

REPORT TO COUNCIL

Meeting Date: 30 AUGUST 2006

Subject: FINAL CONSIDERATION OF PLAN CHANGE 2 TO THE
SOUTHLAND DISTRICT PLAN 2001 - STEWART ISLAND/
RAKIURA PROVISIONS

File No.: 360/20/1/2

Report by Mr Peter Kloosterman dated 2 August 2006.

1. **SUMMARY OF REPORT**

Council's requisite final approval/action to make Plan Change 2 - Stewart Island/Rakiura Provisions to the Southland District Plan 2001 operative.

2. **RECOMMENDATION**

- (a) THAT SOUTHLAND DISTRICT COUNCIL APPROVES PLAN CHANGE 2 - STEWART ISLAND/RAKIURA PROVISIONS TO THE OPERATIVE SOUTHLAND DISTRICT PLAN.
- (b) THAT SOUTHLAND DISTRICT COUNCIL EFFECTS ITS APPROVAL BY AFFIXING THE COUNCIL SEAL.

Signature

Author

Executive Staff

3. **REPORT**

3.1 **Background**

Notification of Plan Change 2 - Stewart Island / Rakiura Provisions occurred on 4 October 2003, with submissions closing on 18 November 2003. Further submissions closed on Wednesday, 24 March 2004. Council received 26 submissions and four further submissions to Plan Change 2.

The hearing of submissions occurred on Tuesday, 26 October 2004 in Invercargill and all submitters were notified of the Resource Planning Committee decisions on 14 December 2004. Two appeals to those decisions were received. An Environment Court Hearing took place on Stewart Island to hear the appeals on 12 and 13 September 2005. All appeals were finally resolved by the Environment Court on 25 July 2006

As a result of the appeals amendments have been made to the Plan Change relating exclusively to the Industrial Resource Area.

- The area has been reduced in size to 2 hectares.
- The protected indigenous vegetation buffer around the periphery of the Industrial Resource Area has been increased from 10 metres to 40 metres.
- The maximum height of buildings and structures has been reduced from 9 metres to 7.5 metres.
- There are now colour controls on buildings and structures (Green, Grey or Brown).
- Any clearance, modification or damage of podocarps over 5 metres in height within the Industrial Resource Area will require a non-complying resource consent.

The finalised text is attached as Appendix A

3.2 **Options Considered**

Plan Change 2 - Stewart Island/Rakiura Provisions to the Operative Southland District Plan was prepared in accordance with the requirements of Section 32 of the Resource Management Act 1991, the relevant sections of which are in bold.

Consideration of alternatives, benefits, and costs

- (1) ***In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by—***

- (a) *the Minister, for a national policy statement or regulations made under section 43; or*
 - (b) *the Minister of Conservation, for the New Zealand coastal policy statement; or*
 - (c) ***the local authority, for a policy statement or a plan*** (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or
 - (d) *the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of the Schedule 1.*
- (2) ***A further evaluation must also be made by—***
- (a) ***a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and***
 - (b) *the relevant Minister before issuing a national policy statement or New Zealand coastal policy statement.*
- (3) ***An evaluation must examine—***
- (a) ***the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and***
 - (b) ***whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.***
- (4) ***For the purposes of this examination, an evaluation must take into account—***
- (a) ***the benefits and costs of policies, rules, or other methods; and***
 - (b) ***the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.***
- (5) ***The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.***
- (6) ***The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made***

3.3 **Policy and Plan Considerations**

Southland District Council's Long Term Council Community Plan 2006 - 2016, on page 101, describes one of the Resource Management Department's Quality - Level of Service parameters as:

Provide and maintain an operative District Plan that is consistent with sustainability and community values.

Finalisation of Plan Change 2 - Stewart Island / Rakiura Provisions is consistent with the specified Level of Service.

3.4 **Consideration of Community Views**

Plan Change 2 - Stewart Island / Rakiura Provisions to the Operative Southland District Plan 2001 has progressed in accordance with the public notification requirements of the First Schedule to the Resource Management Act 1991.

3.5 **Financial Considerations**

Not applicable.

3.6 **Legal Considerations**

For Southland District Council to make Plan Change 2 - Stewart Island/ Rakiura Provisions operative Clauses 17 and 20 of the First Schedule to the Resource Management Act 1991 have to be completed, the relevant sections of which are in bold

17 *Final consideration of policy statements and **plans** other than regional coastal plans*

(1) *A local authority shall **approve a proposed policy statement or plan** (other than a regional coastal plan) **once it has made amendments under clause 16 [or variations under clause 16A] (if any).***

(2) *A local authority may, with the consent of the [Environment Court], approve part of a policy statement or plan, if all submissions or appeals relating to that part have been disposed of.*

(3) *Every approval under this clause shall be effected by affixing the seal of the local authority to the proposed policy statement or plan*

20 *Operative date*

(1) *Subject to subclause (2), an approved policy statement or plan shall become an operative policy statement or plan on a date which is to be publicly notified.*

- (2) *The local authority shall publicly notify the date on which the policy statement or plan becomes operative at least 5 working days before the date on which it becomes operative*
- (3) *Repealed.*
- (4) *The local authority shall provide one copy of its operative policy statement or plan without charge to—*
 - (a) *The Minister for the Environment; and*
 - (b) *The appropriate regional manager for the Ministry for the Environment; and*
 - (c) *In the case of a regional coastal plan, the Minister of Conservation and the appropriate regional conservator for the Department of Conservation; and*
 - (d) *In the case of a district plan, the regional council and adjacent territorial authorities; and*
 - (e) *In the case of a policy statement or regional plan, constituent territorial authorities and adjacent regional councils; and*
 - (f) *The tangata whenua of the area, through iwi authorities and tribal runanga; and*
 - (g) *The board of any foreshore and seabed reserve in the area.*
- (5) *The local authority shall provide one copy of its operative policy statement or plan to every public library in its area.*
- (6) *The obligation imposed by subclause (5) is in addition to the local authority's obligations under section 35 (records).*

4. **CONCLUSION/SUMMARY**

The “public input” phase of Plan Change 2 - Stewart Island/Rakiura Provisions to the Southland District Plan 2001 is now completed and all appeals to Southland District Councils decisions have been resolved. In order to make the Plan Change operative, its final approval and the affixing of the Common Seal of Southland District Council is required.

Peter Kloosterman
**RESOURCE MANAGEMENT PLANNER -
POLICY AND CONSENTS**



**SOUTHLAND DISTRICT COUNCIL
OPERATIVE DISTRICT PLAN 2001**

PLAN CHANGE NO. 2

**SECTION 4.4 - STEWART
ISLAND/RAKIURA URBAN
RESOURCE AREA**

**4.4.1 - OVERVIEW AND GENERAL
DESCRIPTION**

Stewart Island is dominated by the sea with the influence of oceanic climate being felt throughout the Island. Views of the sea, cliffs, dunes and inlets are seen from almost everywhere. The islands immediately offshore (eg Ulva, Titi Islands) are included in the Coastal Resource Area under this District Plan.

Rakiura National Park, the world's southern most national park was gazetted under the Conservation Act 1987 on 7 December 2001. "The new national park only covers lands administered by the Department of Conservation above mean high water level on the Island and most inshore islets with the exception of Whenua Hou (Codfish Island) off the northwest coast of Stewart Island. Crown owned rivers within the Conservation Estate, such as the lower Freshwater River are also included in the park, but Maori land, the Titi Islands, private land and public roads are excluded. The Department of Conservation administers approximately 90 percent of the Island's 174,600 hectares" (source: Department of Conservation website). However, while these areas are administered by the Department of Conservation under the Conservation Act 1987, they remain subject to the provisions of the Southland District Plan under the Resource Management Act 1991, as does the land around Halfmoon Bay and the blocks of private land around Port Adventure.

Native forest and shrubland is the dominant vegetation throughout the Island, although there are dune and tussocklands at Mason Bay, alpine vegetation on the mountains, and gums and pines closer to the township. A strong characteristic of the Island's landscape is the continuity of bush from ridges right down to the water's edge. Where this vegetation occurs in combination with clear sandy beaches the landscape is particularly charming.

With the exception of those buildings immediately around the Bay, most buildings settle into the bush, creating a unique township character. Although their construction has been achieved with varying degrees of landscape disturbance, vegetation still visually dominates from both within the township and when viewed from beyond. The wharf area of Oban is a lively area; with fishing, recreation and passenger ferry boats in the water and tourist, fishing and other commercial activity on the land. Since the establishment of the Rakiura National Park the demand for land, buildings and associated infrastructure, including demand on the wharf area, continues to increase and place pressures upon the unique character of the Island.

The economy of the Island has always been based on its natural resources - fish, shellfish, trees, minerals, natural history and landscape. Tourism is growing, and is predicted to increase significantly with the establishment of Rakiura National Park, reflecting an increase in interest throughout the world in plants, animals and 'unspoilt' or remote places. Stewart Island offers the tourist the opportunity to see large numbers of seabirds, bush birds uncommon on the mainland and largely unmodified flora, as well as spectacular scenery. The challenge is to provide for the needs of residents while retaining the quality of the environment.

4.4.2 - ISSUES, OBJECTIVES AND POLICIES

Issue 1

The subdivision of land into smaller allotments can adversely affect the character of the Oban township by creating, over time, a greater density of development and the further removal of indigenous vegetation.

Objective SI.1

To avoid small scale infill subdivision, so as to protect the unique character of the Oban township from excessive indigenous vegetation removal, a high density of buildings and associated loss of amenity values.

Policy SI.1

A minimum allotment size shall be imposed in order to minimise the effect of indigenous vegetation removal, necessary for development, and mitigate against the occurrence of high density development which detracts from the open character and amenity of the township.



Explanation

The imposition of a minimum allotment size will prevent infill development from occurring which could result in a significant loss of the natural and open character of the Island. It is the most efficient, cost-effective and most easily understood mechanism to control density of development. (Refer Rule SI.5).

Issue 2

The clearance or modification of indigenous vegetation within the Stewart Island/Rakiura Urban Resource Area can have an adverse effect on the visual amenity, soil stability, landscape and ecology of the Bay and its wider environs.

Objective SI.2

To maintain and where practicable enhance the indigenous vegetation cover that contributes significantly to the natural character of the Oban township.

Policy SI.2(a)

To minimise the effect of their removal, existing indigenous vegetation should not be removed unless it is necessary in order to establish a building platform, outdoor living area and vehicle access on a property, or where it is necessary to remove species which are diseased or constitute a hazard.

Policy SI.2(b)

Development shall avoid, remedy or mitigate any adverse effects on the habitat of indigenous species or the effectiveness of any ecological corridor.

Explanation

From the results of the consultation process carried out for the preparation of this Plan Change it can be inferred that Stewart Island landowners and residents wish to retain as much indigenous vegetation as practicable on sections within the township, as this vegetation is an important contributor to the natural and village-like character of the township, and forms a necessary link to the ecological corridor on the Island. (Refer Rule SI.4(4)).

Issue 3

Earthworks required for the construction of new buildings, landscaping and driveway construction can have an adverse effect on soil stability, drainage, visual amenity and indigenous biological diversity.

Objective S I.3

To avoid earthworks that result in soil and slope instability, significant adverse effects on indigenous biological diversity, inadequate drainage and a long term visual 'scar' on the Stewart Island landscape.

Policy SI.3(a)

Activities requiring earthworks, such as site preparation for the construction of new buildings and associated access and landscaping works, should be avoided in locations which are identified as being prone to soil and slope instability unless an appropriately robust engineering/geotechnical investigation is first undertaken.

Policy SI.3(b)

Earthworks shall be managed so as to avoid the creation or exacerbation of soil or slope stability problems, to avoid the siltation of waterbodies, and to avoid alterations to stormwater runoff adversely affecting adjacent properties and coastal water quality.

Policy SI.3(c)

Earthworks which alter the landform, create significant adverse effects on indigenous biological diversity or adversely affect the visual amenity of the natural landscape shall be avoided.

Explanation

Due to the type of topography within the township and the close proximity of residential size sections to one another the impact of earthworks on adjoining sections can potentially be significant if not controlled adequately, in terms of stability, drainage, visual impact and adverse effects on indigenous biological diversity. (Refer Rule SI.4(5)).

Issue 4

The development of additional residential, commercial and industrial activities on the Island can have an adverse effect on ambient noise levels currently experienced on the Island.

Objective SI.4

To protect the Island's amenity values, and the well-being of the Island's residents and visitors and indigenous fauna, from the adverse effects of noise.

Policy SI.4

Activities should not generate noise levels that will reduce the amenity values of surrounding properties or affect the intrinsic values of ecosystems.

Explanation

Noise can greatly impact on the amenities of the Island and the general well-being of its residents. Council's goal is to reduce this impact to an acceptable level, particularly given the mix of residential and non-residential activities within the Urban Resource Area. (Refer Rule SI.4(8)).



Issue 5

The anticipated increase of population and tourism activity on Stewart Island, due to the establishment of Rakiura National Park, can have an adverse effect on traffic safety and the availability of vehicle and boat parking on the Island.

Objective SI.5

To avoid, remedy or mitigate the adverse effects of traffic generation and the associated vehicle parking requirements and traffic safety issues on the Island's roading network, which is characterised by its narrow and winding bush clad roads.

Policy SI.5(a)

Sufficient on-site vehicle parking and manoeuvring for any activity established within the Stewart Island/Rakiura Urban Resource Area shall be provided, or alternatively adequate space shall be available in the locality of the activity where such parking can be established without causing traffic congestion or detracting from the amenity of the surrounding area, and without adversely affecting pedestrian or traffic safety.

Policy SI.5(b)

New activities shall provide for adequate on-site vehicle parking, so that they do not create further demands for parking within the road reserve.

Explanation

Due to the narrow and winding nature of public roads on the Island the parking of vehicles on the road can cause significant road safety issues, accordingly Council considers it necessary to impose on-site parking requirements. However, Council recognises the unique situation that Stewart Island/Rakiura presents being surrounded by sea. Visitors to the island do not have their own transport, accordingly some activities may generate very little traffic to and from a site. (Refer SI.4(7)).

Policy SI.5(c)

On site parking for non-residential activities shall not produce adverse noise and visual effects for adjacent properties.

Explanation

When a non-residential activity establishes next door to a residential activity the physical appearance/amenity of the adjoining section can alter significantly to provide a formed parking area. Further, the starting and idling of vehicles can also potentially produce adverse noise effects for adjoining residential properties. (Refer Rule SI.4(7)).

Issue 6

Buildings and signs of inappropriate scale, form and location can have adverse effects on views, character and the amenity value of residential areas.

Objective SI.6

To mitigate the adverse effects of new developments by ensuring all buildings are sited and designed so that they are sympathetic to, and do not dominate, the natural character of the Island.

Policy SI.6(a)

The design of buildings to be located on sloping sections should take into account and maintain the existing scale of development on the Island and be sited to avoid visual domination of the hillside landscape, and where practicable, to protect views of other properties.

Policy SI.6(b)

The height, bulk and location of buildings should not visually dominate surrounding views or properties, reduce privacy or prevent adjacent properties having access to adequate daylight and sunlight.

Explanation

The inappropriate height and siting of buildings on sloping sections cannot only result in a significant loss of view for adjoining properties but visual domination of the landscape, detracting from the natural character of the township. (Refer Rule SI.4(2)).

Policy SI.6(c)

Buildings intended for non-residential activities should be designed so as to be of an appearance, scale, size, height and density which is compatible with residential buildings in the locality.

Explanation

Because there is a mix of residential and non-residential activities within the township it is necessary to ensure the siting and height of non-residential buildings are compatible with adjoining residential buildings and are not intrusive on the Island landscape nor create shading or loss of privacy or views significantly greater than a residential building would. (Refer Rule SI.4(1) and (2) and Method SI.6).



Policy SI.6(d)

Signs that are inappropriate in terms of their size, design and location shall be avoided so they do not detract from the visual amenity and character of the Island.

Explanation

Signs can add to the value and vitality of an area or they can be a serious environmental distraction and be too intrusive in a predominantly natural environment. Performance standards should minimise the adverse effects of signs. (Refer Rule SI.4(6)).

Issue 7(a)

The location of non-residential activities, particularly those industrial in nature, immediately within the main township area can have an adverse effect on the character and amenity of the Bay, which is vital to the Island's social and economic well-being, and lead to "reverse sensitivity" issues.

Issue 7(b)

Non-residential activities can adversely affect residential activities due to the generation of noise, traffic and other environmental effects.

Objective SI.7

To avoid, remedy or mitigate the adverse effects industrial activities have on residential, commercial, educational and recreational activities, and indigenous biological diversity by establishing a separate Industrial Resource Area so as to provide for future industrial expansion on the Island.

Policy SI.7

The effects of non-residential activities should be mitigated so as to be consistent with the maintenance of existing residential amenity values.

Explanation

Non-residential activities generally create noise, odour, higher levels of traffic and may detract from the visual amenity of the area. These effects are often not compatible with residential activities. As the township has a mix of residential and non-residential activities it is therefore appropriate that when a non-residential activity establishes beside a residential activity any effects such as noise levels or adverse effects on indigenous biological diversity are mitigated to ensure existing amenity values enjoyed by residents are retained. (Refer Rule SI.4 and Method SI.6).

Issue 8

The inability of some infrastructure and effluent disposal systems to cope with additional demand caused by new development can result in adverse effects on the environment.

Objective SI.8

To ensure that additional residential and non-residential development and activity only occurs where infrastructure is able to accommodate servicing needs.

Policy SI.8(a)

All sites within the Stewart Island/Rakiura Urban and Industrial Resource Areas shall be serviced by a reticulated sewage system to avoid contamination of water and soil resources in the locality.

Explanation

Given the smaller scale subdivisions occurring within the Urban Resource Area on the Island it is very important that new allotments in particular are able to connect to a reticulated sewage system to prevent contamination of soil and water resources in the area from individual effluent disposal systems. The existing Council reticulated sewage scheme is to be extended in the near future and will have the ability to service the entire Urban Resource Area. (Refer Rule SI.5).

Policy SI.8(b)

Where any development requires an extension of public infrastructure or services they shall be provided by the developer, and an appropriate financial contribution shall be required to be paid, in accordance with the provisions of the District Plan, so as to recognise the additional demand that the development imposes on existing infrastructural systems.

Explanation

Subdivision and development does place cumulative pressure on public infrastructure or services. In most cases Council has constructed its infrastructure and services for a finite design population or capacity. Therefore where an extension of infrastructure or services is required by a particular development, it is appropriate that those who receive the benefit should bear the cost without the general ratepayer having to contribute. (Refer Rule SI.4(ii)).

4.4.3 - METHODS AND RULES

Rule SI.1 - Extension of Rules

- (a) Rules SI.2 - Method SI.6 apply to the Stewart Island/Rakiura Urban Resource Area only and are in addition and not in substitution for any requirements in the relevant provisions of Section 3.
- (b) In the event of a conflict between any of the Rules SI.2 - Method SI.6 and any provision of Section 3 the provisions of Section 4.4 shall prevail.



Reason

The following rules apply only to the Stewart Island/Rakiura Urban Resource Area. The remainder of the Island and its outlying islands are dealt with in the Coastal Resource Area in Section 4.6, including the land in the Rakiura National Park. Section 3 where relevant, also continues to apply to the entire Island.

Rule SI.2 - Permitted Activities

- (a) Residential activities (as defined in Section 5.0 of this Plan) that conform with the relevant performance standards set out in Rule SI.4 Performance Standards and the relevant provisions with respect to servicing of sites contained in Sections 3.6 Subdivision and 3.7 Financial and Reserve Requirements.
- (b) Where an activity does not conform with a performance standard it shall be considered as the category of activity as stated in the relevant rule or performance standard.

Reason

The performance standards will avoid, remedy and mitigate adverse effects of residential development on the unique character of the Oban township.

Rule SI.3 - Discretionary Activities

All non-residential activities (as defined in Section 5.0 of this Plan) shall be considered as discretionary activities.

In assessing any application for resource consent under this Rule, Council will consider the following matters:

- Degree of compliance with the Performance Standards under Rule SI.4.
- The ability of the site to dispose of wastes adequately.
- Servicing requirements.
- Noise and its impact on neighbouring properties.
- Access to and from the site.
- The provision of off-street parking and the impact on the safety and efficiency of the roading network on Stewart Island.
- Mitigation of impact on indigenous vegetation and habitat of indigenous species.
- Proximity to any existing reserves.
- The extent and location of any earthworks and the design of any retaining structures and run-off controls;
- Bulk and location of buildings and structures.
- Degree of compliance with the design guidelines for non-residential buildings and the mitigation of visual impact (See Method SI.6).

Reason

In the Oban township where residential and non-residential activities can often exist side by side, non-residential activities can have a significant adverse effect on the amenity standards for residential activities. By requiring resource consent for all non-residential activities, this will enable a comprehensive assessment of the environmental effects of the proposal.

Rule SI.4 - Performance Standards

1. Bulk and Location

(i) Yard Requirements

- (a) Residential Activities - Front Yards - 4.5 metres, Side and Rear Yards - 3 metres.
- (b) Non-residential Activities - All yards - 4.5 metres.

(ii) Non-compliance

- (a) With respect to the provisions of Subsections (a) and (b) above any reduction in this requirement will be considered as a discretionary activity.

Reason

A 4.5 metre front yard retains and enhances the amenities of the area without creating a large area of under utilised space. It also reduces the effect on the road carriageway by avoiding possible shading and protecting visibility. The minimum 3 metre side and rear yard requirement for residential activities is to ensure access for maintenance, drainage and fire fighting purposes on all sides of a building. A 4.5 metre front, side and rear yard for non-residential activities reduces the effect of shading and other adverse environmental effects on adjoining residential properties.

In conjunction with height control, the minimum yard requirements will reduce the adverse effects buildings may have on neighbouring properties.

2. Height

1. Flat sites where the slope is less than 6° degrees (or 1 in 9.5)

(a) Maximum Heights

- (i) Residential and Non-Residential Activities
 - Accessory buildings - 4.5 metres.
 - All other buildings - 7.5 metres.

Maximum height shall be measured from the apex of the roof to the base of the building's foundations, at its lowest point.

(b) Height in Relation to Boundaries

(i) The maximum height along the line of each boundary shall be 3.5 metres provided that -

- (1) The measurement shall be taken from the natural ground level along the boundary under consideration, and
- (2) The measurement shall be taken to the point where the planes of the wall surface and the roof covering would meet if extended, provided that in the case where there is no wall surface (A frame) then the vertical plane shall be an imaginary vertical line, or
- (3) In the case of a building with a gable end, the maximum width of the gable and supporting walls, which may penetrate through the height control plane, is 4.5 metres (see Diagram (a) below).

(ii) Beyond the 3.5 metre height on the side boundary the maximum height shall be determined by a recession plane which originates from the point determined in (i) above then slopes at an upward angle of 35° to the horizontal (see Diagram (b) below), up to the maximum height specified.

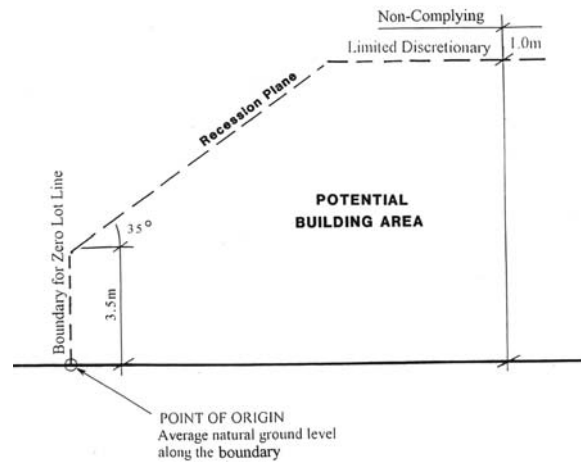


Diagram (b)

2. Sloping sites where the slope is 6° degrees (or 1 in 9.5) or greater

Where any elevation indicates a ground slope of 6° degrees or greater no part of any building (excluding (3) below) associated with both residential and non-residential activities shall protrude through a surface drawn parallel to and:

- 4.5 m for accessory building vertically above natural ground level on site.
- 7.5 m for all other buildings vertically above natural ground level on site.

provided no part of the building may be sited within the yards as required by Rule SI.4(1) above. (Refer Diagram (c) below.)

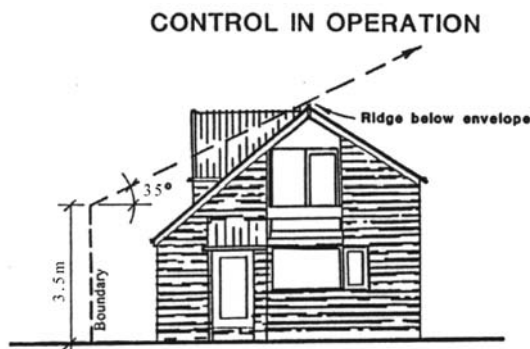


Diagram (a)

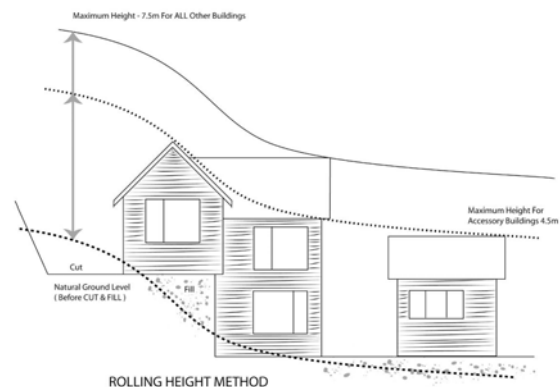


Diagram (c)

3. In all cases chimneys, ventilator shafts, water tanks, elevator lofts, steeples, towers and such finials in similar parts of the building as constitute only decorative features are not considered as part of the height requirements.



4. Any increase in height above the performance standards will require the following:

- (a) Where the breach of this rule is up to an additional 1 metre and written approvals in terms of Section 94 of the Resource Management Act 1991 from all adjoining owners/occupiers that Council considers could be adversely affected is received, the application shall be dealt with as a non-notified discretionary activity.
- (b) Where consent of affected owners/occupiers is not received or an application is to increase the height beyond 5.5 metres for accessory buildings and 8.5 metres for all other buildings shall be considered as an application for a notified discretionary activity.
- (c) Assessment Criteria for Height and Height in Relation to Boundary.

In assessing any application under Rule SI.4(2)(4), Council shall consider the following matters:

- The effect of the building's scale and design on the character of the Oban township.
- The degree of compliance with the design guidelines for non-residential buildings and the mitigation of visual impact (See Method SI.5).
- Any exceptional circumstances that require the height of the building to exceed the height provisions permitted by this rule and which hence may limit cumulative effects.
- The impact of the building height and scale on views currently enjoyed by adjoining properties.
- The scale of the building in relation to its physical location and the scale of other buildings in the vicinity of the application site.
- The extent of shading that would be caused by the building compared to the building if it was built to the permitted height.

Reason

Controls on height have been considered necessary because of the adverse effects (such as shading and reduction in privacy and views) that buildings can have on adjoining properties. Height controls in conjunction with yard controls minimise such effects.

The largely residential nature of buildings and the nature of established activities in the Stewart Island/Rakiura Urban Resource Area create a particular environmental quality. New buildings and extensions to existing buildings are to be of a form, size and location, which allow this environmental quality to be maintained, where practicable.

The views enjoyed by many Island residents are one of the amenity values of this area. The objectives and policies recognise this amenity value, but also recognise that views cannot be completely protected in perpetuity. Many factors contribute to whether views can be reasonably be protected and in particular, the topography and gradient of land plays a large part in determining impact of new development on existing views. The Council wishes to provide specific limits for height which are clear and certain, and to clearly specify the process which needs to be followed if these limits cannot be met.

3. Multi Unit Residential Developments (residential activities only)

The performance standards of Rule URB.5(3) shall apply. The relevant performance standards for residential activities under Rule SI.4 shall also apply to multi unit residential developments.

4. Removal of Indigenous Vegetation

(a) The performance standard of Rule SI.4(4)(b) does not apply in the following circumstances. It is a permitted activity to:

- Remove diseased or dead standing trees which have died or become diseased as a result of natural causes, where this is necessary to avoid adverse effects on remaining trees or vegetation or to avoid risks to buildings.
- Trim vegetation:
 - immediately adjacent to formed vehicle accessways, where such trimming is necessary to enable use by vehicles (including emergency vehicles where required);
 - immediately adjacent to structures and existing lines, where such trimming is necessary to avoid damage to such structures and lines;
 - immediately adjacent to open drains, where such trimming is necessary in order to undertake maintenance of the drain;
 - to undertake maintenance of existing vegetation;



- remove pest plants as identified in the Regional Pest Management Strategy.

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.

- (b) The removal of existing indigenous vegetation shall not exceed an area of 400 square metres or 40% of the land area contained within each certificate of title (whichever is the lesser); provided that where any of the land, contained within each individual certificate of title, is already partially cleared, any further clearance of indigenous vegetation shall not increase the total area of cleared land beyond 400 m² or 40% (whichever is the lesser).

Any indigenous vegetation removal activity which does not conform with the performance standards of Rule SI.4(4)(a) and/or (b) shall be considered as a discretionary activity.

In assessing any application under this rule, Council shall consider the following matters:

- The significance of the vegetation affected, including the presence of rare or endangered flora or fauna species.
- The impact of the application on the ecological values of the area.
- The effect on ecological corridors.
- The effect on any riparian area.
- The extent to which the vegetation is subject to or protects other land from natural hazards.
- The extent of the reduction on the representation of indigenous vegetation types on the Island, including the size, condition and age of the vegetation.
- The impact on the sustainability of the indigenous vegetation type.
- The effect on the landscape quality of the locality.
- The effect on soil stability in the immediate locality of the application.
- The visual impact of indigenous vegetation removal on the locality and the retention of vegetation buffers at site boundaries, where appropriate.

Reason

Indigenous vegetation visually forms an essential component of the Island's natural character; accordingly it is important that this character is preserved by minimising vegetation clearance and maintaining low density development. This is also consistent with Section 6(c) of the Resource Management Act 1991. The retention of indigenous vegetation on sloping sections within the township also assists in stabilising the ground, providing protection from the weather elements and forming an important habitat for birds and other wildlife. Council recognises that there are circumstances where indigenous vegetation will be required to be removed, but also wishes to seek to retain as much vegetation as possible.

5. Earthworks

Any activity whose effect is to displace or remove soil, subsoil or rock (or similar material) either within or from a property, over any period of time is a permitted activity provided that:

- No more than 60 m³ of material is disturbed or removed.
- The maximum height of fill or depth of cut does not exceed 1.5 metres.
- The earthworks do not come within one metre, or the horizontal distance equivalent to the maximum depth of cut on site (whichever is the greater), of the legal side or rear boundary of any adjoining site, including publicly owned land.
- The earthworks do not occur within 5 metres of a permanently wet or continually flowing water body greater than 1 metre in width.

Any earthwork activity which does not conform with the performance standards above is a restricted discretionary activity.

In assessing any application under this rule, Council shall consider the following:

- The re-establishment of an appropriate indigenous vegetation cover.
- The disposal of waste material.
- The placement and compaction of fill.
- The stability of the natural ground in the vicinity of the site and any fill material.
- The design and construction of retaining structures.
- Control measures to mitigate the potential for altered runoff patterns.
- Necessity for the extent and location of earthworks.



- The extent to which the proposed earthworks are likely to exacerbate or contribute to flooding, erosion or instability of land, or the potential for flooding, sedimentation, erosion, or instability of land due to physical attributes of the site such as slope, soil composition and measures to mitigate or remedy these effects.
- The extent to which earthworks may adversely affect recorded heritage features.
- The extent to which the earthworks may affect a riparian area including indigenous vegetation associated with a riparian area.

Reason

Earthworks activities can have a significant effect in terms of stability, run-off and visual impact, particularly in a built up environment where these effects can be exacerbated by the proximity of adjoining properties, and consequently the Council's control of adverse effects is required.

The volume and area of land disturbance permitted allows for the creation of a building platform for a standard-size dwelling and buildings ancillary to this use plus the construction of an internal driveway and minor landscaping works. It is recognised that commercial buildings of a larger scale may require earthworks beyond the parameters of this rule and it is therefore appropriate such an application be considered as part of the overall assessment of the development in terms of Rule SI.3

6. Signs

- (i) The following signs shall be **prohibited** on Stewart Island - being activities for which no resource consent shall be granted:

- (a) Flashing and neon signs.
- (b) Signs painted or affixed on the roof of any building or structure.
- (c) Signs erected higher than the apex of the roof of the building it is affixed to.

- (ii) **Non-residential Activities**

Signs shall be located on the site to which they relate and shall comply with the performance standards set out in (a) to (e) below:

- (a) No sign shall be suspended under a verandah unless:
- (1) It has a minimum clearance of 2.5 metres above the footpath or finished ground level where no footpath exists.

- (2) It has a minimum clearance of 450 mm from the kerb line. In circumstances where no formed footpath exists and a grass verge (or similar) is located between the legal front boundary of a property and the road carriageway, any under-verandah sign shall not extend over the legal boundary by more than 2.0 metres. In the latter circumstances the sign is to have a minimum clearance of 450 mm from the edge of the road carriageway.

- (b) Freestanding pole signs shall not exceed 2 m² in area and shall be no higher than 4 metres from the top of the sign to finished ground level. Only one sign per activity shall be permitted.

- (c) Signs may be illuminated, but non-flashing, provided that they are only illuminated during business hours.

- (d) Fascia signs shall not exceed the existing dimensions of the verandah fascia.

- (e) A wall sign shall not exceed 2 m² in area. A maximum of two walls per site may be utilised per activity.

- (f) The erection of Department of Conservation signs within legal road reserve, where constructed strictly in accordance with the relevant standards from the Department of Conservation's Outdoor Sign Manual shall be a permitted activity.

- (iii) **Residential Activities**

One sign per site, not exceeding 0.5 m², is permitted provided it refers to the site on which it is located and only displays the name of the property and/or its address.

- (iv) Signs not conforming with the above performance standards shall require a resource consent as a **restricted discretionary activity**. The Council shall restrict the exercise of its discretion to the following matters:

- The functional necessity for the sign.
- The size and dimensions of the sign.
- The colour scheme and content of the sign.
- The method of illumination.



- The visual prominence of the sign when considered in the context of the existing environment.
- The height of the sign.

Reason

The inappropriate scale, location and number of signs can greatly detract from the unique character and amenity of the Oban township.

Provision is made for the owners of residential properties to erect a small sign identifying the name of the property or address, if desirable, while restricting its size to mitigate any adverse effects from their erection.

7. Parking

Sites shall conform with the performance standards for access, parking and loading/unloading set out in this District Plan (Section 3.2 Transportation and Schedule 6.6, Diagram 1).

A waiver of, or reduction in the parking standards shall be considered as a discretionary activity. In assessing any application under this Rule, Council will consider the following matters:

- The extent of traffic movements the activity is likely to generate within the Island.
- Extent of modification to the natural environment required on site to provide the required parking standards.
- The suitability of the public road adjacent to the site for off-site parking and concurrent demands from adjacent sites on public parking areas.

Reason

To reduce the impact on the safety and efficiency of the roading network on the Island, off-street parking facilities of an appropriate standard are to be required. Recognising the roading and parking issues specific to the Island an application to waiver these requirements enables each situation to be considered on its merits.

8. Noise

(i) Residential Activities

- (a) The noise produced by any residential activity in this resource area shall not exceed the following performance standards at any place within the boundary of any other site:

- Monday to Friday 7.00 am to 10.00 pm L_{eq} - 50 dBA
- Saturday 7.00 am to 6.00 pm L_{eq} - 50 dBA
- At all other times (including public holidays) L_{eq} - 40 dBA
 L_{max} - 70 dBA
- On any day 10.00 pm to 7.00 am L_{max} - 70 dBA

- (b) Activities not complying with the performance standards shall require a discretionary resource consent, with the matters to be considered to be those as specified in Method NSE.9 of Section 3.12 of this Plan.

Reason

Noise limits have been developed from the findings of the Council's 1993 Noise Study of the District and are designed to preserve the existing amenity level. The wording of these limits recognise subsequent amendments to relevant New Zealand Standards on noise assessment and measurement.

(ii) Non-Residential Activities

- (a) The relevant provisions of Section 3.12 Noise shall apply unless otherwise stated by these rules.
- (b) The noise produced by any non-residential activity in this resource area shall not exceed the following performance standards:

At any place within the boundary of any residential property

- Monday to Friday 7.00 am to 10.00 pm L_{eq} - 50 dBA
- Saturday 7.00 am to 6.00 pm L_{eq} - 50 dBA
- At all other times (including public holidays) L_{eq} - 40 dBA
- On any day 10.00 pm to 7.00 am L_{max} - 70 dBA

At any place within the boundary of any other non-residential property

- Monday to Saturday 7.00 am to 10.00 pm L_{eq} - 50 dBA



- At all other times L_{eq} - 40 dBA
(including public holidays)
 L_{max} - 70 dBA
- On any day
10.00 pm to 7.00 am L_{max} - 70 dBA

- (c) Activities not complying with the performance standards shall require an application for resource consent as a discretionary activity.

Reason

The Council has a responsibility in terms of the Act to control the emission of noise and to mitigate the effects of noise. Noise can have an adverse effect on the amenity values of an area and excessive noise can be detrimental to public health. Quantitative noise limits have been prescribed in the Plan to seek to maintain existing ambient noise levels and to maintain amenity.

9. Hours of Operation (Non-residential Activities)

Non-residential activities adjoining residential activities shall limit their hours of operation as follows:

- Places of Assembly
7.00 am to 10.00 pm Sunday to Thursday
7.00 am to Midnight Friday to Saturday
- Other Non-residential activities
7.00 am to 10.00 pm every day

provided that this rule shall not apply to public works and network utility installations.

Activities not complying with the performance standards shall require an application for resource consent as a discretionary activity.

Reason

While the noise standards are also aimed at preserving the night time amenity in the Oban township area, it is felt that some limit on hours of operation is also necessary to reduce or avoid the noise and nuisance effects of vehicles and people using non-residential facilities.

10. Outdoor Storage

The performance standards of Rule URB.5(4) shall apply.

11. Servicing and Financial Contributions

Servicing and financial contributions shall be applied in accordance with Sections 3.6 and 3.7 of this Plan.

The provision of all network utility services to within the boundary of the site is the responsibility of the developer, and shall be undertaken in accordance with the relevant provisions of Section 3.6 Subdivision.

Any development of a value greater than \$500,000 shall be subject to the provisions of Section 3.7 Financial and Reserve Requirements.

Note: Council is currently revising its servicing and financial contribution provisions of the Southland District Plan and may be subject to change in the future in accordance with the new financial and development contribution provisions under the Local Government Act 2002.

Rule SI.5 - Subdivision and Minimum Site Area

Subdivision is a discretionary activity and will be considered in terms of the assessment criteria of Section 3.2 Transportation and 3.6 Subdivision. The construction standards required in the physical development and servicing of a subdivision shall be in accordance with Southland District Council's Subdivision and Land Development Standards Bylaw, 1999 and subsequent amendments to the Bylaw.

The minimum site area for any new allotment within the Stewart Island/Rakiura Urban Resource Area (except for permitted Network Utilities) shall be 800 m².

Any proposal to subdivide in the Stewart Island/Rakiura Urban Resource Area in order to create allotments of a smaller area shall require an application for resource consent as a notified discretionary activity.

Matters which the Council shall consider are:

- The impact of the reduced area on amenity of adjoining properties.
- The impact of the reduced area on indigenous vegetation.
- The impact of the reduced area on existing infrastructure.
- The reasons for requesting the reduced area, and the cumulative effects of the reduction.



Reason

Establishment of a minimum site size is seen as the most efficient, cost effective and the most easily understood mechanism to control density of development.

A minimum allotment size of 800 m² is considered most appropriate in terms of maintaining the unique character of the Island environment by promoting relatively low density development. However, an allotment size larger than this, however (eg 1,200 m²) would be likely to promote excessive urban sprawl, with an associated increase in infrastructure costs.

Method SI.6

GUIDELINES FOR NON-RESIDENTIAL BUILDINGS IN THE STEWART ISLAND/RAKIURA URBAN AND COASTAL RESOURCE AREAS

Oban’s landscape derives its visual character from the physical setting of hills and harbour and public spaces (beaches, streets etc). It is important that the continuing development of buildings and structures on the Island do not spoil these features, but rather that such development maintains and if possible enhances the distinctive visual character of the township.

The appropriate form and appearance of buildings and structures is in part determined by site factors such as size, contours, orientation, existing vegetation and the character of surrounding buildings. Accordingly, visual impact can be reduced by the correct siting of structures. Once this is achieved, other factors can assist to reduce visual impact. These include design form of the building or structure (eg, a low profile design), colour, materials, retention of existing indigenous vegetation, landscaping work, revegetation and sensitive earthworks.

The following guidelines will be taken into account by Council when assessing resource consents for new buildings or additions to existing buildings.

SITING OF BUILDINGS AND STRUCTURES:

- Avoid buildings on ridgelines/hill tops, especially skylines where the structure is silhouetted against the sky.
- Avoid buildings on steep faces where earthworks become highly visible.
- Ensure there is a backdrop of land for buildings when seen from obvious viewing points, rather than these buildings protruding onto the skyline.
- Site buildings where there is a change in the landform, eg at the base of a hill or on a terrace.

- Minimise excavation. A cut slope is a highly visible one. Cut slopes must be shaped to blend into the surrounding landscape.
- Group the buildings of a development together
- Retain and/or establish indigenous vegetation so as to form a visual backdrop for the siting of buildings and integration of built structures into the landscape.
- Site buildings in harmony with the land contours, eg with rooflines running parallel to the contour, not at an angle to it.

MATERIALS:

- Avoid highly reflective materials.
- Employ materials that are natural in character and visually complement the Stewart Island landscape.

COLOUR:

- Avoid colours which would lead to a building appearing highly visible in the Island setting
- Where more industrialised materials such as galvanised iron, concrete are used, the use of warm colours and low reflective finishes are encouraged to ensure compatibility with the landscape.
- Avoid colours, which do not derive from or complement the colours of natural elements of the landscape (such elements include soil, rocks, streams, rivers, vegetation, the sky and the sea).
- The sensitive use of colour will enhance the appearance of a building and can contribute greatly to the streetscape character. Two approaches are encouraged:
 - Pale body colour, darker accent, with dark trim and roof.
 - Dark body colour, pale accent and trim, and a dark roof.
 - The preferable choice of colours are those in the neutral, earthy and natural ranges, including white.

Bright primary colours such as bright yellow, bright red, bright blue, bright green and purple should be avoided as background and base colours. While sometimes such colours are favoured by corporate business chains, such organisations are encouraged to recognise the unique nature of the Stewart Island/Rakiura environment.

DESIGN FEATURES:

- The shape and size of new buildings should generally reflect the scale and form, which has been established by existing buildings, rather than being incongruous in the existing setting.
- Avoid flat roofs.



- Carparking - grouped, out of sight behind buildings or screening in the form of landscaping/vegetation where possible.

ANTICIPATED ENVIRONMENTAL RESULTS

- Protection of the Island's outstanding landscape and ecology from inappropriate development.
- Retention and enhancement of the character and quality of the Oban township with the maintenance of bush clad sections and buildings and land uses which complement the Island landscape.
- Minimal adverse effects on neighbouring properties where residential and non-residential activities exist side by side.
- The Island's roading network operates safely and efficiently without traffic and parking congestion.
- New industrial land uses locate in the Industrial Resource Area thereby separating and grouping land uses that may create significant adverse effects for residential properties.
- Economic development on the Island is enabled where it is demonstrated it will not have an adverse effect on adjoining properties and the Island as a whole.

SECTION 4.7

Rule IND.3 - Performance Standards

(a) General Provisions

All activities shall comply with any relevant performance standard, method or rule contained in Sections 3.1 to 3.13 of this Plan.

Reason

Section 3 of this Plan provides for a large number of effects that are common to activities throughout the District. It was not considered necessary to repeat these throughout the document but developers attention is drawn to the fact that other controls do exist for the effects of industrial activities in those sections.

(b) Development Concept Plans

Development Concept Plans (DCP) have been prepared for the sites identified in Schedules 6.22 and 6.23 to the District Plan.

- (i) The Development Concept Plans contain specific site requirements, as outlined in Schedule 6.22 and 6.23.

- (ii) Activities within the Development Concept Plan sites are subject to the general Development Controls and Performance Standards of the "Industrial Resource Area", unless other more specific provisions are defined in Schedules 6.22 and 6.23.

- (iii) Activities specified within the Development Concept Plans requiring resource consent may be subject to conditions to avoid, remedy or mitigate adverse effects identified with reference to the rules and assessment criteria as provided for in the DCP.

Reason

Development Concept Plans enable the management and use of industrial activities in a way that avoids or mitigates adverse effects on adjoining properties through appropriate performance standards based on existing environmental qualities and characteristics, thereby providing certainty to the owners and occupiers of the subject site, and those of adjacent sites.

(c) Bulk and Location

- (i) A front yard of 12 metres shall be provided where the site adjoins a State Highway or a regional arterial route as listed in Schedule 6.4.
- (ii) A rear yard of 7.5 metres shall be provided where a site adjoins any Urban Resource Area without intervention of a road.
- (iii) A side yard of 4.5 metres shall be provided where the site adjoins an Urban Resource Area without intervention of a road.
- (iv) The maximum height for buildings and structures in the area shall be 12 metres.

A restricted discretionary resource consent may be granted by Council where greater height is essential to the operations of the industry concerned.

Reason

Yards are only required where the site adjoins a major transportation route or a more sensitive environment such as the Urban Resource Area. Yard requirements in these circumstances will minimise adverse effects on such properties.



(d) **Noise**

- (i) Corrected noise levels shall not exceed the following limits unless otherwise provided for in this Plan by way of a Development Concept Plan:

At the boundary of any Urban Resource Area

Monday to Friday
7.00 am - 10.00 pm L₁₀ - 50 dBA

Saturday
7.00 am - 6.00 pm L₁₀ - 50 dBA

At all other times
(including public holidays) L₁₀ - 40 dBA

At the boundary of any site within the Industrial Resource Area
Monday to Friday
7.00 am - 10.00 pm L₁₀ - 60 dBA

Saturday
7.00 am - 6.00 pm L₁₀ - 60 dBA

At all other times
(including pub. holidays) L₁₀ - 50 dBA

At the boundary of any site within the Rural Resource Area:

As provided for in Rule PRA.8 Noise Standards for the Plains, Hills, Catlins and Mountains Resource Areas.

Reason

When industrial activities adjoin more sensitive activities, limits are lower to reduce any adverse effects.

Rule IND.4 - Signs

Signs, except for the Stewart Island Industrial Resource Area, shall conform with the following performance standards:

- (a) One sign per road frontage for industrial buildings or where no buildings exist on the site, one sign per road frontage. In the case of a multi-occupancy building one directory type sign is permitted per road frontage.
- (b) Illuminated signs are permitted provided that no signs are flashing.
- (c) No sign shall exceed the following dimensions:
- (i) for horizontal signs - the length of the building frontage and a width of 1.2 metres.

- (ii) for vertical signs - the height of the building frontage and a width of 1.2 metres.

- (iii) for pole signs - an area of 3 m² not exceeding 6 metres in height, with a separation distance of 10 metres between such signs.

- (iv) directory signs - the height of the building it refers to, with a width of no more than 3 metres.

Activities not complying with the performance standards shall require an application for resource consent as a restricted discretionary activity.

- (d) Rule SI.4(6) shall apply to signs in the Stewart Island Industrial Resource Area.

Reason

The performance standards will ensure that signage is presented in a tidy manner and will not constitute a traffic hazard.

SECTION 3.6 - SUBDIVISION

Rule SUB.1 - Subdivision Activity Grouping

In cases where no performance standards are prescribed, a subdivision will be a discretionary activity and the Council will have regard to the assessment criteria in exercising its discretion as to whether or not it will grant a resource consent to a subdivision and what conditions, if any, it may impose.

Subdivision in those areas listed in Policy SUB.13 is a discretionary activity to enable Council to assess its impact in terms of visual amenity and effect on the natural character of the Coast. (See Section 4.6 Coastal Resource Area).

Subdivision in the Stewart Island/Rakiura Urban Resource Area - any new lot is 800 m² or greater in area shall be considered as a discretionary activity where any new lot is smaller than 800 m² in area shall be considered as a notified discretionary activity.

Subdivision creating new lots larger than two hectares or new lots smaller than two hectares in localities which are fully reticulated in the Transitional Resource Area is a Discretionary Activity. Subdivision creating lots smaller than two hectares in this area in localities which are not fully reticulated are non-complying activities. (See Section 4.2 Transitional Resource Area)



Schedule 6.1 - Designations and Requirements

The following two designations are to be deleted from Schedule 6.1 Designations and Requirements of the Southland District Plan:

Designation No.	Requiring Authority	Subject	Map	Location	Legal Description
D104	Southland District Council	Stewart Island Depot	51	Ayr Street, Oban	Section 9, Block I, Paterson Survey District
D155	Southland District Council	Old Quarry Site	51	Golden Bay Road, Stewart Island	Lot 1, DP 2966, Block I, Paterson Survey District

The subject description of the following designated site is to be modified as follows:

Designation No.	Requiring Authority	Subject	Map	Location	Legal Description
D122	Southland District Council	Alter from "Stewart Island Waste Recovery Centre " to "Stewart Island Waste Management Facility"	39	28 Horseshoe Point Road, Stewart Island	Section 1, SO 322798



6.23 STEWART ISLAND INDUSTRIAL AREA CONCEPT PLAN

1. Explanation

- 1.1 The objectives of the Stewart Island Development Concept Plan are to:
- (a) Provide for light industrial activity on Stewart Island in a manner and at a location that recognises the unique nature of the Island environment and its distinctive intrinsic amenity values.
 - (b) Allow for development within the Stewart Island Industrial Resource Area to be sustainably managed to mitigate adverse effects on the environment.
- 1.2 The industrial resource area that is subject to this Development Concept Plan is part Section 3 4 5 and 6 Block 1 Paterson Survey District as shown on Map 69 (the Stewart Island Industrial Resource Area).
- 1.3 The Stewart Island Industrial Resource Area is surrounded by a 40 metre width buffer strip of indigenous vegetation as shown on Map 69.
- 1.4 The internal boundary of the buffer strip shall be fenced in permanent material at the time of the subdivision.

2. Activities

2.1 Permitted Activities

Subject to compliance with the performance standards specified in clause 3.2 the following activities are permitted activities within the Stewart Island Industrial Resource Area:

- (a) The processing and handling of products, including related by-products and waste materials;
- (b) Warehouses, silos, stores and cool stores for the storage of any products produced or processed on the site;
- (c) Energy production including boilers, power plants and co-generation plants;
- (d) Transport servicing and engineering workshops;
- (e) Facilities for the storage of dangerous goods and hazardous substances including related by-products and waste materials;
- (f) Storage of vehicles, machinery, boats, roading materials, plant and associated materials;
- (g) Contractors Depots with associated workshops and storage;
- (h) Building and structures to accommodate any permitted activities.

- (i) The erection and maintenance of the fence referred to in 1.4.

3. Permitted Activity Performance Standards

- 3.1 All permitted activities in the Stewart Island Industrial Resource Area shall comply with any relevant performance standard method or rule contained in Sections 3.1 to 3.13 of the Plan.
- 3.2 In addition, the following permitted activity performance standards shall apply to permitted activities in the Stewart Island Industrial Resource Area. Where there is a conflict between any general performance standard method or rule in the Plan and any permitted activity performance standard set out in this clause the latter shall prevail.
- 3.2.1 Height
The maximum height for buildings and structures in the Stewart Island Industrial Resource Area shall be 7.5 metres.
- 3.2.2 Finish of Structures
Buildings or structures are to be finished in green, grey or brown colours which are not in contrast with the surrounding landscape and which do not reflect at a greater intensity than the natural background.
- 3.2.3 Earthworks
Any activity that displaces or removes soil, subsoil or rock (or similar material) either within or from a property, over any period of time where;
- No more than 200 m³ of materials is disturbed or removed.
 - The maximum height of fill or depth of cut does not exceed 1.5 metres.
 - The earthworks do not occur within 5 metres of a permanently wet or continually flowing water body greater than 1 metre in width.
 - The earthworks do not come within 1 metre, or the horizontal distance equivalent to the maximum depth of cut on site (whichever is the greater), of the legal side or rear boundary of any adjoining site, including publicly owned land.
 - Earthworks do not come within the drip line of any podocorp described in 6.



4. **Restricted Discretionary Activities**

Any earthworks that do not comply with clause 3.2.3 shall be a restricted discretionary activity.

In assessing an application for a restricted discretionary activity under this clause, Council shall restrict its discretion to the following matters.

- (a) Necessity for the extent and location of earthworks.
- (b) The re-establishment of an appropriate vegetation cover.
- (c) The disposal of waste material.
- (d) The placement and compaction of fill.
- (e) The stability of the natural ground in the vicinity of the site and any fill material.
- (f) The design and construction of retaining structures.
- (g) Control measures to mitigate the potential for altered run-off patterns.
- (h) The visual effect of the completed earthworks.
- (i) The adverse effect on any podocarp described in 6

5. **Discretionary Activities**

Any activity that does not comply with Permitted Activity Performance Standards 3.2.1 or 3.2.2 shall be a discretionary activity.

6. **Non-complying Activities**

Notwithstanding any other Rule in the Plan the clearance, modification, damage or removal of any indigenous vegetation in the buffer zone shown on Map 69 or of any podocarps within the Stewart Island Industrial Zone that are equal to greater than 5 metres in height shall be a non-complying activity.