

### Section 2.12 Signage

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Signage provide information, identification, direction and safety functions and typically promote goods, services, activities and events. Signage indirectly contributes to the District's social, cultural and economic wellbeing and supports public health and safety. Signage is typically located, designed and sized to maximise visibility and catch attention, often they are located adjacent to public places or the transport network. Inappropriate location, design and size of signage can give rise to adverse effects on the environment, including adverse effects on amenity values and the safety and efficiency of the transport network. A proliferation of signage on a site, or at a location, can also give rise to cumulative effects.

#### Objective SIGN.1

Signage is appropriately located and conveys necessary information in a manner that avoids or mitigates adverse effects on the environment.

#### Policy SIGN.1

The location and design of signage:

1. Minimises or avoids adverse effects on amenity values.
2. Avoids adverse effects on the safe and efficient operation of the transport network.

**Explanation:** Signage provide a number of functions which positively contribute to community wellbeing, however, they can also have adverse effects on the environment. Amenity values can be compromised by factors such as the character of signage, level of illumination or the proliferation or clutter of signage. Signage can also reduce the safety and efficiency of the transport network if it is poorly located, distract driver's attention or restrict visibility. Signage should be located and designed in a manner that avoids these effects and particular consideration should be given to the size of signage and the message displayed.

#### Policy SIGN.2

Enable the display of temporary signage.

**Explanation:** Temporary signage should generally only be displayed for the duration of the activity to which they relate. Exceptions are provided for Real Estate and Event Signage allowing this temporary signage to be removed no later than two weeks after a property is sold or seven days after an event has been held. Temporary signage should be located and designed in a manner that avoids adverse effects on amenity values and the safety and efficiency of the transport network.

#### Policy SIGN.3

Recognise there may be a need for off-site signage in circumstances where community or commercial land use activities are not located adjacent to State Highways or Regional Arterial Roads.

**Explanation:** There may be some cases, where the display of signage, on a site to which it does not relate, may be appropriate. Any such signage should avoid adverse effects on amenity values and the transport network and be consistent with the maximum sign height and area limits for the Rural Zone.

The location of the commercial land use activity should be in the vicinity of the site of the signage, and the signage does not need to be located on a State Highway or Regional Arterial Road.

### Policy SIGN.4

Avoid inappropriate off-site signage where:

1. It adversely affects pedestrian and/or traffic safety.
2. Its content does not directly relate to providing directions, locations and the name of the business.
3. It detracts from the amenity and character of the area.

**Explanation:** While off-site signage may be acceptable in some circumstances, it may also be appropriate to decline an activity. Effects on safety or amenity could include, but are not limited to, the cumulative effects of the proliferation of signage and any effects on the landscape values of an area.

### Signage Rules

The Zone Sections of the District Plan apply in addition to any relevant district-wide rules such as those relating to Signage. If any of the Zone Rules detailed in the following sections are breached, the activity will require resource consent:

- Rural Zone - Section 3.1
- Urban Zone - Section 3.2
- Te Anau Residential B Zone - Section 3.3
- Industrial Zone - Section 3.4
- Fiordland/Rakiura Zone - Section 3.5
- Eweburn Zone – Section 3.6.

### Rule SIGN.1 (A) - Permitted Signage

Signage provided for in Table SIG

N.1.1 below is permitted provided it meets the General Signage Standards in Rule SIGN.4.

Table 1 Signage Limits

Zone	Maximum area m <sup>2</sup> of freestanding signage and signage attached at an angle to buildings	Maximum area m <sup>2</sup> of signage painted on to, or attached parallel to, buildings	Maximum height of freestanding signage
Urban Zone	1.5 m <sup>2</sup>	1.5 m <sup>2</sup>	3 metres
Commercial Precinct	0.5 m <sup>2</sup> per metre of street frontage except that only two freestanding signs are permitted and the areas of such signs shall not exceed 14 m <sup>2</sup> .	1 m <sup>2</sup> per metre of building frontage	6 metres
Industrial Zone	7 m <sup>2</sup>	1 m <sup>2</sup> per metre of building frontage	9 metres
Rural and Eweburn Zones	3 m <sup>2</sup>	3 m <sup>2</sup>	3 metres

Zone	Maximum area m <sup>2</sup> of freestanding signage and signage attached at an angle to buildings	Maximum area m <sup>2</sup> of signage painted on to, or attached parallel to, buildings	Maximum height of freestanding signage
Fiordland/ Rakiura Zone	1.5 m <sup>2</sup>	1.5 m <sup>2</sup>	2 metres

### Rule SIGN.1 (B) - Temporary Signage Permitted Throughout The District:

1. The following temporary signage shall be Permitted provided it meets the height limitations in Table SIGN.1.1 and the general signage standards in Rule SIGN.4
  - (a) **Real Estate Signage** - Signage not exceeding 0.6 m<sup>2</sup> in area advertising the disposal of land or premises on which it is located displayed while the property is on the market and removed no later than two weeks after the property has been sold.
  - (b) **Construction Signage** - Signage not exceeding 3 m<sup>2</sup> in area erected on a construction site. No such signage shall be displayed for a period exceeding the duration of the construction period and shall include only details of the project and names of parties connected therewith.
  - (c) **Event Signage** - Signage not exceeding 3 m<sup>2</sup> may be displayed within a period of no more than six weeks before the event and must be removed no later than seven days after the event.
2. **Public Election Signage** shall be Permitted provided that:
  - (a) Signage does not exceed 3 m<sup>2</sup>.
  - (b) It is not displayed more than six weeks before the election and is removed no later than midnight on the day preceding election/polling day.
  - (c) It complies with the signage requirements outlined in the Electoral Act.

### Rule SIGN.1 (C) - Sandwich Boards:

One sandwich board sign per premises shall be permitted provided it meets the following conditions:

1. Sandwich board signage shall only be displayed during the trading hours of the business to which the sandwich board relates.
2. The signage shall be located immediately adjacent to the street frontage of the premises to which it relates.
3. Such signage shall comply with the following dimensions:
  - (a) Height - minimum of 0.5 metres; maximum of 0.9 metres.
  - (b) Width - maximum of 0.6 metres.
  - (c) Spread - maximum of 0.5 metres.
4. Sandwich board signage must be located a minimum of 300 mm back from the carriageway edge and in such a position that there is a minimum 2 metre clearance of footpath for pedestrian traffic.
5. Where the area has a grass verge or a gravel berm then the signage is to be placed on this at least 600 mm from the carriageway and not on the footpath.
6. Where there are no footpaths then the signage will be sited in the berm area.
7. Sandwich boards shall not be located on footpath extensions and traffic islands constructed to accommodate pedestrian crossing points or traffic control devices.
8. Sandwich boards shall comply with Conditions 2, 3, 5, 7, 8, 9, 11 and 12 of Rule SIGN.4.

### Rule SIGN.1 (D) - Information and Warning Signage:

The following information and warning signage shall be Permitted provided it meets the relevant zone height and size requirements of Table SIGN.1.1:

1. Hazard identification and warning signage.
2. Interpretational signage.
3. Directional signage.
4. Signage erected by Fish & Game New Zealand for angling and hunting activity information purposes.

### Rule SIGN.2 - Restricted Discretionary Activities

1. Off-site signage that does not exceed 3 m<sup>2</sup> in area is a **Restricted Discretionary Activity**.
2. Any illuminated signage on Stewart Island / Rakiura (excludes offshore islands).
3. Any other signage that does not comply with Rule SIGN.1, SIGN.4 or is not subject to Rule SIGN.3 is a **Restricted Discretionary Activity**.

The matters to which Council will restrict its discretion are:

1. The effects of signage on the safety and visibility on transportation networks.
2. The content, size, colour and character of the signage, lettering size and style.
3. The illumination of the signage and the effects of light spill.
4. The siting of the signage with respect to sight lines pertaining to any road or rail intersection, or accessway on to a road.
5. Effects on the visual amenity and aesthetic coherence of the surrounding environment.
6. Effects on outstanding natural features and landscapes and Visual Amenity Landscapes.
7. Effects on historic or cultural heritage values of sites, structures, places and areas.
8. Cumulative effects of signage.
9. The location of the business premises or activity in relation to the signage.
10. The level of non-compliance with the maximum signage height and area limits for the relevant Zone or Precinct.

### Rule SIGN.3 - Prohibited Activities

Off-site signage that exceeds 3 m<sup>2</sup> in area is a Prohibited Activity throughout the District.

### Rule SIGN.4 - General Signage Standards

Signage shall comply with the following General Signage Standards:

1. **Under verandah signage** - In addition to the signage provided for above, signage attached under verandah is permitted within Commercial Precincts, provided that:
  - (a) It does not exceed the width of the verandah.
  - (b) There is at least 2.6 metres clearance to the footpath.
  - (c) There is a maximum of one under verandah sign per site per street frontage.
2. **International symbols** - Internationally recognised symbols shall be displayed on signs where appropriate.
3. **Similarity to traffic signage** - Signage shall not conflict with the colour combinations and/or shape or design of traffic signs.
4. **Orientation of Signage** - Roadside signage (excluding under verandah signage) shall be orientated a minimum of 5° off right angle to the road.
5. **Illumination** - Illuminated signage shall only be permitted within the Industrial Zone or Commercial Precincts and excludes any signage attached to an item of historic heritage or located within the site of an item listed in Schedule 5.2 - Historic Heritage Items.  
Any illuminated signage shall ensure that artificial light spill shall not exceed the following **illuminance** levels, within the boundary of any other site not zoned Industrial or not within the Commercial Precinct overlay:

- (a) Day time            25 lux
- (b) Night time         10 lux

**Illuminance** levels shall be measured vertically or horizontally anywhere along the affected site boundary in accordance with professional engineering practice.

- 6. **Signage attached to buildings** - Signage on or attached to buildings shall be within 200 mm of the profile of the building on which they are painted or attached (excluding under verandah signage).
- 7. **Clarity** - Messages displayed on signage must be clear, concise and of a clear lettering style. Signage located adjacent to a road shall comply with the following minimum letter height standards:

*Table 2 Minimum letter height standards*

Speed Limit (km/hr)	Main Message (mm)	Property Name (mm)	Secondary Message (mm)
50	150	100	75
60	175	125	90
70	200	150	100
80	250	175	125
100	300	200	150

- 8. **Location of Signage** -
  - (a) Unless otherwise stated, yard or setback requirements relating to buildings shall not apply to signage.
  - (b) Unless otherwise stated, signage shall be located on the site where the lawfully established activity to which the signage relates is occurring.
  - (c) Signage shall be sited such that it does not restrict visibility to and from intersections and accesses.
  - (d) Signage shall not be located where it could adversely affect driver/pedestrian safety.
- 9. Signage may be single or double sided provided that each side does not exceed the maximum area permitted within that Zone.
- 10. Any signage attached to a building shall not exceed the height of that building.
- 11. Signage shall not be reflective or have any moving or flashing components.
- 12. Signage can include sponsorship logos where they comprise no more than 10% of the area of the signage.

**Note:** The New Zealand Transport Agency also has requirements for signage located adjacent to a State Highway. Please check the NZTA website or contact NZTA directly to ensure your signage can comply with these requirements

## Section 3.2 Urban Zone

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Urban areas function as the Southland District's main centres of population, culture and socio-economic activity. Integrated, sustainable and well planned urban areas enhance people and communities' quality of life by creating and maintaining safe, healthy and pleasant environments with appropriate access to services, infrastructure, transport and facilities. Sporadic and uncoordinated subdivision, land use and development can result in ad-hoc urban growth and the inefficient use of natural and physical resources and can give rise to adverse environmental effects.

The District's urban areas, defined as the Urban Zone, encompass the principal towns of Winton, Te Anau and Riverton/Aparima and the smaller townships of Balfour, Browns, Colac Bay/Oraka, Edendale, Lumsden, Manapouri, Mossburn, Nightcaps, Ohai, Otautau, Riversdale, Oban, Tokanui, Tuatapere, Waikaia, Wallacetown and Wyndham. The District's Urban Zones are recognised as predominantly residential areas, but provide for a range of activities. The form, function, character and amenity of the District's Urban Zones varies. Urban development pressures within the Urban Zone also vary with some townships experiencing steady growth, while others are static or in decline.

Commercial Precincts are identified as an overlay of the Urban Zone in the District Plan. Commercial Precincts are defined within the Urban Zone in Te Anau, Winton, Riverton/Aparima, Otautau, Edendale, Lumsden, Tuatapere, Riversdale and Wyndham as key locations within which Council seeks to encourage commercial activity. Commercial Precincts enable the co-location of commercial activities, which can enhance the function, integrity, convenience and viability of the commercial centres of these townships. Commercial Precincts can also reduce the likelihood of land use conflict with non-commercial land uses. Industrial Zones are also defined throughout the District and are covered in a separate chapter of the District Plan.

The Te Anau Residential B Zone was created through a private plan change and has specific zone provisions that provide for urban development on properties to which it relates.

### Objective URB.1

Subdivision, land use and development in the Urban Zone shall maintain or enhance residential amenity.

### Objective URB.2

Where they are defined, Commercial Precincts shall accommodate the principal retail and service functions of the Urban Zone.

### Policy URB.1

Subdivision, land use and development in the Urban Zone shall:

1. Reflect the needs of the community.
2. Integrate with existing land use activities and infrastructure.
3. Create desirable places to live and vibrant and functional Commercial Precincts.
4. Achieve compact urban form; whilst avoiding, remedying or mitigating adverse effects on the environment.

**Explanation:** Well planned urban areas can provide for sustainable growth and development which reflect the needs of local communities. Council has identified areas suitable for subdivision, land use and development to provide for urban growth by defining an Urban Zone. Urban growth, including intensification and redevelopment, within the Urban Zone can promote coordinated, integrated and

compact urban form. This can optimise the efficient use of and accessibility to, infrastructure whilst discouraging urban sprawl and ribbon development outside of the Urban Zone.

### **Policy URB.2**

Encourage the implementation of best practice urban design principles.

***Explanation:*** Urban design is a key tool in achieving good quality outcomes in the built environment. Appropriate implementation of urban design principles will enhance identity and amenity values, promote diversity, choice, innovation and sustainability and ensure vibrant and cohesive urban areas. It can also support public health and wellbeing, including through the implementation of Crime Prevention through Environmental Design measures.

### **Policy URB.3**

Manage subdivision, land use and development in a manner that maintains or enhances the amenity values of residential areas within the Urban Zone.

***Explanation:*** Subdivision, land use and development within the Urban Zone should be sympathetic to amenity values and the character of residential areas and enhance this where possible. Outside of the Commercial Precincts the amenity and character of the Urban Zone is influenced predominantly by residential activity reflected in greater yard setbacks, landscaped residential sections, off street carparking, low ambient noise levels, lower levels of signage and lower building heights. Limited levels of commercial activity including home occupations and local service activities such as hairdressers and dairies are located throughout the Urban Zone. These types of commercial activities are generally consistent with the amenity of residential areas.

### **Policy URB.4**

Give priority to Commercial Precincts as the principal areas for commercial activities.

***Explanation:*** The commercial centres of the principal urban areas, Te Anau, Winton, Riverton/Aparima and townships of Otautau, Edendale, Lumsden, Tuatapere, Riversdale and Wyndham are a focus for commercial activities and also support community, educational and entertainment activities. The co-location of commercial activities within Commercial Precincts can reduce the likelihood of land use conflicts and can maintain and enhance the function, integrity, convenience and viability of the commercial centres of these urban areas.

### **Policy URB.5**

Avoid, remedy or mitigate reverse sensitivity effects.

***Explanation:*** The Urban Zone provides for a range of land use activities, however, there is potential for conflict where neighbouring or nearby land uses are not compatible. Subdivision, land use and development should integrate with existing land use activities that adjoin or are in close proximity to the site. Adverse effects on residential amenity should be appropriately managed. Particular consideration should be given to those residential activities to be located on the perimeter of the Commercial Precinct, the interface between the Urban Zone and Rural or Industrial Zones or adjacent to the roading and rail networks, transmission or other forms of infrastructure.

### **Policy URB.6**

Avoid, remedy or mitigate the adverse effects of earthworks.

**Explanation:** Earthworks can give rise to a range of adverse effects on the environment, including effects on slope and soil stability, biological diversity, visual amenity, historic heritage (including archaeological sites), changes to stormwater flows and water quality. Earthworks should be managed through the implementation of a robust methodology and works supervision procedures to avoid adverse effects. Particular attention should be given to appropriate site remediation.

### **Policy URB.7**

Avoid, remedy or mitigate reverse sensitivity effects on transmission lines.

**Explanation:** Transmission corridors have been established to provide for minimum corridors able to address safety, operation and maintenance of the transmission lines within them. This will enable Council to prevent sensitive activities, or the expansion of existing sensitive activities, from locating within a transmission corridor where they would affect or be affected by the transmission line.

### **Policy URB.8**

Manage subdivision, land use and development in a manner that maintains or enhances the dark quality of the Stewart Island / Rakiura night sky (excludes offshore islands)

**Explanation:** The Stewart Island / Rakiura night sky is considered to be of an exceptional dark quality and this is formally recognised via the Island's Dark Sky Sanctuary accreditation status. It is considered that any subdivision, land use and development has the ability to erode this unique quality if not carefully managed through the application of appropriate lighting design. In this instance the offshore islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island are excluded because it is considered the majority of development that is likely to adversely affect the night sky will occur on the mainland of Stewart Island / Rakiura.

### **Urban Zone Rules**

**Note:** District-wide rules.

The following district-wide sections of the District Plan may apply in addition to any relevant Urban Zone Rules to activities undertaken in the Urban Zone. If one or more of the district-wide rules is breached, the activity will require consent in respect of those rules:

- Biodiversity - Section 2.2
- Historic Heritage - Section 2.5
- Subdivision - Section 2.6
- Waste, Hazardous Substances and Contaminated Land - Section 2.8
- Energy, Minerals and Infrastructure - Section 2.9
- Noise - Section 2.11
- Signage - Section 2.12
- Water and Surface Water Activities - Section 2.13
- Financial Contributions - Section 2.14.

### **Rule URB.1 - Permitted Activities**

The following activities are **Permitted Activities** within the Urban Zone:

1. **Residential Activities** (not located within the Commercial Precinct) that comply in all aspects with the General Urban Standards for the Urban Zone.
2. **Visitor Accommodation** (involving five or less paying guests).



3. **Commercial, Community, Educational, Rural Service, Entertainment Activities, Service Stations and Visitor Accommodation** (involving six or more paying guests), located within the Commercial Precinct that comply in all aspects with the General Urban Standards.
4. **Temporary Events** provided that:
  - (a) The temporary event does not exceed six days in any calendar year.
  - (b) The temporary event shall not operate outside of the hours of:
    - 7.30 am - 10.00 pm, Monday to Saturday;
    - 7.30 am - 6.00 pm, Sundays and public holidays.
  - (c) Any structures associated with an event shall be erected:
    - (i) no more than two days before the event occurs;
    - (ii) removed no more than three days after the end of the event.
  - (d) The site on which the temporary event occurs shall be returned to its original condition no more than three days after the end of the event.
  - (e) There shall be no direct access to sites of temporary events from a State Highway or Regional Arterial Road.
  - (f) Noise generated by the temporary event does not exceed the maximum noise standards for the Urban Zone (refer to Section - 2.11 Noise).
  - (g) Adequate provision is made for waste collection and disposal including the provision of toilet facilities.
5. **Home Occupations** provided that:
  - (a) A maximum of 30 m<sup>2</sup> of the gross floor area of the residential or accessory buildings on the property is used for the operation of the home occupation.
  - (b) No more than 10 m<sup>2</sup> of the property shall be used as an outdoor display area for the operation of the home occupation and associated storage of goods, materials or equipment at any one time.
  - (c) The home occupation is not operated outside of the hours of:
    - 7.30 am - 9.00 pm, Monday to Saturday; and
    - 7.30 am - 6.00 pm, Sundays and public holidays.
6. **Activities on Council Reserves** provided that:  
Any activity specifically complies with an approved management plan.  
**Note:** Any activity on a reserve will still require authority from the administering body responsible for managing the reserve. This rule overrides specific Zone and Overlay requirements and all general standards.
7. Intermittent aircraft departures and landings that do not meet the definition of an airport under the Resource Management Act.
8. **Earthworks within a National Grid Yard:**
  - (a) Earthworks within 2.2 metres of a National Grid pole support structure or stay wire shall not be greater than 300 mm in depth.
  - (b) Earthworks between 2.2 metres and 5 metres of a National Grid pole support structure or stay wire shall not be greater than 750 mm in depth.
  - (c) Earthworks within 12 metres of the outer edge of the visible foundation of a National Grid tower support structure shall not be greater than 300 mm in depth.
  - (d) Earthworks shall not compromise National Grid support structure stability.
  - (e) Earthworks shall not result in a reduction of the existing conductor clearance distance above the ground as required in NZECP34.

Provided that the following activities are exempt from (a) and (b) above:

- (i) earthworks undertaken by a Network Utility Operator; or

- (ii) earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath or driveway.
9. **Activities within a National Grid Yard**
- Within any part of a Transmission Yard the following are permitted:
- (a) Buildings less than 2.5 metres high and 10 m<sup>2</sup> in area.
  - (b) Alterations and additions to existing buildings that do not involve an increase in floor space.
  - (c) Mobile machinery and equipment.
  - (d) Network utilities and energy facilities.
  - (e) Any fence up to 2.5 metres high.
  - (f) Recreational activities.

### Rule URB.2 - Restricted Discretionary Activities

The following activities are **Restricted Discretionary Activities**:

1. Any Permitted Activity which fails to comply with no more than one General Urban Standard, or no more than one condition of the permitted activity rule and is not within the National Grid Yard.

The matters to which Council has restricted its discretion are:

1. The effects of non-compliance with that General Urban Standard.
2. **Residential Activities** within the Commercial Precinct that comply in all aspects with the General Urban Standards.

The matters to which Council has restricted its discretion are:

1. Whether appropriate residential amenity standards will be provided.
2. Matters contained in any relevant design guidelines.
3. The ability of vehicles to safely access and exit the site.
4. Whether there is adequate infrastructure capacity to meet the needs of the proposed activity.
5. Potential for reverse sensitivity issues and the extent to which the residential activity has provided for appropriate noise mitigation.

### Rule URB.3 - Discretionary Activities

The following activities are **Discretionary Activities**:

1. Any activity that cannot be undertaken as a Permitted, Restricted Discretionary or Non-Complying Activity and is not listed as a Prohibited Activity is a Discretionary Activity.

### Rule URB.4 - Non-Complying Activities

The following activities are **Non-Complying Activities**:

1. Industrial Activities.
2. Offensive Trades.
3. Any activity that fails to comply with any of the performance conditions in relation to:
  - (a) Rule URB.1(8) - Earthworks within a National Grid Yard.
  - (b) Rule URB.1(9) - Activities within a National Grid Yard.
4. Within a National Grid Yard:
  - (a) Any building or addition to a building for a sensitive activity.
  - (b) A change of use to a sensitive activity or the establishment of a new sensitive activity.
  - (c) Any building or structure (except fences) located less than 12 metres from the outer edge of a transmission line support structure.
  - (d) Any building or structure over 1.5 metres high unless it is demonstrated that safe separation distances under NZECP34 are maintained under all transmission line operating conditions.

- (e) Any earthworks that cannot comply with Rule URB.1.8.
- (f) Any building or structure that is not a permitted activity in Rule URB.1, or discretionary in Rule URB.3.

## Rule URB.5 - General Urban Standards

All activities within the Urban Zone shall comply with the following General Urban Standards:

### 1. Earthworks

These standards do not apply to activities permitted under Rule INF.1 - Permitted Activities or to the removal and replacement of underground petroleum storage tanks.

- (a) Earthworks shall not be undertaken:
  - (i) on slopes of more than 12o;
  - (ii) within 20 metres of a water body, including wetlands and coastal water, except domestic gardening;
  - (iii) within 20 metres of any natural hazard protection work;
  - (iv) in a manner that exacerbates any natural hazards.
- (b) No earthworks shall involve the disturbance of more than 200 m<sup>3</sup> (volume) of land and/or alter the existing ground level by more than 1 metre, measured vertically.
- (c) Earthworks shall not affect any archaeological site identified on the District Plan maps, except where an Archaeological Authority has been granted by Heritage New Zealand pursuant to the Heritage New Zealand Pouhere Taonga Act 2014 or confirmation is provided that no archaeological authority is required.

### 2. Minimum Yard Requirements

Side, front and rear yards shall be provided in accordance with Table URB.5.2.

*Table 3 URB.5.2 - Yards*

Area	Minimum Front Yard (metres)	Minimum Side and Rear Yard (metres)
Urban Zone (excluding Stewart Island/Rakiura and the Commercial Precinct)	4.5	1
Stewart Island/Rakiura Urban Zone	4.5	3
Commercial Precinct where the relevant boundary adjoins that part of the Urban Zone outside of the Commercial Precinct without the intervention of a road	4.5	4.5
Commercial Precinct where the relevant boundary either: <ul style="list-style-type: none"> <li>• does not adjoin that part of the Urban Zone outside of the Commercial Precinct; or</li> <li>• adjoins a road</li> </ul>	0	0

### 3. Fencing

Any boundary fence shall not exceed a height of 2 meters.

### 4. Maximum Height

- (a) Building and structures shall not exceed the maximum heights specified in Table IRB.5.4.

Table 4 URB.5.4 - Height

Area	Maximum Height - All buildings (excluding Accessory Buildings) (metres)	Maximum Height - Accessory Buildings (metres)
Urban Zone (excluding Stewart Island/Rakiura and the Commercial Precinct)	9	4.5
Stewart Island/Rakiura Urban Zone	7.5	4.5
Commercial Precinct where the site adjoins or faces the Urban Zone	9	9
Commercial Precinct where the site does not adjoin or face the Urban Zone	12	12

- (b) All structures shall comply with Rule URB.5.5 - Height in Relation to Boundaries, except in the Commercial Precinct where the height in relation to boundaries does not apply to the common boundary between to commercial sites or the front boundary.
  - (c) In determining height, the rolling height method shall be used (see definition of Height and the Rolling Height Method).
5. **Height in Relation to Boundaries**
- (a) The following standard does not apply to the common boundary between two commercial sites or the front boundary within the Commercial Precinct.
  - (b) The maximum height of any structure shall be determined by a recession plane which commences at 2 metres above the line of each boundary and then slopes at an upward angle as determined by the Height Recession Diagram below, up to the maximum height specified in Table URB.5.4, except that:
    - (i) a minor breach of the recession plane is permitted provided the parts of the structure that protrude through the recession plane do not exceed 1.5 metres in height and a total area of 6 m<sup>2</sup> on each elevation. The area and height of the breach shall be measured as outlined in the diagram below and include solar heating devices that breach the recession plane;
    - (ii) no account shall be taken of those items outlined in Clause 2 of the height definition.
  - (c) In determining height, the rolling height method shall be used (see definition of Height).

Figure 1 Recession Allowances

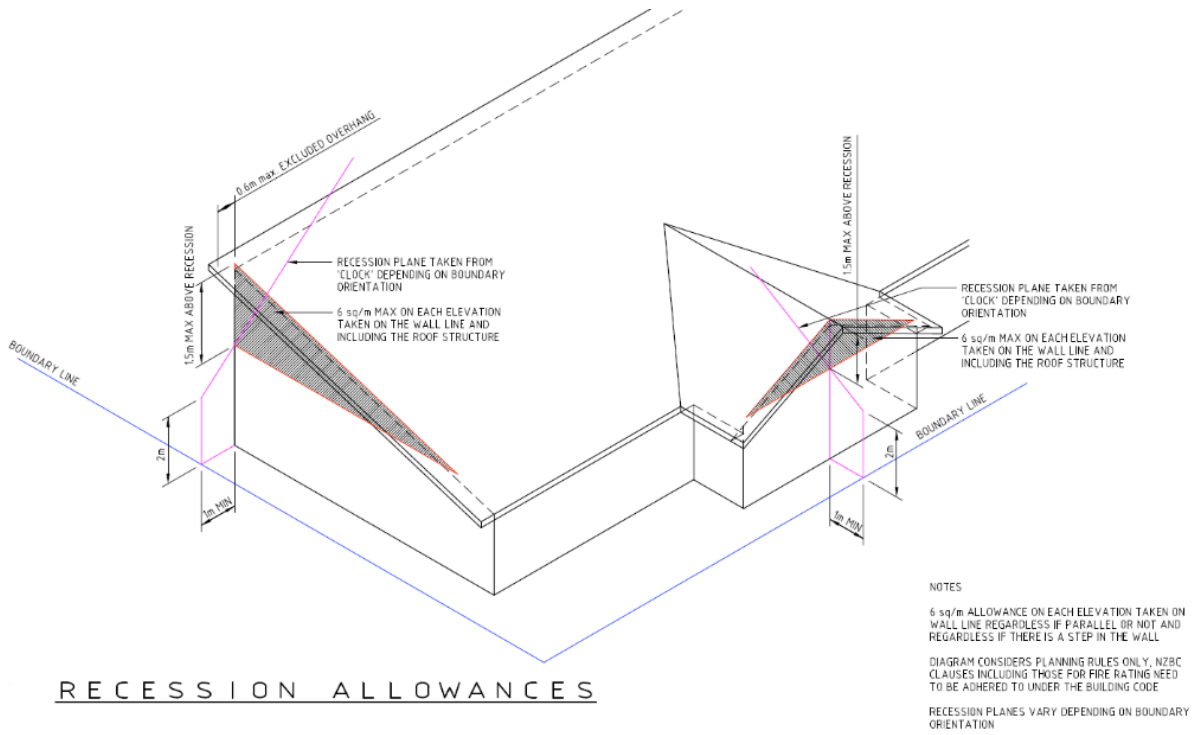


Figure 2 Height Recession Diagram

With both the site plan and the clock diagram below pointing north, place the edge of the clock on the inside of the site boundary. Where the 'clock' touches the boundary indicates the recession angle for that boundary. An example has been provided to assist with the interpretation of the rule.

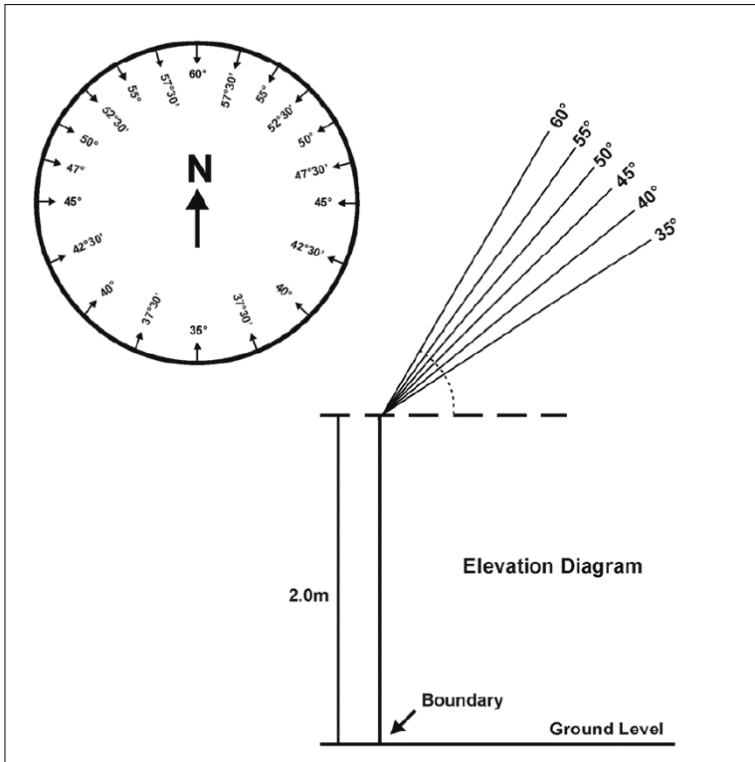
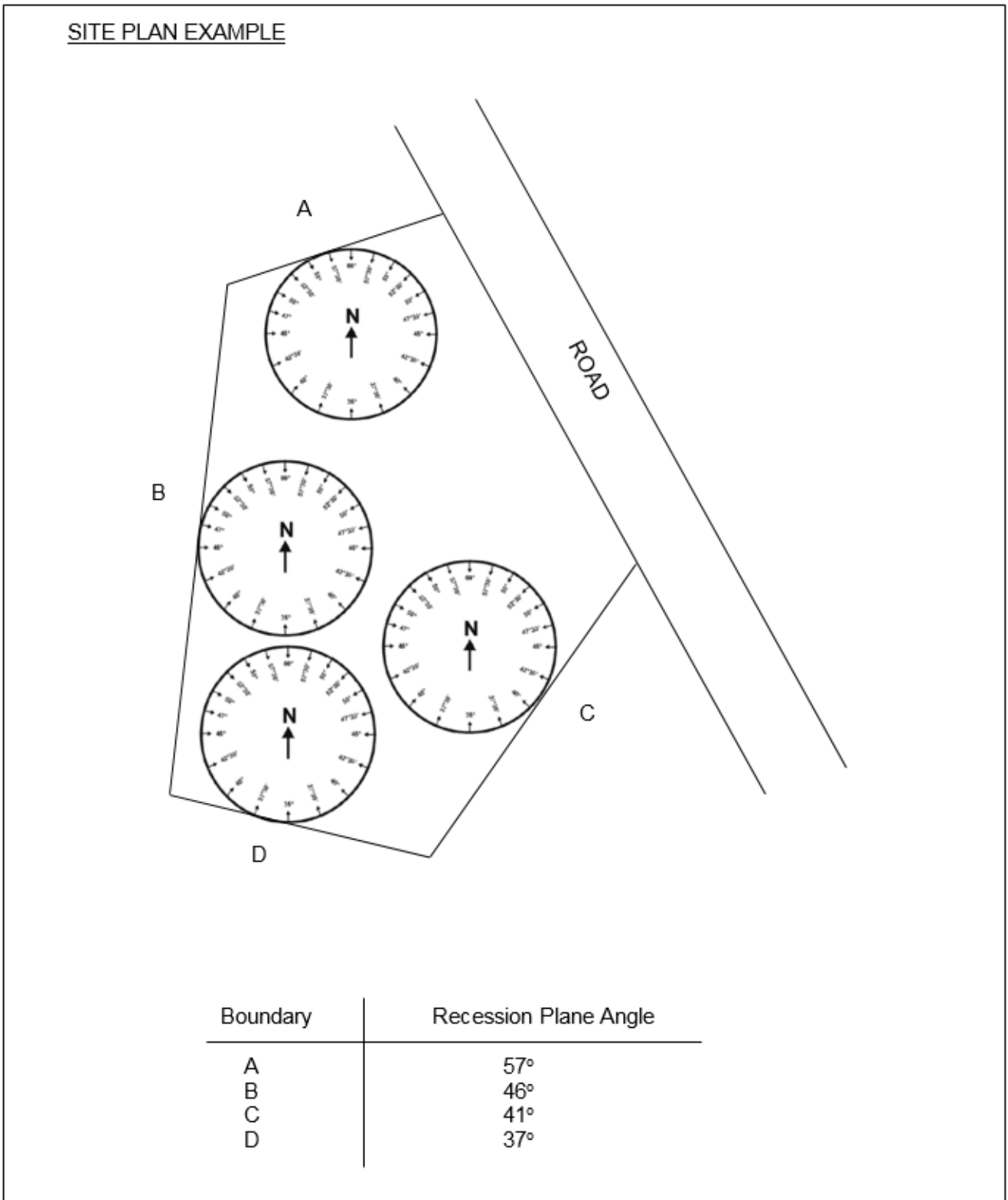


Figure 3 Site Plan Example



**6. Outdoor Living Spaces**

- (a) Outdoor Living Spaces in the Urban Zone shall be provided in accordance with Table URB.5.6 - Outdoor Living Space:

Table 5 URB.5.6 - Outdoor Living Space

Type of residential activity	Minimum area	Minimum dimension	Accessory Buildings allowed in outdoor living space	Maximum area of Accessory Buildings in outdoor living space	Area of permeable surface required
Detached Dwellings (not part of multi-unit development or in Commercial Precinct)	100 m <sup>2</sup>	5 metres x 10 metres or a circle 8m in diameter	One	10 m <sup>2</sup>	Not less than 60%
Residential Activities within the Commercial Precinct - ground floor, and Multi-unit developments	50 m <sup>2</sup> Must be for the exclusive use of each unit	5 metres x 5 metres  Measured at right angles to the exterior wall of the living room	One	10 m <sup>2</sup>	Not less than 60%
Elderly person and Kaumatua housing units	33 m <sup>2</sup>	Minimum width of 5.5 metres and must adjoin living room and must be located to the north, east or west of the dwelling unit it serves, must be for the exclusive use of each unit	None	0	None

- (b) Outdoor living spaces shall be free of driveways, parking spaces and garages.
- (c) For multi-unit developments and residential activities within the commercial precinct with units above-ground level, the outdoor living space provided at ground level may be reduced to 30 m<sup>2</sup> 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 m<sup>2</sup> and a minimum width of 2 metres.
- (d) For multi-unit developments and elderly and Kaumatua housing units no dwelling unit shall be sited or designed so that the main glazing of the living areas of one dwelling unit face the main glazing of the living area of another dwelling unit unless appropriate screening is provided at not less than 3 metres from each opposing unit.

#### 7. Outdoor Storage

Any area used for storage purposes in connection with Commercial, Community, Educational and Entertainment Activities that is not totally enclosed by a covered building shall be screened from

public spaces and from residential activities and shall not exceed 50 m<sup>2</sup> in area, on any one property.

## 8. (1) Lighting and Glare (with the exception of Stewart Island / Rakiura)

- (a) The spill of light from artificial lighting (excluding street lights and traffic signals) on to any other site (except as provided for by (b) below) shall not exceed 8 lux (horizontal and vertical) when measured at or within the boundary of any other site.
- (b) The spill of light from artificial lighting (excluding street lights and traffic signals) on to any other site within the commercial precinct shall not exceed 12 lux (horizontal and vertical) when measured at or within the boundary of that site.
- (c) All outdoor lighting shall be directed away from adjoining properties.

## (2) Lighting and Glare within the Stewart Island / Rakiura Urban Zone

- (a) The spill of light from artificial lighting (excluding street lights and traffic signals) on to any other site (except as provided for by (b) below) shall not exceed 3 lux (horizontal and vertical) when measured at or within the boundary of any other site.
- (b) All outdoor lighting shall be directed away from adjoining properties.
- (c) All fixtures shall be fully shielded with no lightspill being permitted above the horizontal plane.
- (d) Artificial lighting colour is to be 'warm white' (being equal to or less than 3000K correlated colour temperature only).

Note: for clarification, outdoor garden solar lights are exempt from this rule.

## 9. Hours of Operation

Hours of operation shall be limited as follows:

Table 6 URB.5.9 - Hours of Operation

Activity	Hours of Operation
Commercial, Community, Educational, Rural Service and Entertainment Activities within the Commercial Precinct	Every day: 7.00 am - 1.00 am

## 10. Verandah Requirement Area - Commercial Precincts

- (a) All new buildings that adjoin one or more buildings with a verandah, within the Verandah Requirement Area shown on the District Plan Maps shall have verandahs designed and constructed to:
  - (i) cover the width of the footpath in front of the site and extending along the full frontage width of the site;
  - (ii) achieve continuity with adjoining verandahs;
  - (iii) be a minimum of 2.4 metres clear of the footpath;
  - (iv) be self-supporting.
- (b) All existing buildings with verandahs, that adjoin one or more buildings with a verandah, within the Verandah Requirement Area shown on the District Plan Maps shall have verandahs designed and constructed to either replace like with like, or meet the criteria outlined in (i) to (iv) above.



## 11. Noise

Except as provided in Rule NSE.3 and Rule NSE.4 to Rule NSE.11, noise from all activities shall not exceed the following limits:

*Table 7 Noise from all activities shall not exceed the following limits*

	Day time (7.00 am - 10.00 pm inclusive)		Night time (All other times)	
	LAeq (15 min)	LAF,max	LAeq (15 min)	LAF,max
<b>When measured at the boundary of any property zoned:</b>				
Urban Zone	50 dB	75 dB	40 dB	70 dB
Urban Zone - Commercial Precinct	55 dB	80 dB	45 dB	70 dB

Note: The day time noise limits are intended to provide amenity for outdoor activities. Night time noise limits are intended to allow for sleep amenity.

Where an activity shares a boundary with another Zone the activity must comply with the more restrictive noise limit.

## 12. Signage

Compliance with the relevant signage standards as set out in Section 2.12 Signage.

## 13. Transportation Standards including Access

All activities shall comply in all aspects with the provisions set out in the Southland District Council Subdivision, Land Use and Development Bylaw 2012 - relating to carparking numbers, dimensions, access, loading and manoeuvring.

## 14. National Grid Lines and Support Structures

### (a) Setback from National Grid Support Structures

No building or structure shall be located within 12 metres (in any direction) of the visible outer edge of a National Grid support structure, with the following exceptions:

- (i) fencing up to 2.5 metres in height that is at least 5 metres from the outer edge of any support structure;
- (ii) network utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid.

### (b) Setbacks from National Grid Lines

No building or structure shall be erected within 12 metres from the centre line and 12 metres from the outer edge of the support structure of a high voltage transmission line that is part of the transmission network and is designed to operate at or over 110 kV provided that this rule does not apply to:

- (i) ancillary buildings and structures associated with residential activities that are less than 10 m<sup>2</sup> in area and under 2.5 metres in height can be located within the above setback distances, provided they are at least 12 metres from the visible outer edge of any support structure and are not used for habitation;
- (ii) fencing of up to 2.5 metres in height that is at least 5 metres from the visible outer edge of any support structure;
- (iii) alterations to existing buildings that do not increase the building envelope or footprint provided that they are at least 12 metres from the visible outer edge of any support structure;
- (iv) network utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid.

- (c) Sensitive activities shall be at least 12 metres from a National Grid tower, pole or centreline of a National Grid line shown on the Planning Maps as a High Voltage Line.

**15. Activities near transport corridors**

Any new or relocated dwelling, located within:

- (a) 40 metres of the closest railway track;
- (b) Where there is no track in place, 35 metres from the nearest boundary of the railway designation;
- (c) 80 metres of the seal edge of a State Highway that has a speed limit of 70 km/hr and greater or 40 metres of the seal edge of a State Highway that has a speed limit of less than 70 km/hr;

shall be designed, sited and constructed to ensure that the internal noise levels for dwellings do not exceed 35 dB LAeq(1 hr) inside bedrooms or 40 dB LAeq(1 hr) inside other habitable spaces.

**Rule URB.6 - Prohibited Activities**

Buildings in the Lakeside Protection Area over 12 metres in height are Prohibited Activities.

**Urban Zone Non-Regulatory Methods**

**Method URB.1**

Education through the distribution of information regarding urban design and integrated urban growth and development.

## Section 3.4 Industrial Zone

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The Industrial Zone provides an appropriate location for industrial activity to develop and operate, as it has a higher tolerance for the adverse environmental effects typically generated by industrial activity. The co-location or cluster of industrial activity, within the Industrial Zone, can ensure that adverse effects of like activities are contained within a defined area and that appropriate separation from more sensitive activities is achieved. The Zone provides operating certainty for new and existing industrial activities and can reduce the likelihood of land use conflict, where industrial activities may not be compatible with neighbouring land uses. It can also provide for the efficient use and development of transportation and infrastructure networks. Non-industrial activities within the Industrial Zone should be avoided and are provided for in other Zones elsewhere in the District.

### Objective IND.1

Subdivision, land use and development within the Industrial Zone occurs in an integrated and sustainable manner.

### Policy IND.1

Recognise the benefits of locating industrial activity within the Industrial Zone.

*Explanation:* The Industrial Zone provides specifically for industrial activity.

The co-location or cluster of industrial activities can mitigate adverse environmental effects by confining the activities within a defined area. It can also enable effective provision of transport and infrastructural networks, designed to accommodate the impacts of industrial activities. These factors can enable industrial activities to develop and operate in an efficient and effective manner without being unduly restricted and in turn support the socio-economic wellbeing of the District.

### Policy IND.2

Recognise and provide for growth and development of industrial activities within the Industrial Zone, whilst avoiding, remedying or mitigating adverse effects on the environment.

*Explanation:* While subdivision, land use and development in the Industrial Zone can generate positive socio-economic effects, industrial activities can also give rise to adverse environmental effects. Processes and operations associated with industrial activities can generate noise, dust, traffic, waste and adversely affect the amenity of surrounding areas. While the Industrial Zone has a higher tolerance for adverse environmental effects, activities must still be carried out in a manner that avoids, remedies or mitigates these effects. In some cases, the implementation of robust management and monitoring plans may be appropriate. The Zone must also achieve integration with the wider environment and activities located on the interface with other Zones and should take account of any adverse effects on adjoining areas, including the provision of appropriate buffers or separation to reduce environmental effects. The implementation of urban design principles should also be considered.

### Policy IND.3

Avoid the establishment and operation of noise sensitive activities in the Industrial Zone.

*Explanation:* Industrial activities can generate a range of adverse environmental effects including higher levels of noise, dust and traffic movements than is experienced elsewhere in the District. The establishment and operation of activities unduly sensitive to the effects of industrial activity, or noise

sensitive activities, within the Industrial Zone, should be avoided to avoid conflict between these land uses.

## Industrial Zone Rules

**Note:** District-wide rules

The following district-wide sections of the District Plan may apply in addition to any relevant Industrial Zone Rules to activities undertaken in the Industrial Zone. If one or more of the district-wide rules is breached, the activity will require consent in respect of those rules:

- Biodiversity - Section 2.2
- Historic Heritage - Section 2.5
- Subdivision - Section 2.6
- Waste, Hazardous Substances and Contaminated Land - Section 2.8
- Energy, Minerals and Infrastructure - Section 2.9
- Noise - Section 2.11
- Signage - Section 2.12
- Water and Surface Water Activities - Section 2.13
- Financial Contributions - Section 2.14.

### Rule IND.1 - Permitted Activities

The following activities are permitted in the Industrial Zone:

1. Industrial Activities (excluding offensive trades), Rural Service Activities and Service Stations that comply in all aspects with the General Industrial Standards.
2. Activities on Council Reserves provided that any activity specifically complies with an approved management plan.

**Note:** Any activity on a reserve will still require authority from the administering body responsible for managing the reserve. This rule overrides specific Zone and Overlay requirements and all general standards.

### Rule IND.2 - Discretionary Activities

Activities not provided for by Rule IND.1, Rule IND.3 or Rule IND.4 are **Discretionary Activities**.

### Rule IND.3 - Non-Complying Activities

The following activities are **Non-Complying Activities**:

1. Noise Sensitive Activities.
2. Commercial Activities.

### Rule IND.4 - General Industrial Standards

All activities within the Industrial Zone shall comply with the following general standards:

#### 1. Earthworks

The following standards apply when carrying out earthworks for any activity such as constructing new buildings and relocating buildings, construction of roads and accessways to building sites, subdivision lots, parks and parking areas. These standards do not apply, however, to road maintenance activities within the legal road and activities associated with maintenance of a water

body or stormwater control and to the removal of and replacement of underground petroleum storage tanks.

- (a) Earthworks shall not:
- (b) Be undertaken on slopes of more than 12°.
- (c) Be undertaken within 20 metres of a water body, including wetlands and coastal water.
- (d) Disturb more than 1,000 m<sup>3</sup> of land.
- (e) Alter the existing ground level by more than 1 metre.

2. **Maximum Height**

Buildings and structures shall not exceed 12 metres.

3. **Height in Relation to Boundaries**

For sites adjoining the Urban Zone, the building shall meet the height recession requirement for the Urban Zone in relation to the relevant boundary. This shall not apply to road boundaries.

4. **Yards**

*Table 8 Yards*

Location	Minimum Yard
Where a site adjoins a State Highway or a Regional Arterial Road as listed in Schedule 5.11	12 metres on the boundary with the State Highway or a Regional Arterial Road
Where a site adjoins any other road	7.5 metres on the boundary with the road
Where a site adjoins any other zone without the intervention of a road	7.5 metres on the boundary with the other Zone

5. **Screening**

An industrial activity shall provide effective screening from any site zoned Urban, Rural or within a Commercial Precinct that is adjoining or opposite (across a road). The screening shall comprise of either a densely planted buffer of vegetation capable of growing to at least 3 metres in height or a solid fence or wall between 1.8 metres and 2 metres in height.

6. **(a) Lighting and Glare (with the exclusion of Stewart Island / Rakiura)**

All exterior lighting shall be designed, located and at all times directed, screened, adjusted and maintained to ensure that:

- (a) The spill of light from artificial lighting (excluding street lights and traffic signals) on to any other site shall not exceed 10 lux (horizontal and vertical) when measured at or within the boundary of any other site.
- (b) All outdoor lighting is directed away from adjoining properties.

**(b) Lighting and Glare within the Industrial Zone on Stewart Island / Rakiura**

All exterior lighting shall be designed, located and at all times directed, screened, adjusted and maintained to ensure that:

- (i) The spill of light from artificial lighting (excluding street lights and traffic signals) shall not exceed 10 lux (horizontal and vertical) when measured at or within the boundary of any other site.
- (ii) All outdoor lighting is directed away from adjoining properties.
- (iii) All fixtures shall be fully shielded with no lightspill being permitted above the horizontal plane.
- (iv) Artificial lighting colour is to be 'warm white' (being equal to or less than 3000K correlated colour temperature only).

7. **Concept Plans**

Activities undertaken in those areas identified as being subject to the Edendale Dairy Plant Development Concept Plan, Stewart Island/Rakiura Industrial Zone Concept Plan or Winton Industrial Development Concept Plan shall be undertaken in accordance with the District Plan unless they have specific provisions within of the relevant concept plan contained in Schedules 5.6 and 5.7 and 5.7A.

For the avoidance of doubt, if the activity does not comply with the provisions of the relevant concept plan, a resource consent application in accordance with the concept plan provisions shall be applied for.

8. **Noise**

Except as provided in Rule NSE.3 and Rule NSE.4 to Rule NSE.11, noise from all activities shall not exceed the following limits:

*Table 9 Noise from all activities shall not exceed the following limits*

	Day time (7.00 am - 10.00 pm inclusive)		Night time (All other times)	
	LAeq (15 min)	LAF,max	LAeq (15 min)	LAF,max
When measured at the boundary of any property zoned:				
Industrial Zone	65 dB	90 dB	55 dB	80 dB

Note: The day time noise limits are intended to provide amenity for outdoor activities.

Night time noise limits are intended to allow for sleep amenity.

Where an activity shares a boundary with another Zone the activity must comply with the more restrictive noise limit.

9. **Signage**

Compliance with the relevant signage standards as set out in Section 2.12 - Signage.

10. **Transportation Standards including Access**

All activities shall comply in all aspects with the provisions set out in the Southland District Council Subdivision, Land Use and Development Bylaw 2012 - relating to carparking numbers, dimensions, access, loading and manoeuvring.

## **Section 3.5 Fiordland/Rakiura Zone**

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The Fiordland/Rakiura Zone encompasses the Fiordland and Rakiura National Parks and part of Mt Aspiring National Park. It also includes areas of privately owned land which adjoin the National Parks, the District's off shore islands and conservation land that adjoins the National Parks. The Zone is recognised for its outstanding natural and wilderness qualities, of particular note are those parts of the Zone within the Fiordland, Rakiura and Mt Aspiring National Parks. The Fiordland/Rakiura Zone affords aesthetic, ecological, landscape, open space, recreational and amenity values and many areas of the Zone also have cultural and historic associations. The Zone forms part of the District's coastal environment with all off shore islands including Stewart Island/Rakiura and those parts of Fiordland subject to coastal processes identified as being within the Coastal Environment. The Fiordland/ Rakiura Zone supports largely unmodified areas of significant indigenous vegetation and significant habitats of indigenous fauna and is identified in the District Plan as being an area of Outstanding Natural Features and Landscapes. Fiordland is recognised as internationally significant by UNESCO as Te Wahipounamu South West New Zealand World Heritage Area.

In contrast to Rakiura National Park, Fiordland National Park supports nationally and regionally significant infrastructure. This includes the Manapouri Power Station and

State Highway 94 - the 'Milford Road'. It also contains the only established settlement in the Fiordland/Rakiura Zone, Milford, which is located at Milford Sound/Piopiotahi which acts as a key tourist hub servicing large numbers of visitors to Fiordland National Park.

Inappropriate subdivision, land use and development activities can compromise the natural and wilderness qualities of the Zone and the outstanding qualities of the National Parks. Subdivision, land use and development activities should give particular consideration to the protection of significant indigenous vegetation and habitats of indigenous fauna, the preservation of natural character, the protection of outstanding natural features and landscapes and the relationship of tangata whenua with the area. Areas in the Fiordland/ Rakiura Zone on Stewart Island/Rakiura contain land held by Māori under the Te Ture Whenua Māori Act 1993 including South Island Landless Natives Act 1906 (SILNA) land. Council recognises the purpose of granting the land held by Māori under the Te Ture Whenua Māori Act 1993 including SILNA land so that the grantees might provide for their own support and maintenance.

Through the Zone provisions, Council recognises different thresholds for activities within and activities outside of, the National Parks. While activities within the National Parks are managed by Council under the District Plan, they are also administered by the Department of Conservation under the National Parks Act 1980 and Conservation Act 1987 and more specifically, the Mainland Southland/West Otago Conservation Management Strategy, the Fiordland National Park Management Plan, the Stewart Island/Rakiura Conservation Management Strategy and the Rakiura National Park Management Plan.

Council recognises the Department of Conservation's role within this resource management framework. Council acknowledges that activities and works of the Crown can be undertaken within the boundaries of any area of land held or managed under the Conservation Act 1987, so long as it is consistent with the relevant Conservation Management Strategy or National Park Management Plan and will not give rise to significant adverse effects beyond the boundary of the area of land.

### **Objective FRZ.1**

The natural and wilderness qualities of the Fiordland/Rakiura Zone are maintained.

## **Objective FRZ.2**

The outstanding natural and wilderness qualities of the Fiordland, Rakiura and Mt Aspiring National Parks and Te Wahipounamu Southwest New Zealand World Heritage Area are protected.

### **Policy FRZ.1**

Avoid subdivision in the Fiordland, Rakiura and Mt Aspiring National Parks.

***Explanation:*** Subdivision, including the creation of new Computer Freehold Registers and boundary adjustments, can provide a framework for future development. Further development within the Fiordland, Rakiura and Mt Aspiring National Parks could have significant adverse effects on the outstanding natural and wilderness qualities. In particular on significant indigenous vegetation and habitats of indigenous fauna, natural character and outstanding natural features and landscapes. Therefore Council considers the prohibition of subdivision an appropriate mechanism to restrict further development.

### **Policy FRZ.2**

Avoid, remedy or mitigate the adverse effects of land use and development on the outstanding natural and wilderness qualities of the Fiordland, Rakiura and Mt Aspiring National Parks and Te Wahipounamu Southwest New Zealand World Heritage Area.

***Explanation:*** The Fiordland, Rakiura and Mt Aspiring National Parks and Te Wahipounamu Southwest New Zealand World Heritage Area are recognised and renowned for their outstanding natural and wilderness qualities, in particular their significant indigenous vegetation and habitats of indigenous fauna, their natural character and their outstanding natural features and landscapes. In order to protect these qualities, the adverse effects of land use and development should be avoided where possible or mitigated. Careful consideration should be given to the design, nature and location of activities and the way in which they integrate and respect the outstanding natural and wilderness qualities. This Policy relates to activities within National Parks and the World Heritage Area.

### **Policy FRZ.3**

Avoid, remedy or mitigate the adverse effects of subdivision, land use and development in the Fiordland/Rakiura Zone in areas outside of the Fiordland, Rakiura and Mt Aspiring National Parks.

***Explanation:*** Council recognises that the characteristics of the areas within the Fiordland/Rakiura Zone, outside of the Fiordland, Rakiura and Mt Aspiring National Parks, are locally distinctive and differ from those of the National Parks. Some subdivision, land use and development activities in these areas may be appropriate, however, they should be in keeping with the natural and wilderness qualities of the Zone.

### **Policy FRZ.4**

Avoid, remedy or mitigate the adverse effects of buildings and structures in the Fiordland/Rakiura Zone.

***Explanation:*** Buildings and structures within the Fiordland/Rakiura Zone can give rise to adverse effects on the environment, including effects on natural character, landscape and ecological values. They can also compromise the outstanding natural and wilderness qualities of the Fiordland, Rakiura and Mt Aspiring National Parks.

All buildings and structures should demonstrate their need to be located within the Zone and the examination of alternative locations undertaken. The design and location of buildings and structures, including construction methods, should be responsive to their context and integrate and reflect the



characteristics of the site and wider environment. This includes the siting and scale of buildings and structures and their associated curtilage, utilities, access, signage, earthworks and landscape plantings.

### **Policy FRZ.5**

Avoid, remedy or mitigate the adverse effects of earthworks within the Fiordland/Rakiura Zone.

***Explanation:*** Earthworks within the Fiordland/Rakiura Zone can give rise to a range of adverse effects, including effects on slope and soil stability, biological diversity, visual amenity and water quality and historic heritage. Potentially, these effects could have a significant impact on the outstanding natural and wilderness qualities of the Fiordland, Rakiura and Mt Aspiring National Parks. Earthworks should be managed through the implementation of a robust methodology and works supervision procedures. Particular attention should be given to appropriate site remediation, including revegetation and landscaping.

### **Policy FRZ.6**

Have particular regard to any relevant Conservation Management Strategy and National Park Management Plan for activities within land managed by the Department of Conservation.

***Explanation:*** It is important for decisions made under the District Plan to be made in the context of other management plans applicable to the land the activity is on and therefore consideration should be given to any relevant Conservation Management Strategy or National Park Management Plan.

### **Policy FRZ.7**

Recognise the recreational opportunities and recreational values associated with the Fiordland/Rakiura Zone.

***Explanation:*** The Fiordland/Rakiura Zone and in particular the Fiordland, Rakiura and Mt Aspiring National Parks, are renowned for their range of recreational opportunities and associated recreational values. Recreational and open space opportunities promote a sense of place and identity and support public health and wellbeing.

They can also increase awareness of the outstanding natural and wilderness qualities of the National Parks, the natural character, ecological and landscape values of the area and promote the 'visitor experience'. However, increased tourism and recreational use may also compromise these qualities and values and it may be appropriate to restrict activities and access to some areas, particularly vehicle access, to preserve or protect these qualities and values.

### **Policy FRZ.8**

Recognise the importance of the development, operation, maintenance and upgrading of infrastructure, particularly nationally and regionally significant infrastructure and renewable electricity generation facilities whilst avoiding, remedying or mitigating the adverse effects of infrastructure on the environment.

***Explanation:*** Infrastructure, particularly regionally significant infrastructure and renewable electricity generation facilities fulfil a key role in the functioning of the District and may have a functional, technical or operational requirement to be sited within the Fiordland/Rakiura Zone. These types of development and land use activities can give rise to adverse effects on the environment, including effects on natural character, landscape and ecological values. They can also potentially compromise the outstanding natural and wilderness qualities of the Fiordland, Rakiura and Mt Aspiring National Parks. These development and land use proposals should demonstrate need to be located within the Fiordland/Rakiura Zone and an examination of alternative locations should be undertaken.

## Policy FRZ.9

Recognise the purpose of land held by Māori under the Te Ture Whenua Māori Act 1993 including the South Island Landless Natives Act 1906 (SILNA) when considering subdivision, land use and development proposals within the Fiordland/Rakiura Zone that relate to Māori land.

**Explanation:** Areas of the Fiordland/Rakiura Zone on Stewart Island/Rakiura contain land held by Māori under the Te Ture Whenua Māori Act 1993 including SILNA land, most of which is under indigenous forest cover. Maori and SILNA land was transferred to South Island Māori as economic redress after land purchase agreements left some sections of the South Island Māori population with insufficient land to support themselves.

## Fiordland/Rakiura Zone Rules

The following district-wide Sections of the District Plan may apply in addition to any relevant Fiordland/Rakiura Zone Rules to activities undertaken in the Zone. If one or more of the district-wide rules is breached, the activity will require consent in respect of those rules:

- Biodiversity - Section 2.2
- Historic Heritage - Section 2.5
- Subdivision - Section 2.6
- Waste, Hazardous Substances and Contaminated Land - Section 2.8
- Energy, Minerals and Infrastructure - Section 2.9
- Noise - Section 2.11
- Signage - Section 2.12
- Water and Surface Water Activities - Section 2.13
- Financial Contributions - Section 2.14.

## Rule FRZ.1 - Permitted Activities

The following activities are **Permitted Activities** within the Fiordland/Rakiura Zone provided that they meet the General Fiordland/Rakiura Zone Standards:

1. The operation, maintenance, refurbishment, enhancement and minor upgrading of any existing renewable electricity facilities including the clearance, modification or removal of indigenous vegetation required to ensure the safety and integrity of the facility.
2. (1) Earthworks that:
  - (a) In any 12 month period, do not exceed, the disturbance of more than 200 m<sup>3</sup> (volume) of land per property; and
  - (b) (i) greater than 20 metres from a waterbody that do not alter the existing ground level by more than 5 metres in depth or 2 metres in height;
  - (ii) within 20 metres of a waterbody that do not alter the existing ground level by more than 2 metres in depth or height;are permitted provided that the activity:
  - (i) shall not be undertaken at an elevation greater than 700 metres above mean sea level, with the exception of earthworks ancillary to fencing activities;
  - (ii) shall not be undertaken on slopes of more than 20° except cultivation, or domestic gardening; and/or cause slope instability;
  - (iii) shall protect any stockpiles of material and all areas of bare ground created by the activity from soil erosion as soon as practicable;

- (iv) shall not be undertaken within 5 metres of any water body, including wetlands and coastal water, or flood protection works, except cultivation of a field or domestic gardening;
  - (v) shall not be undertaken on a contaminated or potentially contaminated piece of land unless it is in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 contained in Schedule 5.8;
  - (vi) does not affect any archaeological site identified on the District Plan maps, except where an Archaeological Authority has been granted by Heritage New Zealand pursuant to the Heritage New Zealand Pouhere Taonga Act 2014 or confirmation is provided that no archaeological authority is required.
- (2) Earthworks within a riparian margin that:
- (a) The volume of earthworks in the riparian margin must not exceed 25 m<sup>3</sup> and must not include the cumulative disturbance of more than 20 linear metres in any 200 metre length of riparian margin, per property.
  - (b) Earthworks are carried out such that:
    - (i) trenches for the purpose of installing pipes, lines or cables are backfilled and compacted within 48 hours of excavation; and
    - (ii) all areas of bare ground created by the activity are protected from soil erosion as soon as practicable.

**Note:** Southland Regional Council also has requirements regarding activities in close proximity to water bodies. Please check the Regional Water Plan to ensure compliance with these is achieved.

3. Any activity or work of the Crown within the National Park or Public Conservation Land that is consistent with the relevant Conservation Management Strategy or National Park Management Plan and will not have a significant adverse effect beyond the boundary.
4. Any recreational activity that is permitted in the National Park by the relevant Conservation Management Strategy or National Park Management Plan.
5. Intermittent aircraft departures and landings that do not meet the definition of an airport under the Resource Management Act.
6. Visitor Accommodation (involving five or less paying guests) outside of a National Park.

### Rule FRZ.2 - Controlled Activities

One dwelling or building on an area of land which existed in one or more Computer Freehold Registers as at 28 November 2012, are Controlled Activities, provided that:

1. The clearance, modification or removal of indigenous vegetation does not exceed a maximum of 500 m<sup>2</sup> or 40% of the land area, whichever is the lesser.
2. The height does not exceed either:
  - (a) 7.5 metres above ground level within the 'Stewart Island/Rakiura Transitional Overlay'; or
  - (b) 6 metres above ground level elsewhere
3. The floor area does not exceed 200 m<sup>2</sup>, except within the Stewart Island/Rakiura Transitional Overlay.
4. External building materials and colours are to be recessive with a maximum reflectance value of 40%. (Note: this does not apply to glazing, natural or stained timber, solar panels or building trims such as the fascia boards, soffits, and window frames).

The matters over which Council reserves its control are:

1. The location and visual impact of any building, structure or dwelling on Outstanding Natural Features and Landscapes.
2. The material and external finishing to be used in the construction of the dwelling or building.

3. The effects of artificial lighting on the Stewart Island / Rakiura (excludes offshore islands) night sky.
4. The setbacks of any building, structure or dwelling from surrounding water bodies.
5. The impacts of any building, structure or dwelling on significant indigenous biodiversity.
6. Effects of associated earthworks.
7. The risk of natural hazards.

### Rule FRZ.3 - Discretionary Activities

The following activities are **Discretionary Activities** within the Fiordland/Rakiura Zone:

1. Any dwelling or accessory building, and associated earthworks, within the Stewart Island/Rakiura Transitional Overlay that does not meet the criteria outlined in Rule FRZ.2.
2. Any activity or work of the Crown within the boundaries of a National Park and public conservation land that is not consistent with the relevant Conservation Management Strategy or National Park Management Plan.
3. Within areas identified in Schedule 5.5 as the Stewart Island/Rakiura Airport Approach Vectors:
  - (a) Any activity that would prejudice the safety and satisfactory conduct of the operations of Stewart Island/Rakiura Airport by virtue of the emission of smoke, dust, glare or electrical interference or by attracting birds.
  - (b) Any structures exceeding the heights specified by the approach vectors.
4. Temporary Events.
5. Coastal Protection Works.
6. Any activity that does not meet the permitted activity criteria of Rule FRZ.1.

### Rule FRZ.4 - Non-Complying Activities

Any activity that is not listed as a Permitted, Controlled or Discretionary Activity is a **Non-Complying Activity**.

### Rule FRZ.5 - General Standards

All activities within the Fiordland/Rakiura Zone shall comply with the following general standards:

#### 1. Noise

Except as provided in Rule NSE.3 and Rule NSE.4 to Rule NSE.11, noise from all activities shall not exceed the following limits:

*Table 10 Noise from all activities shall not exceed the following limits*

	Day time (7.00 am - 10.00 pm inclusive)		Night time (All other times)	
	LAeq (15 min)	LAF,max	LAeq (15 min)	LAF,max
When measured at the boundary of any property zoned:				
Fiordland/Rakiura Zone	40 dB	65 dB	30 dB	55 dB

**Note:** The day time noise limits are intended to provide amenity for outdoor activities.

Night time noise limits are intended to allow for sleep amenity.

The National Park Management Plans also contain noise limits which should be referred to, to ensure compliance with these is achieved. Where an activity shares a boundary with another Zone the activity must comply with the more restrictive noise limit.

2. **Transportation Standards including Access**

All activities shall comply in all aspects with the provisions set out in the Southland District Council Subdivision, Land Use and Development Bylaw 2012 - relating to carparking numbers, dimensions, access, loading and manoeuvring.

3. **Signage**

The relevant signage standards as set out in Section 2.12 - Signage.

4. **Lighting**

Lighting on Stewart Island / Rakiura (excludes offshore islands), with the exception of lights for maritime and aviation navigational aids, shall meet the following:

(a) All fixtures shall be fully shielded with no lightspill being permitted above the horizontal plane.

(b) Artificial lighting colour that is 'warm white' (being equal to or less than 3000 correlated colour temperature only).

Note: lights for navigation aids are to comply with Maritime and Civil Aviation regulations and bylaws and are not required to comply with this rule.

## Definitions

**Accessory Building:** means a building associated with a dwelling (whether the dwelling exists or not). This includes but is not limited to: a garage, carport, tool shed, playroom, glasshouse, swimming pool, spa pool and sleepout.

**Adjoining:** means to share a common boundary with.

**Agricultural Research Activities:** means agricultural research and development, and ancillary activities including education facilities, laboratories, staff offices and facilities, and field days.

**Amenity Planting:** means the planting of vegetation for the primary purpose of enhancing the shelter, privacy or visual quality of a site.

**Animal Boarding Activity:** means the use of any land and/or buildings where animals are temporarily housed as a commercial service for owners, or for animal welfare or quarantine purposes. It does not include pet shops, veterinary clinics, breeding kennels, calf rearing sheds, stables and similar shelter for private and farming uses.

**Antenna:** means a device that:

1. Receives or transmits radiocommunication or telecommunication signals.
2. Is operated by a network operator, and
  - (a) Includes the mount, if there is one, for the device.
  - (b) Includes the shroud, if there is one, for the device.

**Approved Management Plan:** means a management plan required to be approved under any act or by the Council (whether alone or jointly with another party).

**Archaeological Site:** means any place in New Zealand that:

1. Either:
  - (a) Was associated with human activity that occurred before 1900.
  - (b) Is the site of the wreck of any vessel where that wreck occurred before 1900; and
2. Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand. Archaeological sites may be of any cultural origin, including but not limited to Māori, European/Pakeha and Chinese. All archaeological sites are protected by the Heritage New Zealand Pouhere Taonga Act 2014. An archaeological authority from Heritage New Zealand will be required to modify, damage or destroy any archaeological site.

**Biodiversity:** means the variability among living organisms and the ecological complexes of which they are a part, including diversity within species, between species and of ecosystems. Within the context of the District Plan this refers to ecosystems that support indigenous vegetation and habitats of indigenous fauna.

**Boundary Adjustment:** means a subdivision to adjust the boundaries between adjoining titles where no additional titles are created.

**Building Platform:** means a nominated site suitable for the erection and occupation of a building.

**Building:** shall have the same meaning as in the Building Act 2004, but does not include:

1. Fences or walls of 2.5 metres in height or less above-ground level or retaining walls of 1.5 metres in height or less below-ground level, not used for a sign or for any purpose other than as a fence, retaining wall or wall.
2. Structures that do not exceed 10 m<sup>2</sup> in floor area and are not more than a single storey (being up to 3.5 metres above floor level) as provided for in Schedule 1, Part 1, Clause 3 of the Building Act, 2004.

3. Radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2 metres in diameter), less than 2 metres in height above- ground level.
4. Masts and poles less than 2 metres in height above-ground level.

**Cabinet:** means a casing around equipment that is necessary to operate a telecommunication network.

**Car Boot Sales:** means the selling of items from a car boot or trunk in the form of a market in which private individuals come together to sell household and garden goods.

**Cleanfill:** means any material that when buried will have no or minimal adverse effect on people or the environment. Cleanfill material includes virgin natural materials such as clay, soil and rock and other inert materials from construction or demolition activities such as concrete or brick that are free of:

1. Combustible, putrescibles, degradable, compostable or leachable components (eg animal carcasses, green/garden waste, timber, bark, cork, tree roots, new asphalt).
2. Hazardous substances (eg, coal tar, or asbestos).
3. Products or materials derived from the treatment, stabilisation or disposal of hazardous waste.
4. Materials that may present a risk to human or animal health such as medical and veterinary waste.
5. Liquid waste (including sludges).

**Clearance, Modification or Removal of Indigenous Vegetation:** means the felling, clearing or modification of any indigenous vegetation by cutting, crushing, cultivation (including direct drilling), spraying, burning, over grazing, mobstocking or the planting of exotics within.

**Commercial Activity:** means the use of land and/or buildings for the display, offering, provision, sale or hire of goods, equipment or the provision of personal services, or financial and professional services. This includes but is not limited to retail activities and ancillary workrooms, administrative offices, garden centres and restaurants, but excludes any activity otherwise defined as a commercial recreational activity, breeding kennel, animal boarding activity, industrial activity, roadside sales activity, service stations, health care facility, community activity, visitor accommodation or home occupation.

**Commercial Recreation Activity:** means the use of any land and/or buildings for commercial profit where the public pays to undertake some form of sport or game or other such recreation. This includes, but is not limited to, golf courses, gymnasiums, health clubs and swimming pools, but excludes such activities on reserve land and school sites and any communal activity.

**Community Activity:** means the use of any land and/or buildings providing a service or source of advice or assistance to the public and includes municipal administrative offices, civic activities, meeting facilities and places of worship. Community facility has the same meaning.

**Conductor:** means wire or cable used for carrying electric current along a transmission line and includes any hardware and insulation associated with the wire or cable.

**Contaminated Land:** means any land that has a hazardous substance in or on it that:

1. Has significant adverse effects on the environment or
2. Is reasonably likely to have significant adverse effects on the environment.

**Council Reserve:** includes both reserves subject to the Reserves Act 1977 and Council owned land being parks, reserves and open spaces.

**[Soil] Cultivation:** means the agricultural preparation of the soil by mechanical agitation of various types, such as digging, stirring and overturning but does not include earthworks.

**Curtilage:** means the area occupied by a dwelling, grounds and accessory buildings.

**Distribution Line:** means a line and/or structures conveying electricity that:

1. Is not part of the national grid.
2. Carries electricity at a voltage less than 110 kV.

**Distribution Network:** means distribution lines and associated equipment used for the conveyance of electricity on lines other than lines that are part of the national grid.

**Domestic Gardening:** means the preparation of the soil, maintenance and growing of plants including associated soil disturbance and harvesting of produce, associated with a dwelling and/or is ancillary to residential activity. It does not include soil cultivation for agricultural purposes or earthworks.

**Dwelling:** Dwelling Unit and Dwellinghouse (as defined by the Act) has the same meaning.

**Earthworks:** means any movement of earth, including the excavation or deposition of earth or cleanfill that results in changes to the existing ground level. This includes, but is not limited to, excavation, infilling, recontouring and construction of any road, track or drainage channel. This also includes earth movement associated with subdivision and site works as defined by the Building Act 2004. It excludes soil cultivation and earthworks associated with the permitted regional rules for storage of silage, drain clearance, agricultural effluent ponds as outlined under the Regional Water Plan. Further earthworks are permitted for the placement, erection or reconstruction of dams and weirs in, on or over the bed of any lake, river, modified watercourse or stream in accordance with Rule 29(a) of the Regional Water Plan for Southland.

**Ecological Management Plan:** for the Eweburn Zone, an Ecological Management Plan will set out the species to be planted, how it will be managed, and timed. Plant species identified in Rule EWB.8 Performance Standard (11) shall be utilised.

Staging of planting is acceptable provided that planting shall commence within one year of the development within the Activity Cluster commencing and 80% of the planting shall be completed within five years of the development in the Activity Cluster commencing.

**Ecosystem Services:** means the benefits people obtain from ecosystems, including:

1. Provisioning services - the products obtained from ecosystems including, for example, genetic resources, food and fibre and freshwater.
2. Regulating services - the benefits obtained from the regulation of ecosystem processes including for example, the regulation of climate, water and some human diseases.
3. Cultural services - the non-material benefits people obtain from ecosystems through spiritual enrichment, cognitive development, reflection, recreation and aesthetic experience including knowledge systems, social relations and aesthetic values.
4. Supporting services - those ecosystem services that are necessary for the production of all other ecosystem services.

Examples include biomass production, production of atmospheric oxygen, crop pollination, soil formation and retention, nutrient cycling, water cycling and provisioning of habitat.

**Education Activity:** means the use of any land and/or buildings for the provision of regular instructions, teaching, learning or training at state, private or integrated facilities, together with any associated boarding activities and includes ancillary administrative, recreational, religious, cultural, carparking and retail facilities. This includes, but is not limited to, any preschool, primary school, intermediate school, secondary school, kohanga reo, language school, learning centre and tertiary education facility. Educational facility has the same meaning.

**Elderly Persons and Kaumatua Housing Unit:** means one of a group of residential units used for the accommodation of elderly persons or Kaumatua.



**Emergency Generator:** means any internal combustion engine located at a facility that serves solely as a secondary source of mechanical or electrical power when the primary source is disrupted or discontinued during a period of emergency due to a situation beyond the control of the owner/operator of the facility.

**Emergency Situation:** is defined as loss of primary power due to power outage, on site disaster, or act of God, beyond the control of the owner/operator. Emergency situation shall not include power interruptions pursuant to an interruptible power service agreement, engine testing or scheduled maintenance.

**Energy Facility:** means a structure, site or plant used exclusively for the generation or processing of energy. It excludes any small and community scale distributed electricity generation. This includes the system of electricity conveyance (including substations) required to convey electricity to the distribution network and/or the national grid but excludes the distribution network and/or the national grid.

**Entertainment Activity:** means any land and/or buildings providing entertainment, whether a charge is made for admission or not. It includes cinemas, theatres and licensed premises. Entertainment facility has the same meaning.

**Existing Footprint (for electricity generation facilities):** is the floor area of individual or directly adjacent buildings/structures (which includes substations) but is not the cumulative footprint of all buildings/structures on a site that have been consented or otherwise authorised for the activity.

**Farming:** means an agricultural activity having as its primary purpose the production of commodities such as food, milk and fibres, using the in situ soil, water and air as the predominant medium for production, but excludes soil cultivation above an elevation of 700 metres and the activity of intensive farming.

**Forestry:** means the use of land for the planting, tending and harvesting of trees for commercial gain, including the location and operation of mobile sawmill facilities on a site for no longer than three months in any 12 month period, but excludes any other sawmilling or timber processing.

**Forestry Road:** means the construction and maintenance of an internal road or roading network associated with Permitted Activity Rule RURAL.1(15) Forestry Activities.

**Fully shielded light fixture** – a fully shielded (full cut-off) light fixture has a solid barrier (cap) at the top of the fixture in which the light source is located. The fixture is angled so that the light source is not visible below the barrier.

**Garden Centre:** a commercial activity that sells plants and related products for the domestic garden as its primary business.

**Generator:** means any machine that converts mechanical energy into electricity to serve as a power source for other machines.

**Habitable Space:** means a space used for activities normally associated with domestic living but excludes any bathroom, laundry, water closet, pantry, walk in wardrobe, corridor, hallway, lobby, clothes drying room or other space of a specialised nature occupied neither frequently nor for extended periods in a dwelling, apartment or in a short term accommodation establishment.

**Hazardous Facility:** means any land and/or buildings where a hazardous substance is stored or handled and any installations containing a hazardous substance, including, vehicles parked on sites laden with hazardous substances and where necessary their transportation routes. Hazardous facilities do not include:

1. Trade waste sewers, or waste treatment and disposal facilities (this exception does not apply to the storage of hazardous substances or waste associated with these facilities).
2. The storage and use of hazardous consumer products in domestic quantities, including flammable gases.

3. Retail outlets for the sale of hazardous substances for the domestic use (eg supermarkets, hardware shops, pharmacies).
4. Facilities posing a risk of dust explosions.
5. Gas or oil pipelines.
6. Fuel in motor vehicles, boats and other small engines.
7. The occasional loading and unloading of hazardous substances on a site where this forms only a minor part of site operations.
8. Liquid milk or liquid organic food storage provided that any spillage is prevented from entering a waterbody or from seeping into an underground water supply.

**Hazardous sub-facility:** means a hazardous facility that is more than 30 metres from another hazardous facility on the same site.

**Hazardous Substance:** (as defined by the Hazardous Substances and New Organisms Act 1996) means, unless expressly provided otherwise by regulations, any substance:

1. With one or more of the following intrinsic properties:
  - (a) Explosiveness.
  - (b) Flammability.
  - (c) A capacity to oxidise.
  - (d) Corrosiveness.
  - (e) Toxicity (including chronic toxicity).
  - (f) Ecotoxicity, with or without bioaccumulation.
2. Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in (1) above.

**Hazardous Waste:** means any waste that:

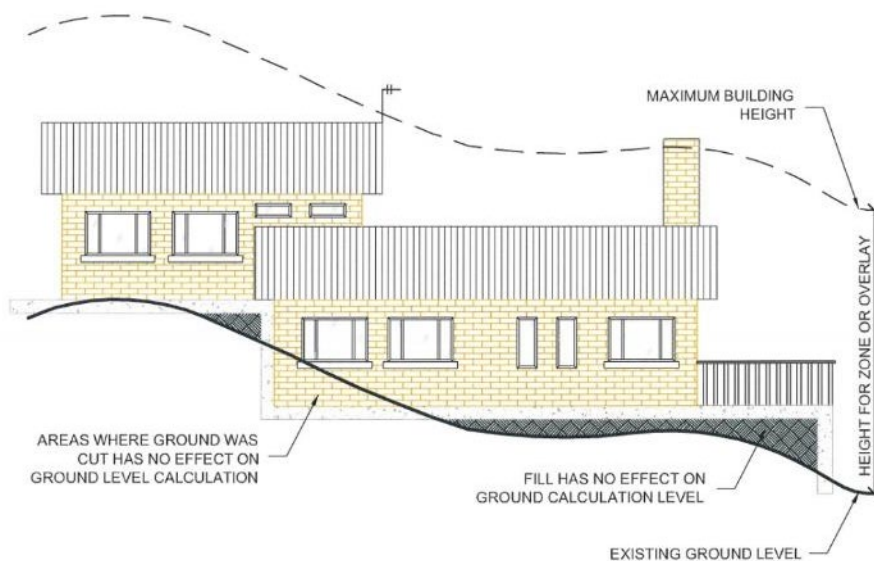
1. Contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organisms Act 1996.
2. Meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ Standard 5433:1999 - Transport of Dangerous Goods on Land<sup>1</sup>.
3. Meets the definition for radioactive material included in the Radiation Protection Act 1965.

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<sup>1</sup> Substances that are known, or reasonably expected, to contain pathogens, including bacteria, viruses, rickettsia, parasites, fungi or recombinant micro-organisms (hybrid or mutant) that are known, or reasonably expected, to cause infectious disease in humans or animals that are exposed to them.

**Height:** means the vertical distance between the highest point of the building and the ground level at the base of the building. In determining height, the rolling height method shall be used:

Figure 4 Rolling Height Method



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

### ROLLING HEIGHT METHOD

For the purpose of this definition:

1. Where a building or structure is supported on poles, pillars, or by any other means, they will be considered to be part of the base of the building or structure.
2. In calculating the height of a building or structure, the following items shall be excluded:
  - (a) In all zones - radio and television aerials, architectural appurtenances, chimneys and solar heating devices provided that:
    - (i) such structures are located at least 1 metres from each boundary;
    - (ii) such structures do not project more than 1.5 metres above the maximum allowable height permitted by the zone rules;
    - (iii) chimneys are no wider than 2 metres.
  - (b) In the Industrial Zone - lift towers and machinery rooms provided that such items:
    - (i) do not exceed a vertical distance of 3 metres above the maximum height permitted for the building or structure; and
    - (ii) do not exceed an area, measured in a horizontal plane, of 5% of the gross floor area of the top storey of the building or structure.

**Historic Heritage:** (as defined by the Act)

- (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
  - (i) Archaeological
  - (ii) Architectural
  - (iii) Cultural
  - (iv) Historic
  - (v) Scientific

- (vi) Technological and
- (b) includes:
  - (i) Historic sites, structures, places and areas
  - (ii) Archaeological sites
  - (iii) Sites of significance to Māori, including wāhi tapu
  - (iv) Surroundings associated with the natural and physical resources

**Home Occupation:** means an occupation, craft, profession, business, trade or service which is secondary and incidental to the household and which is undertaken by person(s) living permanently on the property and is predominantly contained within the dwelling or any accessory building on the property. Home occupation does not include (amongst other things) the servicing, panel beating or wrecking of vehicles, the storage of any hazardous substance or any activity which requires the holding of a liquor licence under the Sale of Liquor Act 1989 or visitor accommodation.

**High Value Soils:** soils which are known to be highly productive, suitable for multiple uses such as growing a wide range of crops, pasture and forest, and of high versatility for pastoral farming. Classification of a soil as 'high value' also relates to current and likely future use, and ability to support production in a practical sense. High value soils include soils classified as Classes 1, 2 or 3 in the New Zealand Land Resource Inventory (NZLRI).

**Indigenous:** in relation to a species of flora or fauna means a species that occurs naturally in New Zealand, resident or migratory, or arrived in New Zealand without human assistance.

**Indigenous Vegetation:** means plant communities dominated by species that are indigenous to New Zealand and includes forest, scrub, shrubland, grassland and wetland vegetation.

**Industrial Activity:** means the use of any land and/or buildings for the manufacturing, repairing, engineering, fabricating, processing, packing or warehouse storing of products or materials. This includes any ancillary retail sales, any associated maintenance, any public display or tour operations within the land or premises, associated offices and staff facilities. Industrial activity includes, but is not limited to, contractor's yard or depot and the transfer, storage, treatment or disposal of waste not otherwise defined.

**Infrastructure:** means:

1. Pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy.
2. A network for the purpose of telecommunication as defined in Section 5 of the Telecommunications Act 2001.
3. A network for the purpose of radiocommunication as defined in Section 2(1) of the Radiocommunications Act 1989.
4. Facilities for the generation of electricity, lines used or intended to be used to convey electricity and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines and support structures if a person:
  - (a) Uses them in connection with the generation of electricity for the person's use.
  - (b) Does not use them to generate any electricity for the supply to any other person.
5. A water supply distribution system, including a system for irrigation.
6. A drainage or sewerage system.
7. Structures for transport on land by cycleways, rail, roads, walkways, or any other means.
8. Facilities for the loading or unloading of cargo or passengers transported on land by any means.
9. An airport as defined in Section 2 of the Airport Authorities Act 1966.
10. A navigation installation as defined in Section 2 of the Civil Aviation Act 1990.
11. Facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in Section 2(1) of the Port Companies Act 1988.

12. Anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in Section 166 of the Resource Management Act 1991.

**Intensive Farming:** means

1. The keeping of pigs indoors (or outdoors at a rate exceeding 15 pigs per hectare); or
2. The use of a building for the purpose of confining livestock where stock are generally confined for any period greater than three months; or
3. The farming of poultry, rabbits, mushrooms or fish farming; or
4. The commercial raising and keeping of animals where the usual feed source (over a 12 month period) is substantially provided from off the site concerned.

It does not include animal boarding activity, breeding kennels, catteries or dog training grounds, calf rearing sheds or the keeping of animals that assist in the management of a farm, eg working dogs.

**Lake:** means a body of fresh water which is entirely or nearly surrounded by land.

**Landfill:** means a site used for the permanent deposition of solid waste onto or into land.

**Livestock:** means one or more animals raised as part of a farming or intensive farming activity to produce commodities such as food, milk and fibre. It excludes poultry or farmed fish.

**Living Room:** means the main living area within the dwelling and would include a lounge, family room and dining room.

**Market:** means any land and/or buildings used by vendors representing producers who have set up individual booths or stalls, to sell produce, meat products, fruits, prepared foods, beverages and crafts direct to consumers.

**Milking Shed:** means any building or part of any building used for the extraction of milk from livestock by automated means.

**Mineral Extraction:** means the excavation, blasting, processing (crushing, screening, washing and blending), storage, distribution and sale of mineral products and includes ancillary activities such as earthworks, landscaping and rehabilitation works (including deposition of cleanfill) and treatment of stormwater and wastewater together with ancillary buildings and structures (including caretakers' accommodation).

**Minor Upgrading (in relation to electricity generation facilities):** means an upgrade to an electricity generation facility lawfully established which does not increase the existing footprint by more than 500 m<sup>2</sup> or 10% whichever is the lesser, within a five year period.

**Minor Upgrading (in relation to transmission and distribution lines):** means an increase in the carrying capacity, efficiency or security of transmission and distribution lines utilising the existing support structures or structures of a similar scale, intensity and character and includes:

1. The addition of circuits and conductors.
2. The re-conducting of the line with higher capacity conductors.
3. The re-sagging of conductors.
4. The bonding of conductors.
5. The addition of longer or more efficient insulators.
6. The addition of earth wires which may contain telecommunication lines, earth peaks and lightning rods.
7. The addition of electrical fittings.
8. Support structure replacement within the same or immediately adjacent location within the existing alignment of the distribution corridor.
9. The replacement of existing cross-arms with cross-arms of an alternative design.

10. An increase in support structure height required to comply with the New Zealand Electrical Code of Practice 34:2001 by not more than 15% of the base height of the support structure and where the base height is defined as the height of the structure at date of public notification of the District Plan.
11. Minor upgrading shall not include an increase in the voltage of a high voltage transmission line unless the line was originally constructed at the high voltage but has been operating at a reduced voltage.

**Mooring:** means any weight, post or other structure placed in, or on, the bed of a river or lake for the prime purpose of securing a vessel, raft, aircraft or floating structure. It does not include the anchors of a powered vessel.

**Multi-Unit Development:** means a group of two or more residential units located on one site.

**National Grid:** means the National Grid in its entirety. The National Grid consists of transmission lines and cables (aerial, underground and undersea, including the high voltage direct current line), stations and substations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand.

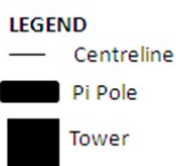
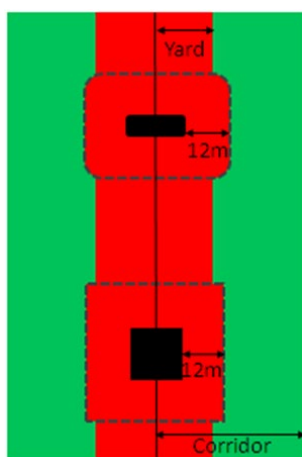
**National Grid Corridor:** means the area measured either side of the centreline of above ground National Grid lines as follows:

- 16 metres for the 110 kV National Grid lines on pi poles.
- 37 metres for the 220 kV National Grid lines.

**National Grid Yard:** means the area located 12 metres in any direction from the outer edge of a National Grid support structure; and the area located 12 metres either side of the centreline of an overhead National Grid line.

**Note:** the National Grid Corridor and National Grid Yard do not apply to underground cables or any National Grid lines.

*Figure 5 National Grid Yard*



**Nationally Significant Infrastructure:** means existing major infrastructure that has benefits for both this region and beyond.

**Natural Hazard:** (as defined by the Act) means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence,

sedimentation, wind, drought, fire or flooding) the action of which adversely affects or may adversely affect human life, property or other aspects of the environment.

**Natural Hazard Overlay:** means a mechanism used in the Planning Maps to identify areas of the District at risk from flooding or coastal hazards.

**Network Utility (Network Utilities):** means any activity relating to:

1. Distribution or transmission by pipe line of natural or manufactured gas, petroleum or geothermal energy.
2. Operation of a network for the purpose of Telecommunication (as defined in Section 5 of the Telecommunications Act, 2001) or a network for the purpose of radio communication, as defined in Section 2(1) of the Radio Communications Act 1989 which is operated by a network utility operator.
3. The network operated by an electricity operator or electricity distributor as defined in Section 2 of the Electricity Act 1992.
4. The holding, transmission and distribution of water (whether treated or untreated) for supply, including irrigation.
5. Stormwater treatment (including stormwater reserve) drainage or sewerage reticulation systems.
6. Construction, operation and maintenance of railway lines, tramways and roads.
7. Construction, operation and maintenance of an airport as defined by the Airport Authorities Act 1966, including the provision of any approach control service within the meaning of the Civil Aviation Act 1990.
8. Any other project or work described as a 'network utility operation' by regulations made under the Resource Management Act 1991.

And the words "network utility operation" have a corresponding meaning.

**Noise Sensitive Activity:** means any one of the following activities undertaken in a building or part of a building:

1. Residential Activity.
2. Visitor Accommodation.
3. Residential Care Activity.
4. Education Activity.
5. Hospital Activity.
6. Health Care Activity.
7. Day Care Activity.
8. Marae Activity.

**Notional boundary:** means a line 20 metres from any side of a dwelling or the legal boundary where this is closer to the dwelling.

**Off Site Signage:** means any signage for a commercial activity in the Rural Zone which is not located on the site to which it relates.

**Offensive Trades:** includes the following:

1. Blood or offal treating.
2. Bone boiling or crushing.
3. Dag crushing.
4. Fellmongering.
5. Fish cleaning and curing.
6. Flax pulping.
7. Flock manufacturing or teasing of textile materials for any purpose.
8. Gut scraping and treating.

9. Solid waste disposal.
10. Storage, drying or preserving of bones, hides, hoofs or skins.
11. Tallow melting.
12. Tanning.
13. Wood pulping.
14. Wool scouring.

**On-Site Wastewater Disposal System:** means a wastewater treatment and disposal system designed to treat and dispose of wastewater from the dwelling or dwellings located on that site.

**Other Building:** means any building, the use of which is ancillary to any farming or lawfully existing commercial/industrial activity on the site to which it is located, but excludes any dwelling or accessory building.

**Papakainga Housing:** means a form of housing development which occurs on multiple-owned Māori land. Māori land is defined by the Te Ture Whenua Māori Act 1993.

**Plant Nursery:** means a place where plants are propagated and grown to usable size. They include garden centres which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and to commercial gardeners and private nurseries which supply the needs of institutions or private estates.

**Potentially Contaminated Land:** means a piece of land on which an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) is, has, or is more than likely than not, to have been or is being undertaken.

**Primary Production Activity:** includes any agricultural, horticultural, floricultural, arboricultural, plantation forestry, or intensive farming activity but does not include mineral extraction or mineral processing.

**Produce Stall:** means any structure used for the sale of eggs, honey, flowers, fruit or vegetables grown or produced on the property and includes the extracted juices of fruit and vegetables but does not include any other processing beyond cleaning, trimming, extracting juices, freezing or drying.

**Property:** means one or more adjoining computer freehold registers held in common ownership, including where it is traversed by a road, whether formed or unformed.

**Property Boundary:** means the area legally defined as the extent of the property.

**Prospecting for Minerals:** (as defined by the Crown Minerals Act 1991) means any activity undertaken for the purpose of identifying land likely to contain exploitable mineral deposits or occurrences, and includes: geological, geochemical and geophysical surveys, and the taking of samples by hand or hand held methods and aerial surveys.

**Regionally significant infrastructure:**

Infrastructure of regional significance and includes:

1. The regional strategic roads as defined in the Southland Regional Land Transport Strategy.
2. The Southland rail network.
3. The national electricity grid, as defined by the Electricity Governance Rules 2003.
4. Facilities for the generation and transmission of electricity where it is supplied to the national electricity grid and local distribution network.
5. Broadband and strategic telecommunications facilities, as defined in Section 5 of the Telecommunications Act 2001.
6. A network for the purpose of Radio Communication, as defined in Section 2(1) of the Radio Communications Act 1989 which is operated by a network utility operator



7. Local authority water supply network and water treatment plants.
8. Local authority wastewater and storm water networks, systems and wastewater treatment plants.
9. Life line utilities as defined in the Civil Defence and Emergency Management Act.
10. Flood and drainage infrastructure managed by the Southland Regional Council.

**Renewable Electricity Generation:** means the generation of electricity from solar, wind, hydro-electricity, geothermal, biomass, tidal, wave or ocean current energy sources.

**Residential Activity:** means any use of land and/or buildings by people for the purpose of living accommodation. It includes accessory buildings and leisure activities associated with needs generated principally from living on the site.

**Retail Activities:** in the Eweburn Zone means the selling of goods directly to customers excluding convenience, food and beverage activities.

**Reverse Sensitivity:** means the vulnerability of an existing lawfully established activity from new activities which are sensitive to the environmental effects already being generated. The sensitivity can result in complaints and also create the potential for the operation and/or expansion of the existing activity to be constrained.

**Riparian Margin:** means a strip of land within 5 metres of the bed of any surface waterbody. This excludes any waterbody where the bed of that waterbody is less than 3 metres in width.

**River:** means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).

**Road:** has the same meaning as Section 315 of the Local Government Act 1974.

**Rural-Residential:** means a property primarily used for residential purposes and may be associated with small-scale farming and/or 'lifestyle' activity.

**Rural Service Activity:** means any activity that provides a commercial service to any farming or intensive farming activity. It includes seed cleaning, rural contracting and grain drying.

**Sensitive Activities:** (in relation to the National Grid transmission lines) means any one of the following activities:

1. Residential Activity.
2. Residential Care Activity.
3. Education Facility (excluding language schools and tertiary education facilities and other adult education facilities).
4. Hospital Activity.
5. Day Care Activity.

**Signage:** means any name, figure, image, character, outline, spectacle, emblem, monument, statue, display, delineation, announcement, poster, handbill, advertising device or appliance, or any other things of a similar advertising nature, visible from a public place, intended principally to attract attention, whether it is pasted on or fixed to any land or structure, attached to a stationary vehicle, or incorporated within the design of any structure, whether by painting or otherwise which is visible from a public space whether illuminated or not. This does not include any display within any window, or inside a moving vehicle.

**Site Coverage:** In the Eweburn Zone means that portion of the net area of a site which is covered by buildings or parts of buildings, including overhanging or cantilevered parts of buildings, expressed as a percentage or area. Site coverage shall only apply to buildings at ground, or above ground level. The following shall not be included in site coverage:

- pergolas,

- that part of eaves and/or spouting, fire aprons or bay or box windows projecting 750 mm or less horizontally from any exterior wall,
- uncovered terraces or decks which are not more than 1 metre above ground level,
- uncovered swimming pools no higher than 1 metre above ground level,
- fences, walls and retaining walls,
- driveways and outdoor paved surfaces,
- roads and hard stand areas.

**Site of Cultural Significance:** means any site or area indicated on the District Plan Maps, identified in Te Tangi a Taurira Iwi Environmental Management Plan or other relevant registered iwi planning document, or a registered site of archaeological importance as holding Māori cultural or spiritual values specific to that site, including wāhi tapu, wāhi taoka, mahika kai and kōiwi takata.

**Site:** means the area of land that a specific activity occupies.

**Small and Community Scale Distributed Electricity Generation:** means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.

**Solid Waste:** means any solid materials, regardless of form, including containers and their contents which are considered to be of no further economic use, and require permanent disposal, or storage until such times that they can be reused or recycled and includes residues from incineration.

**Solid Waste Disposal Facility:** means any land and/or buildings used for the storage, transfer, treatment or disposal of solid waste materials or for other waste management purposes, or used for composting organic materials. Solid Waste Disposal Activity has the same meaning.

**Staff Dwelling:** means a dwelling for the residential use of farm owners, farm workers or family members, provided it is located on the property to which it relates.

**Sustainable Forest Management:** (as defined by the Forests Act 1949) means the management of an area of indigenous forest land in a way that maintains the ability of the forest growing on that land to continue to provide a full range of products and amenities in perpetuity while retaining the forest's natural values

**Sustainable Forest Management Permit:** (as defined by the Forests Act 1949) means a Sustainable Forest Management Permit executed under Section 67M of the Forests Act 1949.

**Sustainable Forest Management Plan:** means a Sustainable Forest Management Plan executed under Section 67F of the Forests Act 1949.

**Taramea (Howells Point):** means the land described by that name in Part A Schedule 7 to the Ngai Tahu Claims Settlement Act 1998.

**Telecommunication:** as defined by Section 5 of the Telecommunications Act 2001 and includes 'Radiocommunications' as defined by the Radiocommunications Act 1989.

**Telecommunication Cable:** means a wire or cable used for telecommunication and includes any hardware associated with the wire or cable.

**Telecommunication Facility:** means:

1. An antenna.
2. A cabinet and, if there is one, the concrete foundation plinth for the cabinet.

**Telecommunication Line:** has the same meaning as line (as defined by Section 5 of the Telecommunications Act 2001):

1. Means a wire or a conductor of any kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, instruction, information, or intelligence of any nature by means of any electromagnetic system; and
2. Includes:
  - (a) Any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any of those wires or conductors.
  - (b) Any part of a line.

**Temporary Event:** means a social, cultural or recreational event that has a duration of less than 72 hours, including entertainment events, carnivals, festivals, fairs, markets and exhibitions and associated temporary buildings, structures and carparks.

**Temporary Military Training Activities:** means a short term military activity undertaken for defence purposes (defined in the Defence Act 1990).

**Temporary Sign:** means any sign not intended for permanent display, on a site or on a road, or which is erected and removed in relation to:

1. A community event.
2. Electioneering.
3. Construction sites.
4. Hazard identification and warning.
5. Selling of land or buildings.
6. A statutory process as required by legislation.

**Tracking:** means the construction and maintenance of a pathway or trail associated with Permitted Activity RURAL.1(1) Farming and creates a track that is no wider than 5 metres.

**Trade Waste:** means any liquid, with or without matter in suspension or solution, that is or may be discharged from any trade premises, to the Council's sewerage system in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature, and may include condensing or cooling waters, stormwater which cannot practically be separated, or domestic sewage. It includes any such waste from any industrial, rural service or offensive trade activity.

**Transmission Line:** means:

1. The facilities and structures for, or associated with, the overhead or underground transmission of electricity in the national grid.
2. Includes transmission line support structures, telecommunication cables and telecommunication devices to which (1) above applies.
3. Does not include an electricity substation.

**Visitor Accommodation:** means the use of land and/or buildings for the provision of accommodation by fee paying customers for a daily tariff. This includes hotels, motels, hostels, backpackers, camping grounds, homestays and bed and breakfasts.

**Waste Transfer Facility:** means any land and/or buildings which receive solid waste for the purpose of sorting and/or aggregating prior to being transported to a Solid Waste Disposal Facility. Waste Transfer Activity has the same meaning.

**Wastewater Treatment Facility:** means any land and/or buildings used for the purpose of storage and/or treatment and/or disposal of wastewater. It excludes any on site wastewater disposal system.

**Water:**

1. Means water in all its physical forms whether flowing or not and whether over or under the ground.
2. Includes fresh water, coastal water, and geothermal water.
3. Does not include water in any form while in any pipe, tank, or cistern.

**Waterbody:** means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

**Wetland:** (as defined by the Act) includes permanently or intermittently wet areas, shallow water and land/water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

**Wilding trees:** the natural regeneration (seedling spread) of introduced trees.

**Wintering Shed:** means a building located on farm land for the purpose of confining livestock to avoid damage to pasture and/or for the feeding of supplements, and the stock are generally confined for less than three months.

**Yard:** means that part of a site that adjoins a property boundary and is unoccupied and unobstructed by buildings.

## Guidelines for Buildings in the Stewart Island/Rakiura Urban Zone

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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:

1. Avoid buildings on ridgelines/hill tops, especially skylines where the structure is silhouetted against the sky.
2. Avoid buildings on steep faces where earthworks become highly visible.
3. Ensure there is a backdrop of land for buildings when seen from obvious viewing points, rather than these buildings protruding on to the skyline.
4. Site buildings where there is a change in the landform, eg at the base of a hill or on a terrace.
5. Minimise excavation. A cut slope is a highly visible one. Cut slopes must be shaped to blend into the surrounding landscape.
6. Group the buildings of a development together.
7. 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.
8. Site buildings in harmony with the land contours, eg with rooflines running parallel to the contour, not at an angle to it.

### Materials:

1. Avoid highly reflective materials.
2. Employ materials that are natural in character and visually compliment the Stewart Island/Rakiura landscape.
3. Utilise the Council's lighting guidance information when considering installation of external artificial lighting.

### Colour:

1. Avoid colours which would lead to a building appearing highly visible in the Island setting.
2. 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.
3. Avoid colours, which do not derive from or compliment the colours of natural elements of the landscape (such elements include soil, rocks, streams, rivers, vegetation, the sky and the sea).
4. The sensitive use of colour will enhance the appearance of a building and can contribute greatly to the streetscape character. Two approaches are encouraged:
  - (a) Pale body colour, darker accent, with dark trim and roof.
  - (b) 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:**

1. 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.
2. Avoid flat roofs.
3. Carparking - grouped, out of sight behind buildings or screening in the form of landscaping/vegetation where possible.