

SECTION 4

RESOURCE AREAS

4.1 RURAL RESOURCE AREAS

4.1.1 - OVERVIEW

During the initial phases of developing the District Plan, Council identified seven broad landscape character types within the District as follows:

- Fiordland
- Stewart Island
- Coast
- Mountains
- Hills
- Catlins
- Plains

Each of these landscape types have a readily identifiable character. However, within each type there are many variations in ecology and landscape, and these areas can therefore be broken down further into landscape character units.

Fiordland, Stewart Island and the coast have been dealt with in separate sections. The remaining areas are to be dealt with as subgroupings within this Section as the issues, objectives and policies are, in the main, similar for each particular area. The methods to achieve these objectives and policies are, in some cases, different between each subgrouping.

It should also be noted that a further area needed to be identified to manage the effects of sporadic residential development on the fringe of several urban areas. This area has been identified as the Transitional Resource Area and applies to areas around Te Anau, Riverton and Winton.

The Rural Resource Areas comprising the subgrouping of Mountains, Hills, Catlins, and the Plains shown on the District Planning Maps, has been identified as distinct from the built-up Urban Resource Areas of the District on the basis of its existing amenity values, which generally comprise a natural, open environmental character. The majority of activities are located within this area because they rely upon the physical characteristics of the area (eg forestry), or need to be close to an activity that is reliant upon the resources of the area (eg a sawmill), or need a large open area where they can generate adverse effects without significantly affecting more sensitive activities (eg an airport).

It must be recognised that such activities need the physical and natural resources of the Rural Resource Area to survive.

The purpose of the Rural Resource Area is to provide a flexible framework that allows these activities to continue while ensuring that they do not adversely affect the physical and natural resources upon which they rely. This enables the potential of that resource to be available for continued and sustainable use in the future.

Sections 4.1.2 and 4.1.3 will outline the issues, objectives, and policies that are common to the four subgroupings. Each subgroup will then be considered individually.

4.1.2 - THE ISSUES

(i) General

The following are seen as the significant issues relating to the entire Rural Resource Area:

- **Rural land uses can have a significant adverse effect on water and soil quality.**

Explanation

Rural land uses rely heavily on the District's soil and water resource. However inappropriate management practices can undermine the viability of the resource base by increasing nutrient and sediment runoff into waterbodies, or increasing the risk of erosion.

- **Rural activities can have an adverse effect on the amenity values of the rural resource area due to the creation of noise, dust, odour, traffic generation and similar objectional characteristics.**

Explanation

The nature of rural activities is such that effects will occur and are generally acceptable in the rural environment. However, these effects are generally not acceptable when they occur adjacent to residential and commercial activities located within the rural resource area. Refer also to Section 3.10 Amenities.

- **Remnant indigenous flora and animal habitats are under threat from land use conversion.**

Explanation

The remnant areas of indigenous vegetation and animal habitats existing in the Rural Resource Area now assume greater importance both for its amenity value and in particular to provide corridors for native vegetation to allow for the migration of native plants from one area to another.

While not as threatened as in the past, some areas of significant indigenous habitat remain at risk from both rural and urban development and land use intensification.

- **The need for adequate protection for bog pine shrublands in the Te Anau Basin.**

Explanation

Throughout the Te Anau Basins there are remnants of bog pine shrublands which illustrate the original ground cover that existed in the Te Anau Basin area prior to its extensive development for agricultural purposes.

In some cases these areas of bog pine are protected by way of appropriate reserve status. Some other quite significant areas do not have that protection and Council wishes to investigate and provide appropriate status and protection for those areas.

- **The shift in emphasis in the use of the Rural Resource Area from traditional rural activity to production forestry and dairy farming is changing the nature of the effects land use has on the environment.**

Explanation

Recent years have seen an increase in forestry planting and the establishment of dairy and deer farming units, and these trends appear set to continue. These changes of rural activity have both positive and negative effects and have implications on the natural resources, particularly the effects on water quality.

- **Inappropriate land management practices can adversely effect the aesthetic environment of the Rural Resource Area, which is an important component in the District's growing tourism industry.**

Explanation

The diverse and attractive rural landscape of the Southland District is seen as a significant natural resource, which can be adversely affected by inappropriate land management practices.

- **Residential activities can compromise the natural, open-space character of the rural environment.**

Explanation

In terms of visual amenity dwellings can have an adverse effect on two levels. Firstly the dwelling itself can have an adverse visual effect resulting from inappropriate design, location or colour in the rural landscape. Secondly, the cumulative effect of dwellings in the rural environment can greatly reduce the rural character by cluttering the landscape and detracting from the open-space character of the countryside.

- **Residential activities can adversely impact on soil and water quality.**

Explanation

Dwellings located in the Rural Resource Area are generally not connected into reticulation systems, with sewage generally being disposed of via septic tank systems. Solid wastes are also disposed of on site. Both methods have obvious effects on ground water quality. Dwellings can also impact on the soil resource. The encroachment of residential activities in areas of better class soil has often been an issue of concern in the past while excavation works for building platforms and access roads can also have an adverse impact.

- **Residential activity in Rural Resource Areas can create pressure on Council to extend services.**

Explanation

Where dwellings are located on the urban fringe, there is a tendency for pressure on Council to extend services such as water and foul sewer. Such extensions can be uneconomic and contribute to urban sprawl.

(ii) Issues Specific To The Hills and Catlins Resource Area

- **There are a number of significant habitats, areas of natural value, and landscapes in this resource area that are threatened by a number of inappropriate activities.**

Explanation

The Hokonui Hills, the North Range, the Longwood Range, Pourakino Valley, and the Waitutu, Dean and Rowallan Forests are all significant habitats and landscapes. In addition to these aspects the Rowallan and Dean Forests are habitat for long tailed bat, a species that is endemic and vulnerable. There are shrublands in the Hokonui Hills which contain the threatened species *Olearia Hectorii* South Island. The Taringatua have New Zealand Falcon and Kereru which are both threatened.

The Garvie Range has 10 threatened species and beech forest on it, and *Olearia Hectorii* is also found there. The dune systems in the Catlins are dominated by maram. Activities such as the erection of structures on the skyline and the clearance of native vegetation can adversely effect these areas. This leads to a loss of specie diversity and habitat fragmentation throughout the valley.

(Cross reference Section 3.4 Heritage.)

(iii) Issues Specific to The Mountain Resource Area

- Erosion is a problem in specific areas of this steep environment due to the effects of inappropriate land uses, road development, other similar types of earthworks and from natural causes.

Explanation

The steep and fragile nature of this environment makes the area particularly susceptible to erosion. This has obvious effects on water and soil quality and visual amenity. The erosion that occurs at West Dome is a good example of this problem.

- This environment dominates the views from other resource areas of the District and is therefore an environment sensitive to changes in land use.

Explanation

The scenery of Southland is considered a major physical resource. The scenery is dominated by the Mountains Resource Area and while landscape is a subjective judgement it has different significance to different people. Sustainable management of this area needs to recognise the effects of large scale land use changes which have the potential to destroy the visual coherence of this Area.

- The headwaters of many of the District's major rivers originates in this area and the effects of land use in these headwaters can significantly impact on the incidence and the intensity of flooding.

Explanation

Inappropriate land use practices can often have a significant effect on freshwater fish habitat and flooding by increasing the intensity and incidence of such events. The permanent clearance of wooded vegetation and drainage of wetlands and catchment areas are two activities that impact on these issues.

(Cross Reference Section 3.5 Water.)

- The headwater valleys have intrinsic and natural values, as well as providing downstream benefit by providing low water flows and controlling natural flood events.

Explanation

Retaining natural vegetation in headwater valleys will protect aquatic and terrestrial habitat and contribute towards control of flood events. A good example of this value is in the Upper Mararoa which has many wetlands and tussock areas.

4.1.3 - OBJECTIVES AND POLICIES

(i) General

Objective RU.1

To provide a management framework for the rural environment that promotes the sustainable management of resources within the District.

Objective RU.2

To maintain the quality of the District's water and soil resource to enable it to meet the needs of future generations.

Objective RU.3

To recognise the values of the District's outstanding landscape and significant indigenous habitats and ecosystems within the management framework.

Objective RU.4

To maintain where practicable and efficient, the amenity values of the rural environment.

Objective RU.5

To promote that land users and communities adopt a stewardship approach to resource management.

Objective RU.6

To establish a monitoring framework which will measure the effectiveness of this section.

Policy RU.1

To minimise the adverse effects activities can have on the soil resource and to encourage activities that enhance the soil resource.

Explanation

Some land use practises can cause soil loss or soil contamination. As the soil resource is considered a non-renewable resource and is of great significance to the District, practices that minimise these effects should be encouraged.

(Refer Rules PRA.2, 4 and 6, Rule MRA.2 and Method PRA.4)

Policy RU.2

To minimise or avoid the adverse effects activities can have on water quality.

Explanation

Water resources are critical to the continued economic base of the District and must be managed to ensure future generations are not disadvantaged by the actions of today's users.

Land use can have a significant effect in terms of nutrient loading and siltation of water ways.

With respect to ground water quality, Southland's local authorities are developing an "Accord" to investigate the effects of land use and ways of reducing contamination of this supply. It should also be noted that the Southland Regional Council is preparing information on water bodies that may impact on the Plan. Until these investigations indicate that currently held concerns are invalid, Council will adopt a precautionary approach in assessing proposals.

(Refer Rule PRA.5 and Section 3.5 Water of this Plan)

Policy RU.3

To avoid remedy or mitigate the adverse effects of vegetation removal and soil disturbances from riparian areas.

Explanation

Riparian vegetation plays an extremely important part in the sustainable management of waterways. Such vegetation filters sediment and nutrients in surface runoff, reduces stream bank erosion and provides habitat for aquatic species.

(Refer Rule PRA.5)

Policy RU.3(a)

To encourage restoration of riparian areas by planting.

Explanation

Riparian vegetation is extremely important for the reasons listed elsewhere in the Plan (See Policy RU.3) Voluntary replanting of riparian areas, particularly in native species, will be supported by Council.(Refer Rule PRA.5)

Policy RU.4

To avoid, or if unavoidable minimise, the adverse effects of clearing indigenous vegetation provided that nothing in this policy shall prevent the clearing of regenerating indigenous vegetation underneath a commercial forestry activity.

Explanation

Indigenous vegetation is one form of vegetation which can play a significant role in mitigating the adverse effects of development. It stabilises hillsides, reduces adverse effects on water quality and provides habitat for indigenous fauna. It is not the intention of this policy to provide protection for indigenous vegetation regenerating underneath commercial forestry. (Refer Rule PRA.5 and 6, Method PRA.2 and Section 3.4 Heritage).

[Note: This policy has been created by way of Environment Court Decision A039/01 (19 April 2001)].

Policy RU.5

To avoid, and if unavoidable minimise, the adverse effects activities have on wetlands.

Explanation

Council is required as a matter of national importance to preserve the natural character of wetlands and protect them from inappropriate use and development. Wetlands are an extremely valuable natural resource not only for conservation and ecological values but also for economic and recreational reasons. Wetlands provide habitat and act as a nursery for fish and wildlife, and provide for associated recreational activities. Economically they are important for the production of clean, fresh water, and greatly reduce the impacts of flooding.

(Refer Section 3.4 Heritage, 3.5 Water and Rule PRA.5)

Policy RU.6

To provide a development framework within the rural environment which is effects driven.

Explanation

Provided effects are mitigated or controlled, the appropriate mechanism to determine where particular activities should locate is the market place. Activities will locate where site criteria are most suitable to that particular activity.

Activities of a commercial or industrial nature will be accommodated as appropriate depending on the effects they generate.

(Refer Rules PRA.2, 3, 4, 5, and 6, and MRA.1 and 2)

Policy RU.7

To mitigate or avoid the adverse effects activities have on the amenity value of the rural environment.

Explanation

The relatively quiet, open-space amenity values of the rural environment can be significantly affected by some effects of activities.

With the market influencing the location of activities, adverse effects of activities will be addressed in the Plan by the use of performance standards.

(Refer to Section 4.1.4 The Plains, Hills, Catlins and Mountains Resource Areas. Methods and Rules)

Policy RU.8

To mitigate the adverse effects buildings, structures and vegetation can have on amenity values and the safety and efficiency of the roading network.

Explanation

Buildings or structures erected directly on the boundary can have a significant effect on adjoining properties and the operation of public roads. Bulk and location requirements will be developed to reduce these impacts. Plantings directly on boundaries can have an adverse effect by shading neighbouring properties.

(Refer Rules PRA.3 and MRA.1)

Policy RU.9

To avoid the adverse effect of noise in the rural area.

Explanation

The rural area of the District is generally considered to be relatively quiet, however it is recognised that as a working environment, noise associated with legitimate rural activities (eg farming, forestry, contractors yards etc) does occur and is accepted as part of rural life.

Such noises however, should not unduly impact on legitimate residential, educational, or health related activities located in the Rural Resource Area.

(Refer Rule PRA.8 and Section 3.12 Noise)

Policy RU.10

To mitigate or avoid the adverse effects that signs can have on amenity values and the safety and efficiency of the roading network.

Explanation

The objective of a sign is to attract attention and this can distract motorists attention from the driving task. Signs can also have a significant visual effect and be of benefit to the drivers as a source of information.

(Refer Rule PRA.7 and Section 3.11 Signs)

Policy RU.11

To mitigate the adverse effects of activities on the significant landscapes of the District.

Explanation

The District contains many landscapes that are significant. Outstanding landscapes are protected under Council's heritage register, while guidelines for sensitive use will be developed for other significant landscapes. This approach recognises that not all landscapes need formal protection and that most landscapes are also a working environment in which people live, work and partake in recreation. Council's register of outstanding landscapes in the District is included as Schedule 6.13 of the District Plan.

(Refer Method PRA.2 and Section 3.4 Heritage)

Policy RU.12

To mitigate the adverse effects of dwellings.

Explanation

Dwellings can have significant effects in terms of disposing of waste, visual impact, and effects on the roading network.

Performance standards will ensure that adverse effects of dwellings on the rural environment will be minimised.

(Refer Rule PRA.3 and Rule MRA.1)

Policy RU.13

To avoid the unsustainable development of public services in the rural environment.

Explanation

Developers will be responsible for the adequate provision of services such as water supply, roading and foul sewerage disposal for any dwelling erected in the Rural Resource Area. It is contrary to Council Policy to un-economically extend existing public services.

(Refer Section 4.2 Transitional Resource Area)

(ii) Objectives And Policies Specific to The Mountains Resource Area

The objectives and policies contained in Section 4.1.3 are also applicable to this Area.

Objective MRA.1

To maintain, where practicable the visual effect, the existing mountain landscape.

Objective MRA.2

To maintain the sustainability of the mountain soil resource.

Objective MRA.3

To reduce the threat of flood hazards to the lower lying areas.

Policy MRA.1

To mitigate or avoid where practicable, the adverse visual effects of land use on the existing mountain landscape.

Explanation

The siting, design and location of buildings and structures, can have a significant visual effect. Sensitive management of these activities can generally avoid or minimise those effects. (Refer Rule MRA.1)

Policy MRA.2

To minimise the adverse effects of land use activities in catchment headwaters.

Explanation

Careful land management practices can minimise the effects particular activities have on flooding. This issue is also a concern of the Regional Council.

(Refer Method MRA.1)

Policy MRA.3

To mitigate or avoid the adverse effects of Wilding Trees in the Mountains Resource Area while recognising the need for the repair and/or maintenance of existing soil conservation and river protection works undertaken pursuant to Rule MRA.3a.

Explanation

Certain tree species in the Mountains Resource Area can adversely affect other properties and values.

(Refer Rule MRA.2 and Rule MRA.3)

4.1.4 - METHODS AND RULES

Plains, Hills, Catlins and Mountain Resource Areas

A brief description of the Plains Resource Area is contained in Section 1.1 Landscape Area, while reference to the Hills, Catlins and Mountain Resource Areas can be found in Section 1.1.

The Issues, Objectives and Policies relative to these Resource Areas are identified in Section 4.1.2 and 4.1.3. The Methods and Rules implementing those Objectives and Policies in this Section are found in Section 4.1.4 and apply to all four Resource Areas except for Rule MRA.1 and Method MRA.1 which relate only to the Mountain Resource Area.

Rule PRA.1 - General Standards

Any activity must conform with the relevant provisions of Section 3 of this Plan.

The following Sections are of particular relevance:

3.1 Manawhenua - note in particular Rules MAO.1 to 5.

3.2 Transportation - note in particular Rules TRAN.1, 4-7 and 12.

3.4 Heritage - note in particular Method HER.6, 8 and 9 and Rules HER.1-3.

3.5 Water - note in particular Rule WAT.5.

3.8 Natural Hazards - note in particular Rules NHZ.1 and 4.

3.10 Amenity Protection - note in particular Rule AME.5.

Rule PRA.2 - Rural Activities

(i) Permitted Activities

- (a) Any activity whose effect is to disturb, impact upon, or utilise the soil resource (excluding those activities that more appropriately fall under the categories listed below) including structures ancillary to such activities, subject to the compliance with the rules and standards of this Plan.

Reason

The majority of activities located in the Plains Resource Area have established there because they rely on the soil resource. This rule recognises that need and provided the adverse effects of those activities are minimised through the performance standards contained in this plan, their operation in the Plains Resource Area will continue to be permitted.

- (b) Any activity whose effect is the attraction of the general public to the site for the purpose of purchasing goods from an unmanned stall that is:
- no greater than 12 m²
 - displays goods and produce grown on that site only, and
 - is not located on the road reserves.
- (c) Any activity whose effect is the attraction of the general public to a site for the purposes of purchasing goods which is
- ancillary to a residential activity permitted under Rule PRA.3, and
 - the display area does not exceed 30 m².

Provided that activities under (a) and (b) comply with all relevant rules and performance standards of this Plan.

Reason

Council considers that the effects of these activities will be minor and consequently controlled activities status is not necessary.

(ii) Controlled

- (a) Controlled activities will generally be considered without notification or the need to obtain written approval of affected persons.

Where the activity may have an adverse effect on a residential, hospitality, tourist, educational and health related activity in the vicinity, written consent must be obtained and the application will be notified. Council reserves the right to notify any application for a controlled activity where it is considered reasonable to do so.

Reason

Where such activities will have an adverse effect on a neighbouring property, it is unlikely to be able to satisfy the performance standards of the plan. Consequently, written consent of the adjoining owners or any identifiable interest group is necessary.

- (b) Any activities whose effect is the attraction of the general public to the site for the purpose of
- purchasing goods (where that activity is not the primary activity on the site), or
 - using the services provided by health (including animal), education, hospitality and tourist facilities,
- provided all relevant rules and performance standards of this Plan are complied with, and are controlled in respect of :
- access, parking and any impact on the safety and efficiency of the roading network
 - signage
 - ability to dispose of wastes adequately
 - noise
 - visual impact on the neighbouring amenity
 - mitigation of effects on indigenous vegetation and habitat.

Reason

Council does not envisage a large number of activities of this nature will locate within the Rural Resource Area. The environmental effects of such activities is generally minimal and it is considered that the controlled activity criteria in respect of those matters listed above will avoid or mitigate any potential adverse effects.

- (c) Activities that have the potential effect of creating nuisance because of noise, smell, vermin and like objectionable characteristics due to the housing or intensive confinement of animals or plants, provided all relevant rules and performance standards are complied with and are controlled in respect of:

- the ability to dispose of both solid and liquid wastes as determined by the Regional Solid Waste Management Plan
- the effects on any waterbody
- the effects on any heritage site
- the effect on visual amenity
- mitigation of noise, smell, vermin and other similar objectionable characteristics and possible health hazards
- its relationship and effect on any residential or commercial activity
- proximity to land of significant conservation value.

Reason

These activities, by nature, are rural activities. While they can have adverse effects, which are sometimes significant, Council believes that provided they conform with the relevant performance standards and appropriate conditions are attached in respect of the matters defined above, they should not be unduly restricted.

(iii) Discretionary Activities

- (a) Any controlled activity that Council considers will or may potentially have a significant adverse effect on the environment or adjoining properties not provided for by this Plan, will be considered as a discretionary activity and where Council considers it necessary to do so, will be publicly notified.

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

- The effect on soil and water quality
 - The effect on indigenous flora and fauna
 - The effect on the roading network
 - The visual impact of the development
 - The effect on public services.
- (b) Any activities whose effect is the attraction of people to the site for the purpose of purchasing goods, where that is the principal use of the site. The following matters will be considered in any assessment of effects of such an operation;
- the objectives, policies and rules of the Plan
 - the effect on the community or any group within the community
 - the effect on the transportation system, and in particular the activities effect on energy efficiency
 - the ability of a site to dispose of waste

- servicing of the site and its effect on public services, and any extension of them.

Reason

Activities of this nature can have a significant adverse effect on the rural amenity by attracting high vehicle numbers. This also impacts on the efficient use of energy. Large scale developments may have difficulties gaining consent, however, discretionary status gives Council flexibility where special circumstances can be shown.

Rule PRA.3 - Residential Activities

(i) Permitted Activities

Any residential activity that complies with the relevant Rules of this Plan is a Permitted Activity on the following basis:

- (a) 1 One dwelling per Certificate of Title created prior to the date this Plan was notified;
- or
- 2 One new dwelling not closer than 150 metres to any existing or proposed dwelling (with a 'proposed dwelling' being a dwelling for which a resource consent or building consent has already been granted either within the Southland District or within an adjoining local authority area) or Urban or Transitional Resource Area.

PROVIDED THAT

An additional dwelling for accommodating the staff of any property owner is permitted where that dwelling remains on the same Certificate of Title and shares the same access roads as a dwelling permitted above.

- (b) A dwelling may be erected on a site which previously accommodated a dwelling.

Where a dwelling is subdivided from any title referred to in (a)(1) above, no further development is permitted on the original title unless it conforms with the requirements of (a)(2) above OR consent is granted to an application for a discretionary resource consent.

(ii) Controlled Activities

Multi-unit Papakaika housing is a controlled activity and will be assessed in accordance with the standards, terms and controls set out in Rule MAO.4.

(iii) Discretionary Activities

Any residential activity which does not conform with the relevant Performance Standards of (i) and (ii) above is a Discretionary Activity.

In assessing any application under this Rule Council will consider the following:

- density of dwellings in the locality either within or outside the District
- the effect on soil and water quality
- the effect on indigenous flora and fauna
- the effect on the roading network
- the visual impact of the development
- the effect on public services.

Reason

Intensive residential development can have a significant effect on the resources of the Rural Resource Area, particularly water. Discretionary status allows consideration of all the issues.

(ii) Prohibited Activities

“Noise sensitive activities” as defined below are prohibited within an area around the perimeter of the Manapouri Airport identified on Map 68 (Noise Sensitive Activity Exclusion Zone, Manapouri Airport) of the District Plan.

“Noise sensitive activities” for the purposes of this rule are defined as including dwellings, commercial residential activities, office blocks (excluding offices ancillary to activities not prohibited), retail activities, schools, hospitals, places of assembly, and indoor recreation.

Reason

The Council has foreshadowed in “Method NSE.5 - Airport Noise Boundaries” that it will be investigating the development of an airport noise boundary and outer control boundary, for the District’s airfields. It has investigated the need for such boundaries at the Manapouri Airport and determined in the short term (over the next ten years) that such controls are not necessary while this airport is in its early growth stages and it is surrounded by farmland.

Accordingly, introducing a prohibition so noise sensitive activities may not be established within an exclusion sub-zone around the airport perimeter will ensure that the effects of aircraft noise on such activities (and reverse sensitivity matters) are avoided. This prohibition will apply until 2013 when it is envisaged that the potential introduction of noise boundaries will be reconsidered.

Rule PRA.4 - Soil Displacement Activities

(i) Permitted Activities

Any activity whose effect is to displace soil, subsoil or rock on a property for the purposes of extracting gravel, rock or soil is a permitted activity provided that:

- (a) Where material is extracted for use the following shall apply
 - Volume displaced shall not exceed 1,000 m³ over a 12-month period provided that the total amount extracted over any time period does not exceed 3,000 m³ from one site unless a resource consent is received under Rule PRA.4(iii)
 - Where the site is no longer used for such purposes, visual impacts shall be mitigated by planting or other appropriate landscaping.
- (b) Where material is extracted or displaced in the process of investigative or explorative work in respect of mining or other works requiring geological information, the following shall apply:
 - Volume displaced shall not exceed 200 m³ per 5 hectares for pits and 1,000 m³ per 5 hectares for trenches
 - Areas disturbed by such activities shall be progressively restored and rehabilitated to a standard not less than that previously existing.
- (c) That all such activities shall
 - avoid adverse effects on water courses or continually flowing water bodies of at least 1 metre in width;
 - avoid adverse effects on land stability;
 - comply with all other relevant rules of this Plan.

- (d) That this rule does not apply to any waste disposal activity permitted or provided for by the Regional Waste Plan, or a consent granted under that Plan.
- (e) There is no significant risk of erosion or slope instability on the site to be disturbed.
- (f) That this rule does not apply to the maintenance of existing drainage ditches.

Reason

The adverse effects of small scale soil displacement activities are generally minimal. Long term visual effects can be mitigated by appropriate plantings.

(ii) Restricted Discretionary Activities

Any activity (other than those activities permitted under (i) above) involving the recontouring of land and earthworks on private property where:

- (a) any cut or fill that is more than 2 metres in height or depth; and/or
 - (b) the area of recontouring is more than 2 hectares within any 12 month period,
- is a restricted discretionary activity,

PROVIDED THAT:

- this rule does not apply to any activity that only contravenes (a) above for 10% or less of its total length of cut or fill batters where a 3 metre cut or fill batter is not exceeded.
- this rule does not apply to forestry roading in the Plains and Hills Resource Areas, which is a permitted activity (the environmental effects of this roading are dealt with under Rule PRA.6(c).

Council shall restrict the exercise of its discretion to the following matters;

The effects on cultural or heritage values of the site;

- The effects of noise and dust emission;
- The extent, timing, and duration of bare ground;
- The location, timing of construction, design, and density of earthworks including roads, tracks, or landings;
- The re-establishment of an appropriate vegetation cover;
- The disposal and stabilisation of waste material or fill;
- The effects on:
 - (i) any continually flowing water bodies of at least one metre in width,

- (ii) any wetland or lake identified in Schedule 6.14 - Significant Wetland and Wildlife Habitats,
- (iii) any other wetland or lake 8 hectares or greater,
- (iv) any waterbody within those water supply catchments identified on the Planning Maps.

- Measures to avoid, remedy, or mitigate:

- (i) loss of or damage to soil; and
- (ii) damage to riparian vegetation or soil; and
- (iii) damage to animal or plant communities;
- (iv) visual effects.

Reason

These activities can have a significant effect in terms of stability, runoff, and visual impact, and consequently control of these effects is required.

(iii) Discretionary Activities

- (a) Any activity that does not comply with (i) and (ii) above is a discretionary activity
- (b) Except as provided for under (i) and (ii) above, any activity whose effect is to displace soil, sub soil or rock for the purpose of extracting or investigation into extraction of minerals (as defined by the Crown Minerals Act 1991), topsoil and peat from the ground and for the construction of tunnels is a discretionary activity.

An application under this rule in addition to the information required under Rule APP.1 shall include a Management or Operation Plan in such detail as corresponds with the scale and significance of the actual or potential effects.

The following matters will be considered in any assessment of such an activity;

- (a) Compliance with the rules contained within the District Plan, (in particular, rules in relation to heritage sites, including waahi tapu.)
- (b) Operations for removal, storage and future use of topsoil and subsoils.
- (c) Proposals for stockpiling material and its effect on the environment.
- (d) Water requirements, disposal of water and control of runoff.
- (e) Leachate control and treatment.
- (f) Engineering structures.
- (g) Hours of operation.

- (h) Transportation and access requirements.
- (i) The effects of noise, vibration, dust and smell.
- (j) Effect on essential services such as roading and utility reticulation
- (k) Possible future use of the property.
- (l) Progressive restoration and rehabilitation of the site including landscaping.
- (m) Fire safety requirements
- (n) Likely effect on residents in the locality.
- (o) The provisions of the Operation Programme or Management Plan developed.

Reason

While activities of this nature are generally site specific, the effects of such operations can be quite significant. Discretionary status enables Council to refuse consent where it is not satisfied all adverse impacts have or will be mitigated or avoided.

Rule PRA. 5 - Land Use Effects on Water

In carrying out any activity, resource users shall adopt the best practicable option to minimise any adverse effects on water quality, associated habitat, riparian vegetation, and the stability of the banks of any waterbody

PROVIDED THAT

- (a) the removal of vegetation adjacent to the bank of any natural water course, planted for commercial purposes prior to the date of notification of this Plan is a permitted activity provided the effect on that water body and its associated habitat is mitigated.
- (b) Except as otherwise provided for in (a) above, the removal of vegetation (other than undesirable weeds or plants, and vegetation removal required to give effect to consents under this Plan or any other Plan developed under the Act) within five metres of any natural water course or within two metres of any continually flowing water body of at least one metre in width up to three metres in width is a restricted discretionary activity.

Council shall restrict the exercise of its discretion to the effects the activity may have on the values of the waterbody and its associated habitat.

Unless Council determines otherwise for cultural, recreational or economic reasons, any application made under this rule will not be notified and will not need the written approval of affected persons.

- (c) The removal of vegetation by over grazing or mob stocking within 5 metres of any natural watercourse of 3 metres width or greater, or within 2 metres of any permanently wet or continually flowing water body of between 1 to 3 metres in width, shall be a restricted discretionary activity”.
- (d) For the purposes of this rule natural water course is defined as being of 3 metres or greater in width, any wetland or lake identified in Schedule 6.14 Significant Wetland and Wildlife Habitats, or any other wetland or lake of 8 hectares or greater in area

See also Method PRA.4 Appropriate Land Management Practices.

Reason

Land use activities have been found to have significant effects on water resources. These rules require resource users to adopt the best practicable option available to minimise those effects and enables a flexibility in land management practices, determined by the particular environment affected and the significance of both the effect and the receiving environment.

Stronger controls in respect of vegetation removal have been imposed, as riparian vegetation acts as a buffer zone filtering nutrient and soil runoff, stabilises banks and provides habitat. The rule does, however, recognise existing plantation of commercial crops and allows for their removal provided effects on significant water bodies are minimised.

Rule PRA.6 - Land Use Effects on Soil

- (a) In carrying out any activity, resource users, subject to (b) and (c) below, shall adopt the best practicable option to avoid or mitigate the following effects;
 - Erosion and instability
 - Nutrient loss
 - Soil compaction
 - Spread of undesirable weeds, including wilding pines in areas of indigenous vegetation.

Reason

The matters listed above are identified as the most significant effects on the soil resource that can occur through inappropriate land management practises. It is acknowledged and accepted that most activities may produce a slight degree of one or all of the above effects. The aim of this performance standard, however, is to ensure that rural land management practises are developed that do not put large or significant areas of soil at risk from these effects.

- (b) Where an area of ground exceeding 30° slope has been made bare by the removal of vegetation that area of bare ground shall be substantially revegetated or otherwise protected from soil erosion as soon as practicable and in no case later than twelve months after the disturbance, unless such removal is necessary to conform with, or carry out a permitted activity or to give effect to a consent granted under this Plan or any other Plan developed under the Resource Management Act.

Reason

The removal of vegetation cover, particularly on steeper slopes, can have significant effects in terms of topsoil loss, stability and effect on water quality. This rule will ensure bare ground is not left for any significant period but allows flexibility as to how the problem is to be dealt with.

- (c) Where any soil disturbance or earthworks is required for or in connection with the formation, construction, reconstruction, or maintenance of any road, track, landing, firebreak, fenceline, survey line, or utility service line:
- all formation surfaces with an inwards crossfall shall be drained by a watertable; and
 - cut-offs or culverts shall be constructed or installed so as to prevent scour, gullying, or other erosion of the formed or constructed surface; and
 - fill shall not be placed over woody vegetation; and
 - all areas of fill including any formation surface overlying fill but excluding side casting shall be compacted; and
 - fill batters shall be constructed and vegetated where appropriate, to a standard that is adequate to avoid batter erosion or failure; and
 - spoil shall be disposed of by end-hauling where the formation by sidecasting of any road or track crosses any unstable site or crush zone.

Reason

This rule controls the adverse effects that track cutting activities can have on water quality, soil stability, vegetation, and visual amenity.

Rule PRA.7 - Signs

(i) Permitted Activities

Signs that conform with the standards required under subsection (iv) of this Rule, and Section 3.11 Signs.

Reason

Signs can be a necessary activity in the Rural Resource Area. The adverse effects of signs can be avoided or mitigated by appropriate performance standards.

(ii) Controlled Activities

Signs that affect a road and do not conform with Rule PRA.7(iv) provided consent of the relevant roading authority is received.

Reason

Where the road controlling authority is satisfied a non-conforming sign will have no adverse effect on the safety and efficiency of the road, consent can be given subject to conditions.

(iii) Discretionary Activities

- (a) Signs not exceeding 0.6 m² for directional or advance warning purposes.
- (b) Signs that do not conform with Rule PRA.7(iv). In assessing an application under (i) and (ii) of this rule Council shall have regard to the following:
- road alignment
 - proximity of intersections
 - location of traffic advisory or regulatory signs
 - general road conditions
 - alternative locations
 - need for the sign.

Reason

Advance warning signs can be appropriate in certain circumstances.

(iv) Signs Standards

Signs (except as provided for in (iii) above) shall:

- be situated on the property to which they relate
- not exceed a total of 3 m² in area
- be erected at right angles to the roadway frontage but angled off the direction of the traffic by approximately 5 degrees to reduce headlight glare reflecting into the motorists vision
- not be constructed using retroreflective material unless it is necessary, flashing or animated signs, including those employing revolving lights, and
- business signs may be illuminated when the premises are open for business.

Reason

Except as provided for in this rule, Council does not believe there is any valid reason that signs should be located off-site in the Rural Area. These rules should reduce the effect signs have on the safety and efficiency of the roading network.

Rule PRA.8 - Noise Standards

- (a) The relevant provision of Section 3.12 Noise shall apply unless otherwise stated by these rules.
- (b) Corrected noise levels (L₁₀) at the boundary of a site shall not exceed 60 dBA provided that corrected noise levels (L₁₀) shall not exceed the following limits at the boundary of any Urban Resource Area or at the notional boundary of any residential, hospitality, tourist, educational or health activity site located in the Plains Resource Area:

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

Saturday
7.00 am to 6.00 pm L₁₀ - 50 dBA

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

“Notional boundary” means a line 20 metres from the facade of any building used for residential, hospitality, tourist, educational or health activity, or the legal boundary of the site on which the building is located where the boundary is closer to the building than 20 metres.

- (c) Where an activity is established and a new activity locates where it will be affected by the 60 dBA noise maximum level, it shall be the responsibility of the developer of a newly located activity to ensure that buildings associated with that use are designed in such a manner that the day time and night time noise levels are met within that new activity.

Reason

These noise levels have been established by Council's 1993 Noise Study of the District. Standard (c) has been added to ensure that noise sensitive activities cannot locate within close proximity to an established activity and claim to be affected by the noise it generates.

Rule PRA.9 - Site Requirement

All activities and structures in these Resource Areas shall comply with the following site requirement:

- (a) The site associated with the activity or structure shall be of sufficient area and capability to dispose of effluent safely on site and without affecting water quality.

Or if the disposal is to be on a site removed from where the effluent is generated then the receiving site shall meet the criteria identified above.

Reason

Effluent can have significant environmental effects in terms of odour, contamination of water supplies or pollution of water courses, and can be a health hazard. Certain methods of disposal are culturally offensive to both Māori and Pakeha.

- (b) A potable supply of water is provided adequate to the needs of the occupier.
- (c) No uneconomic extension or development of Council's services will occur.

Reason

Where Council services are available (for example, a Rural Water Supply Scheme) use or extension of them should not be at a cost to the general ratepayer.

- (d) There shall be no adverse effect on the character or values of any natural or cultural heritage site listed at Schedules 6.8, 6.12 and 6.13.

Reason

Buildings and structures can have an adverse impact on the value of natural heritage sites. Excavations for foundations and so forth can also disturb cultural heritage sites.

- (e) Any buildings or structures shall be located, where possible and practicable, to minimise its visual impact on the rural amenity, particularly on any skyline when viewed from a public place.

Reason

The visual amenity of the Rural Area can be significantly affected by buildings and structures. Careful siting of buildings can minimise the impact.

- (f) Where the site of a building or structure (excluding a roadside stall) adjoins the site of a residential, hospitality, tourist, educational or health related activity, the bulk and location requirements set out in Rule URB.5 and Rule IND.3 shall apply.
- (g) Where the site of a building, structure (excluding a roadside stall), or a stockpile of materials does not adjoin the site of any other building or structure, the minimum standards shall apply.

- (i) **Height** - maximum of 12 metres

EXCEPT THAT: Buildings and structures in the Lakeside Protection Area (shown on the district planning maps 59 - 61) that are proposed to be higher than 12 metres are prohibited activities in accordance with Rule LPA.1.

- (ii) **Front yard** - 4.5 metres provided that where loading, unloading or servicing of a building occurs in the front yard, it shall be of sufficient size to ensure there are no adverse effects on the safety and efficiency of the adjoining road, and does not require reversing manoeuvres onto, or off, the property.

Reason

The bulk and location requirements set out in Rule URB.5 and Rule IND.3 have been developed to reduce the adverse effects of activities on the privacy and amenity values of neighbouring properties.

Where a structure, building or stockpile of materials is created on a site that adjoins a site free of any buildings used by people, it is not considered necessary to impose side and rear yards. If a development occurs on the adjoining property at a later date then it will be for the developer of the activity to provide the appropriate separation standards. Front yards are seen as necessary to avoid adverse effects on the safe and efficient operation of public roads.

- (h) Where buildings, structures or stockpiles of materials front State Highways or underwidth roads, the following standards apply:

- (i) Where buildings, structures or stockpiles of materials, front a State Highway a minimum front yard of 6 metres shall be provided except for road stalls where the set back shall be increased to 30 metres.

- (ii) Where buildings or structures front an underwidth road, a minimum front yard of 14.5 metres measured from the original centreline of the road shall be provided. Council may, on written application from the owner, vary this front yard requirement, if it is satisfied that road widening is unlikely to be required in the foreseeable future and that any such reduction shall not interfere with traffic visibility or constitute a traffic hazard. In any application under this rule the owner shall provide documentary evidence that there is no existing building line restriction relative to the particular site.

Reason

State Highways generally have a greater flow of traffic and in Rural Resource Areas, the speed limit will be high. A 6 metre set back will ensure better visibility along the road edge.

The restriction on underwidth roads recognises that road widening may be required in the future. The 14.5 metre distance from the road centre allows for a 20 metre legal road reserve and 4.5 metre front yard.

- (i) No structure, buildings or stockpile of materials shall be sited in that triangle of land formed by the straight line between two points measured 18 metres in either direction from the intersection point of road frontages.

Reason

Development or structures on intersections impairs vision of oncoming traffic and can greatly affect traffic safety.

- (j) Access, parking and road construction shall be provided in accordance with Section 3.2.5 Transportation of this Plan.
- (k) All loading areas shall be so located that no vehicle or machinery engaged in any loading or unloading operation shall stand on or be required to manoeuvre on any part of the road reserve.

Reason

Unloading and loading vehicles can have a significant effect on the safety and efficiency of the roading network. Consequently such activities occur clear of the road reserves.

Rule PRA.10 - Financial and Reserve Requirements

Any development of a value in excess of \$500,000 shall be liable for a contribution in terms of Section 3.7 Financial Contributions and Reserve Requirements. Council retains a discretion as to whether it will charge any such contribution.

Rule PRA.11

Any development on any Crown land as provided for by Section 4 of the Act.

Reason

These areas are generally environmentally sensitive and a full consideration of effects is required.

The provision is directed towards the establishment of concessions within areas of public land administered by the Crown.

Rule MRA.1 - Structures and Buildings

Mountain Resource

All structures and buildings that are visible from any public road or place (which includes esplanade reserves, marginal strips and public land) are controlled activities provided all relevant rules and performance standards of this Plan are complied with and are controlled in respect of the following:

- Siting of the structure in relation to any skyline, any physical feature, or natural character of the area
- Design in respect of any structures visual obtrusiveness
- The removal of vegetation
- Earthworks.

Reason

The effects of structures on the visual amenity and soil stability can be mitigated by the imposition of appropriate conditions.

Rule MRA.2 -Wilding Trees

Planting of the following species in the Mountains Resource Area

- Scots Pine Pinus sylvestris
- Corsican Pine Pinus nigra, subsp laricio
- Douglas Fir Pseudotsuga menziesii
- All larches Larix species

is a restricted discretionary activity provided all relevant rules and standards of this Plan are complied with.

Council shall restrict the exercise of its discretion to the following matters:

- Wilding Trees Risk Assessment.
- Wilding Trees Management Plans.
- Location, plantation configuration and species selection to avoid Wilding Tree spread.
- Setback from adjoining properties.
- Shading of roads.
- Protection of riparian and wetland areas.
- The location of access roads, tracks and earthworks.

Rule MRA.3 - Prohibited Trees

Except as provided for by Rule MRA.3a planting of the following species in the Mountains Resource Area

- Lodgepole pine Pinus contorta
- Mountain Pine Pinus mugo and its subspecies uncinata
- Grey Willow Salix cinerea
- Crack Willow Salix fragilis
- Sycamore Acer pseudoplatanus

is a prohibited activity

Rule MRA.3a - Crack Willow

1. The planting of Crack Willow (*Salix fragilis*) for the purpose of the repair and/or maintenance of existing soil conservation and river protection works undertaken pursuant to the Soil Conservation and Rivers Control Act 1941 by Southland Regional Council is a permitted activity in each of the river reaches shown on the maps in Schedule 6.24, provided the planting is sourced from that reach.
2. For the purposes of this rule repair and/or maintenance includes lopping and layering (the process of felling existing trees on the ground while maintaining an adequate connection with the stump such that vigorous regrowth is encouraged), retrieval and replanting or removing whole trees to fill gaps in river edge protection as a result of flood events.

Reason

*Crack Willow (*Salix fragilis*) is only to be used by the Southland Regional Council within the reaches and shown on the maps in Schedule 6.24 where it already exists. No tree will be transported to another catchment or to those parts of the catchment where it does not already exist or where through consultation with river management liaison groups the decision has been to eradicate and/or use other species or means for management of their river control problems.*

*As part of the river management programmes that use Crack Willow (*Salix fragilis*), Southland Regional Council manages any escaped or unwanted growth with annual programmes of chemical application.*

*These programmes have a long term funded commitment to prevent build-up of unwanted vegetation within the flood fairways which by default eradicate any unwanted growth and/or escape of Crack Willow (*Salix fragilis*) from installed river edge erosion protection works.*

Method PRA.1 - Research

In conjunction with Invercargill City Council, Gore District Council and the Southland Regional Council, to investigate the effects land use is having on groundwater.

Reason

There is a great deal of concern in the District that land use activities are adversely affecting ground water supplies. Before any formal action is taken, the territorial and regional authorities of the Southland Region propose to investigate this issue. Until these investigations indicate that currently held concerns are invalid, Council will adopt a precautionary approach in assessing proposals.

Method PRA.2 - Conservation of Indigenous Vegetation

Refer Rule HER.3 and Method HER.9 of this Plan.

Method PRA.3 - Monitoring

Council intends to develop a monitoring framework to assess whether these objectives, policies, methods, rules are having the desired effect. This framework will be developed in conjunction with other territorial authorities of the District, and relevant Government Departments.

Reason

Council needs to establish that the approach taken in this Plan is promoting the sustainable management of the rural environment. As a number of organisations have a role in this issue, it is considered appropriate that all organisations co-operate on this matter to reduce the burden on any one group.

Method PRA.4 - Appropriate Land Management Practices

In assessing the options available under Rule PRA.4 (Soil Displacement), Council encourages resource users to recognise the following practices which minimise the adverse effects of land use activities on water bodies:

- activities that intensively use land within the 10 to 20 metre buffer zone from the bank of any waterbody which may give rise to degradation in both the water quality of the waterbody and the stability of the bank structure, should be avoided where practicable or possible
- the spreading of fertilisers should be accurate, and avoid riparian areas, and should be carried out at the correct time and at a rate matching crop nutrient uptake
- no disturbed vegetation, soil or debris should be placed
 - (a) into any water body, coastal water, or
 - (b) in such a position where it may enter or move into any water body or coastal water
- agricultural and other chemicals should be used carefully and in accordance with approved guidelines and Codes of Practices, for example: NZFOA “Code of Practice for the Use of Pesticides in Plantation Forest Operations”
- maintenance of thick riparian vegetation filters sediment and nutrients in surface runoff. Indigenous vegetation is important for the role it plays in the ecosystems of waterbodies, and the habitat it provides for other native species. Riparian vegetation also stabilises banks
- riparian wetlands should be retained for denitrification, filtration and habitat purposes. Such wetlands also mitigate the effects of floods
- minimise trampling damage and overgrazing
- avoid stream bank erosion and direct faecal inputs by exclusion of stock from waterways and riparian margins
- adjust land use type to land capability.

Council would also advise resource users that a number of the activities above may be subject to Regional Council controls. The following activities are also controlled by the Regional Council -

- activities, including the operation of machinery, taking place in any water course;
- activities, such as silage pits and offal pits, involving discharges to land or water.

Reason

In identifying and encouraging good land management practices, Council wishes to avoid excessive regulation that may not be easily monitored and enforced, and may not allow flexibility in land management practices in different environments and situations. Council also recognises the land use effects on water may also be subject to Regional Council controls which take precedence on water quality matters.

Financial measures such as subsidising the fencing off of riparian margins, or the outright purchase of such margins were not considered feasible.

Method MRA.1 - Education and Promotion

Council will encourage the development of education programmes and land management guidelines for the Mountains Resource Area to reduce the effects activities can have on the:

- flooding
- soil stability
- water quality
- establishment and distribution of Wilding Trees.

Reason

A number of organisations including the Southland Regional Council, Minister of Agriculture and Fisheries, Federated Farmers, Department of Conservation etc all have a role to play in the management of the Mountains Resource Area. Education and development of industry accords are seen as the most practical and effective method to reduce the adverse effects of activities in these areas.

2. - ANTICIPATED ENVIRONMENTAL RESULTS

- (a) Maintenance of the open-space and natural amenity values of the District.
- (b) Reduced impact on the District's water and soil resource.
- (c) Minimal adverse effects on the amenity values and public roads of the District from buildings and structures.
- (d) Retention of significant indigenous vegetation and habitats.

4.2 TRANSITIONAL RESOURCE AREA

4.2.1 - OVERVIEW

In considering the issue of residential development in the Rural Resource Areas of the District, Council identified three areas where sporadic residential development on the fringe of urban areas was potentially a problem - Te Anau, Riverton, and Winton.

Residential activities in the Rural Resource Area have not been identified as a significant problem, and have simply been controlled by the use of performance standards, with the market influencing site size and location. The effects on Council's network services and the cumulative effect on water quality on the fringe of Te Anau, Riverton, and Winton dictates a need for a stronger control in the Transitional Resource Area.

4.2.2 - ISSUES

The following are considered to be the significant resource management issues found in the Transitional Resource Area.

- **Residential development in these areas places pressure on Council to extend public network services creating a situation of unsustainable development.**

Explanation

The sporadic and uncontrolled development of residential activity on the fringes of these towns places pressure on Council to extend public services into areas for which current schemes are not designed to reticulate. Not recognising this pressure would lead to an uneconomic upgrade or an extension of such services at a cost to the general ratepayer.

- **The cumulative effect of septic tank drainage systems is adversely affecting water quality.**

Explanation

Intensive development utilising septic tank drainage is leading to contamination of groundwater, pollution of waterbodies, poor drainage, odour and other health related problems. With these areas being subjected to intensive development pressure stronger controls are justified.

- **Residential development in these areas can adversely affect visual amenity values through the inappropriate location of structures and the imposition of artificial boundaries lines.**

Explanation

These areas, particularly in Riverton and Te Anau, are visually sensitive areas. Inappropriate siting of dwellings and the creation of boundaries through subdivision can adversely effect visual qualities.

4.2.3 - OBJECTIVES AND POLICIES

Objectives and policies of the Rural Resource Area will also apply to the Transitional Resource Area unless this Section provides otherwise. The following objectives and policies are specific to the Transitional Resource Area.

Objective TRA.1

To achieve a density of development which avoids or minimises adverse effects on water quality, network services and visual amenity.

Policy TRA.1

To avoid adverse effects of development on water quality.

Explanation

*The cumulative effect of development in these areas is a lowering of water quality. The increasing pressure for development in these areas will compound the problem. Development will be controlled to avoid these problems.
(Refer Rules TRA.1 to 3)*

Policy TRA.2

To minimise the effects of extending or upgrading public network services into these areas.

Explanation

*Upgrading or extending network utility services to supply areas outside the schemes design capacity has the effect of making that resource unsustainable. Those who receive the benefit should bear the cost without the general ratepayer having to contribute.
(Refer Rule TRA.2)*

Policy TRA.3

To minimise the adverse visual effects of development in these areas.

Explanation

The Transitional Resource Areas around both Te Anau and Riverton are of high visual value and development needs to recognise this.

(Refer Rule TRA.4)

4.2.4 - METHODS AND RULES

All activities within the Transitional Resource Area shall take place in accordance with the relevant methods, rules and performance standards of the Plains, Hills, Catlins and Mountain Resource Areas set out in Section 4.1.4, unless this Section provides otherwise.

Rule TRA.1 - Subdivision and Minimum Site Areas

- (a) 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 minimum site area for any new allotment within the Transitional Resource Area (except for permitted Network Utilities) shall be one hectare, provided the average allotment size is 2 hectares or greater.

A minimum road frontage of 10 metres per hectare per allotment shall apply.

Reason

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

While a minimum allotment area of one hectare is considered sufficient to allow for the safe and efficient disposal of domestic effluent, it should not be seen as the average acceptable site size for this area. The average site size in any development shall be greater than 2 hectares wherever possible.

The two hectare average is based on the historical subdivision pattern which occurs on the eastern side of Winton and has been applied for consistently in the other Transitional Resource Area. This standard will ensure that a reasonable level of open space amenity is maintained in these areas until such time as that it is fully reticulated and becomes part of the Urban Resource Area.

Visibly evident boundary fences should be located within low parts of the site or merged with vegetation existing on site or otherwise integrated into the landscape with plantings of appropriate trees and shrubs.

- (b) Subdivision of sites to below an average of 2 hectares will not be permitted until such time as the site is fully reticulated.

Reason

When reticulated waste disposal systems are provided Council will consider resubdivision of minimum site areas as the threat to water quality will have been reduced or mitigated against.

Rule TRA.2 - Residential Activities

The provisions affecting residential activities shall be those applying under Rule PRA.3.

Rule TRA.3 - Network Utility Services

No Council Network Utility Service will be extended into these areas unless

- the developer is prepared to pay the cost of extending and/or upgrading any such service or
- the extension or any upgrading required can be economically funded by the particular neighbourhood it would serve.

Reason

This rule does not restrict the extension of the network services into these areas but those who benefit from that service must bear the cost.

Rule TRA.4 - Performance Standards for Riverton and Te Anau Transitional Areas

(i) Erection of Structures

- **Finish**

Structures are to be finished in tones and colours which are not in contrast with the surrounding landscape and which do not reflect light at a greater intensity than the natural background.

Reason

The manner in which structures are designed and finished can have a major effect on the extent to which the structure is intrusive upon or in discord with its larger landscape context.

Buildings finished in colours and tones which are lighter or more reflective than, or contrast with, the containing landscape, would be more visible and potentially intrusive than those which are finished in darker colours and tones.

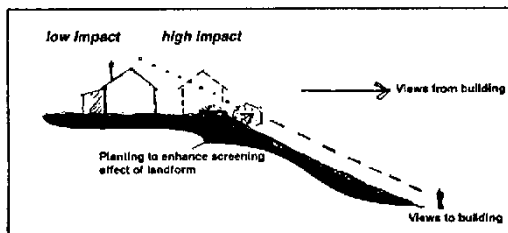
• **Location**

Any structure is to be located, in relation to the local landform, in a manner which ensures that the greater part of it is not visible from dwellings on adjacent lots or from any Urban Resource Areas as a permanent effect.

Reason

“The greater part” should be taken to mean more than 50% of the surfaces potentially visible from the affected viewing points. Where the landform does not provide sufficient screening, plantings of trees and shrubs must be established to achieve the required effect. Planting does not have to be immediately adjacent to the structure to provide effective screening. It may be located in areas where it functions most effectively. It may also be appropriate to require that a minimum percentage of the land area of each lot to be planted in native trees as a condition of the subdivision consent. This would ensure that the desired effect of restoring the native vegetation to parts of the site - particularly the more exposed slopes - is achieved. It is also probable that single storeyed structures would be more appropriate, particularly on the more elevated sites.

Figure 10 Effect of building location on views



Source: Corson Associates

• **Skyline effects**

No structure may break any skyline when viewed from within the adjoining Urban Resource Area. EXCEPT THAT: Buildings and structures in the Lakeside Protection Area (shown on the district planning maps 59 - 61) that are proposed to be higher than 12 metres are prohibited activities in accordance with Rule LPA.1.

Reason

The skyline, undisrupted by an artificial element or structure, is an important effect in the rural setting of these areas.

This effect is to be preserved. Temporary intrusion of this kind may be acceptable if long term impact is eliminated with appropriately designed and located plantings as shown in Figure 10.

(ii) Excavation and Road Construction

The existing landform, as seen from the Urban Resource Areas, is to retain the appearance of the undisturbed natural form, as a permanent effect.

Reason

Any excavation or other permanent disturbance of the surface of the ground should not be located in any part of the site which is exposed to views, as a permanent effect, from the Urban Resource Areas. In some areas planting may be necessary to screen roads or other permanent excavation from views from the adjacent Urban Resource Area. Some short term intrusive effect may be acceptable if screening plantings of appropriate shrubs and trees are undertaken at the time of construction. Some minor recontouring of the landform could be permitted if this work reduces the visible extent of a structure or other potentially intrusive activity, when viewed from the Urban Resource Areas. Excavation or earthworks as part of the subdivision must be conditional upon prompt implementation of appropriate site rehabilitation works.

Method TRA.1 - Planting Of Trees

With respect to the planting of exotic conifers, or other exotic deciduous or evergreen trees with an expected mature height of greater than 15 metres, the Council will rely on the provisions currently obtained in the Property Law Act 1952 and its subsequent amendments to protect individual property owners in relation to loss of view, over shadowing and utilisation of inappropriate species.

Reason

The principal vegetative elements of the local landscape are pasture and native bush. While bush is presently the less dominant of the two, an increase in the apparent extent of bush would alter rather than diminish the rural character of the area and could be a positive effect.

Plantings of pine and macrocarpa or other large, exotic trees would strongly contrast with the form, colour and scale of these existing elements. They would also eliminate views from within, and to the site. As the views available from the site would be the principal reason for developing such areas for rural residential purposes, it is important that these attributes of the site be protected and, where possible, enhanced.

It is also important that the rural character of the urban setting be preserved. Either pasture or mixed native bush would sustain this effect while larger exotic trees would eliminate it.

4.2.5 - ANTICIPATED ENVIRONMENTAL RESULTS

- (a) A density of development that will avoid or mitigate contamination of groundwater.
- (b) Retention of a reasonable level of open space and visual amenity.
- (c) No uneconomic extension of the Council's services.

4.3 FIORDLAND

The Fiordland area is a unique New Zealand landscape with steep, mountains, large glaciated valley systems, largely unmodified vegetation patterns and few permanent settlements and is the habitat of rare, unusual and endangered species of flora and fauna.

Fiordland National Park (which occupies 40.7% the land area of Southland District) comprises the majority of this area. A relatively small area of land extending from the north boundary of the park to the boundary with Westland District has been included as it shares the same high degree of naturalness and remoteness.

The Manapouri Power Station lies within the Fiordland Resource Area. The construction of this power station and all its related works have been authorised under the Manapouri-Te Anau Development Act 1963.

Council has responsibility for resource management throughout Southland District including Fiordland. In all lands administered by the Department of Conservation the department has a limited exemption to undertake activities on public land without the prior approval from the Council provided that any effects of those activities do not transcend the park boundaries. Other than recreation activities permitted by Rule FDL.1 activities in the Fiordland Unit require Council approval.

The area is important to the rest of the District because of its influence on the District's climate, and its effect on water quality.

It is also important for Southland based recreationalists as well as visitors. The Park is part of the South West New Zealand World Heritage Area and is important to the economy of New Zealand as well as that of the District.

Four landscape units have been identified within the Fiordland area. These are as follows:

4.3.1 - INLAND FIORDLAND UNIT

(i) General Description

All of this unit is within the Fiordland National Park and is described in detail in the Park Management Plan. It is a unique part of New Zealand having rock types, landforms, habitats and landscapes found nowhere else in such a combination. The drama of this landscape is unmatched elsewhere in New Zealand.

The boundary of this unit is taken along the eastern shore of Lake Te Anau, excluding the township, although there are many cross-boundary concerns at this point. State Highway 94 from Te Anau to Milford, the road into Deep Cove, the road down the Hollyford valley and the road to Lake Hauroko are the only vehicle access routes into the unit. There is some modification of lake levels for hydro-electric power production at Monowai and Manapouri. The modification at Lake Manapouri is controlled by the Southland Regional Council under guidelines gazetted pursuant to the Manapouri Te Anau Development Act 1963.

(ii) Landscape and Ecological Values

The characteristics which are important in this Unit are:

- the internationally significant landscape (World Heritage Area)- reflecting its vividness, naturalness and coherence and scale
- the highly sensitive landscape
- the peace and serenity (absence of human intrusions) particularly on the lakes and in many of the fiords
- the high number of visitors, (especially overseas tourists) concentrated into parts of the unit
- the presence of a State Highway through the park which enables people to have easy access to part of the park
- the environmental awareness and high expectations of many of the visitors to the unit
- the extent and naturalness of the vegetation cover and habitats
- the intact connections between land and sea
- the rare species of plants and animals
- the unusual rock types and landforms
- important habitat for trout.

(iii) The Issues

While most of this unit is managed by DOC, there are areas of private land, which Council will need to address. The tourism potential of the area is of great importance to the District, and Council may seek to work with the Department on some issues.

The issues identified for this unit include:

- retention of wilderness and ecological values, by managing the effects of tourism and recreational use
- threats to native fauna through presence of predator species

- retention of lake qualities while developing activities in and around Te Anau and Manapouri townships
- management of inter-use conflict as recreational use of the surface of the lakes increase
- retaining landscape and ecological values if any essential buildings or structures are required
- recognition of the adverse effects of introduced browsing animals or indigenous vegetation.

4.3.2 - PYKE UNIT

(i) General Description

This is the small area of land which lies within the Fiordland Landscape Type but outside Fiordland National Park. It is almost all in Pyke Forest, which lies between Mt Aspiring National Park and the coast. The lowland areas are quite flat and swampy with forest and shrub cover, rising through beech forest to the bare Red Hills inland which are considered a significant land form. The forest cover has not been logged although there have been mining and some farming activities in the area. There are some blocks of private land, but most is Crown owned.

(ii) Landscape and Ecological Values

The important characteristics in this unit are:

- the landscape's natural values
- the Red Hills unusual geology and associated plants and animals
- continuous vegetation sequence from coastal communities to lowlands to mountains
- naturalness of vegetation and habitat.

(iii) Issues

This unit is mostly under the management of DOC; however, there is some private land which Council must address. It is one of the more remote parts of the South Island, and has many affinities with the West Coast (eg access). Change in the area could come from increased mining activity or tourism development.

The issues identified for this unit include:

- the management of conflicts between natural values and mining activities to ensure that wilderness and ecological values are retained
- retention of wilderness and ecological values by managing the effects of tourism and recreational use

- proposals to provide a transportation link between the West Coast and Southland
- threats to native fauna through introduction of predator species.

4.3.3 - FIORDLAND COAST UNIT

(i) General Description

The Fiordland coast is long and diverse, and has numerous unique, unusual and outstanding natural features and processes. It is totally within the Fiordland National Park, with the exception of some small pieces of freehold land of historical interest. The indentations of the fiords brings the coastal factor far inland and the strong influence of the oceanic climate makes it difficult to say exactly where the "coast" stops.

The settlement at Milford Sound is in this unit.

Most of this area is under the management of DOC, although there is freehold land at Cromarty, Kisbee Bay, Jamestown and Martins Bay. Buildings have recently been constructed at Cromarty.

(ii) Issues

This is a coast unit of outstanding visual and ecological quality, and of recognised international significance. Because of that, it offers outstanding experiences to the visitor. Allowing people to have those experiences without damaging the environment is one of the challenges facing the Department of Conservation and the Council in managing the area.

The issues identified in this unit include:

- threats to coastal processes and quality from effects of developments
- threats to outstanding natural character of the coast through developments on private land
- threats to outstanding natural character through effects of increasing tourist popularity of the area
- threats to wilderness values and ecological quality through increased tourist popularity
- limited use being permitted on existing freehold land.

4.3.4 - BIG BAY COAST UNIT

(i) General Description

This is a very small piece of coastline between the northern boundary of Fiordland National Park and the northern boundary of Southland District. It includes some rocky reefs, but is mainly the large sand and gravel beach area at Big Bay, backed by a large dune and wetland system. Most of the land is in Pyke Forest which extends far inland but there is some freehold land. This is one of the more natural parts of the coast. While there are significant Māori occupation sites and early Europeans settled briefly, there are few permanent residents now. Whitebaiting and fishing focus around the Awarua River mouth and off the Fiordland coast.

(ii) Landscape and Ecological Values

The important characteristics in this Unit are:

- the naturalness of habitats and landscape
- high water quality protected by intact forest and dune vegetation
- intact, unusual landforms (dunes, lagoons).

(iii) Issues

This unit is significant because of its remote and unspoilt landscape. However, the growth of tourism and increased interest in the “remote experience” make it a possible location for tourism and recreation related development.

The issues identified for this area include:

- outstanding landscape quality and visual sensitivity to any major change
- threats to fragile coastal communities through spread of weeds
- threats to coastal water quality through unplanned developments
- threats to natural character and ecological values from increasing tourism and recreation.

4.3.5 - OBJECTIVES, POLICIES AND METHODS

Objective FDL.1

To preserve and protect the outstanding natural and wilderness qualities of the areas landscapes, landforms, waterbodies and indigenous vegetation and habitat from inappropriate subdivision use and development.

Objective FDL.2

To maintain and where possible enhance public access for the purpose of recreation and enjoyment of the area where that access will not create adverse effects or cause damage to ecosystems and landscape values.

Policy FDL.1

To ensure that development and activities under District Plan control have regard to the Fiordland and Mt Aspiring National Park Management Plans, and appropriate Conservation Management Strategies.

Explanation

*In areas of such outstanding landscape quality, any activities on the fringe of the National Park must be compatible with the aims and values of the parks Management Plans.
(Refer Rule FDL.1)*

Policy FDL.2

To ensure development involving structures is:

- (a) demonstrably beneficial to the public’s enjoyment of the Park, and**
- (b) will not adversely affect the environment, and that there is**
- (c) no appropriate alternative locations beyond the park.**

Policy FDL.3

To minimise the adverse impact of structures where these are visible from the Parks or approaches to the Parks

Explanation

*Policy FDL.2 and 3 recognise the adverse effect structures can have on outstanding landscape areas. Where buildings are deemed to be required, high design standards will be required to offset their visual impact.
(Refer Rule FDL.2)*

Policy FDL.4

To assess any proposed development on a case by case basis.

Explanation

All developments will require a resource consent to ensure all aspects of the proposal are complementary to the amenities of the area.
(Refer Rule FDL.3)

Policy FDL.5

To ensure that priority is given to the protection of landscape and ecological values in the consideration and assessment of all development.

Explanation

The objective of this area is to protect landscape and ecological values. This will be paramount in any assessment of a resource consent application.
(Refer Rules FDL.2 and 3)

Policy FDL.6

To ensure that any amenity planting associated with development does not include exotic species.

Explanation

The planning of amenity plantings must recognise that exotic plants can threaten the natural values of the area.
(Refer Rule FDL.3)

Policy FDL.7

To co-operate and consult with other agencies on any studies of existing or proposed developments.

Explanation

To ensure the values of the area are not compromised, all agencies that have a role in the management of the area need to be involved, to some degree, in the development and consent procedures of other agencies. This would apply to development in such places as Milford, Cromarty and Jamestown.

This approach also extends to Iwi who have significant historical links with this area.
(Refer Rule FDL.2)

Policy FDL.8

To work closely with the Department of Conservation to identify cross boundary issues between the land administered by the Department of Conservation and adjacent areas.

Explanation

As for Policy FDL.1 and 7, development in adjacent areas must recognise the aims and values of the management for the Conservation Estate.
(Refer Rule FDL.1 and Method FDL.1)

Rule FDL.1 - Permitted Activities

- (a) Recreational activities (excluding the erection of buildings) that are permitted in National Park areas by the National Park Management Plans and Conservation Management Strategies are permitted activities in the Fiordland Resource Area.

Reason

Provided they are compatible with the adjoining conservation estate, recreational activities should have little adverse impact in the area, and enable the public to enjoy the quality of the area.

- (b) Any activity for which resource consent has been previously granted under the Town and Country Planning Act 1953.

Reason

Previous consents had been granted under the Town and Country Planning Act for a tourist activity at Cromarty. This development is in an advanced stage of completion and the provisions of the Plan should recognise consents that have previously been granted.

Rule FDL.2 - Controlled Activity

Residential activities involving the erection of a dwelling house or building on an area of land which existed in one or more certificates of title as at the date of public notification of this Plan and which are owned by a person who did not own contiguous land shall be considered as controlled activities.

Provided that all relevant rules and standards of this Plan are complied with and are controlled in respect of:

- * Bush clearance being limited to a maximum of 300 m²
- * The visual impact of any building, structure or dwelling on adjoining national park values
- * The extent of bush clearance that is required
- * The material and external finishing to be used in the construction of the dwelling
- * The height of the building being restricted to 4.5 metres
- * The total floor area of the building being limited to 150 m²

Rule FDL.3 - Discretionary Activity

All activities excluding those provided in Rule FDL.2 involving the disturbance of any land, vegetation, waterbody or involve the erection of any building or structure, shall be considered as discretionary activities.

Any application requires a comprehensive assessment of environmental effects to accompany it. In assessing the merits of the proposal, Council will consider the following:

- the public benefit of the proposal as opposed to its effect on the ecosystem and landscape values of the area
- the ecological sensitivity, and inter-connections between landscape and ecological values
- the visual impacts
- impact on water and soil qualities
- the impact of any amenity planting associated with the development
- impact on any adjoining conservation land
- alternatives considered
- consultation carried out.

Reason

Discretionary activities status allows a full consideration of the adverse effects and the ways in which these can be avoided, remedied or mitigated.

Rule FDL.4 - Prohibited Activities

No further subdivision is permitted within this resource area.

Method FDL.1 - Consultation

Consultation will be carried out with all relevant parties, including Iwi, on any development proposed for the area.

Reason

This will ensure development is compatible with the aims of the adjoining National Parks.

4.3.6 - ANTICIPATED ENVIRONMENTAL RESULTS

- (a) The preservation of the natural character of the coastal environment, lakes and rivers, and their margins.
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.
- (c) The avoidance of significant adverse effects from activities.

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 Māori 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.

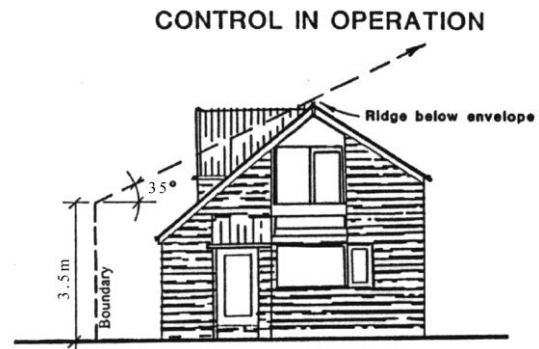


Diagram (a)

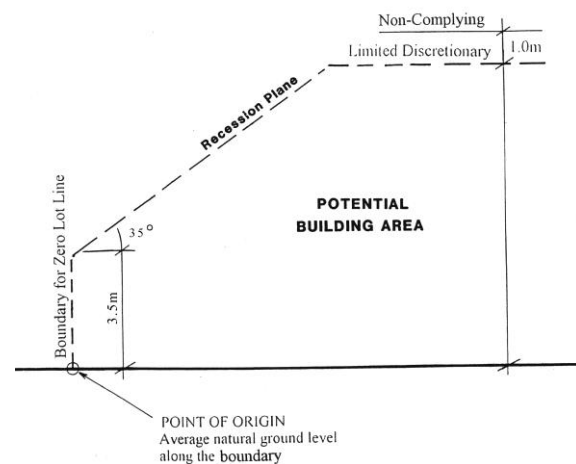


Diagram (b)

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.)

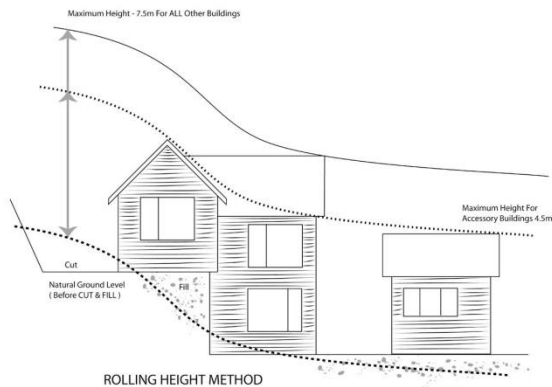


Diagram (c)

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

- Saturday L_{eq} - 50 dBA
7.00 am to 6.00 pm

- 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

- (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 L_{eq} - 50 dBA
7.00 am to 10.00 pm
- Saturday L_{eq} - 50 dBA
7.00 am to 6.00 pm
- 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

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

- Monday to Saturday L_{eq} - 50 dBA
7.00 am to 10.00 pm
- 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.1

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.

4.4.4 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 use's 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.

4.5 SCENIC RESOURCE AREA

4.5.1 - OVERVIEW

The Scenic Resource Area has been identified as that land situated between Te Anau - Manapouri Road, the Waiiau River and between Lake Te Anau outlet and Supply Bay Road.

This area has a high visual amenity providing uninterrupted views from State Highway 95 across open farm land to Lake Manapouri and the Fiordland National Park beyond. Council considers this area to be an outstanding landscape and significant natural resource of the District in terms of Section 6 of the Act.

The area predominantly supports farming activities and it is envisaged that this will continue. However the effects of buildings and vegetation have the potential to alter the high scenic values of the area.

In general, the provisions of the Rural Resource Area will also apply to this area however specific issues, objectives, policies and methods have been identified.

4.5.2 - THE ISSUES

The following are seen as the significant Resource Management Issues specific to the Scenic Resource Area

- **Inappropriately located buildings and vegetation adversely affects the outstanding visual amenity provided by this area.**

Reason

Inappropriately located buildings and poorly designed plantings can adversely affect the visual coherence of these particular areas.

4.5.3 - OBJECTIVES AND POLICIES

Objective SRA.1

To maintain the outstanding visual amenity provided by these areas.

Policy SRA.1

To mitigate or avoid the adverse visual effects of buildings and structures in these areas.

Explanation

As previously mentioned inappropriate location of dwellings can have a significant adverse effect in these areas. Density of buildings and structures can also have a significant adverse effect.

Policy SRA.2

To mitigate or avoid the adverse visual effects of vegetation in these areas.

Explanation

The planting of trees for shelter, commercial purposes or even ornamental purposes can significantly effect the visual coherence of these environments.

Policy SRA.3

To mitigate the adverse effects of intensive development in these areas.

Explanation

As with the effects of buildings and vegetation, intensive development can also have a significant adverse visual effect in these areas.

4.5.4 - METHODS AND RULES

Rule SRA.1 - Buildings and Structures

Buildings and structures to be erected in these areas are controlled activities in respect of:

- The effect that a structure or building may have on the landscape, any skyline or view
- The extent to which screening or landscaping is required
- The extent to which earthworks or vegetation clearance is required
- The types of materials used in construction.

provided that they

- do not exceed 6 metres in height
- conform with the relevant rules and performance standards of Section 4.1.4 (unless otherwise provided for in this Section), and
- that dwellings/residential units are restricted to one unit per property in separate ownership.

Any proposal to exceed these limitations shall be considered as a discretionary activity and shall be assessed in terms of its impact on the visual amenity of this area including the potential cumulative effect. EXCEPT THAT: Buildings and structures in the Lakeside Protection Area (shown on the district planning maps 59 - 61) that are proposed to be higher than 12 metres are prohibited activities in accordance with Rule LPA.1.

Reason

The effects of buildings on the visual amenity of an area can generally be mitigated by appropriate conditions relating to design, location and screening. Restricting Dwellings to one per property also has the effect of avoiding intensive urban development while it can also significantly effect visual amenity. Rule URB.5(2) buildings over 12 metres refer to LPA.1.

Rule SRA.2 - Trees

The planting of trees for shelter and or commercial purposes, or mass plantings of ornamental trees is a controlled activity in respect of

- location of planting and its effects on the visual amenity
- design of the planting layout.

Reason

Appropriately designed planting layout can enhance visual amenity while poorly designed plantings can significantly affect visual amenity. Conditions of consent will minimise any adverse effects.

Rule SRA.3 - Subdivision

Subdivision within these areas is a discretionary activity and shall be assessed in accordance with the objectives and policies of this Section and the relevant provisions of Section 3.2 Transportation, Section 3.6 Subdivision and Section 3.7 Financial and Reserve Requirements.

Reason

Subdivision is generally the forerunner to intensive development. Discretionary status gives Council a more flexible control over the effects of further development.

4.5.5 - ANTICIPATED ENVIRONMENTAL RESULTS

- (a) Preservation of the outstanding visual amenity provided by these areas.
- (b) Low density residential development.

4.6 COASTAL RESOURCE AREA

4.6.1 - OVERVIEW

The preservation of the natural character of the coastal environment is a matter of national importance under the Act. In order to determine what action, if any, Council should take in respect of the Coastal Resource Area, the coast was given special attention in Council's Landscape and Ecology Study. This study broke the coast down into eight units as follows:

- Catlins
- Estuaries
- Sandy Point - Riverton
- Riverton - Orepuki
- Te Wae Wae
- Fiordland
- Big Bay
- Stewart Island.

A brief prescription of each of these units appears in Section 1.8 of the Plan.

The Fiordland and Big Bay units are considered as part of [4.3 Fiordland Resource Area](#). The remaining units have been included in the Coastal Resource Area shown on the Planning Maps.

Also of significance to the coast and to this Plan are the following:

- The [New Zealand Coastal Policy Statement](#) prepared by the Minister of Conservation, which sets out the broad framework for the management of the coastal environment
- The [Regional Policy Statement](#), which takes into account the matters within the New Zealand Coastal Policy Statement, and provides the specific policy framework for the management of the coast within the Southland Region
- The [Regional Coastal Plan](#), prepared in conjunction with the Minister of Conservation, which details the methods and procedures to manage the coastal marine area.

With respect to the coastal environment, therefore, a close relationship needs to be developed between Council, the Department of Conservation and the Regional Council.

The District Council's responsibilities and the provisions of this Plan cease at the landward boundary of the Coastal Marine Area as defined in the Act.

4.6.2 - THE ISSUES

The following are seen as the significant issues relating to the Coastal Resource Area:

- **The possibility of sea level rise, and its effect on low lying communities.**

Explanation

A number of sites within the district may be susceptible to sea level rise. The Royal Society of New Zealand 1990 report on climate change noted that sea level rise in New Zealand Ports since 1889 has averaged 16.7 (+ or - 2.3) cm/century, and has predicted that sea levels are likely to rise between 7 and 17 cm by the year 2025 and between 17 and 35 cm by the year 2050. What level Council should be planning for is yet to be determined as it has been promoted to Central Government that a national standard be set.

What is apparent however, is that settlements such as Colac Bay, Ringaringa, Orepuki, Cosy Nook and Curio Bay may be adversely affected by sea level rise. Development in these areas should be restricted where sea level and erosion have a potential adverse effect.

- **Land use and development can threaten wildlife habitats.**

Explanation

A number of significant wildlife habitats are located along the District's coastline. Several of these are home to rare and endangered species. These habitats are increasingly under threat from adjoining land uses and development.

- **Land use and development can degrade the quality of estuary and coastal water.**

Explanation

Land uses adjacent to both the estuary itself and the water bodies feeding estuaries can significantly affect quality through pollution, siltation and flow changes. As these water bodies are significant habitats, nurseries and recreation areas, these effects must be mitigated.

- The natural character of the coast is threatened by inappropriate use and development.

Explanation

Land development and the erection of structures can significantly effect the natural character of the Coastal Area. There are a number of areas where this threat is very real.

- Lack of recognition in the past of the significance the coast has to Māori.

Explanation

The coastal area represents various cultural, ancestral and traditional values to Māori. These have not always been recognised in the past.

Note: Also refer to **Section 4.4 Stewart Island Urban Resource Area**

4.6.3 - OBJECTIVES AND POLICIES

The majority of issues in the Coastal Resource Area are similar to those issues in the general Rural Resource Area (eg effects on water quality) and differ only on a number of issues unique to the coast. Consequently the objectives and policies of the Rural Resource Area also apply to the Coastal Resource Area except as otherwise provided in this Section. The Objectives and Policies of Section 4.4 Stewart Island Urban Resource Area are also applicable to the Coastal Resource Area as it applies to Stewart Island. The following objectives and policies are specific to the coast.

Objective COA.1

To preserve, as far as is practicable, the natural character of the coast from inappropriate subdivision, use and development.

(Refer Policy COA.1 to 4 and Section 4.4 Stewart Island Urban Resource Area)

Objective COA.2

To recognise and provide for the importance of coastal resources to Māori.

(Refer Policy COA.5)

Objective COA.3

To minimise the adverse effects sea level rise may have on the natural and physical resources of the District.

(Refer Section 3.8 Natural Hazards)

Policy COA.1

To avoid or mitigate the adverse effects of building, and structures have on the coastal environment.

Explanation

Buildings and structures can have a significant effect on natural character. Council will retain control over the effects of their design and location.

(Refer Rule COA.2)

Policy COA.2

To avoid the adverse effects of development in the coastal area.

Explanation

Intensive development has the potential to compromise the natural character of the coastal environment.

(Refer Rule COA.2 and 3)

Policy COA.3

To avoid or remedy the adverse effects of activities on remaining significant indigenous vegetation and significant wildlife habitats of the coastal environment.

Explanation

A number of significant wildlife habitats exist in the District's coast (eg Yellow-eyed Penguin breeding areas). These habitats together with the remaining areas of significant indigenous vegetation are a major contributor to the natural character of the coast and also play an important role in protecting water quality of the area.

(Refer Rule COA.4)

Policy COA.4

To consult and work with the Minister of Conservation, the Regional Council and Manawhenua in resource management issues.

Explanation

The Act imposes duties on both the Minister of Conservation and the Regional Council in respect of the coast.

It is important that a consistent approach is adopted.

Māori have had a long association with the coast that extends well beyond that of European experience. The coast and its resources were necessary to Māori existence, with aspects of the area representing various cultural, ancestral and traditional values. Decisions on resource management issues in the coast need to reflect this.

(Refer Rule COA.1)

4.6.4 - METHODS AND RULES

All activities within the Coastal Resource Area shall take place in accordance with the relevant Methods, Rules and Performance Standards of the Plains Resource Area set out in Section 4.1.4 of this Plan unless this Section provides otherwise.

Rule COA.1 - Consultation with Iwi

Applicants, prior to making a Resource Consent application, and Council, in considering any Resource Consent application, shall consult with the Runaka that has kaitiaki in that particular area, and where relevant, The Department of Conservation and the Regional Council.

(Refer Method MAO.2)

Reason

Consultation with Iwi is particularly important in the Coastal Resource Area which is of great significance to the Manawhenua. Where Council considers it necessary consultation will also be carried out with DOC and the Regional Council.

Rule COA.2 - Buildings and Structures

Activities that have the effect of erecting a building or structure (excluding those buildings or structures that are permitted activities under Rule PRA.3) shall be considered as discretionary activities.

In assessing any application under this Rule, Council will consider the following:

- the ability of the site to dispose of wastes adequately
- noise generated by any associated activity
- access, parking and any impact on safety and the efficiency of the roading network
- the effect of the building and any associated signage on the natural character of the coast in terms of visual impact
- density of development in the area
- the effect of the building or structure on native flora and fauna.

Reason

The erection and density of buildings and structures in a coastal environment (excluding coastal urban areas) can have significant impact on the natural character. In order to minimise these effects and protect the natural character where practicable Discretionary Resource Consent is seen as the most appropriate control.

Rule COA.3 - Subdivision

Subdivision in the Coastal Resource Area shall be considered as a Discretionary Activity and shall be assessed in accordance with the relevant criteria of Section 3.6 Subdivision.

Reason

While subdivision itself can not be considered a land use as such, it is generally the forerunner of intensive development and often leads to pressure on Council to extend services or to consider an inappropriate activity at a later date. Discretionary status enables Council to refuse consent to subdivision that has potential cumulative effects that are not compatible with the natural character of the coast.

Rule COA.4 - Indigenous Flora and Fauna

This rule has been deleted from this District Plan following Environment Court Decision A039/01 (19 April 2001). Refer Section 3.4, particularly Rule HER.3 (Page 71) for provisions of the District Plan relating to this issue.

Rule COA.5 - Conservation Land

Any private development on any Crown land except as provided for by Section 4 of the Act shall be considered to be a discretionary activity and shall be assessed in accordance with the relevant objectives and policies of this Section of the Plan.

Reason

Development on Conservation land by private individuals is subject to the provisions of this plan. Considering the sensitive nature of this environment and the wide range of possible activities that could occur, discretionary resource consent was seen as the most appropriate course of action.

4.6.5 - ANTICIPATED ENVIRONMENTAL RESULTS

- (a) Protection of native flora and fauna.
- (b) Preservation of the coastal natural character of the coast where practicable.

4.7 URBAN RESOURCE AREA

4.7.1 - OVERVIEW

The well-being, safety and health of people and communities is closely linked to urban areas. These areas meet basic human needs such as shelter and warmth, provide a system of mobility and access to services, provide infrastructure for activities, contribute to the communities quality of life, and protect its assets. For these reasons it is essential that urban areas are managed in a sustainable way for current and future generations.

The Act's focus on effects has implications for planning Urban Resource Areas in terms of the type of techniques Council can develop to control the effects generated by activities and development on the natural and physical environment. It is no longer appropriate for Council to direct development or activities to particular land areas by way of a grouping of activities.

Property owners are basically free agents as long as environmental protection standards are not breached.

It is therefore essential for Council to ensure that standards set for different activities and effects are compatible with the characteristics of the natural and physical environment. To this end Council has identified environments within the urban area where the amenity standard differs for one reason or another.

Areas of high amenity standards tend to coincide with areas formally zoned Residential.

Areas of a medium amenity standard coincide with business centres where people work and shop.

Areas of lower amenity standard tend to coincide with the more industrial activity type area, where buildings are purpose built.

While the areas identified may be similar, Council does not intend to specifically categorise uses that are allowed in any particular area as was the case under traditional zoning techniques. Under that system activities were generally directed to a particular location.

With the exception of the processing of dairy produce at Edendale, the Plan does not recognise specific activities within the Industrial Resource Area. However, as a matter of record it does recognise that provision is made in these Industrial Resource Areas for the processing of livestock at Makarewa and Lorneville and general industrial uses at Te Anau.

The particular historical relationship between the town of Edendale and the dairy processing industry is recognised by way of the Edendale Dairy Concept Plan provisions as outlined in Schedule 6.22 of this plan. The need to provide for consolidation and future development, whilst ensuring an acceptable environmental standard is achieved, is specifically provided for in the policies and rules controlling the development of land by way of the Edendale Dairy Concept Plan.

4.7.2 - ALTERNATIVES CONSIDERED

The principle alternatives that Council has considered are as follows:

(a) **Traditional Zoning Techniques**

This technique as discussed above, lists activities that are permitted in each area. The listing of compatible uses was often arbitrary and uses were omitted which could be compatible and without adverse effects if adequate performance standards were imposed. This technique tends to direct development and is not compatible with the effects based approach of the Act.

(b) **Define One Urban Area Only**

This technique involves identifying the urban area (generally identified on the basis of servicing capability) without identifying any areas of particular amenity values within that urban resource area. While there is merit in this approach, the difficulty that confronted Council was at what level should the environmental bottom lines be established? Setting a high environmental bottom line (for example, based on the amenity values of the former Residential Zones) would ensure a high environmental quality but would necessitate numerous resource consent applications for industrial and commercial activities which could not meet the strict performance standards. This approach would be costly for both developers and Council alike.

At the other end of the scale, setting a low environmental bottom line (for example, based on former Industrial Zones) would reduce the need for Resource Consent applications but would have the effect of lowering the amenity standard throughout the entire Urban Resource Area, particularly in traditional residential areas where people seek a quiet and visually pleasant environment.

(c) **Define One Urban Area With Sub Grouping**

It was evident to Council during the consultation process that the public at large still looked to the Planning process to protect their physical environment and that they demanded a degree of certainty as to what activity could occur as a neighbour.

As would be expected the community requirements vary from location to location but the most balanced solution was achieved from a combination of one Urban Resource Area for the majority of the urban communities but with an industrial sub grouping for the communities of Te Anau, Riverton, Otautau and Winton.

Council anticipates this technique should largely avoid the problem of artificial boundaries and the difficulties that arise in the previous transition between Industrial and Residential Zones.

4.7.3 - DEFINITION OF AREAS

The District Planning Maps identify two areas within the urban resource area as follows;

- (a) Urban Resource Area - within the majority of this area the amenity standard is generally quiet, free from high traffic generating activities, and has, on the whole, a pleasant visual appearance with buildings set back from road frontages and neighbouring properties. Buildings are generally not more than two storeys high, and set on landscaped sites. Few activities that discharge smoke, odour, smell or vibration are located within these areas.

It is recognised however that in some locations the amenities have been created by activities that are characterised by an orientation towards commerce. These areas are generally located in the central area of town, on the towns' main road. Buildings are generally built right to the street and form a continuous frontage. Signs are displayed to attract people to premises and advertise goods. Being people orientated they have a reasonable amenity standard although they are more intensely developed and noisier than residential areas, as they are the areas where people shop and carry out business. Noise in the area is generally created by passing traffic. Activities that generate nuisance noise types or discharges are not commonly found in these areas.

- (b) Industrial Resource Area - the amenity in these areas are dominated by large purpose built buildings with little visual appeal, the activities within which often create noise, smell and other unpleasantness. Heavy vehicles are normally used to transport materials and products. These areas also have the potential to be expensive to service particularly in relation to solid and liquid waste management.

The following sections identify the issues arising from these areas and the objectives, policies and methods developed to deal with them.

Basing the environmental bottom line for each of these areas on current amenity values should ensure the basic needs of the people who live or work in the urban resource area are met without compromising the ability of activities to continue to operate within the urban locality.

Reason

With the planning areas being based on present amenity standards the community is given a degree of certainty that their investments and property values will not be adversely affected, while at the same time a flexible development regime is provided.

4.7.4 - URBAN RESOURCE AREAS

4.7.5 - THE ISSUES

- **Non residential activities can adversely effect residential activities through generation of noise, traffic and other nuisances.**

Explanation

The urban area generally contains two types of activities - residential and non-residential. As amenity standards for residential activities are generally high, non-residential activities adjoining residential activities can have a significant effect.

- **Structures in these areas can adversely impact on adjoining properties' access to sunlight and privacy due to their bulk and location.**

Explanation

People living in these areas seek good access to sunlight and a reasonable level of privacy. The question is how to provide this without unduly restricting the use of the site.

- **Past management controls have often lead to the inefficient use of land and restricted activities where adverse effects are minimal.**

Explanation

Controls utilised in the past have often created situations where space has been under utilised or wasted. By the same token choice of location for particular types of activities has often been limited for no good reason.

- **Inappropriate development can lead to unsustainable development of the physical resources contained in the District’s town centres.**

Explanation

The central areas of the District’s main towns are a very significant resource as they contain substantial public and private investment in buildings and physical services. As town centres are not a natural system they cannot adapt to changing circumstances without human intervention. To maintain these areas as the focal point of a town will therefore require some action from Council.

- **The resources and amenities of the central areas of the District’s towns conveys that particular towns image and this can be adversely effected by some activities.**

Explanation

As these areas are generally the most intensively used areas of the district, environmental quality is particularly important. Town centres are generally the community focal point and convey an image of each town to residents and visitors alike. This is particularly important in towns such as Te Anau, Riverton, Winton, Wyndham and Otautau. However the protection and enhancement of this image is only partly within the scope of the Resource Management Act and this Plan - it is a matter to be addressed through the Annual Plan and Strategic Plans.

4.7.6 - OBJECTIVES AND POLICIES

Objective URB.1

To manage the development of the urban area in order to:

- (a) **provide a framework which enables people and communities to provide for their social, economic and cultural well-being, and their health and safety, while**
- (b) **maintaining and where possible enhancing the environmental quality of particular environments within the urban area, and**

- (c) **avoid, remedy or mitigate any adverse effects on the natural and physical resources of the Urban Resource Area.**

Objective URB.2

To encourage urban consolidation to minimise the spatial extent of the effect of urban activities.

Policy URB.1

To avoid, remedy or mitigate the adverse effects that activities can have on the existing amenity levels of the District’s Urban areas.

Explanation

*From the results of the consultation process carried out for the preparation of this Plan it can be inferred that the public wish to retain (and where possible improve) the existing amenity levels of the neighbourhoods they live in.
(Refer Rule URB.3 to 7)*

Policy URB.2

To avoid, remedy or mitigate the adverse effects that activities have on neighbouring properties.

Explanation

The adverse effects of principle concern in the urban resource area include:

- *Loss of privacy*
- *Loss of sunlight and daylight*
- *Poor development and maintenance of street frontages*
- *Untidy buildings and site usage*
- *Increased street parking and excessive traffic movement, particularly trade vehicles*
- *Reduction in traffic safety*
- *Excessive noise, air pollution, glare etc*
- *Excessive security provisions: lighting and fencing.*

These effects greatly reduce amenity value in these areas and consequently will be controlled by the methods in the Plan.

(Refer Rule URB.5 and 6)

Policy URB.3

To avoid, remedy or mitigate the adverse effects that non-residential activities can have on residential activities.

Explanation

Non-residential activities generally create noise, odour, high levels of traffic and the like. These effects are not compatible with residential activities. (Refer Rule URB.2, 4, 6 and 7)

Policy URB.4

To provide for maximum utilisation of sites without compromising amenity value.

Explanation

Performance standards in the past have often created a situation where space on a site, for example a side yard, is poorly utilised. Council intends to provide a flexible system that will allow maximum utilisation of these areas. [Refer Rule URB.5(1) and (3)].

Policy URB.5

To maximise private choice of residential dwelling types and location.

Explanation

A mixture of housing types and other forms of residential accommodation is desirable in order to promote a more balanced community structure. With performance standards mitigating any adverse effects, there is little justification for restricting certain types of development (eg multi unit housing) in these areas. (Refer Rule URB.2)

Policy URB.6

To avoid, remedy or mitigate the adverse effects of signs.

Explanation

Signs and other visual displays can add to the vitality and interest of an area or they can be a serious environmental distraction. Performance standards should minimise the adverse effect of signs. [Refer Rule URB.5(6) and Rule URB.6(3)]

Policy URB.7

To avoid the adverse effects of new buildings or renovations in areas where visual coherence in relation to neighbouring buildings is identified as being important.

Explanation

The design and appearance of buildings particularly large buildings and buildings on prominent sites can have a significant effect on the surrounding environment. It is difficult to prescribe performance standards for design and appearance without creating interpretation uncertainties and unintentionally restricting innovative design solutions

Consequently Council considers it appropriate that the erection of new buildings in certain important areas be a controlled activity in terms of their visual impact on the neighbourhood within which they are to be located.

(Refer Rule URB.3)

Policy URB.8

To avoid, remedy or mitigate the effect urban expansion can have on landscape values, and the rural environment.

Reason

The direction of future extension of urban areas within the District must be considered in the context of the effects created on the existing rural environment. This matter is addressed in part in the Transitional Resource Areas adjoining the towns of Riverton, Te Anau, Winton and in the manner in which dwelling houses are controlled in the Plains, Hills, Catlins and Mountain Resource Area.

(Refer to Section 4.2 Transitional Resource Area)

4.7.7 - METHODS AND RULES

Rule URB.1 - General Standards

All activities must conform with the provisions of Section 3 of this plan.

Where they do not an application for a limited discretionary resource consent (unless otherwise stated by those particular sections) is required.

[Note in particular Section 3.2 Transportation, 3.3 Energy, 3.4 Heritage, 3.6 Subdivision, 3.7 Financial and Reserve Requirements, 3.10 Amenity Protection, 3.11 Signs, 3.12 Noise, and Schedule 6.22 Edendale Dairy Plant Development Concept Plan].

Rule URB.2 - Permitted Activities

- (a) Residential activities that conform with the rules set out in Rule URB.5 Residential Activity 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) Non-residential activities that conform with the rules set out in Rule URB.6 Non-Residential Activity 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.
- (c) Any activity involving the housing or keeping of animals that conform with the performance standard set out in Rule URB.7 Domestic Animals Performance Standard.
- (d) Where an activity does not comply it shall be considered as stated in the relevant rule or performance standard.

Reason

Compliance with the performance standards will ensure adverse effects are mitigated or avoided.

Rule URB.3 - Controlled Activity

- (a) The erection of new buildings or the remodelling of any facades of buildings listed in Schedules 6.9 and 6.10 provided they comply with the performance standards identified in Rule URB.6 (particularly Rule 6.8 Verandahs) and are controlled in respect of their visual appearance in the context of the neighbourhood they are located within.

Such applications will not be publicly notified or require consent of affected owners unless Council is of the opinion that the design of the building will have a detrimental effect on the amenities of the locality.

Reason

To ensure new buildings are in character with existing buildings and the surrounding built environment.

Rule URB.4 - Discretionary Activities

- (a) Any activity that has the effect of generating, or have the potential to generate the following effects:
 - emission of odour
 - noxious, hazardous, or objectionable waste or the use and storage of the same,
 - excessive or nuisance noise types.

In assessing any application under this rule Council will consider the objectives and policies of the Urban Resource Area, and the alternatives considered by the applicant.

Reason

These effects would have a significant impact on the amenities of the area and status as discretionary activities will ensure full consideration of the effects.

- (b) Any activity which does not front the roads/streets listed at Section 6.4(vii) that has the effect of generating high levels of traffic or is serviced by heavy vehicles (excluding activities listed in (iii) below).

In assessing any application under this rule, Council will consider the objectives and policies of the Urban Resource Area, and the alternatives considered by the applicant.

Reason

Outside of those streets listed, (which generally comprise commercial activities) these activities would have a significant adverse effect on amenity values.

- (c) Any activity that has the effect of attracting vehicles to the site for the purposes of servicing and maintaining those vehicles.

In assessing any application under this rule, Council will consider the objectives and policies of the Urban Resource Area, and the alternatives considered by the applicant.

Reason

These activities generate high level of traffic use and inappropriate site design and location can have a significant effect on the safety and efficiency of the roading network, and general amenity values of the area.

- (d) Any activity that involves the boarding or keeping of animals that does not comply with Rule URB.2 (c).

In assessing any application under this rule, Council will consider the objectives and policies of the Urban Resource Area, and the alternatives considered by the applicant.

Reason

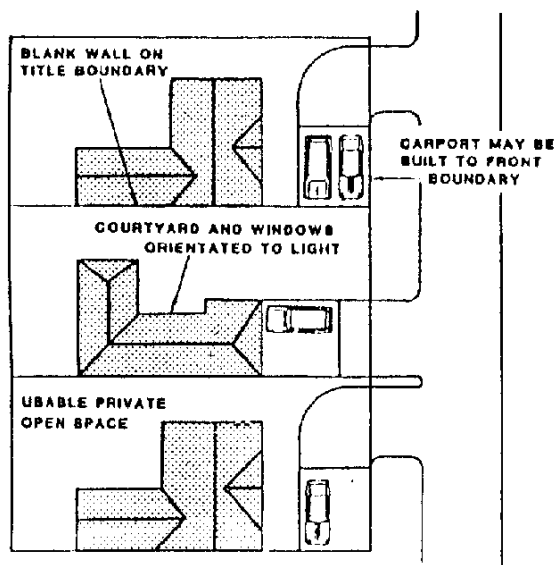
The keeping of animals can have adverse effects such as noise, smell and other nuisances. These effects are exaggerated when animals are kept for commercial purposes.

Rule URB.5 - Residential Activity Performance Standards

1. Yard Requirements

- (a) Front Yards - 4.5 metres.
- (b) Side and Rear Yards - minimum yard of 1 metre. Provided that this yard may be deleted where an owner obtains the written consent of the affected adjoining owners where the owner wishes to utilise the ZERO LOT LINE.

The “Zero lot line” technique will be controlled in respect of the design and placement of windows and their effect on neighbouring properties.



- (c) Non Compliance
- (i) With respect to the provisions of subsection (a), any reduction in this requirement will be considered as a discretionary activity limited to this issue.
- (ii) With respect to the provisions of subsection (b), the “Zero lot line” approach and all other proposed reductions will be considered as a controlled activity where adjoining owners consent is received.

Where adjoining owners consent is not received in either case, the reduction will be considered as a discretionary activity limited to this issue.

Reason

A 4.5 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.

It is retained as a provision in the Plan because of public support for the amenity value provided.

The minimum 1 metre side and rear yard is required to ensure access for maintenance, drainage and firefighting purposes on all sides of a building and in conjunction with height control will, reduce the adverse effects buildings may have on neighbouring properties. An open space requirement will provide for outdoor living and this will further reduce the effect on neighbouring properties.

The “Zero lot line” technique enables maximum use of a site, with open space on the section being maximised on the side with maximum orientation to the sun allowing flexible, innovative design and reducing the “no mans” land in side yards to a minimum. This approach is controlled, however, due to the effect it may have on a neighbouring property.

2. Height

- (a) Maximum Heights -

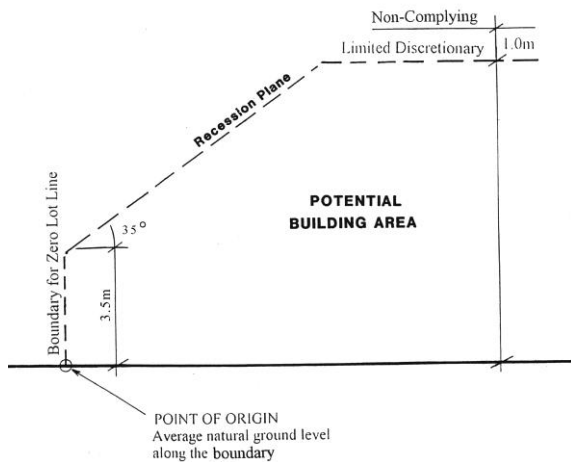
Accessory buildings	3.5 metres
All other buildings	9.0 metres

EXCEPT THAT: Buildings and structures in the Lakeside Protection Area (shown on the district planning maps 59 -61) that are proposed to be higher than 12 metres are prohibited activities in accordance with Rule LPA.1.

- (b) Height in Relation to Boundaries

- (i) The maximum height along the line of the side boundary shall be 3.5 metres provided that -
- The measurement shall be taken from the average natural ground level along the boundary under consideration, and
 - 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
 - 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 Figure 11).

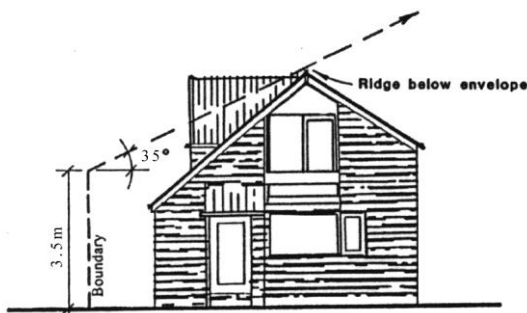
- (ii) Beyond the 3.5 metre height on the side boundary the maximum height shall be determined by a recession plane which originates from the point determined in (i) above and then slopes at an upward angle of 35° to the horizontal. (See diagram below).



Building Height Envelope Figure 11

- (iii) In any case chimneys, ventilator shafts, water tanks, elevator lofts, steeples, towers and such finials in similar parts of the building as constitute only decorative features and are not considered as part of the height requirements.
- (iv) Any increase in these requirements will require the following:
1. where the breach of this rule is up to an additional 1 metre and consent of all adjoining owners affected is received, consent to an application for a non-notified discretionary activity limited to this issue or
 2. where consent of affected owners is not received, consent to an application for a notified discretionary activity.
 3. any application for increases in height beyond 10 metres shall be considered as an application for a notified non-complying activity.

CONTROL IN OPERATION



4. Assessment Criteria for Height and Height in Relation to Boundary

Applications relating to height of buildings will be considered with regard to the effect on neighbours and the character of the area.

Increased height above that permitted as of right, will only be allowed where there are exceptional circumstances and the building will not cause any more shadow or more restriction of view of neighbours than if the building was built to the permitted height. The effect on character will be considered in relation to the existing situation.

For example, it will generally be inappropriate for a tall building to establish where the area contains only buildings of a much smaller scale, however if the location is particularly appropriate and the activity is to be encouraged, then an application may be granted.

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 these effects.

3. Outdoor Living and Privacy Requirements

(a) Multi Unit Developments

(i) Ground floor

Outdoor living space adjoining the living room of each unit shall be provided in accordance with the following;

1. Minimum area of 50 m².
2. Minimum dimension of 5 m by 5 m measured at right angles to the exterior wall of the living room.
3. Shall be free of driveways, parking spaces and garages but may include an accessory building of not more than 8 m².

4. Not less than 60% of the minimum area shall be in permeable surface (ie lawn, trees, shrubs, etc.) provided that Council may consider a reduction in the 60% figure as a controlled activity, to allow for cobblestones or other suitable materials to be utilised where it can be demonstrated that runoff can be adequately dealt with.
- (ii) Above Ground Level - for units above ground level, the outdoor living space provided at ground level may be reduced to 30 m² provided it is supplemented by a balcony which adjoins and is accessible to the living room of each unit above ground floor level. This balcony shall have a minimum area of 8 m² and a minimum dimension to the north of 2 metres.
- (iii) Elderly Persons and Kaumatua Housing Units - outdoor living space must adjoin the living room and be located to the north, east, or west of the dwelling unit it services and shall be a minimum of 33 m², with a minimum width of 5.5 metres.

Reason

The requirements of (i) to (iii) are seen as appropriate to ensure that some open character within the urban areas is maintained and that provision is made for outdoor living in conjunction with each dwelling unit. Reductions for elderly persons housing recognises that they require less outdoor space. The provision of outdoor space also reduces the pressure on reserves and ensures that each dwelling unit has reasonable access to sunlight.

- (iv) Visual Privacy Between Dwelling Units

No dwelling units on the same site shall be so sited or designed so that the main glazing of the living areas of one dwelling unit will oppose the main glazing of the living areas of another dwelling unit; unless screening in the form of fencing and/or landscaping is provided at a distance of not less than 3 metres from each unit.

- (v) Screening of Outdoor Living Space

Every outdoor living space may be required to be visually screened from adjoining sites and outdoor living spaces appurtenant to any other dwelling units. The screening shall be constructed of materials which blend with the natural materials of the site or with those of the building on the site.

Reason

Intensive residential development can have the effect of impinging on the privacy of people occupying adjoining dwellings and sites. The standards of (iv) and (v) are aimed at minimising that effect.

- (b) Detached Dwellings (not part of a Multi Unit Development)

Outdoor living space associated with detached dwellings shall be provided in accordance with the following:

- (i) minimum area of 100 m² with a minimum dimension of 5 m by 10 m.
- (ii) shall be free of driveways, parking spaces and garages but may include an accessory building of no more than 8 m².
- (iii) not less than 60% of the minimum area shall be in permeable surface (ie lawn, trees, shrubs, etc.) provided that Council may consider a reduction in the 60% figure as a controlled activity, to allow for cobblestones or other suitable materials to be utilised where it can be demonstrated that runoff can be adequately dealt with.

Reason

Detached dwellings that are the only dwelling unit on a site generally require a larger open space area as this type of development provides for family living.

- (c) Non-Compliance

Any reduction in these requirements (except as already provided for in (b) (iii) shall require the following;

- (i) where consent of adjoining affected owners is received, consent to an application for a controlled activity, or
- (ii) where consent of the adjoining affected owners is not received or that consent is received and the reduction will reduce the open space area by more than 75%, consent to an application for a discretionary activity.

4. Outdoor Storage

- (a) Any area used or proposed to be used for storage purposes that is not totally enclosed by a covered building shall be screened from public spaces and from residential sites by a 2 metre high close boarded fence or other suitable screen approved by the Council and shall not exceed 50 m² of site area.

- (b) No storage shall be located closer than 4.5 metres to any boundary and shall not exceed 2 metres in height.
- (c) There shall be no storage in the open of sand or aggregate, or other materials that may be windblown.

Reason

Outdoor storage facilities can have a significant visual effect and have the potential to attract vermin and create windblown debris.

5. Noise

- (a) The provisions of Section 3.12 Noise shall apply unless otherwise stated by these rules.
- (b) Corrected noise level at the boundary of a site shall not exceed the following limits

Monday to Friday

7.00 am to 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.

- (c) Activities not complying with these standards shall require discretionary resource consent limited to this issue.

Reason

Noise limits have been based on the findings of Council's 1993 Noise Study of the District and are designed to preserve the existing amenity level.

6. Signs

- (a) The provisions of Section 3.11 Signs shall apply unless otherwise stated in these rules.
- (b) Subject to (c) below one double sided sign per site, not exceeding 1.2 m², is permitted provided it refers to the site on which it is located.
- (c) Illuminated signs are discretionary activities while flashing signs are prohibited.
- (d) Activities not complying with these rules shall require consent to a discretionary activity.

Reason

Signs can have a significant visual effect in these areas. This performance standard seeks to minimise that effect.

7. Parking

Provision shall be made for off street parking in accordance with the requirements set out in Schedule 6.7 which shall be determined by the type of activity proposed for the site.

Rule URB.6 - Non-residential Activity Performance Standards

1. Bulk and Location

- (a) Buildings shall be located so as to ensure a continuity of existing building frontage.
- (b) No rear or side yards are required except that where a site adjoins a residential activity without the intervention of a road or service lane, a 4.5 metre setback will be required.
- (c) Compliance with noise emission levels (L₁₀) in the Edendale Industrial Resource Area shall be measured at or beyond the 45 dBA noise control boundary, as shown on the "Edendale Dairy Development Concept Plan Noise Control Boundary" plan attached to the Development Concept Plan, Appendix 6.22.

Sound levels (L₁₀) assessed at any point at or beyond the Noise Control Boundary shall not exceed 50 dBA from 7.00 am-10.00 pm and 45 dBA at all other times.

- (d) No building shall exceed 12.0 metres in height unless resource consent is received to a discretionary activity limited to this issue provided that where the activity adjoins a residential activity the height provisions of Rule URB.5 (2) apply. EXCEPT THAT: Buildings and structures in the Lakeside Protection Area (shown on the district planning maps 59 - 61) that are proposed to be higher than 12 metres are prohibited activities in accordance with Rule LPA.1.

Reason

Yards adjoining residential areas will reduce the effect of shading on adjoining properties.

2. Noise

- (a) The provisions of Section 3.12 shall apply unless otherwise stated by these rules.
- (b) Corrected noise levels shall not exceed the following limits.
 - (i) At or within the boundary of a residential activity:

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

Saturday
7.00 am to 6.00 pm L₁₀ - 50 dBA

All other times
(includ. public holidays) L₁₀ - 40 dBA

- (ii) At or within the boundary of any other non-residential property;

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

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

- (c) Activities not complying with these standards shall require discretionary resource consent with regard to this issue.

3. Signs

Signs shall be located on the site to which they relate and shall comply with the performance standards set out in (a) to (e) provided that where the site adjoins a residential activity signage shall be a controlled activity in respect of size, design, and location.

- (a) No sign shall be erected higher than the apex of the roof of the building on the site unless resource consent is received to a discretionary activity limited to this issue.
- (b) No sign shall be suspended under a verandah unless:
- (i) it has a minimum clearance of 2.5 metres above the footpath
 - (ii) it has a minimum clearance of 450 mm from the kerb line.
- (c) Freestanding pole signs are permitted subject to their location being controlled by Council, and shall not exceed 3 m² in area or six metres in height.
- (d) Signs may be illuminated provided that Council's approval to a non-notified application for a controlled activity in respect of illuminated signs on a State Highway is received. Flashing signs are prohibited.
- (e) Signs not conforming with these standards require discretionary resource consent in respect of the standard they do not comply with.

4. Hours of Operation

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

Places of Assembly

7.00 am - 10.00 pm Sunday to Thursday, 7.00 am - midnight Friday and Saturday

Other Non-residential activities

7.00 am - 10.00 pm every day

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

Activities not complying with these standards shall require controlled resource consent in respect of this issue.

Reason

While the noise standards are also aimed at preserving the night time amenity in these areas, 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

5. Outdoor Storage

The provisions of Rule URB.5 (4) shall apply.

6. Servicing and Financial Contributions

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.

7. Access, Parking and Unloading Facilities

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

8. Verandahs

A verandah extending across the entire road frontage, designed in accordance within the limitations set shall be provided on the erection, reconstruction or alteration of any building to be used for any commercial activity.

Provided however, that where circumstances of building design or layout or topographical features give rise to a request for relaxation of this requirement the matter shall be dealt with as a discretionary activity and be publicly notified. This procedure will enable the community view to be considered prior to any relaxation of policy.

Rule URB.7 - Boarding and Housing of Animals

- (a) The housing and/or breeding of animals as a domestic activity by persons resident on the site is limited to small animals such as dogs and cats and smaller animals.

The housing and/or breeding of small domestic animals such as cats or dogs as a commercial enterprise is restricted to the keeping of two female breeding animals and their progeny up to the age of six months.

The number of domestic fowls shall not exceed ten.

- (b) The boarding of domestic animals as a commercial enterprise shall be determined in accordance with Rule URB.4 (d).

- (c) The activity shall be conducted so that it does not create a nuisance to occupants of adjoining or nearby activities.

The Council's Senior Enforcement Officer shall decide whether or not there are reasonable grounds for believing that a nuisance has been created.

Activities which do not comply with this rule shall be non-complying activities in relation to this matter.

Reason

The keeping of animals can have adverse effects such as noise, smell and other nuisances. This performance standard should avoid the effects associated with the keeping of animals for purposes other than domestic needs.

Method URB.1 - Guidelines

Council encourages businesses of the District to consider the Grid Analysis Technique contained in Schedule 6.17, and the following guidelines when erecting signage.

- That signs be designed, and in colours appropriate, to the architecture of the buildings to which they are affixed, and to their adjoining streetscape. Signs should not be placed on the decorative forms or mouldings of buildings, dominate facades, conceal windows or architectural features.
- That where possible and practical, signs on adjacent buildings should be co-ordinated, particularly in regard to alignment.
- That signs should not project above parapet lines or be constructed so as to obscure views of land forms, vegetation or buildings which contribute to the amenities of the local environment.
- That sign combinations be chosen from the following options:

A. Ground Floor Facade

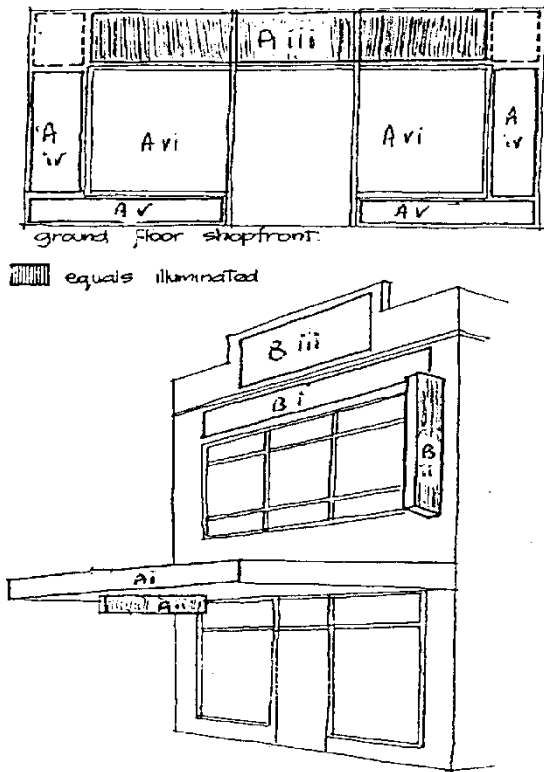
- (i) awning fascia
- (ii) one suspended under verandah sign or one cantilevered over footpath sign at standard awning level where there is no verandah.
- (iii) above doorhead/above display window transom.
- (iv) piers.
- (v) below windowsill.
- (vi) on the window glass or the masonry beside a door.

Signage is limited to one of the following combinations, either (i), (ii) or (vi) or (iii), (iv) and (v). This provides for a total of three signs at ground floor facade level.

B. Upper Level Signs

- (i) wall face box or applied sign.
- (ii) one projecting vertical sign.
- (iii) parapet sign.

Signage is limited to one of these options.



4.7.8 - ANTICIPATED ENVIRONMENTAL RESULTS

- (a) A pleasant environment to live and work in.
- (b) Minimal adverse effects on neighbouring properties.
- (c) Safe and efficient transport system.
- (d) Efficient public services.

4.7.9 - INDUSTRIAL RESOURCE AREAS

4.7.10 - THE ISSUES

- **Industrial activities can generate adverse environmental impacts that are not compatible with residential or commercial activities.**

Explanation

Many industrial processes including some with the most modern technology can create some unpleasant effects, not appreciated by neighbours.

- **Industrial buildings are generally purpose built and can adversely effect visual amenity.**

Explanation

Industrial buildings are built for a specific purposes, and sometimes multiple purposes. In the past, little consideration was given to their visual appearance.

Often they are large buildings clad with plain sheet material (eg cement fibre panels, corrugated or sheet metal panels) with little attempt at screening.

- **Industrial activities normally generate a high level of heavy vehicle traffic which can have an adverse effect on other activities.**

Explanation

Heavy vehicles normally used to transport materials and products to and within industrial areas are not compatible with residential neighbourhoods or activities.

- **Some industrial processes generate a high level of waste, which may include hazardous wastes.**

Explanation

The noxious and hazardous waste of some industrial activities cannot be dealt with by Councils normal waste systems and require alternative and costly, measures for adequate disposal.

4.7.11 - OBJECTIVES AND POLICIES

Objective IND.1

To manage the industrial resource areas in a way that avoids, remedies or mitigates any adverse effects industrial activities have on the amenity values of adjoining resource areas and activities.

Objective IND.2

To work towards achieving a situation where the need for an industrial resource area becomes obsolete.

Policy IND.1

To avoid, remedy or mitigate the adverse effects industrial activities have on neighbouring residential, commercial or recreational activities.

Explanation

To avoid, remedy or mitigate the adverse effects of industrial activities performance standards have been developed, not only for the industrial areas themselves; but also for industrial areas which adjoin residential, commercial and recreational areas.
(Refer Rule IND.1 and Rule IND.3)

Policy IND.2

To work towards the development of “Voluntary Accords” that will allow Industrial activities to self regulate and self monitor.

Explanation

To achieve Objective IND.2, Council will work towards a scenario where industry itself regulates environmental effects and monitors its own activity. The Council would then act as an environmental auditor.

Policy IND.3

To avoid remedy or mitigate the noxious or dangerous effects that some industrial activities generate.

Explanation

Council considers that noxious or dangerous effects are generally not compatible with any activity and should therefore be strictly controlled.
(Refer Rule IND.2)

Policy IND.4

To avoid, remedy or mitigate the adverse effects of signs in the industrial area.

Explanation

Attracting passing traffic is less significant in an industrial area, with the main purpose being for identification purposes. However signs in the industrial area can still have adverse effects on the amenities by creating an untidy appearance and distracting motorists creating an adverse effect on the immediate environment.
(Refer Rule IND.3)

4.7.12 - METHODS AND RULES

Rule IND.1 - Permitted Activities

Activities that conform with the rules contained in Rule IND.3 Performance Standards except as provided in Rule IND 2.

Reason

The performance standards of Rule IND.3 is intended to avoid, remedy or mitigate adverse effects of any activity.

Rule IND.2 - Discretionary Activities

The following are discretionary activities in the Industrial Resource Area, except where otherwise provided for in the Edendale Dairy Plant Development Concept Plan set out in Schedule 6.22.

- (a) any activity that creates an odour
- (b) any activity that requires a licence in terms of Section 15 of the Dangerous Goods Act 1974
- (c) any activity that requires a licence as an offensive trade within the meaning of the third schedule of the Health Act 1956.

In assessing any application under this rule, Council will consider what other alternatives are available to avoid, remedy or mitigate the effects of these activity types.

Reason

Council considers that all noxious or dangerous activities should require a resource consent to ensure that all potential effects are considered.

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 for a scheduled site:

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
(includ. 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
(includ. 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.

Industrial Resource Area Sites Subject to a Development Concept Plan.

- **NZMP (formerly Anchor Products) Edendale**

Lot 1, DP 12733, CT SL10A/523, being Part Section 7 and 17, Block II, Mataura Hundred; Lot 1, DP 10650, CT SL6C/28, Lot 1, DP 10336, CT SL6C/28, Lot 3, DP 534, CT SL7A773, all being Parts Section 7, Block II, Mataura Hundred, and Part Lot 2, District Plan 12733, being Part Section 17, Block II, Mataura Hundred. (Refer Schedule 6.22).

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.

5. **Servicing and Financial Contributions**

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.

6. **Access, Loading and Parking Etc.**

Access, loading and parking facilities shall be provided in accordance with the provision contained in Section 3.2 TRANS and Schedule 6.7 and Diagram 1 Schedule 6.6.

7. **Landscaping**

Landscaping shall be provided in accordance with Rule AME.5 of this Plan.

4.7.13 - ANTICIPATED ENVIRONMENTAL RESULTS

- (a) Adverse effects on properties adjoining industrial activities reduced.

4.8 LAKESIDE PROTECTION AREA

4.8.1 - OVERVIEW

Many people are drawn to Te Anau because of the scenic views of the mountains of the Fiordland National Park across the lake from the town. Southland District Council considers this area to be an outstanding landscape and significant natural resource of the District in terms of Section 6 of the Act. However if tall buildings and structures are built along the Te Anau township's lakeside then they have the potential to obstruct these views and adversely affect the high scenic amenity values of the area.

Te Anau, unlike Queenstown, is located on mostly flat terrain, so buildings over 12 metres in height will obstruct light and views from many parts of the lakefront and environs much more significantly than occurs in Queenstown.

Furthermore, the boundary of the Fiordland National Park at Te Anau is at the lake edge. While low level development is acceptable, it is inappropriate that provision be made for 'high rise' development (i.e. buildings and structures over 12 metres in height) on the lake's waterfront.

Currently there are no buildings or structures along the Te Anau township's lakeside that are higher than 12 metres. This is a rare and marketable feature which sets Te Anau apart from many other lakeside towns and cities in New Zealand. The Lakeside Protection Area has been created with the purpose of ensuring that this feature remains and ensuring there will continue to be no development above 12 metres along the lakeside at Te Anau. The Lakeside Protection Area achieves this by imposing an additional set of provisions, relating to the maximum building height, on properties along the Te Anau township's lakeside. These provisions make it a prohibited activity for buildings and structures to exceed the 12 metre maximum building height limit. Thus it is impossible to obtain resource consent to exceed this height limit. Prohibited activity status is considered to be the most appropriate activity status in this instance, as it is the only activity status that can absolutely ensure that there will be no buildings and structures over 12 metres in height on the lakefront and associated adverse environment effects.

The Lakeside Protection Area (shown on the district planning maps 59 - 61) contains land situated within approximately 100 metres of the Te Anau lakeside, between the Upukerora River mouth to the Waiou River control gates.

The Lakeside Protection Area overlays the existing zoning structure. Therefore, the provisions of the particular existing zone (i.e. Urban, Scenic, Plains Rural and Transitional Resource Areas) also apply for land contained within the Lakeside Protection Area. However, this land will also have the additional Lakeside Protection Area provisions applying to it as well.

4.8.2 - THE ISSUES

The following is seen as the significant Resource Management Issue specific to the Lakeside Protection Area:

- **Buildings and structures higher than 12 metres will adversely affect the outstanding amenity values of Te Anau township's lakeside.**

Reason

Buildings and structures constructed along the lakeside that are higher than 12 metres will obstruct the view of the lake and the mountains of Fiordland National Park (across the lake from Te Anau) from areas located further away from the lakeside (i.e. Te Anau's town centre). Fiordland National Park has been identified as a part of a World Heritage Area (Te Wāhipounamu - South West New Zealand). As the boundary of the park at Te Anau is at the lake edge, thus buildings and structures above 12 metres will cast shadows on this World Heritage Area (being Lake Te Anau), and the surrounding Te Anau foreshore. Buildings and structures will also adversely affect the openness of Te Anau township's lakeside.

4.8.3 - OBJECTIVES AND POLICIES

Objective LPA.1

To maintain the outstanding visual amenity provided by the Te Anau township's lakeside.

Policy LPA.1

To avoid buildings and structures significantly obstructing the view of the lake and thus the mountains of Fiordland National Park (across the lake from Te Anau) from areas located further away from the lakeside.

Explanation

Currently most parts of the Te Anau town centre and the residential areas of Te Anau have a view of mountains of Fiordland National Park (across the lake from Te Anau) and some of these areas have a view of the lake. If buildings and structures along the lakeside are built higher than 12 metres then these views could be significantly obstructed.

Te Anau, unlike Queenstown, is located on mostly flat terrain, so buildings over 12 metres in height will obstruct light and views from many parts of the lakefront and environs much more significantly than occurs in Queenstown. These scenic views are considered such an important part of Te Anau that obstructions need to be avoided.

Policy LPA.2

To avoid buildings and structures casting shadows on Lake Te Anau and the Te Anau foreshore.

Explanation

Shadows cast, by buildings and structures, on Lake Te Anau, and the Te Anau foreshore, will adversely affect the outstanding amenity values of Te Anau township's lakeside. Shadows on water surfaces can decrease the water temperature and restrict the growth of organisms living in the water. Lake Te Anau is a part of a World Heritage Area (Te Wāhipounamu - South West New Zealand) and the presentation of the natural character of lakes and their margins is a matter of national importance under the Resource Management Act 1991. So avoiding shadows being cast on the lake from buildings and structures is considered important.

Policy LPA.3

To retain the openness of Te Anau township's lakeside.

Explanation

Currently there are no buildings and structures or structures along the Te Anau township's lakeside that are higher than 12 metres. This gives the lakeside an open feel. Buildings and structures higher than 12 metres will cause the lakeside to feel 'closed in' and limit sunlight and views.

4.8.4 - METHODS AND RULES

Rule LPA.1 - Buildings and structures

All buildings and structures to be erected in the Lakeside Protection Area higher than 12 metres are prohibited activities.

Reason

Prohibited activity status for buildings and structures over 12 metres in the Lakeside Protection Area will make it impossible for these buildings and structures to obtain resource consent. This is necessary as all of these buildings and structures will obstruct views, cast shadows on the lake and its margin, and adversely affect the openness of the lakeside.

This prohibited status is the most appropriate activity status for this activity as it is the only activity status that can absolutely ensure that there will be no buildings and structures over 12 metres in height and their associated adverse environment effects, on the lakefront. It is considered that the outstanding amenity values of Te Anau township's lakeside is such an important part of the character of Te Anau that nothing short of prohibited activity is appropriate.

4.8.5 - ANTICIPATED ENVIRONMENTAL RESULTS

- (a) Preservation of the outstanding visual amenity provided by these areas.
- (b) Buildings and structures do not cast shadows on the lake.
- (c) The lakeside retains its open feel.
- (d) The views of the lake and thus the mountains of Fiordland National Park (across the lake from Te Anau) from areas located some distance from the lakeside, are retained.
- (e) There are no buildings and structures built higher than 12 metres along Te Anau township's lakeside.