legislation may also be applicable to activities involving hazardous substances. Separate approvals may be required under the provisions of different legislation.

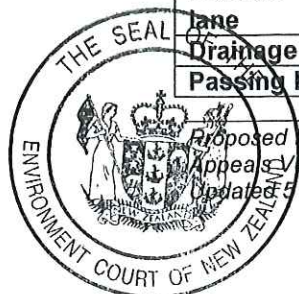
APPENDIX VIII – TRANSPORT STANDARDS

3. PRIVATE WAYS AND RIGHT OF WAYS

- (1) Private ways and right of ways are to be designed and constructed to comply with the standards set out in Table 1.

Table 1: Private Way and Right of Way Standards.

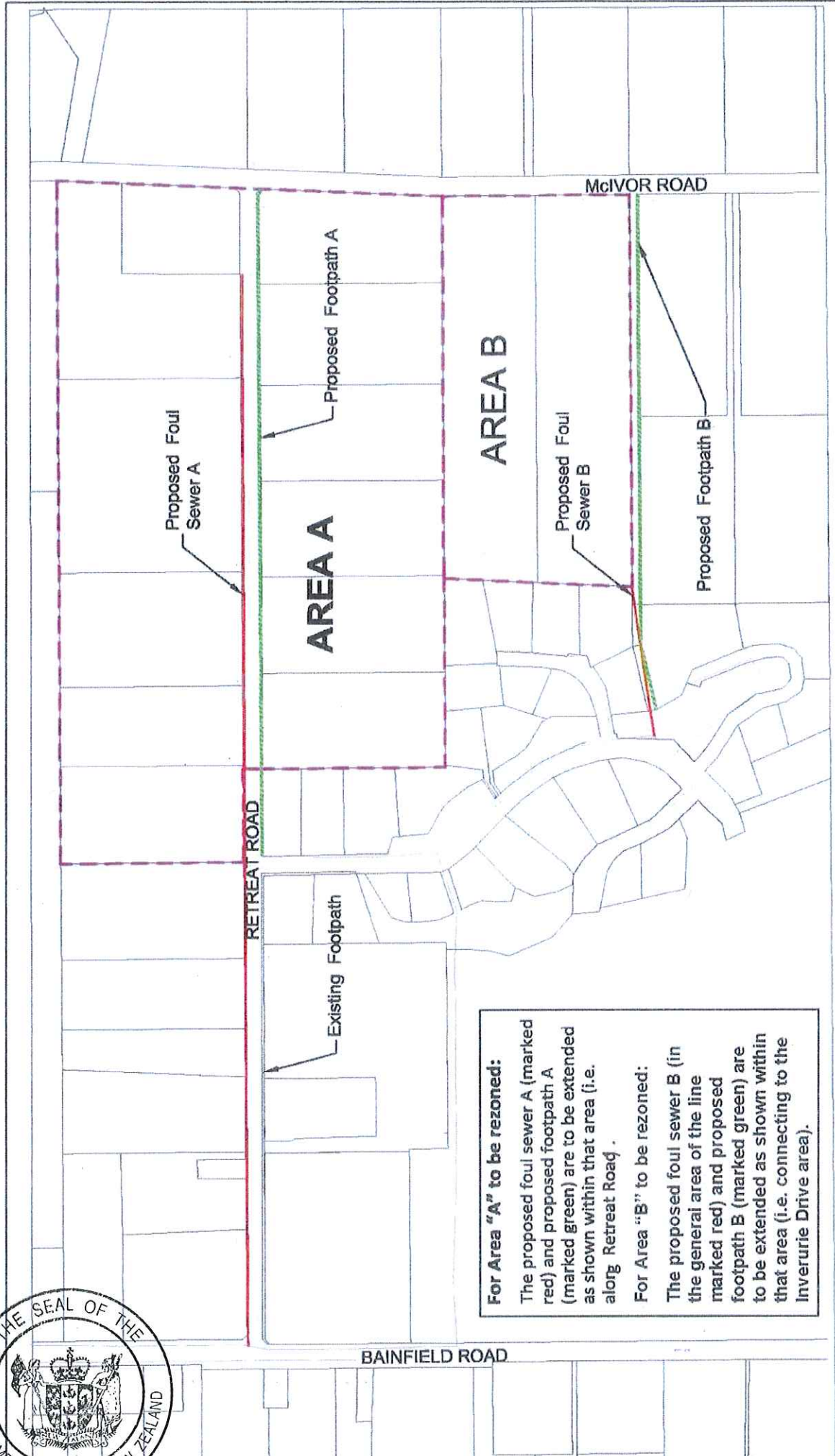
Residential 1, 1A, and 2 Zones			
Number of Lots	2-3	4-6	7+
Minimum Width	3.6m	4.5m	9m
Formed Movement lane	3m (sealed 5m in from property boundary)	3m (sealed 5m in from property boundary)	6m (sealed 5m in from property boundary)
Drainage	Interceptor sump required where more than 40m ² of impermeable area is graded towards the street.	Interceptor sump required where more than 40m ² of impermeable area is graded towards the street.	Interceptor sump required where more than 40m ² of impermeable area is graded towards the street.
Passing Bays	-	-	Every 50m, as set out in Figure 1.
Turning Heads	-	-	As set out in Figure 2.
Footpaths	-	-	Single sided, 1.5m width for concrete or 1.8m width for asphalt.
Lighting	-	-	Constructed and designed in accordance with Class P4 of AS/NZS 1158.
Residential 3 Zone			
Number of Lots	1-3	4-6	7+
Minimum Width	4m	4.5m	9m
Formed Movement lane	3m (sealed 5m in from property boundary)	3m (sealed 5m in from property boundary)	6m (sealed 5m in from property boundary)
Drainage	Interceptor sump required where more than 40m ² of impermeable area is graded towards the street.	Interceptor sump required where more than 40m ² of impermeable area is graded towards the street.	Interceptor sump required where more than 40m ² of impermeable area is graded towards the street.
Passing Bays	-	-	Every 50m, as set out in Figure 1.
Turning Heads	-	-	As set out in Figure 2.
Footpaths	-	-	Single sided, 1.5m width for concrete or 1.8m width for asphalt.
Lighting	-	-	Constructed and designed in accordance with Class P4 of AS/NZS 1158.
Residential 4, Rural 1, 2, and Otatara Zones			
Number of Lots	2-6	7+	
Minimum Width	6m	9m	
Formed Movement lane	In accordance with Figure 3.	6m	
Drainage	-	-	
Passing Bays	Every 200m	-	



Turning Heads	-	-	
Footpaths	-	-	
Lighting	-	-	

Note: Commercial and Industrial development will be considered on a case by case basis in consultation with the Council's Roading Manager.





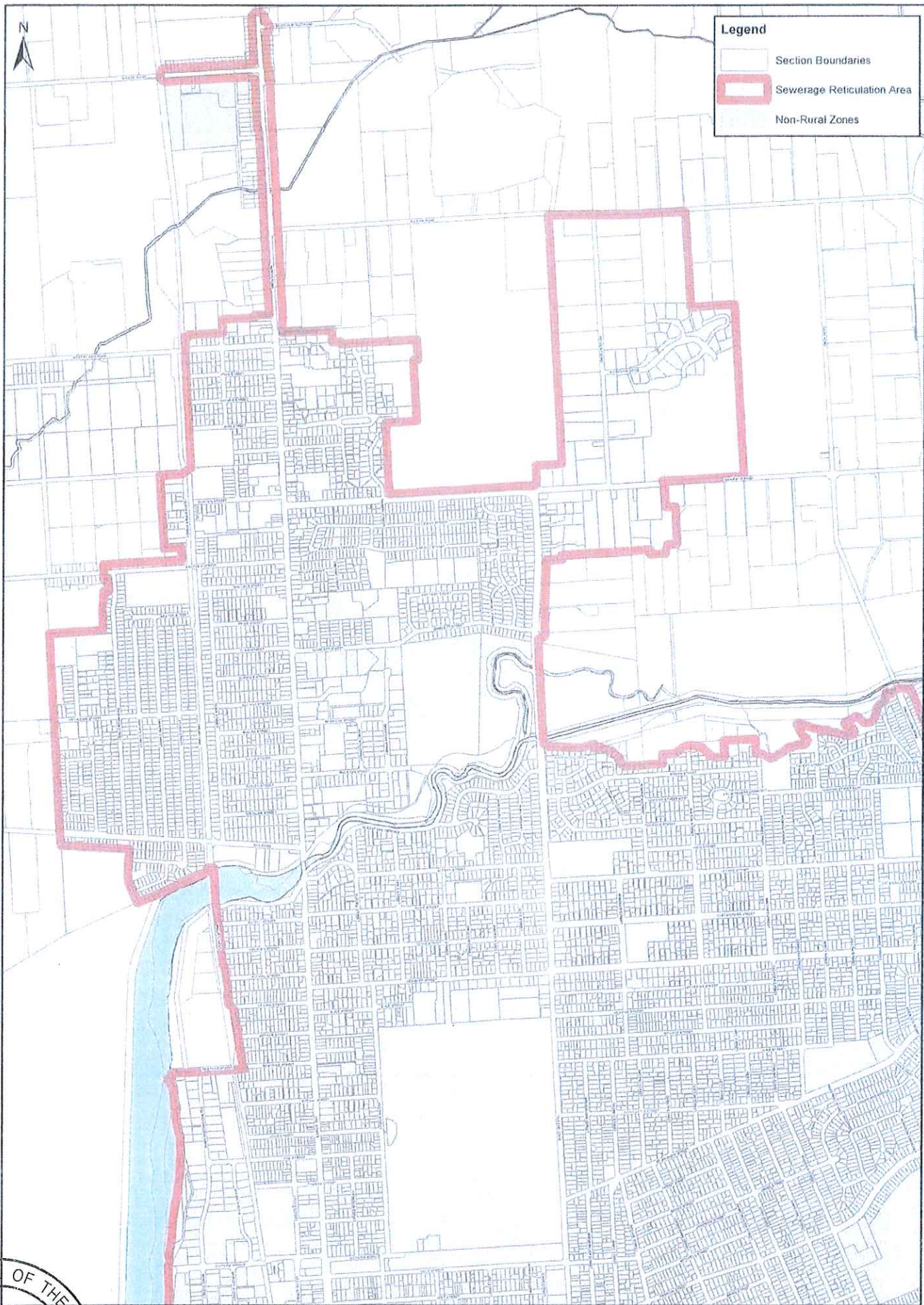
For Area "A" to be rezoned:
 The proposed foul sewer A (marked red) and proposed footpath A (marked green) are to be extended as shown within that area (i.e. along Retreat Road).

For Area "B" to be rezoned:
 The proposed foul sewer B (in the general area of the line marked red) and proposed footpath B (marked green) are to be extended as shown within that area (i.e. connecting to the Inverurie Drive area).




SCALE Not to scale
DATE 12/2018

**RURAL ZONE (Deferred Residential 4 Zone)
 CONCEPT PLAN**





Legend

-  Section Boundaries
-  Sewerage Reticulation Area
-  Non-Rural Zones



Scale: 1:22,000
 Date Printed: 20 December 2018




**Invercargill City Council
 Sewerage Reticulation Area
 Map 2**

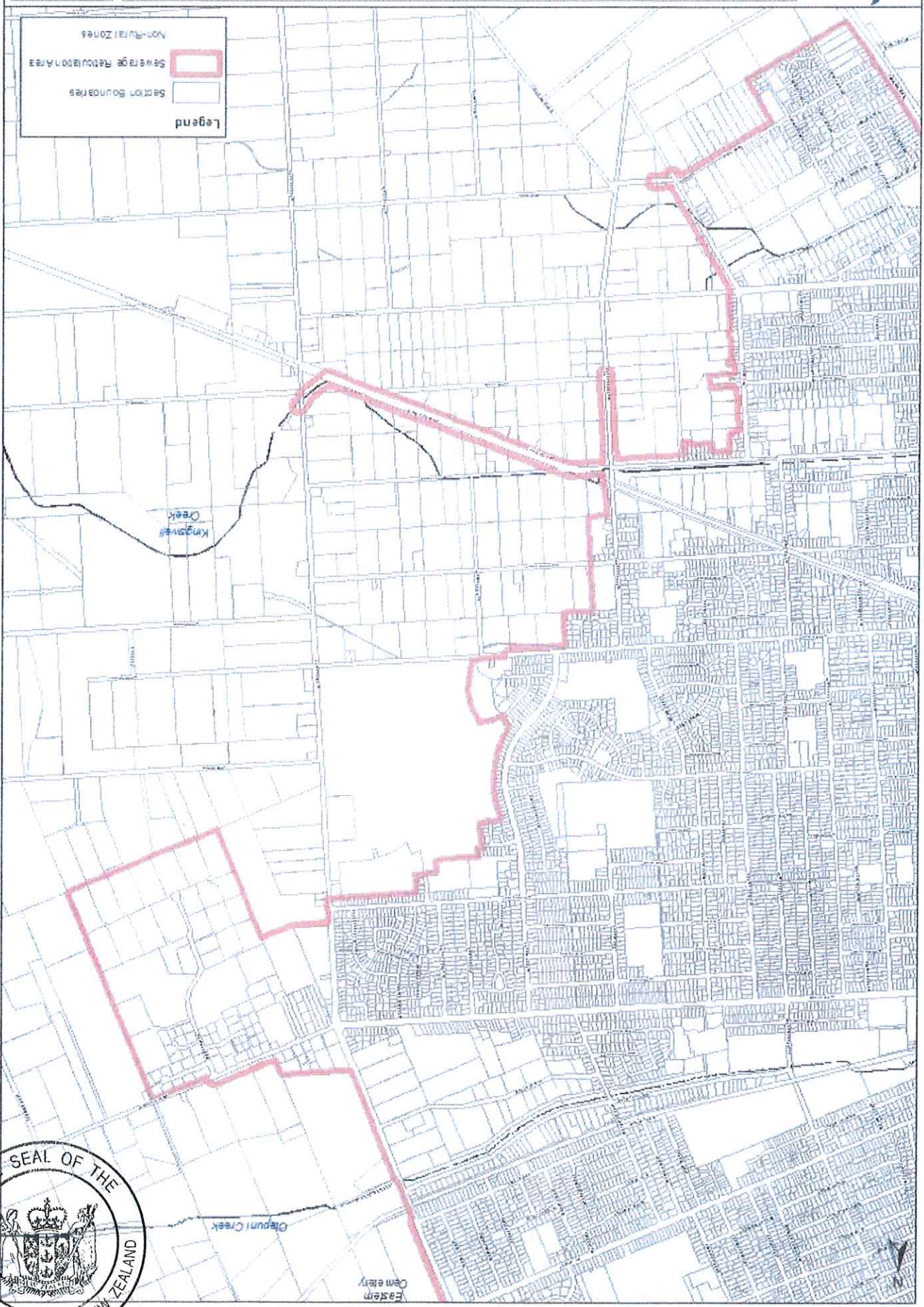
Information shown on this document is based on the current information available to the Council as at the date of printing. It is not intended to be used as a legal document. The Council is not responsible for any loss or damage arising from its use. Copyright © Invercargill City Council 2018. CROWN COPYRIGHT RESERVED.

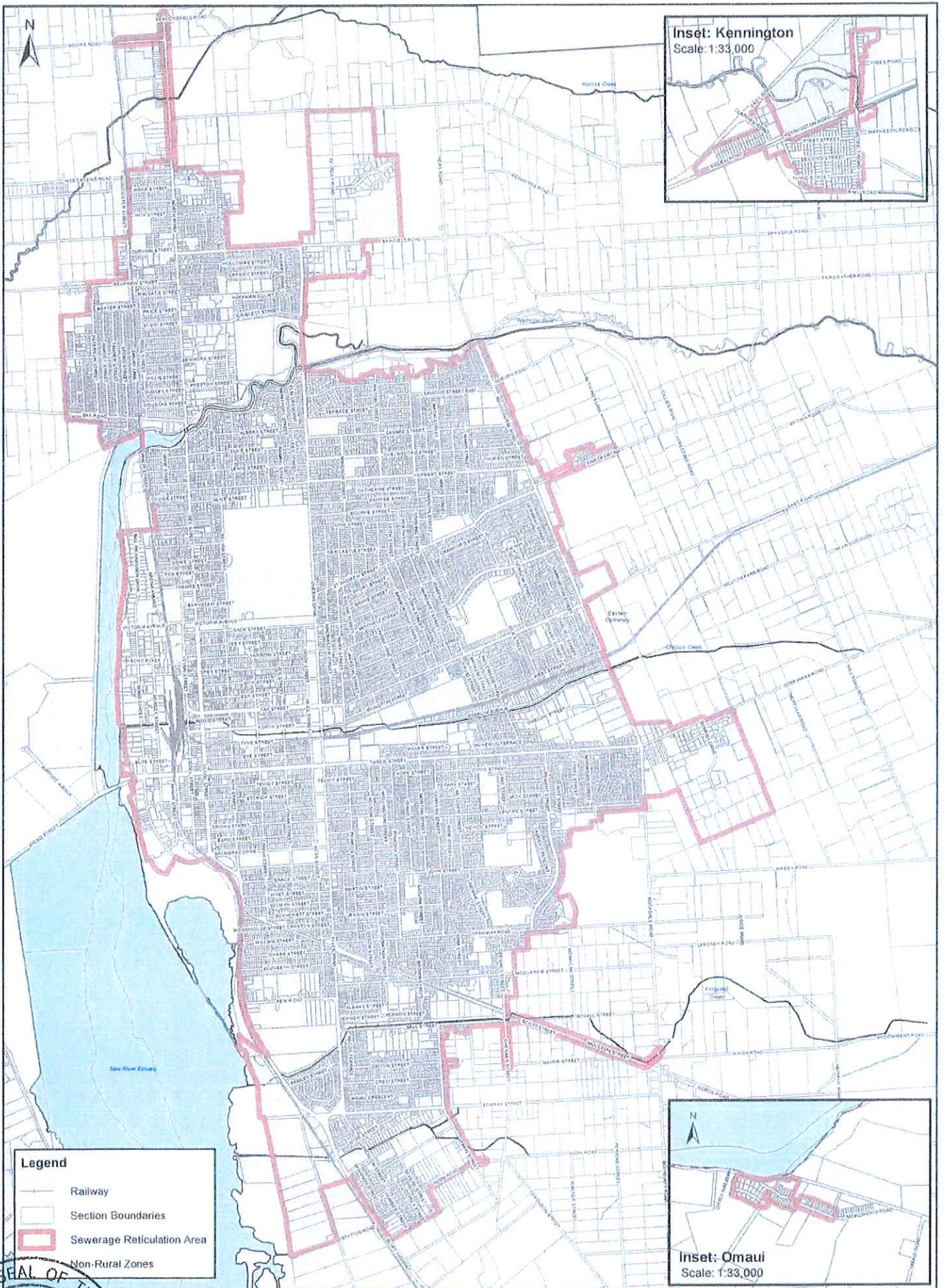
Invercargill City Council
Sewerage Retention Area
Map 5

THIS MAP IS A PRELIMINARY
DRAFT AND IS NOT TO BE
USED FOR ANY PURPOSES
OTHER THAN THAT FOR WHICH
IT WAS PREPARED. THE
CITY COUNCIL ACCEPTS NO
LIABILITY FOR ANY LOSS OR
DAMAGE CAUSED BY THE
USE OF THIS MAP.

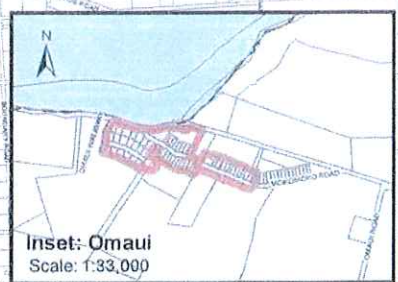
Legend

-  Sewerage Retention Areas
-  Section Boundaries
-  Non-Rural Zones





- Legend**
- Railway
 - Section Boundaries
 - Sewerage Reticulation Area
 - Non-Rural Zones

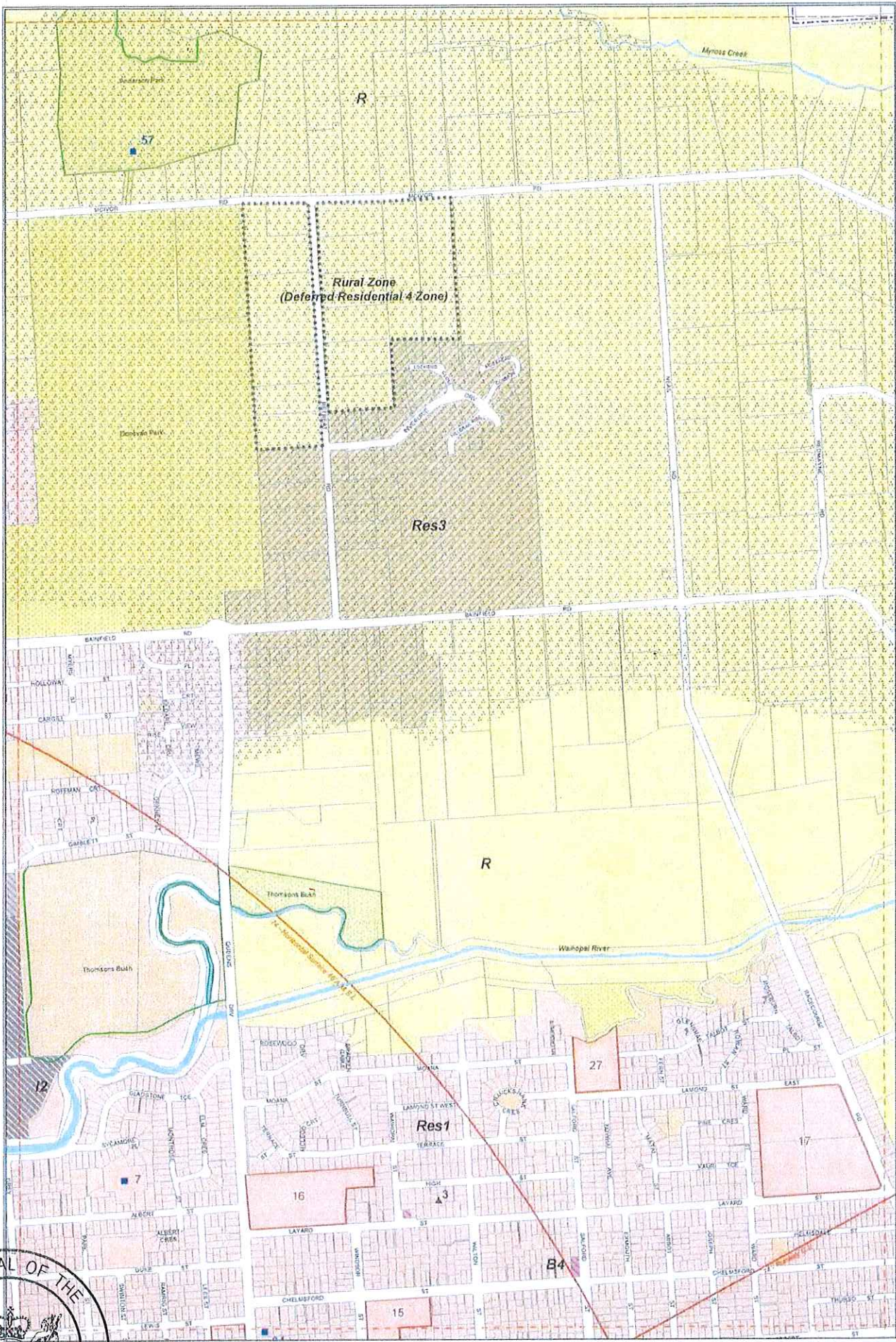


**Invercargill City Council
Sewerage Reticulation Area
Map 1 - Overview:
Invercargill, Kennington, Omaui.**

Scale: 1:45,000
Date Printed: 20 December 2018

Information shown is the currently assumed knowledge as at date perished. If information is vital, confirm with the authoritative owner E & O-E.

Cadastral information derived from Land Information New Zealand current to 4 November 2018. CROWN COPYRIGHT RESERVED



Copyright Information: reproduced from Level 1 Information System, Invercargill City Council. All Rights Reserved.
 Date: 12/03/2019
 File: 1705_4023.mxd



Invercargill City
PROPOSED DISTRICT PLAN
 Amended Planning Map - Response to Appeal - Simmons and Dixon et al 2019

 Scale 1:10,000	<table border="1" style="border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;">1</td> <td style="width: 20px; height: 20px;">2</td> <td style="width: 20px; height: 20px;">3</td> </tr> <tr> <td style="width: 20px; height: 20px;">4</td> <td style="width: 20px; height: 20px; text-align: center;">7</td> <td style="width: 20px; height: 20px;">12</td> </tr> <tr> <td style="width: 20px; height: 20px;">5</td> <td style="width: 20px; height: 20px;">11</td> <td style="width: 20px; height: 20px;">14</td> </tr> </table>	1	2	3	4	7	12	5	11	14	7
1	2	3									
4	7	12									
5	11	14									

