STANDING COMMITTEES

THURSDAY, 11 JUNE 2020

commencing at 1.30 pm

Via Zoom and Council Chambers

1 Rosebank Terrace

BALCLUTHA
Notice is hereby given that a Meeting of the Regulatory and Policy Committee will
be held via Zoom and attendance in the Council Chambers, 1 Rosebank Terrace,
Balclutha on Thursday, 11 June 2020 commencing at 1.30pm

Committee Members

Councillor Bruce Vollweiler (Chairman)  Mayor Bryan Cadogan
Councillor Dane Catherwood       Councillor Michele Kennedy
Councillor Stewart Cowie          Councillor Alison Ludemann
Councillor Wayne Felts            Councillor Ken Payne
Councillor Gaynor Finch          Councillor Carol Sutherland
Councillor Mel Foster            Councillor Jo-anne Thomson
Councillor Bruce Graham          Councillor Selwyn Wilkinson
Councillor John Herbert
<table>
<thead>
<tr>
<th>Item</th>
<th>Page #</th>
<th>Title</th>
<th>Description</th>
</tr>
</thead>
</table>
| 1.   | 4      | Manager’s Report | *For the Committee’s Information*  
        Report providing updates on various matters of interest to the Committee not dealt with elsewhere in the agenda |
| 2.   | 7      | Owaka Freedom Camping Site Off-Season Availability | *For the Committee’s Decision*  
        This report asks the Committee to decide on the potential availability or otherwise of the Owaka Freedom Camping site during winter in the wake of the Covid-19 lockdown. |
| 3.   | 10     | District Plan Changes 39-41A | *For the Committee’s Decision*  
        This report proposes an Operative Date for Plan Changes 39-41A, which have been heard, decisions on submissions made and have no appeals. |

**APOLOGIES**

*No apologies at the time of printing this agenda*

**DECLARATIONS OF INTEREST**

*No declaration of interest at the time of printing this agenda*

**PUBLIC FORUM**

**DEPUTATIONS**
This report provides updates on various matters of interest to the Committee not dealt with elsewhere in this agenda.

RECOMMENDATIONS


REPORT

1. Activity

My activities since the last meeting of the Committee are set out below:

<table>
<thead>
<tr>
<th>Date</th>
<th>Meetings Attended</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 May 2020</td>
<td>Stuart Rutter – PGG Wrightson Real Estate – Research Matter</td>
</tr>
<tr>
<td>19 May 2020</td>
<td>Freedom Camping Council Workshop</td>
</tr>
<tr>
<td>21 May 2020</td>
<td>Civil Defence Hot Debrief – COVID-19 Event Response</td>
</tr>
<tr>
<td>22 May 2020</td>
<td>Senior Sgt Stan Lieszman – NZ Police (Balclutha) – Catch Up</td>
</tr>
</tbody>
</table>

My external meeting load remains light as we continue to transition out of lockdown and life is starting to show signs of normality.

With the Country having moved to Alert Level 2, I am now sharing my time between working from home and working from my office at Rosebank. I anticipate the majority of my time will be in my office at Rosebank once the Country moves to Alert Level 1.

2. Building Control

The current workloads appear to be holding reasonably high with good numbers of building consent applications still being received since the introduction of Covid-19 Alert Level 2. Word around the sector is that building consent numbers declined significantly over the lockdown period of March and April – by between 20%-30% in some regions. That has not been our experience. Residential consents for new dwellings still make up
a significant percentage of the total building consents received to date, and we have had no consents cancelled due to the Covid-19 event. We have received some good positive inquiries going forward.

One application of note – Council received the first of a series of building consent applications to cover the expansion of the Danone factory in Clydevale last week. This application is for constructing the drainage and foundation for the biomass filter at an estimated value of $1.5M. The works involved in expanding the factory will continue in stages over the next few years.

3. Animal Control

Dog registrations year to date are sitting 6,681 dogs, leaving approximately 127 dogs still to be registered. We continue to pro-actively follow up with owners that have not paid dog registration for this year.

Since the last Regulatory and Policy Committee, Animal Control Officers have impounded 3 dogs (all of which were subsequently claimed by their owners), responded to 13 customer service requests for dogs and 17 customer service requests for other livestock. All customer Service requests regarding dogs/livestock were completed within the given timeframes and within the restrictions of the COVID-19.

Work is well underway to prepare for the next round of dog registrations commencing in late June 2020. Registration fees will be advertised on the week commencing 15 June 2020. Application forms will be posted out to dog owners on 30 June 2020.

4. Enforcement and Monitoring

Compliance staff have responded to the following:

- 13 customer service requests regarding noise were dealt with (including out of hours requests);
- 9 customer service requests regarding abandoned vehicles;
- 5 customer service requests regarding parking;
- 2 customer service requests regarding freedom camping; and,
- 2 customer service requests regarding properties.

All customer service requests regarding noise control/other compliance customer service requests were completed within the given timeframes and within the restrictions of COVID 19.

5. Environmental Health

Activity in the period end of 20 April 2020 to 2 June 2020 has involved the following:

Verifications:
- Food Control Plan 1

Applications for Alcohol
- Off Licence – New 1
6. **District Licencing Committee**

Licensing activity has been relatively light as we have progressed through the COVID-19 alert levels. We are anticipating that this activity will pick up now that licensed premises are able to operate.

As previously advised, the statutory requirement for NZ Police and Public Health officials to comment on applications has been extended from 15 working days to 30 working for the duration and immediately aftermath of the COVID-19 event. This impacts on our ability to complete our processes within the statutory deadlines and will continue until at least September 2020.

7. **Planning/Resource Consents**

Workload remains comparatively high as staff continue to catch up on our COVID19 workload and bed in our more robust and comprehensive decision framework.

Commissioner Allan Cubitt has recently issued his recommendation on the NZ Transport Agency’s notice of requirement to amend the State highway designation for SH8 at the new Beaumont Bridge and associated applications for resource consent. We await the Transport Agency’s final decision on the notice of requirement.

I also issued a decision under delegated authority for the significant expansion of the Danone factory in Clydevale. Work on the expansion is programmed to commence next summer and continue in stages for several years.

8. **District Plan Changes**

The appeal period on the Council’s decisions on the Balclutha, Stirling and Milton rezoning plan changes (PCs 39 – 41) and the Milton Industrial Structure Plan Change (PC 41A) has now passed. No appeals were received. Staff have prepared an operative version of the plan changed and put a recommendation to you to on a date to make the changes operative (see Item 3 of this agenda). Once these plan changes are made operative, that will complete any outstanding plan changes and will allow staff to begin work proper on a full District Plan review.

9. **Staffing**

We warmly welcomed Rebecca Shaw to the Council on Monday (8 June 2020) to the position of planner. This position is a 2-year fixed term role intended to assist with our consenting and public enquiries workload as we ramp up work on our District Plan Review. Rebecca is a graduate of the planning programme at Waikato University and comes to us after completing a fixed term role in Corporate Planning with the Matamata-Piako District Council.
Regulatory and Policy Committee
Item for DECISION

Report Owaka Freedom Camping Site – Off-Season Availability
Meeting Date 11 June 2020
Item Number 02
Prepared By Ian McCabe, Group Manager Planning and Regulatory
File Reference 414823

REPORT SUMMARY
This report seeks for the Regulatory and Policy Committee to decide on the potential availability or otherwise of the Owaka Freedom Camping site to freedom campers during the winter off-season in the wake of COVID-19 lockdown.

RECOMMENDATIONS
1. That the Regulatory and Policy Committee receives this report entitled “Owaka Freedom Camping Site – Off Season Availability”.
2. That the Regulatory and Policy Committee agrees/does not agree to suspend access to the Owaka Freedom Camping Site over the winter off-season.

REPORT
1 Background
Council has been conducting a trial to determine the suitability and effectiveness of an alternative approach to freedom camping in the Catlins. The intent of the trial was to provide one or more designated freedom camping sites at locations that would encourage campers to stay in a centralised location, close to commercial businesses and other facilities.

Council established one designated site with eight spaces on Inn Street, on the outskirts of Owaka, near the Catlins Inn. Site works included fencing, laying down of hard surface of compacted gravel, parking delineation and moving the existing potable water supply and dump station. Signage was erected notifying campers of the site rules and other campground options in the Catlins.

The site opened on 26 October 2019 (Labour Weekend).

Other work involved in the trial included signage and bollards at various locations around the Catlins, and a revision of the Clutha District Freedom Camping brochure listing holiday
parks and campgrounds, and explaining Council’s approach to camping, including the Catlins trial.

The trial has now ended, and Council staff are evaluating the outcomes. These will be reported to the Council at its meeting on 25 June 2020. Staff will also be presenting recommendations for changes to our Freedom Camping Policy and associated Bylaw for further consultation with a view to implementing any potential changes in time for the next season beginning on October 2020.

In the meantime, there has been floated a suggestion that Council suspend access to the Owaka Freedom Camping Site as a potential response to the COVID-19 Event, and in particular, to seek to encourage freedom campers to utilise the existing commercial holiday parks or campgrounds as part our the District’s economic recovery.

2 Assessment of Options

The options are to either:

1. temporarily suspend access to the Owaka Freedom Camping Site for the winter off-season and amend (if necessary) Council guidance to encourage freedom campers to stay at any of the existing commercial holiday parks or campgrounds in the Catlins; or,

2. allow the Owaka Freedom Camping Site to remain open over the winter off-season.

Either option will in effect maintain the status quo in terms of freedom camping in the Catlins. Freedom campers remain free to choose where they camp within the limitations set out in both the Act and in the Council’s Bylaw.

Suspending access to the Owaka Freedom Camping site will have a marginal impact on available camping site options in the Catlins. However, given that it is effectively the off-season, there is limited demand and therefore little pressure on popular camping venues.

Freedom campers may be encouraged to choose to camp in a commercial holiday parks or campgrounds but are just as likely to choose not to.

There is no ability to guarantee that there will be an additional economic benefit to the existing commercial holiday parks or campgrounds.

Equally there may be a negative impact on existing businesses that have benefited from the trial site.

For either option, Council currently has no factual basis to determine the impacts. It is a decision for the elected members regrettably with little evidence either way.

3 Consultation

There is no consultation is required on this matter. Any decision on this matter is an operational decision at the direction of Council. The more fundamental questions around the long-term future of the Owaka Freedom Camping Site, the Council’s Freedom Camping Policy and Bylaw will potentially be consulted on following the Council meeting on 25 June 2020.
4 Policy Considerations
There are no policy considerations for this decision. Any decision is fundamentally operational at the direction of Council.

5 Legal Considerations
The Freedom Camping Act 2011 provides for the ability to freedom camp in New Zealand. The key components of the Act are that

- Freedom camping is permitted in any local authority area unless it is restricted or prohibited through a bylaw;
- Bylaws must not absolutely prohibit freedom camping; and,
- Bylaws may define the areas where freedom camping is restricted and the restrictions that might apply.

Section 19 of the Council’s Regulatory Bylaw establishes restrictions on who should be freedom camping and how freedom campers should behave. However, the bylaw does not specify areas where freedom camping is prohibited. These are listed in Schedule 1 of our policy, presumably to allow amendments to be made more easily.

Council can encourage freedom campers to utilise the commercial facilities, but it cannot direct freedom campers to do so.

The Owaka Freedom Camping Site is also located on land owned by the Clutha Licensing Trust. Any short or long-term decision on the future of the site will depend on the Trust’s willingness or otherwise to allow Council to continue to use the site. The Trust has signalled that it will await the outcomes of the evaluation of the trial to be presented to you at the Council meeting on 25 June 2020 before making any further decisions on the matter. Any decision on the off-season availability will be subject to the approval of the Clutha Licensing Trust.

6 Financial Impact
Either option – i.e. keeping the site open or temporarily suspending access – will involve relatively minor operational costs. All costs can be accommodated within existing budgets.
REPORT SUMMARY

This report proposes an Operative Date for Plan Changes 39-41A, which have been heard, decisions on submissions made and have no appeals.

RECOMMENDATIONS

1. That the Regulatory and Policy Committee approves Plan Changes 39–41 Balclutha, Stirling and Milton Rezoning and Plan Change 41A Milton Industrial Structure Plan to the Clutha District Plan in accordance with the decision of the Independent Commissioner.


REPORT

1. Background

The Clutha District Council has promoted the following proposed plan changes to the Clutha District Plan:

- Proposed Plan Changes 39-41 – Balclutha, Stirling and Milton Rezoning; and,
- Proposed Plan Change 41A – Milton Industrial Structure Plan.

The plan changes propose rezoning areas of land in and around the towns of Balclutha, Stirling and Milton to a combination of Urban, Transitional or Industrial Resource Areas. The new Industrial area in Milton will also be managed through a combination of a comprehensive structure plan and site-specific rules.

The plan changes were notified in 2018 and early in 2019 generating a number of submissions and subsequent further submissions.
Council appointed Mr Colin Weatherall as independent commissioner in July 2019 to hear submissions and to make recommendations to Council on decisions.

Commissioner Weatherall heard submissions over two days in October 2019. His recommended decisions were adopted by the Regulatory and Policy Committee in February 2020 and subsequently notified to all submitters for potential appeal.

The appeal period closed on 10 April 2020.

2. Decision

No appeals were received on Plan Changes 39-41A, and so Council can now make these plan changes operative.

This is the final step in the process, and the point at which all of the previous provisions of the operative District Plan completely cease to have effect and are replaced by the new provisions.

The decision to make the changes operative is required to be publicly notified. It will also require us to update our web and print versions of the relevant provisions of the District Plan. To allow time for this, it is proposed that the Operative Date be 20 June 2020. This will also allow time to alert our customers on the effect of the changes.

3. Appendices

Plan Change 39 – Balclutha Rezoning – Operative

Plan Change 40 – Stirling Rezoning – Operative

Plan Change 41 – Milton Rezoning – Operative

Plan Change 41A – Milton Industrial Structure Plan – Operative
This is a true and correct record of Plan Change 39 to the Clutha District Plan with was approved by the resolution of the Clutha District Council on Thursday 11 June 2020.

Plan Change 39 to the Clutha District Plan is deemed to be operated on Saturday 20 June 2020.

The Common Seal of the Clutha District Council was hereto affixed pursuant to resolution of the Council passed on Thursday 11 June 2020.

________________________________________
Bryan Cadogan
Mayor

________________________________________
Steve Hill
Chief Executive
Plan Change 40

Clutha District Plan
Operative Version

20 June 2020
This is a true and correct record of Plan Change 40 to the Clutha District Plan with was approved by the resolution of the Clutha District Council on Thursday 11 June 2020.

Plan Change 40 to the Clutha District Plan is deemed to be operated on Saturday 20 June 2020.

The Common Seal of the Clutha District Council was hereto affixed pursuant to resolution of the Council passed on Thursday 11 June 2020.

__________________________
Bryan Cadogan
Mayor

__________________________
Steve Hill
Chief Executive
Plan Change 41

Clutha District Plan
Operative Version

20 June 2020
This is a true and correct record of Plan Change 41 to the Clutha District Plan with was approved by the resolution of the Clutha District Council on Thursday 11 June 2020.

Plan Changes 41 to the Clutha District Plan is deemed to be operated on Saturday 20 June 2020.

The Common Seal of the Clutha District Council was hereto affixed pursuant to resolution of the Council passed on Thursday 11 June 2020.

Bryan Cadogan
Mayor

Steve Hill
Chief Executive
### LEGEND FOR PLANNING MAPS

#### RESOURCE AREAS
- Rural
- Coastal
- Urban
- Tokomairiro Plains Industrial
- Industrial
- Transitional
- Rural Settlement

#### ISSUES AFFECTING RESOURCE AREAS
- Reserves/Conservation Land
- Designations
- Facilities
- Catchment Areas or Sites
- Services, Retail Frontage
- Retail Frontages That Require Verandas
- Water Bodies with Public Access Requirements
- Designation "State Highway Purposes"
- Archaeological Sites
- Heritage Sites and Areas

#### COASTAL ISSUES
- Coastal Protection Areas
- Coastal Hazard Areas
- Coastal Development Areas
- Cross River Boundary

#### HAZARD ISSUES
(Refer to Section 3.9)
- Flood Prone Land
- Landfills
- Noise Nuisance Areas
- Filled Land
- Mining Areas
- Unstable Land
- High Tension overhead power line

#### Geological Faults
- Active Geological Fault
- Major Geological Fault (Potentially Active)
- Minor Geological Fault

#### MAP NOTATIONS
- Formed Road
- Non Legal Formed Roads
- Unformed Roads
- Esplanade Reserves
- Clutha District Boundary
Plan Change 41A

Clutha District Plan
Operative Version

20 June 2020
This is a true and correct record of Plan Change 41A to the Clutha District Plan with was approved by the resolution of the Clutha District Council on Thursday 11 June 2020.

Plan Changes 41A to the Clutha District Plan is deemed to be operated on Saturday 20 June 2020.

The Common Seal of the Clutha District Council was hereto affixed pursuant to resolution of the Council passed on Thursday 11 June 2020.

______________________________
Bryan Cadogan
Mayor

______________________________
Steve Hill
Chief Executive
RULE TRAN.4 ACCESS STANDARDS FROM A PUBLIC ROAD

(I) CONSTRUCTION AND MAINTENANCE

(II) SIGHT DISTANCES

(III) ACCESS TO RURAL STATE HIGHWAYS AND REGIONAL ARTERIALS

Design and construction of access shall comply with the following standards:

(a) Safe systems compliant access design;

(b) Practicality of alternative access options to Limeworks Road;

(c) The intensity and duration of the activity utilising the access;

(d) Any effect on the safety and efficiency of the State highway;

(e) The level and type of roading intervention required on the adjoining roading network;

(Note: Evidence of consultation undertaken with the NZ Transport Agency with respect to any proposed intervention identified in (e) above is required);

(f) The timing of the proposed intervention identified in (e) and the need for these measures to be implemented before development occurs on site.

In order to assess matters a) to f) any resource consent application shall be supported with an Integrated Transport Assessment.

(IV) ACCESS TO DISTRICT ARTERIAL AND COLLECTOR ROADS

[Unchanged]
RULE TRAN.5 LOADING AND MANOEUVRING

[Unchanged]

RULE TRAN.6 PARKING

(i)  [Unchanged]

(ii)  [Unchanged]

a.  [Unchanged]

b. Stormwater originating from parking areas shall be adequately disposed of within the confines of the site with the exception of the Industrial Resource Area (Toko Plains), where all stormwater will be managed accordance with an approved Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3.

c.  [Unchanged]

d.  [Unchanged]

e.  [Unchanged]

f.  [Unchanged]

g.  [Unchanged]

(iii)  [Unchanged]

[Unchanged]

REASON

[Unchanged]

RULE TRAN.7 VEGETATION

(I) ROAD RESERVE VEGETATION

[Unchanged]

(II) ICE THAW

[Unchanged]

(III) VISIBILITY

[Unchanged]

(IV) INDUSTRIAL RESOURCE AREA (TOKO PLAINS)

This rule does not apply to the Industrial Resource Area (Toko Plains), where landscaping is to be approved under SUB.4.D.1.
### 3.7.4. RULES

**RULE SUB.1. CONTROLLED AND RESTRICTED DISCRETIONARY ACTIVITIES**

(a) All subdivision of land within the Industrial Resource Area (Toko Plains) shall be a controlled activity.

Council’s control shall be restricted to the matters of control set out in Rule SUB.1 and subdivision performance standards under Rule SUB.4.

(b) Minor boundary adjustments and amendments to flat plans where building works comply with the provisions of the District Plan will be considered as a **restricted discretionary activity**, and Council shall restrict the exercise of its discretion to the creation of appropriate easements.

(c) For the purposes of this section, boundary adjustment means a minor adjustment of boundaries between adjoining properties (being either one land holding or one certificate of title) for the purpose of,

   (i) recognising and providing for the logical physical boundary as the actual legal boundary of a property, including minor adjustments due to road severance, movement in waterbodies, and the lands contour in respect of fence lines, or

   (ii) facilitating the reduction or increase in residential yard space to provide for increased family outdoor leisure areas, the erection of accessory buildings, reduction in an elderly persons open space, or

   (iii) for other similar purposes.

**REASON**

Council considers that these activities can be dealt with by way of delegated authority. Consideration was given to classifying these subdivision types as “permitted activities” however there is often the need to create easements by way of condition. Furthermore, what constitutes a boundary adjustment is often debatable.

(d) Subdivision in the Rural Settlement Resource Area (other than in those settlements listed in Rule SUB.3 or affected by Rule SUB.2(b) below) that complies with the following standards:

   (i) the site has a minimum area of not less than 1600m² PROVIDED that this does not apply to network and public utilities and

   (ii) the site is capable of the adequate and safe disposal of effluent in terms of Rule RST.8.

   (iii) the standards set out in Rule SUB.4 are met.

is a **restricted discretionary activity**. Council shall restrict the exercise of its discretion to those matters set out in subsection (d) below.

(e) Subdivision in the Urban, Transitional, Industrial and Rural Resource Areas (other than those subdivisions provided for in Rule SUB.2(b) below) that complies with the standards set out in Rule SUB.4 are **restricted discretionary activities**. Council shall restrict the exercise of its discretion to those matters set out in subsection (d) below.
PROVIDED THAT

Subdivision to below a site area of 4000m² in the Transitional Resource Area (other than for network and public utilities) is a prohibited activity until such time as the site is fully reticulated.

REASON

Restricted Discretionary activity status enables Council to refuse subdivision where it is considered that there will be a significant adverse effect on public services in the locality. Notification or adjoining owners’ consent will generally not be needed as the majority of effects will be on Council owned services.

(f) Matters to Which Council Has Restricted the Exercise of its Discretion Council, in considering subdivisions under this rule, has restricted the exercise of its discretion to the following matters.

A. THE EFFECTS OF SUBDIVISION DESIGN

[Unchanged]

RULE SUB.2 DISCRETIONARY ACTIVITIES

(a) [Unchanged]

REASON

[Unchanged]

(g) [Unchanged]

REASON

[Unchanged]

(h) Any subdivision of land contained within Stage 2 and 3 identified within the Industrial Resource Area (Toko Plains) Staging Plan that is not supported with an Integrated Transport Assessment is a discretionary activity.

RULE SUB.3 NON-COMPLIYING ACTIVITIES

[Unchanged]

RULE SUB.4 SUBDIVISION PERFORMANCE STANDARDS

[Unchanged]

A. LAND SUITABILITY STANDARD

1. [Unchanged]
2. [Unchanged]

3. Drainage Systems

Where significant drainage systems are located within the land to be subdivided, or the site is located within the area provided for by the “Milton 2060 strategy: A Flood Risk Management Strategy for Milton and the Tokomairiro Plain”), a structure plan shall be prepared that sets out the measures to be put in place that ensure the efficiency of the drainage system and its associated overland flow paths are not compromised by the subdivision design and any subsequent development.

Such structure plans shall provide for the following:

- A subdivision design that recognises and protects the integrity of the drainage system.
- Measures that ensure any subsequent development does not accelerate worsen or significantly change the pattern of the existing overland flows. Such measures may include the control of earthworks within the subdivision; the design and orientation of fences, retaining walls; the location and orientation of dwellings and ancillary buildings; the location and orientation of infrastructure, including roading and reserves.
- On-site stormwater management systems (retention/detention and secondary flow paths) that are designed for a 1 in 100 years average recurrence interval event. Stormwater retention/detention measures shall be provided on-site as part of the overall development.
- A rate of stormwater discharge that remains equal to or less than that of the pre-development up to the 1 in 100 years average recurrence interval event.
- The integration of infrastructure, including roading and reserves, with the stormwater management systems.
- Any subdivision within the Industrial Resource Area (Toko Plains) shall be supported by a Stormwater Management Structure Plan relevant to the area being subdivided and relevant areas identified in the Industrial Resource Area (Toko Plains) annotated structure plan and shall provide for those matters set out above

B. MINIMUM FRONTAGE AND PROVISION OF VEHICULAR ACCESS

[Unchanged]

C. DESIGN FACTORS

[Unchanged]

D. MATTERS SPECIFIC TO THE INDUSTIRAL RESORUCE AREA (TOKO PLAINS)

1. Any subdivision of land contained within the Industrial Resource Area (Toko Plains) shall be supported with a comprehensive landscape plan that seeks to mitigate any adverse visual effects of industrial development over the proposed lots being created and provides for a high quality industrial landscape. Council’s control shall be limited to the following considerations:

- Landscaping shall seek to mitigate the visual dominance of future industrial development on site when viewed from public places and the wider receiving environment;
- Where adjacent to rural zoned land, the degree to which landscaping will integrate the industrial zone with the surrounding rural character;
- Enhance the internal visual amenity of the Industrial Resource Area (Toko Plains) in order to complement future industrial activities.
• Landscaping of a scale and impact to effectively mitigate the built elements and outdoor storage areas shall be provided for;

• The green spaces identified within the Structure Plan are provided for. These shall be substantially unencumbered by services or other constraints that conflict with achieving the landscape mitigation objectives;

• The degree to which landscaping will enhance the indigenous biodiversity and natural character of the area, particularly within the riparian and stormwater management areas (where appropriate);

• Planting shall be informed by the Tokomairiro Plains Industrial Resource Area Landscape Design Guidelines. attached at page X.;

• All development stages shall be underpinned with a landscape plan that is informed by the Tokomairiro Plains Industrial Resource Area Landscape Design Guideline and identifies any proposed mounding areas, planted areas detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting;

• A programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, length of maintenance programme) and must provide for replacement and successful establishment of plants that die or fail to thrive.

• All landscaping shall be implemented prior to certification under section 224(c) of the Resource Management Act, where planting occurs within a planting season or alternatively within the first planting season following section 224(c) approval where this extends outside of a planting season.

2. Any subdivision of land contained within Stage 2 and 3 identified within the Industrial Resource Area (Tokom Plains) Staging Plan shall be supported with an Integrated Transport Assessment, which considers the effects of further industrial development undertaken in accordance with the Industrial Resource Area (Tokom Plains) Structure Plan, with Council’s control limited to the following considerations:

i. The level and type of roading intervention required on the adjoining roading network;

ii. Evidence of consultation undertaken with the NZ Transport Agency with respect to any proposed intervention identified in (i) above; and

iii. Timing of proposed intervention identified in (i) and the need for these measures to be implemented before the issue of titles within Stage 2 and 3 and before development occurs on site.
3.9.4. RULES

RULE NHZ.1 GENERAL

1. CONSULTATION

[Unchanged]

2. APPROVED PROTECTED SITES

[Unchanged]

RULE NHZ.2 ACTIVITIES LOCATED WITHIN AREA IDENTIFIED AS HAZARD PRONE

1. LANDFILLS, WASTE DISPOSAL, OR THE STORAGE OR USE OF COMMERCIAL QUANTITIES OF HAZARDOUS GOODS OR SUBSTANCES

Landfills, waste disposal, or the storage or use of commercial quantities of hazardous goods or substances are non-complying activities in any area identified as being a natural hazard site where the site is not protected from the natural hazard by floodbanks or erosion protection. For the purposes of this rule, where hazard mitigation responses have been implemented on sites located within the Industrial Resource Area (Toko Plains) and implemented in accordance with an approved Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3 and where stored in accordance with Hazardous Substances and New Organisms (HSNO) Act, the storage of commercial quantities of hazardous substances is a permitted activity.

Provided that for the purposes of this rule, farm tips and offal pits permitted by the Regional Waste Plan are excluded from the definition of landfills or waste disposal.

“Commercial quantities” means quantities used or stored for the purpose of supplying or offering a service to the general public and does not include substances or goods to be used solely on the property upon which it is kept, for the purpose of maintaining or improving the health of stock, crops, land quality or for eradicating pests and/or undesirable weeds or plants from that property.

2. DWELLINGS AND BUILDINGS THAT ACCOMMODATE PEOPLE

[Unchanged]

3. OTHER BUILDINGS

[Unchanged]

RULE NHZ.3 ACTIVITIES WITHIN AREAS IDENTIFIED AS FLOOD PRONE

3.1. LAND LOCATED WITHIN THE AREA PROVIDED FOR BY THE “MILTON 2060 STRATEGY 2012”

[Unchanged]
3.1.1. AREA 1A: TOKOMAIRIRO RIVER FLOODPLAIN

(a) Dwellings and Other Buildings that Accommodate People

All dwellings and other buildings that accommodate people located within Area 1A shall be discretionary activities.

This rule does not apply to other buildings that accommodate people located within Area 1A identified within the Industrial Resource Area (Toko Plains) Annotated Structure Plan and where appropriate hazard mitigation responses have been implemented on site in accordance with an approved Stormwater Management Structure Plan in accordance with Rule SUB.4.A.3.

(b) Other Buildings

All other buildings not provided for by Rule NHZ.3.1.1(a) above located within Area 1A shall be restricted discretionary activities.

Council’s discretion shall be restricted to the siting and design of the building to ensure that the existing overland passage of stormwater flows is not significantly obstructed, impeded or redirected.

This rule does not apply to other buildings that are located within Area 1A identified within the Industrial Resource Area (Toko Plains) Annotated Structure Plan and where appropriate hazard mitigation responses have been implemented on site in accordance with an approved Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3

(c) Standards for Other Activities

i. Any fence, shelterbelt, plantings or storage areas established within Area 1A shall be located and designed to ensure that the existing overland passage of floodwaters or stormwater flows is not obstructed, impeded or redirected.

ii. No earthworks located within Area 1A shall modify the contour/gradient to a degree that would obstruct, impede, or redirect overland passage of floodwater or stormwater flows unless the earthworks are part of any public flood protection work designed to mitigate or reduce the effects of flow on the Milton Township.

This rule does not apply to activities listed in (i) and (ii) located within Area 1A identified within the Industrial Resource Area (Toko Plains) Annotated Structure Plan where appropriate hazard mitigation responses have been implemented on site in accordance with a Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3

3.1.2. AREA 1B: TOKOMAIRIRO RIVER FLOODPLAIN

[Unchanged]

3.1.3. AREA 2A: URBAN PONDING AREA

[Unchanged]

3.1.4. AREA 2B: URBAN PONDING AREA

[Unchanged]
3.1.5. AREA 3B: URBAN FLOODWAY CORRIDOR

[Unchanged]

3.1.6. AREA 4B AND 4C: TOKOMAIRIRO PLAIN: FLOODWAY CORRIDORS

(a) **Dwellings and Other Buildings that Accommodate People**

All dwellings and other buildings that accommodate people located within Area 4B shall be discretionary activities.

This rule does not apply to other buildings located within Area 4B and 4C identified within the Industrial Resource Area (Toko Plains) Annotated Structure Plan where appropriate hazard mitigation responses have been implemented on site in accordance with a Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3

(b) **Dwellings and Buildings that Accommodate People**

All dwellings and other buildings that accommodate people located within Area 4C shall be non-complying activities.

This rule does not apply to other buildings located within Area 4C identified within the Industrial Resource Area (Toko Plains) Annotated Structure Plan where appropriate hazard mitigation responses have been implemented on site in accordance with a Stormwater Management Structure Plan approved in accordance Rule SUB.4.A.3.

(c) **Other Buildings**

All other buildings not provided bit by Rule NHZ.3.1.6(a) and (b) above, located within Area 4B and 4C shall be restricted discretionary activities.

Council’s discretion shall be restricted to the siting and design of the building to ensure that:

- Areas of excessive depth or velocity of flood water are avoided
- The existing overland passage of stormwater flows is not significantly obstructed, impeded or redirected.

This rule does not apply to other buildings located within Area 4B identified within the Industrial Resource Area (Toko Plains) Annotated Structure Plan where appropriate hazard mitigation responses have been implemented on site in accordance with a Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3.

(d) **Earthworks**

All earthworks located within Area 4B and 4C shall be restricted discretionary activities.

Council’s discretion shall be restricted to matters that ensure the overland passage of floodwaters or stormwater flows are not obstructed, impeded, or redirected. This measure may include measures that mitigate such effects.

Provided that this rule does not apply to earthworks that are part of any public flood protection work designed to mitigate or reduce the effects of flooding on the Milton Township or where the earthworks form part of a hazard mitigation response implemented on site in accordance with a Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3.
(e) **Standards for Other Activities**

Any fence, shelterbelt, plantings or storage areas established within Area 4B and 4C shall be located and designed to ensure that the existing overland passage of floodwaters or stormwater flows is not obstructed, impeded or redirected.

This rule does not apply to any fence, shelterbelt, plantings or storage areas established within Area 4B and 4C identified within the Industrial Resource Area (Toko Plains) Annotated Structure Plan where appropriate hazard mitigation responses have been implemented on site in accordance with a Stormwater Management Structure Plan approved in accordance with Rule SUB.4.A.3.

**REASON**

[Unchanged]
3.11.4. RULES

RULE AME.1 ELECTRICAL INTERFERENCE

[Unchanged]

RULE AME.2 GLARE

(i) No activities shall result in greater than 10 lux spill (horizontal and vertical) of light onto any adjoining property, measured at the boundary of the neighbouring property, provided that this rule shall not apply to headlights of moving vehicles or vehicles that are stationary for less than 5 minutes.

Provided that the provisions of (ii) below are not contravened, the amount of light that may be spilled onto a neighbouring property may be increased by not more than 100%, in cases where the neighbouring activity is not residential or people orientated in nature.

In the case of glare and illumination controls within the Industrial Resource Area (Toko Plains), the controls under Rule IND.4 (8) Design Control prevail for all development within the Industrial Resource Area (Toko Plains).

(ii) No activity, or use of land or buildings, shall be conducted so that direct or indirect illumination creates a nuisance to traffic or occupants of adjoining or nearby sites. Council’s Enforcement Officers shall decide whether or not there are reasonable grounds for believing that a nuisance has been created.

(iii) No building shall be constructed, and/or left unfinished, and/or clad in any protective material or cover which could reflect sufficient light to detract from the amenities of the neighbourhood or cause discomfort to any person resident in the locality. Material used in construction, cladding, or protection of a building where discomfort is likely to occur should have a reflective value not greater than 20%.

(iv) Activities which do not comply with this rule shall be non-complying activities in relation to these matters.

REASON
Glare from external lighting and reflected light can be a nuisance and can be avoided by careful siting and design of lighting fixtures, and by the design of buildings, their position and the material used which may reflect artificial or natural light.

RULE AME.3 ODOUR

[Unchanged]
3.14.4. RULES

TO BE A COMPLETE CODE

[Unchanged]

RULE INF.1 STANDARDS AND CONDITIONS

[Unchanged]

RULE INF.2 TRANSPORTATION ROUTES

1. ROADS

(i) Existing Formed Roads

[Unchanged]

(ii) Encroachment beyond an Existing Road Reserve of Formed Road

The physical encroachment of a road due to upgrading, shape correction, minor realignment works for the purpose of improving safety and efficiency of the road, or realignment works to give effect to the structure plan for the Industrial Resource Area (Toko Plains) outside the existing road reserve boundary, is a permitted activity provided:

(a) The area of land no longer required for road is rehabilitated for productive uses or is landscaped or rehabilitated effectively and permanently so to offset any removal of significant flora and/or habitat of significant fauna associated with the encroachment.

(b) Any areas of soil, indigenous vegetation, riparian vegetation and margins disturbed by the construction work that are not incorporated into the new road carriageway are effectively reinstated to a standard no less than that which existed prior to the work taking place.

(c) The safe and efficient operation of existing infrastructure is not adversely affected.

(d) Stormwater control is integrated with the existing catchments stormwater drainage system.

(e) No historic heritage item listed in Table 13.1 or Table 13.4 is affected.

(f) No sites of cultural importance to Kai Tahu listed in Table 13.6 (Waahi Tapu) or Table 13.7 (Waahi Taoka and Mahika Kai) are affected;

(g) Construction, including the relocation of the roads existing traffic flows, is managed to minimise any adverse effects of noise, vibration, dust, lightspill, glare, and the safety of any affected people/communities

Where these conditions cannot be met such activities shall be considered as restricted discretionary activities. Council shall restrict the exercise of its discretion to the matter that cannot be complied with.

A resource consent application made under this rule shall not be publicly notified.

This rule does not apply where the status/classification of the road is changed to State highway or to a heavy traffic bypass. In these circumstances such activities become discretionary activities.
(iii) New Roads

The construction of a new road, whether aligned with a legal road reserve or not, is a discretionary activity except where the road is to be formed as part of subdivision consent, or where the road is to be formed in general accordance with the structure plan for the Industrial Resource Area (Toko Plains).

2. RAIL

(i) Railway Corridor

[Unchanged]

(ii) Rail Development

The development and operation of a new railway line where there is no existing designation is a discretionary activity except where the railway line is to be formed in general accordance with the structure plan for the Industrial Resource Area (Toko Plains), in which case the new railway line shall be assessed as a controlled activity.

Council’s control shall be limited to the following matters:
• The effects of noise, vibration, glare and dust effects.
• The effects on the safe and efficient operation of the roading network and other infrastructure in the area
• The method of construction, in particular,
  ▪ measures to avoid, remedy, or mitigate:
    ▪ loss of or damage to soil; and
    ▪ movement of vegetation, soil, or debris, into any water body.
  ▪ Stormwater runoff.

RULE INF.3 AIRPORTS

(i) Development of New Rural and Private Landing Strips

[Unchanged]

(ii) Balclutha Aerodrome

[Unchanged]

(iii) Commercial Airports, Landing Strips and Landing Pads

Except as provided for in (iv) below Airports, Landing Strips and Landing Pads providing for the transport of passengers, freight transport services or that act as a base for commercial operations (including commercial recreation operations) are discretionary activities.

(iv) Commercial Airports, Landing Strips and Landing Pads for Industrial Resource Area (Toko Plains)

Helicopter Pads providing for the transport of passengers, freight transport services or that act as a base for commercial operations (including commercial recreation operations) in the Industrial Resource Area (Toko Plains) are a restricted discretionary activity.

Council’s discretion is limited to the following matters:
• The scale of the operation, including the frequency of flights.
• The adverse effects of noise on not only the adjacent environment but also those areas affected by flight paths.
• Visual effects.
• Any increase in traffic volume and flow and its effect on the transportation network in the locality.”
4.4.3. OBJECTIVES AND POLICIES

OBJECTIVE IND.1

[Unchanged]

OBJECTIVE IND.2

[Unchanged]

OBJECTIVE IND.3

That development within the Industrial Resource Area (Toko Plains) is efficient, co-ordinated and supported by adequate services; integrates with adjoining infrastructure; does not compromise surrounding land use; and does not compromise the existing drainage systems and the safety and efficiency of the transport system

POLICY IND.1

[Unchanged]

POLICY IND.2

[Unchanged]

POLICY IND.3

[Unchanged]

POLICY IND.4

[Unchanged]

POLICY IND.5

All development within the Industrial Resource Area (Toko Plains) to be undertaken in accordance with the Industrial Resource Area (Toko Plains) Structure Plan in order to establish:

(a) The location of activities taking into account:
   
   • the effects they generate;
   • compatibility with neighbouring activities/ Resource Areas;
   • the location and efficiency of infrastructure, including transportation infrastructure;
   • the location and efficiency of the existing drainage systems within the Structure Plan area.

(b) The provision of the primary roading structure within the Structure Plan area;

(c) The staging of development, having regard to the efficient and co-ordinated provision of services including internal roading;
(d) Safe and efficient connections with adjoining infrastructure, in particular the State Highway and the Main South Railway Line.

(e) Appropriate areas of landscaping and open space;
   - to mitigate any adverse visual effects of industrial development;
   - to protect existing drainage systems within the Structure Plan area or provide an appropriate alternative management response;
   - and to provide for an appropriate level of amenity within the Structure Plan area;
   - The provision of stormwater management areas, including stormwater detention ponds.

Explanation

The Industrial Resource Area (Toko Plains) comprises a large (approximately 330ha), tract of generally undeveloped rural land on the Tokomairiro Plain that stretches from Milburn in the north down to the outskirts of Milton in the South. The zone is bordered by the Main South railway line to the west and State Highway One to the east. To achieve co-ordinated and integrated development of this site, a Structure Plan is considered necessary.

4.4.4. RULES

RULE IND.1

GENERAL SECTION RULES

All activities shall comply with the rules contained in Section 3 of this Plan.

Note in particular:

3.3 Transportation.
3.7 Subdivision
3.8 Financial and Reserve Requirements
3.11 Other Environmental Issues
3.12 Signs
3.13 Noise

TOKO PLAINS STRUCTURE PLAN

All development occurring on any site not already developed for industrial purposes within the Industrial Resource Area (Toko Plains), shall be undertaken in accordance with the Industrial Resource Area (Toko Plains) Structure Plan (attached at page X), including the associated Staging Plan.
RULE IND.2 PERMITTED ACTIVITIES

Any activity that conforms with the rules contained in Rule IND.4 Performance Standards (except as provided in Rule IND.3) and where the activity is located in the Industrial Resource Area (Toko Plains) and the Structure Plan for that Resource Area, is a permitted activity.

REASON

The performance standards of Rule IND.4 are intended to avoid, minimise or mitigate adverse effects of any activity. Development of the Industrial Resource Area (Toko Plains) in general accordance with the Structure Plan will ensure:

- the efficient and integrated development of the land for industrial purposes;
- the provision of a connected, safe, and efficient transportation network;
- the ongoing efficiency of the existing drainage system within the area;
- the provision of water, sewer and stormwater infrastructure on a coordinated basis;
- the mitigation of any adverse effects visual effects of industrial development.

RULE IND.3 DISCRETIONARY ACTIVITIES

The following activities are discretionary activities:

(g) [Unchanged]

(h) [Unchanged]

(i) [Unchanged]

(j) [Unchanged]

(k) Unless otherwise stated, non-compliance with any standard within Rule IND.4;

(l) Activities or development that are not in general accordance with the Structure Plan for the Industrial Resource Area (Toko Plains).

Note: For the purposes of Rule (f), the following activities and amendments do not constitute a breach of the Industrial Resource Area (Toko Plains) Structure Plan:

- movement of the central spine road identified within the Industrial Resource Area (Toko Plains) Structure Plan by 25 metres in an eastern or western direction;
- the provisions for breaks in the western boundary landscape strip in order to accommodate entry and egress of rail sidings into and out of the Industrial Resource Area (Toko Plains) or where landscaping is required to be reduced in order to achieve the safe and efficient operation of existing road and rail networks.
- resizing and the provision of additional dry and wet detention ponds;
- access to the State Highway for land to the north of Limeworks Road, which is to be assessed in accordance with Rule TRANS 4(iii)(f).

(m) Any development within Stage 2 and 3 identified within the Industrial Resource Area (Toko Plains) Staging Plan that occurs before any underlying subdivision of these areas in accordance with Rule SUB.4 D.2
i. Any development advanced under this rule must be supported with an Integrated Transport Assessment, which considers the transportation effects of the proposed development and shall include but not be limited to the following matters:

ii. The level and type of roading intervention required on the adjoining roading network;

iii. Evidence of consultation undertaken with the NZ Transport Agency with respect to any proposed intervention identified in (i) above; and

iv. The timing of the proposed intervention identified in (i) and the need for these measures to be implemented before development occurs on site.

(n) Any development that occurs before implementation of landscaping response required under Rule IND.4.6 Landscaping.

(o) Any development that does not comply with the design controls required under Rule IND.4.8 Design Controls.

RULE IND.4 PERFORMANCE STANDARDS

1. BULK AND LOCATION

(a) [Unchanged]

(b) Rear and side yards of 4.5 metres shall be provided where a site adjoins any Urban, Transitional or Rural Settlement Resource Area without intervention of a road or railway line except that within the Industrial Resource Area (Toko Plains) Structure Plan, where the site of a building adjoins the site of a residential activity that existed at the time that the Industrial Resource Area (Toko Plains) was made operative (20 June 2020), the bulk and location requirements of this building shall provide for the following:

• Be set back a minimum distance of 10 metres from the common boundary with the adjoining residential property;

• The maximum height shall be determined by an inclined plane which originates from 3.5 metres at any point on the common boundary of the residential property and then slopes upwards at an angle of 25 degrees to the horizontal into the adjoining Industrial Resource Area (Toko Plains) zoned property;

• A landscape buffer zone of 10 metres shall be planted within the 10 metre space identified in (a) in order to screen / soften the visual effects of industrial activities and shall be implemented before occupation of the adjoining industrial building.

This rule shall also apply to the storage of outdoor containers.

For the purpose of this rule chimneys and stacks with a diameter of 2.5 metres or less are exempt from this height restriction.

For the purposes of this rule, where it can be demonstrated that the residential use of the residential property has ceased and the property is no longer being utilised for residential occupation and use, this rule shall not apply.
The maximum height for buildings and structures in the area shall be 12 metres from ground level provided that where the site adjoins an Urban, Transitional or Rural Settlement Resource Area, Rule URB 4(2) shall apply. In the case of the Industrial Resource Area (Toko Plains) maximum building heights shall be in accordance with the structure plan for this zone which provides for a maximum building height of 25 metres from ground level for Large Format Industrial and a maximum building height of 16 metres from ground level for Industrial Resource Area (Toko Plains). For the purpose of this rule, chimneys and stacks with a diameter of 2.5 metres or less are exempt from the height restriction and within the Large Format area contained within the Industrial Resource Area (Toko Plains) Industrial Structure Plan chimneys and stacks with a diameter of 3.5 metres or less are exempt from the height restriction; Fire Station hose drying towers up to a maximum height of 15 metres and maximum width of 1.5 metres; and radio and television aerials up to a maximum of 3.0 metres in height above the building to which it is attached, are exempt from the height restriction.

The maximum building heights shall also apply to outdoor storage activities. For the purposes of this rule, container cranes shall be exempt from this rule.

(d) [Unchanged]

(e) [Unchanged]

REASON

[Unchanged]

2. NOISE

[Unchanged]

3. SIGNS

Signs shall conform with the following:

(a) [Unchanged]
(b) Illuminated signs are permitted provided that no signs are flashing and in the Industrial Resource Area (Toko Plains) all illumination of signage is directed downwards.

(c) No sign shall exceed the following dimensions:

(i) **For horizontal signs** - the length of the building frontage and a width of 1.2 metres.

(ii) **In the Industrial Resource Area (Toko Plains) for horizontal signs** - the length of the building frontage and a width of 3 metres.

(iii) **For vertical signs** - the height of the building frontage and a width of 1.2 metres.

(iv) **In the Industrial Resource Area (Toko Plains) for vertical signs** - the height of the building frontage and a width of 3 metres.

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

(vi) **In the Industrial Resource Area (Toko Plains) for pole signs** - an area of 8m² not exceeding 8 metres in height, with a maximum of 2 per site or 1 per 50 metres of street frontage, whichever is lesser and with a minimum distance of 10 metres between such signs.

Any activity that exceeds these standards shall be considered as a restricted discretionary activity. Council shall restrict the exercise of its discretion to the effect on amenity values and the effect on the safe and efficient operation of the roading network.

**REASON**

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

4. SERVICING AND FINANCIAL CONTRIBUTIONS

The development of any site and the provision of all network utility services to the boundary of the site is the responsibility of the developer and shall be undertaken in accordance with the relevant provisions of Section 3.7 Subdivision and Section 3.8 Financial and Reserve Contributions.

Unless otherwise agreed in writing by Council, where subdivision and development is implemented within the Industrial Resource Area (Toko Plains) all infrastructure servicing and financial contributions shall be provided for in accordance with the staging plan for the Industrial Resource Area (Toko Plains) and financial contributions are sought at a time when demand is generated on Council infrastructure.

Where any development takes place in an unreticulated area, the site shall be capable of effective disposal of effluent safely within the site

**PROVIDED THAT**

for sites less than 4,000m² or where the activity on the site will generate quantities of effluent in excess of three household units or the equivalent thereof regardless of area, Council shall require a certificate from Council’s Environmental Health Officer or from a person professionally qualified in effluent disposal that effluent can be safely disposed of within the site.

The discharge of contaminants including trade wastes in unreticulated areas must also be in accordance with the requirements of the Otago Regional Council. Consent may be required from the Regional Council regardless of compliance with this rule.

Plan Change 41A to the Clutha District Plan
20 June 2020
Page 22
REASON

Effluent can have significant environmental effects in terms of odour, contamination of water supplies, and other health hazards. As no minimum site sizes have been set, the size of any sites in unreticulated area will be determined by the sites ability to dispose of effluent effectively.

5. STORAGE

Any area used for or proposed to be used for storage purposes that is not enclosed or partly enclosed by a covered building shall be screened from the view of any public road, reserve, other public land, or any other adjacent site boundary or resource area boundary.

Such screening shall be erected or planted to a suitable height and density so as to mitigate adverse visual effects and dust effects that have the potential to occur and shall not impede visibility on adjacent roads provided that no waste material, including animal waste shall be stored, stockpiled, or disposed of in a manner that attracts or increases habitats for flies, rodents, vermin or insects and birds.

This rule does not apply to the storage of shipping containers within the Industrial Resource Area (Toko Plains) Structure Plan.

REASON

Storage of materials can have adverse effects on adjoining properties particularly in terms of visual amenity values and the attraction of vermin etc.

6. LANDSCAPING

All sites, including within the Industrial Resource Area (Toko Plains), adjoining public roads, reserves or other public land, or adjacent resource areas shall be landscaped to mitigate any adverse visual effects of industrial activities from these places. Such landscaping shall be designed and implemented to a suitable height and density so as to mitigate the visual dominance of future industrial development and the adverse visual and amenity effects that have the potential to occur and shall not impede visibility on adjacent roads. Any such landscaping shall be appropriately maintained.

In the Industrial Resource Area (Toko Plains), all landscaping shall be designed in accordance with the following design principles and outcomes:

- Landscaping and any associated mounding shall seek to mitigate the visual dominance of future industrial development on site when viewed from public places and the wider receiving environment;
- Where adjacent to rural zoned land, integrate the industrial zone with the surrounding rural character;
- Enhance the internal visual amenity of the Industrial Resource Area (Toko Plains) in order to complement future industrial activities;
- Landscaping of a scale and impact to effectively mitigate the built elements and outdoor storage areas shall be provided for;
- The green spaces identified within the Structure Plan are provided for. These shall be substantially unencumbered by services or other constraints that conflict with achieving the landscape mitigation objectives;
• Where appropriate, plantings shall seek to enhance the indigenous biodiversity and natural character of the area, particularly within the riparian and stormwater management areas (where appropriate).

• Plantings and other landscape treatments are to be appropriate to their intended mitigating function and specific situation. Further detail on appropriate landscape approaches plant species and mounding design is provided in the Tokomairiro Plains Industrial Resource Area Landscape Design Guidelines (refer Schedule 6.14).

• All development stages shall be underpinned with a landscape plan that is informed by the Tokomairiro Plains Industrial Resource Area Landscape Design Guideline and identifies any proposed mounding areas, planted areas detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting;

• A programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, length of maintenance programme) and must provide for replacement and successful establishment of plants that die or fail to thrive.

• All landscaping shall be implemented prior to occupation of the development or where completion of the development occurs outside of a planting season then landscaping shall be undertaken within the first planting season following.

• For the purposes of the 10-metre landscape strip fronting the property legally described as Section 1 SO 465421 and Lot 2 DP 23974 and identified within the Industrial Structure Plan, the landscaping strip shall comprise a minimum landscaping strip of 4.5 metres from the front State Highway boundary with associated naturalised mounding. Note: For the purposes of this rule, mounding may extend outside of this 10-metre landscape strip and naturalised mounding is encouraged along the State Highway frontage.

**DOCUMENTATION REQUIREMENTS**

(i) All development stages shall be underpinned with a landscape plan informed by the Tokomairiro Plains Industrial Resource Area Landscape Design Guidelines that spatially identifies areas to be planted and/or mounded. Details are required as to plant species, plant sourcing, plant sizes at the time of planting, plant locations, density of planting, and timing of planting; and

(ii) A documented programme of establishment and post establishment protection and maintenance is required addressing such matters as site preparation, fertilizing, watering, weed control, control of pest animals, replacement of dead or non-thriving plants and the length of the maintenance period. The proposed maintenance programme must provide for replacement and successful establishment of plants that die or fail to thrive.

7. EARTHWORKS

Earthworks not required for construction of a building for which a building consent has been issued that exceed the following:

(a) [Unchanged]

(b) [Unchanged]

(c) [Unchanged]

(d) [Unchanged]
In the case of the Industrial Resource Area (Toko Plains) the following earthworks thresholds apply:

(i) An excavation depth or fill height exceeding 3 metres, or
(ii) the removal or the depositing of material exceeding 5,000m³, or
   • an area of earthworks exceeding 30,000m²,
   • Clauses (ii) to (iii) apply in any consecutive 12-month period.

are a restricted discretionary activity.

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

• The effects of noise and dust emission;
• The effects of any blasting required;
• The extent, timing and duration of bare ground;
• The location, timing of construction, design and density of the earthworks;
• The control of run-off;
• The disposal and stabilisation of waste material or fill;
• The effects on waterbodies;
• The effects on slope stability;
• Measures to avoid, remedy or mitigate adverse visual effects;
• The effects of traffic generated by the activity.
• The effects on stormwater flows
• The need to protect survey marks
• The effects on structure supports, including structures on other properties
• The effects on infrastructure and utility services (including stormwater systems, and manhole or service covers) in particular the retention of appropriate cover, the retention of practical access to them and the recognition of loading weights.

This rule does not apply to earthworks associated with the construction of utility services and roads (including works within road reserves for footpaths, drainage systems etc.) authorised by this plan or appropriate resource consents or earthworks associated with subdivision activities within the Industrial Resource Area (Toko Plains).

Any application under this rule will generally not be notified or served. Where any neighbouring property owners are considered to be affected by any application, the notice of the application will be served on them unless all persons who may adversely affected have given their written approval to the application.

REASON

[Unchanged]

8. DESIGN CONTROLS

All buildings within the Industrial Resource Area (Toko Plains) that exceed 8m in height shall be designed in accordance with the following external design controls:

(a) Exterior building wall colours: The external materials and colours of buildings, including but not limited to walls, spouting, joinery, doors etc., and water tanks shall be of a recessive colour within
the natural tones of grey, green or cool browns with a light reflectivity value (LRV) of no more than 40%.

(b) Roofing: Rooftop materials shall have a colour which has a reflectivity value of no more than 30% LRV.

(c) Accessory buildings: to be constructed in similar materials and colours to principal buildings (unless below 8m in height, in which case these design controls do not apply).

(d) Glazing: mirror glazing not permitted.

(e) No activities shall result in any light spill onto any adjoining property beyond Industrial Resource Area (Toko Plains) exceeding 10 lux (horizontal and vertical).

**Note:** For the purposes of compliance with Rule IND.4(8)(b) Design Control (30% LRV for roofing materials:

(i) untreated zincalume is discouraged as a roofing material;

(ii) this rule does not apply to solar panels erected on the roof of Industrial Buildings located within the Industrial Resource Area (Toko Plains), however the intention within the Industrial Resource Area (Toko Plains) is that low reflectivity solar panels are selected in order to minimise glare effects.”
4.4.7. INDUSTRIAL RESOURCE AREA (TOKO PLAINS)
STRUCTURE PLAN
SCHEDULE 6.14. TOKOMAIRIRO PLAINS INDUSTRIAL RESOURCE AREA LANDSCAPE DESIGN GUIDELINES

Refer to Rule IND.4.6.
- Tokomairiro Plains Industrial Resource Area -
  Landscape Design Guideline
  May 2020
FIGURES

Figure 1 : View of Tokomairiro Plains from Anicich Road ........................................ 4
Figure 2 : Existing Riparian area plantings ............................................................... 7
Figure 3 : Existing higher level riparian plantings .................................................... 7
Figure 4 : Example mounding approach at Revolution Hills ..................................... 8
Figure 5 : Example mounding approach with trees ................................................... 8
Figure 6 : Example mounding along Waihola Highway ............................................. 8
Figure 7 : Existing rural shelterbelts ................................................................... 9
Figure 8 : Internal Road ................................................................................. 10
Figure 9 : 30m Highway Boundary .................................................................... 11
Figure 10 : 30m Highway Boundary (mounding) .................................................. 12
Figure 11 : 10m Highway Boundary ................................................................ 13
Figure 12 : 20m Western Boundary - Adjoining Large Format Area .................... 14
Figure 13 : 10m Western Boundary for 16 metre height area up to Limeworks Road (and excluding Pan Pac site legally described as Section 1 SO 465421 and Lot 2 DP 23974) ................................................................. 15
Figure 14 : Riparian/Wetland/Detention ................................................................ 16
Figure 15 : Residential Use Set Back ................................................................. 17
Figure 16 : Southern Boundary ........................................................................... 18

CONTENTS

Introduction_Background .................................................................................. 4
Introduction_Design Guidance ........................................................................ 5
Landscape Character_Planting Considerations .................................................. 6
Landscape Character_Principles ........................................................................ 7
Landscape Character_Principles ........................................................................ 8
Landscape Character_Principles ........................................................................ 9
Preferred Approaches_Internal Road ................................................................. 10
Preferred Approaches_30m Highway Boundary (no mounding) ......................... 11
Preferred Approaches_30m Highway Boundary (mounding) .............................. 12
Preferred Approaches_10m Highway Boundary ............................................... 13
Preferred Approaches_20m Western Boundary - Adjoining Large Format Area ................................................................................................................................. 14
Preferred Approaches_10m Western Boundary for 16 metre height area up to Limeworks Road (and excluding Pan Pac site legally described as Section 1 SO 465421 and Lot 2 DP 23974) ................................................................. 15
Preferred Approaches_Riparian/Wetland/Detention ........................................... 16
Preferred Approaches_Residential Use Set Back .............................................. 17
Preferred Approaches_Southern Boundary ...................................................... 18
Species Guidance_Principles ............................................................................ 19
Buildings and Structures up to 25m High ......................................................... 20
Buildings and Structures up to 16m High ......................................................... 21
Riparian/Wetland/Detention Area Restoration ................................................... 22
Introduction

Background

Council seeks to achieve a comprehensive landscape design strategy across the Tokomairiro Plains Industrial Resource Area (TP Area). This is to ensure high quality landscape outcomes are achieved within the TP Area. These outcomes are to be achieved through the use of a set of landscape design principles that guide future planting and other landscaping approaches as the area develops. The aim is to provide appropriate amenity and a high quality industrial zone character, with landscape treatments of sufficient scale to appropriately soften and balance the impact of large built elements.

Figure 1: View of Tokomairiro Plains from Anicich Road
These principles and guidelines respond to the specific issues and opportunities identified in the context of the TP Area. They are intended to provide direction for future approaches to landscape components identified in the Clutha District Plan Rules for both subdivision and site development.

It is recommended that developers work with the council staff in preparing more detailed Layout or Development Plans including associated landscape components when proposing development within the Plan Change area.

Key design principles and outcomes sought for preparation of Development/Landscape Plans are:

(i) Landscaping and any associated mounding shall seek to mitigate the visual dominance of future industrial development on site when viewed from public places and the wider receiving environment;

(ii) Where adjacent to rural zoned land, integrate the industrial zone with the surrounding rural character;

(iii) Enhance the internal visual amenity of the Industrial Resource Area (Toko Plains) to complement future industrial activities;

(iv) Landscaping of a scale and impact to effectively mitigate the built elements and outdoor storage areas shall be provided for;

(v) The green spaces identified within the Structure Plan are provided for. These shall be substantially unencumbered by services or other constraints that conflict with achieving the landscape mitigation objectives;

(vi) Where appropriate, plantings shall seek to enhance the indigenous biodiversity and natural character of the area, particularly within the riparian and stormwater management areas (where appropriate);

(vii) Plantings and other landscape treatments are to be appropriate to their intended mitigating function and specific situation. Further detail on appropriate landscape approaches plant species and mounding design is provided in the Tokomairiro Plains Industrial Resource Area Landscape Design Guidelines;

(viii) Planting shall be undertaken using the range of species identified in Table 1 attached at page X;

(ix) All development stages shall be underpinned with a landscape plan that is informed by the Tokomairiro Plains Industrial Resource Area Landscape Design Guideline and identifies any proposed mounding areas, planted areas detailing the proposed plant species, plant sourcing, plant sizes at time of planting, plant locations, density of planting, and timing of planting;

(x) A programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, length of maintenance programme) and must provide for replacement and successful establishment of plants that die or fail to thrive; and

All landscaping shall be implemented prior to occupation of the development or where completion of the development occurs outside of a planting season then landscaping shall be undertaken within the first planting season following.
Landscape Character

Planting Considerations

The TP Area is located to the north of Milton Township and sits within the low-lying flat floodplain of the Tokomairaro River with a gently undulating landform. Bounded on both sides of the floodplain are hill ranges that provide a backdrop to views from the plan change area outwards. One kilometer to the south of the plan change area is the built up residential township of Milton. On its outskirts there are mixed rural and industrial sites that then progress to residential properties.

The area receives a median annual rainfall of 800 – 900 mm. Winds reach 10 - 14 km/hr and there are 2.1-3.0 median frosts in October. The soils of the plan change area are pallic soils of the Tokomairiro Series. They are greater than 900mm in depth and of a silt loam texture on gently undulating slope.

The TP Area is located within the Otago Coast Ecological Region and within the Tokomairiro Ecological District. Recent riparian restoration of Gorge Creek and another scheduled drains that run through the plan change area has been undertaken through planting with a mix of typical native restoration plantings, including Carex and Chionochloa grasses, Coprosma species, and cabbage trees (Cordyline australis).

Existing vegetation is consistent with its rural land use and characterised by hedges, formalised shelterbelts and informal amenity planting largely associated with house sites or recent plantings of specimen trees along internal roads and farm tracks.

The following provides guidance for a range of approaches to ensure landscape and vegetation qualities are incorporated throughout the Toko Plains Industrial Zone. These include:

- Streetscape/road green space;
- Riparian/Detention areas;
- Landform and mounding; and
- Landscape buffer strip plantings.

Given the scale of the buildings within the Zone (both 16m and 25m heights), it is expected that a range of exotic and native species be used to provide a degree of screening and softening of the buildings. Some of these plantings will be broad expanses of native restoration while others will be specimen plantings alongside roads and/or along site boundaries between future development sites.

It is not expected that full screening of development within this plan change area will be possible or appropriate. It is instead anticipated that screening will be targeted as providing vegetation of a scale (height) that has some ability to provide softening of the built forms and to provide vegetation links to the broader landscape - thereby reducing the dominance of the buildings.

Planting along future subdivision boundaries will allow for a disruption in the perceived bulk of built form along the length of the plan change area. It is noted however, that planting is unlikely to completely screen all of the built form.
**Landscape Character Principles**

**Streetscape/Road Greenspace**
The main roads through the TP Area provide an opportunity for establishment of large scale specimen planting and a cohesive approach to road-side planting through the TP Area. These corridors also assist in visual mitigation of adjacent built form and break up the expanse of built from when viewed from outside the TP Area. A cohesive approach to the streetscape environment is desired with space provided either side of the road to allow for large scale specimen plantings.

**Riparian/Detention/Wetland Areas**
A range of detention areas will be required throughout the TP Area to support stormwater management. These are connected to adjacent green space and together provide a series of corridors of habitat and vegetation within the TP Area.

As Gorge Creek to the north end of the plan change area creates a strong intersecting feature, there is an opportunity to accentuate and enhance the natural landform of the stream edge and streamside environments as a valuable amenity asset for the surrounding community. Along with providing a green break within the development, the streamside reserve (with associated walk and cycleway) will provide passive recreational opportunities for those living on the outskirts of Milton township and for those coming from further afield.

Riparian planting along the edges of the waterways will provide a degree of habitat value and wildlife corridor connectivity through the plan change area. It is recommended that this planting is restricted to locally appropriate indigenous species.
Landform and Mounding

The existing Revolution Hills site has used mounding and landform shaping as an effective way to screen the associated industrial buildings on this site while also providing an interesting and varied landscape treatment alongside the State Highway. Landform and mounding with associated low planting may be an appropriate approach for some areas - in particular, between the existing rural lifestyle properties at the southern end of the TP Area and where sufficient space exists. This will provide a degree of buffering between the industrial activities and those rural properties.

There are opportunities within the TP Area for mounding to be incorporated. Where mounding is to be integrated the preferred approach is to ensure it is designed to integrate with surrounding landforms. Lineal, regular bunds should be avoided and mounding should be designed to soften built form by using natural, flowing forms. Adequate space is required to successfully integrate mounding, which should be low and wide in proportion rather than narrow and steep if it is to integrate well and not look contrived. Mounding design will also need to factor in drainage flows and the requirements for ongoing maintenance of its vegetative cover.
### Planting

Principles for Landscape Buffer Strip Plantings

The purpose of plantings within the landscape strips surrounding the TP area is primarily to screen, soften and visually balance the impact of the often large scale built elements. As the TP area is within a wider rural context, it will often be appropriate to utilize plantings of a character that integrates with those in the rural landscape surrounding. Where possible and consistent with wider mitigation objectives, plantings should also seek to enhance indigenous biodiversity. Where public pathways / cycleways run through these areas it will be appropriate to also consider amenity enhancement and safety considerations for users.

### Landscape Character Principles

The following general principles are likely to be relevant:

- Use tree species of appropriately large scale and quick growth rates to provide effective mitigation and / or;
- Provide for large blocks of trees and shrubs which, as an entity, provide for a visually effective block of ‘natural’ impact to balance the impact of large scale built form;
- Consider the long term maintenance requirements associated with plantings and where appropriate provide for both quick growth species that may possibly be thinned out or removed in the long term, and longer term species;
- Species diversity and the inclusion of both lower and higher level screening will generally be beneficial in terms of robustness and effectiveness;
- Have regard to constraints such as the need for adequate sightlines near road intersections, and
- The use of species characteristic in the local rural landscape and / or local indigenous species will often be appropriate.

Figure 7: Existing rural shelterbelts
Preferred Approaches _Internal Road

Figure 8: Internal Road
Preferred Approaches _30m Highway Boundary (no mounding)

Figure 9: 30m Highway Boundary
Preferred Approaches  

30m Highway Boundary (mounding)

Figure 10: 30m Highway Boundary (mounding)
Preferred Approaches

10m Highway Boundary

Figure 11: 10m Highway Boundary
Preferred Approaches - 20m Western Boundary - Adjoining Large Format Area

Figure 12: 20m Western Boundary - Adjoining Large Format Area
Preferred Approaches

10m Western Boundary for 16 metre height area up to Limeworks Road (and excluding Pan Pac site legally described as Section 1 SO 465421 and Lot 2 DP 23974)

Figure 13: 10m Western Boundary for 16 metre height area up to Limeworks Road (and excluding Pan Pac site legally described as Section 1 SO 465421 and Lot 2 DP 23974)
Preferred Approaches: Riparian/Wetland/Detention

Figure 14: Riparian/Wetland/Detention
Preferred Approaches - Residential Use Set Back

Figure 15: Residential Use Set Back
Preferred Approaches _Southern Boundary

Figure 16: Southern Boundary
Species Guidance

Principles

The following tables provide an indication of the native and some exotic plant species that would be appropriate to achieve the heights required for effective screening of particular zones across the plan change area.

Tree planting within the Tokomairiro Plains Industrial Resource Area will enhance its internal amenity and help to soften and balance the visual effect of built elements.

The character of this planting could take various forms as a new industrial zone environment is created. Adherence to a plant list provides for unity and the creation of strong and distinctive character, and is recommended. Planting schemes which seek to balance the impact of industrial elements by utilizing large specimen trees, or by using large blocks of trees and shrubs are both potentially appropriate.

The tables provide guidance only and these lists are not considered to be exhaustive and do not preclude the use of other species as appropriate.

For example: planting to provide more human scale and amenity outcomes such as orchard/fruit tree planting, planting for colour and arboretum style specimen plantings may be appropriate in some areas.
Buildings and Structures up to 25m High

Recommended species for mitigation of the visual effects of buildings and structures up to 25m high including plantings along the western (railway) side of the area.

The following species are recommended for use in areas where mitigation of the effects of large buildings on rural character is required. Note that these include both tall fast - medium growing trees (both evergreen and deciduous) as well as smaller species for lower level screening.

<table>
<thead>
<tr>
<th>Scientific name</th>
<th>Māori or Common name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tall, fast – medium growing species</strong></td>
<td></td>
</tr>
<tr>
<td>Sequoia sempervirens</td>
<td>Redwood</td>
</tr>
<tr>
<td>Eucalyptus nitens</td>
<td>Shining gum</td>
</tr>
<tr>
<td>Eucalyptus regnans</td>
<td>Mountain ash</td>
</tr>
<tr>
<td>Populus nigra ‘Italica’</td>
<td>Lombardy poplar</td>
</tr>
<tr>
<td>Populus tremuloides</td>
<td>Quaking aspen</td>
</tr>
<tr>
<td>Betula pendula</td>
<td>Silver Birch</td>
</tr>
<tr>
<td>Quercus robur fastigiata</td>
<td>Upright English Oak</td>
</tr>
<tr>
<td>Quercus cerris</td>
<td>Turkey oak</td>
</tr>
<tr>
<td><strong>Understorey species</strong></td>
<td></td>
</tr>
<tr>
<td>Cordyline australis</td>
<td>Cabbage tree</td>
</tr>
<tr>
<td>Kunzea robusta</td>
<td>Kanuka</td>
</tr>
<tr>
<td>Leptospermum scoparium</td>
<td>Manuka</td>
</tr>
<tr>
<td>Pittosporum eugenioides</td>
<td>Lemonwood</td>
</tr>
<tr>
<td>Pittosporum tenuifolium</td>
<td>Kohuhu</td>
</tr>
<tr>
<td>Phormium tenax</td>
<td>Flax</td>
</tr>
</tbody>
</table>
Buildings and Structures up to 16m High

Recommended tree species for mitigation of the visual effects of buildings and structures up to 16m high, including plantings along the eastern (State Highway) side of the area, and streetscape planting within the Tokomairiro Plains Industrial Resource Area.

The following species are recommended for use in areas where mitigation of the effects of large buildings on rural character is required. Note that these include both tall fast growing trees (both evergreen and deciduous) as well as smaller species for lower level screening.

<table>
<thead>
<tr>
<th>Scientific name</th>
<th>Māori or Common name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tall - medium scale trees</strong></td>
<td></td>
</tr>
<tr>
<td><em>Eucalyptus ovata</em></td>
<td>Swamp gum</td>
</tr>
<tr>
<td><em>Eucalyptus pauciflora ‘Niphophila’</em></td>
<td>Snow gum</td>
</tr>
<tr>
<td><em>Dacrycarpus dacrydioides</em></td>
<td>Kahikatea</td>
</tr>
<tr>
<td><em>Populus tremuloides</em></td>
<td>Quaking aspen</td>
</tr>
<tr>
<td><em>Betula pendula</em></td>
<td>Silver birch</td>
</tr>
<tr>
<td><em>Quercus robur</em></td>
<td>English oak</td>
</tr>
<tr>
<td><em>Quercus cerris</em></td>
<td>Turkey oak</td>
</tr>
<tr>
<td><em>Fuscospora fusca</em></td>
<td>Red beech</td>
</tr>
<tr>
<td><em>Fuscospora menziesii</em></td>
<td>Silver beech</td>
</tr>
<tr>
<td><em>Fuscospora cliffortioides</em></td>
<td>Mountain beech</td>
</tr>
<tr>
<td><em>Podocarpus totara</em></td>
<td>Totara</td>
</tr>
<tr>
<td><em>Liriodendron tulipifera</em></td>
<td>Tulip tree</td>
</tr>
<tr>
<td><em>Fagus sylvatica</em></td>
<td>European beech</td>
</tr>
<tr>
<td><em>Acer rubrum</em></td>
<td>Scarlet maple</td>
</tr>
<tr>
<td><em>Cordyline australis</em></td>
<td>Cabbage tree</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Scientific name</th>
<th>Māori or Common name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lower level screening species</strong></td>
<td></td>
</tr>
<tr>
<td><em>Pittosporum eugenioides</em></td>
<td>Lemonwood</td>
</tr>
<tr>
<td><em>Pittosporum tenuifolium</em></td>
<td>Kohuhu</td>
</tr>
<tr>
<td><em>Kunzea robusta</em></td>
<td>Kanuka</td>
</tr>
<tr>
<td><em>Plagianthus regius</em></td>
<td>Ribbonwood</td>
</tr>
<tr>
<td><em>Hoheria angustifolia</em></td>
<td>Narrow-leaved lacebark</td>
</tr>
<tr>
<td><em>Phormium tenax</em></td>
<td>Flax</td>
</tr>
<tr>
<td><em>Phormium cookianum</em></td>
<td>Mountain flax</td>
</tr>
<tr>
<td><em>Griselinia littoralis</em></td>
<td>Broadleaf</td>
</tr>
<tr>
<td><em>Hebe salicifolia</em></td>
<td>Koromiko</td>
</tr>
<tr>
<td><em>Leptospermum scoparium</em></td>
<td>Manuka</td>
</tr>
<tr>
<td><em>Sophora microphylla</em></td>
<td>Kowhai</td>
</tr>
<tr>
<td><em>Pseudopanax colensoi</em></td>
<td>Orihou</td>
</tr>
<tr>
<td><em>Pseudopanax crassifolius</em></td>
<td>Lancewood</td>
</tr>
<tr>
<td><em>Melicytus ramiflorus</em></td>
<td>Mahoe</td>
</tr>
<tr>
<td><em>Myrsine australis</em></td>
<td>Mapou</td>
</tr>
</tbody>
</table>
Riparian/Wetland/Detention Area Restoration

The following species are recommended for use in areas where restoration of riparian margins or indigenous vegetation character appropriate to the site is required, including stormwater detention areas.

<table>
<thead>
<tr>
<th>Scientific name</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Tall – medium scale trees</strong></td>
<td></td>
</tr>
<tr>
<td>Austroderia richardii</td>
<td>Toetoe</td>
</tr>
<tr>
<td>Carex geminata</td>
<td>Cutty grass</td>
</tr>
<tr>
<td>Carex virgata</td>
<td>Pukio</td>
</tr>
<tr>
<td>Chionochloa rubra</td>
<td>Copper tussock</td>
</tr>
<tr>
<td>Coprosma propinqua</td>
<td>Mingimmingi</td>
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<tr>
<td>Cordyline australis</td>
<td>Cabbage tree</td>
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<tr>
<td>Dacrycarpus dacyridioides</td>
<td>Kahikatea</td>
</tr>
<tr>
<td>Fuchsia excorticata</td>
<td>Fuchsia</td>
</tr>
<tr>
<td>Griselinia littoralis</td>
<td>Broadleaf</td>
</tr>
<tr>
<td>Hebe salicifolia</td>
<td>Koromiko</td>
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<tr>
<td>Podocarpus totara</td>
<td>Totara</td>
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<tr>
<td>Prumnopitys taxifolia</td>
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<tr>
<td>Pseudopanax crassifolius</td>
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</tr>
<tr>
<td>Sophora microphylla</td>
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