



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 7

Water

**9 June 2014, 9.00 am
DRAWING ROOM
CIVIC THEATRE, TAY STREET, INVERCARGILL**

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1. EXECUTIVE SUMMARY

There are provisions in the Proposed District Plan that seek to address Water issues covering both water quality and water quantity

The Proposed District Plan takes a much more proactive approach to water issues than the Operative District Plan, which considered these were regional council issues.

The Council is required to consider the effects of land use and subdivision activities. As such the Council's role in managing the district's water quality and water quantity is through the management of land use and subdivision activities. Including provisions on Water in the Proposed District Plan is also part of an integrated planning approach to the many issues surrounding water quality and water quantity.

The topic of Water covers a broad range of issues, from the quantity and quality of water, stormwater runoff, contamination of waterways, ecosystems and natural environments and fire safety. This is a truly district-wide issue and the provisions on these matters are woven through the Proposed District Plan.

Forty-three submissions and 12 further submission points were lodged on these provisions. Whilst some submissions support the approach adopted in the Proposed District Plan, there are submissions questioning the Council's jurisdiction on these matters. There are also submissions seeking clarification on matters raised in the provisions, and others that are seeking greater detail in the Rules. The key issues discussed in the body of the report are:

- The Council's role in managing the potential effects of land use and subdivision on water.
- References to Community Water Supply Schemes.
- Permeable Surfaces.
- New Zealand Fire Service provisions.
- Consideration of water issues at the time of subdivision.

The recommendations in this report support the general approach to water in the Proposed District Plan and the Water objectives, whilst acknowledging that there are provisions that could benefit from minor amendments to ensure that these objectives are addressed.

In this report:

- Part 2 considers several key procedural issues.
- Part 3 provides general background to the proposed provisions.
- Part 4 summarises the various statutory provisions that apply to the consideration of the Proposed District Plan.
- Part 5 assesses the relevant issues raised by submitter and the effects of the relief sought and also the recommendations for the submission.
- Part 6 includes an evaluation of the provisions in accordance with Section 32AA of the RMA.
- Part 7 sets out the overall conclusions.
- Appendix 1 sets out recommendations on each of the submission points.
- Appendix 2 sets out the recommended changes to the text of the Proposed District Plan.

2. INTRODUCTION

2.1 Report Author

My name is Elizabeth Ann Devery. I am the Senior Planner – Policy at the Invercargill City Council, a position I have held since January 2003. I have over 14 years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom. These roles have focused on both developing and implementing District Plans and planning documents. I hold the qualifications of LLB/BA (Hons I) in Geography.

2.2 Peer Review

This report has been peer reviewed by Dan Wells and John Edmonds, from John Edmonds and Associates Ltd. Both John Edmonds and Dan Wells are practising resource management planners with a variety of experience throughout the plan change preparation process. Dan Wells has a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University. John Edmonds has a Bachelor of Regional Planning from Massey University.

2.3 How to Read this Report

This report is structured as follows:

- A summary of the hearing process.
- Interpretation (an explanation of some of the terms used).
- Background to the water issue, and the provisions of the Proposed Invercargill City District Plan 2013.
- Description of the statutory framework within which the proposed provisions have been developed.
- Analysis of the submissions, including a discussion of the key issues raised through the submissions and further submissions received.
- Assessment of any proposed changes under Section 32AA of the RMA.
- Concluding comments.
- Appendix 1 details the tracked changes of the Proposed District Plan provisions relating to water.
- Appendix 2 includes a table providing a recommendation on each individual submission point.

To see the recommendation of the Reporting Officer on an individual submission please refer to the table in Appendix Two. The table sets out the name and relevant submission number of those that submitted on the Water provisions; a brief summary of their submission and decisions requested, followed by the Reporting Officer's recommendation and the reasons for it.

2.4 Interpretation

In this report, the following meanings apply:

“CMA” means Coastal Marine Area.

“Council” means the Invercargill City Council.

“ES” means Environment Southland, the Southland Regional Council.

“FS” means further submitter.

“Hearings Committee” means the District Plan Hearings Committee established by the Council under the Local Government Act.

“NZCPS” means the New Zealand Coastal Policy Statement.

“NPSFM” means National Policy Statement for Freshwater Management.

“Operative District Plan” means the Invercargill City District Plan 2005.

“Proposed District Plan” means the Proposed Invercargill City District Plan 2013.

“Provisions” is a term used to collectively describe Objectives, Policies and Rules.

“RMA” means the Resource Management Act 1991.

“Submitter” means submitter to the Proposed District Plan

2.5 The Hearing Process

A number of hearings are to be held to consider the submissions lodged to the Proposed Invercargill City District Plan 2013. The hearings have been divided up to ensure that submissions on similar issues have been grouped together and to enable the District Plan Hearings Committee to make decisions on the provisions relating to those issues. This report applies to the provisions relating to Water in the Proposed District Plan.

This report is prepared pursuant to Section 42A of the Resource Management Act 1991. Section 42A provides for a report to be prepared prior to a hearing setting out matters to which regard should be had in considering a Proposed District Plan and the submissions lodged to it. This report highlights those matters that are considered appropriate by the author for the Hearing Committee to consider in making decisions on the submissions lodged. This report has been prepared on the basis of information available prior to the hearing.

The Hearings Committee comprises of accredited Invercargill City Councillors, with the assistance of an Independent Hearings Commissioner. This Committee is to consider the Proposed Plan and the submissions and further submissions lodged. The Committee has full delegation to issue a decision on these matters.

While the Hearings Committee is required to have regard to this report, regard must also be given to the matters raised in submissions, and presentations made at the hearing. The comments and recommendations contained in this report are not binding on the Hearings Committee and it should not be assumed that the Hearings Committee will reach the same conclusions set out in the report having heard from the submitters and Council advisers.

The hearing is open to the public, and any person may attend any part of the hearing. Those persons who lodged a submission have a right to speak at the hearing. They may appear in person, or have someone speak on their behalf. They may also call evidence from other persons in support of the points they are addressing.

At any time during or after the hearing, the Hearings Committee may request the preparation of additional reports. If that is done, adequate time must be provided to the submitters, to assess and comment on the report. The Hearings Committee may determine that:

- The hearing should be reconvened to allow responses to any report prepared, or
- Any responses be submitted in writing within a specified timeframe.

At the conclusion of the hearing process, the Hearings Committee will prepare a written decision. The decision is sent to all persons who lodged a submission. If not satisfied with the decision the submitters have a right of appeal to the Environment Court. If an appeal is lodged, the RMA requires a copy to be served on all submitters with an interest in that matter. Any submitter served may, if they wish, become a party to the appeal either in support or opposition to it.

If there is an appeal, the Environment Court will provide an opportunity for mediation between the parties. If mediation is not accepted, or does not resolve the issues, a further hearing will take place before a Judge and Court appointed Commissioners. Except on points of law, the decision of the Environment Court is final.

3. BACKGROUND

At the time the Operative District Plan was developed, the Council took the stance that the regional council had the lead role in the management of the region's water resources and that regulation at a district level was an unnecessary duplication of the regional council's functions. As a result there is little mention in the Operative District Plan of water quality or water quantity issues. While the Operative District Plan recognises the importance of waterways as habitats and that subdivision, use and development can significantly and adversely affect these features, the effects of land use on the wider topics of water quality and water quantity have been effectively left for the regional council.

In developing the Proposed District Plan, the approach to water has been quite different. The approach in the Proposed District Plan is to recognise Council's role in managing water quality and quantity through the management of subdivision, land use and development. The approach proposed is intended to provide a more integrated approach to water issues, complementing the provisions in the Southland Regional Policy Statement and the Water Plan for Southland.

Because land use and subdivision are recognised in the Proposed District Plan as having the potential to affect water quality and quantity there are water related provisions woven throughout the document in topics such as biodiversity, infrastructure, natural hazards, soil minerals and earthworks, subdivision, as well as site coverage rules for the different zones.

3.1 Proposed Issues, Objectives and Policies

Section 2.18 of the Proposed District Plan details the proposed issues, objectives, policies and methods of implementation in relation to Water.

The provisions acknowledge that land use and subdivision can impact on water quality and quantity. They also seek to ensure that water quality and quantity are both maintained and enhanced and not significantly adversely affected by subdivision, use and development.

There are two objectives in 2.18 being:

Objective 1: Water quality and water quantity are not significantly adversely affected by subdivision, use and development of land.

Objective 2: Water quality and water quantity in the catchment areas of community water supply schemes is maintained and enhanced.

Section 2.18 of the Proposed District Plan also includes 7 policies addressing these objectives. There are also policies in many of the zones specifically addressing stormwater runoff.

3.2 Proposed Rules

There is no one single rule dealing with Water issues. Instead these issues are dealt with in a number of different proposed Rules. Below are some of the references to water in the proposed Rules.

Water issues are indirectly covered in Rule 3.1 Biodiversity. There are a number of ecosystems and environments identified in the Proposed District Plan as areas of

significant indigenous biodiversity that rely on water and these environments and areas are covered by this rule.

Rule 3.2 Coastal Environment requires assessment of environmental effects for activities requiring resource consent within the coastal environment. Such an assessment should cover effects on coastal water, in line with Policy 6.

There are references to water in the matters of discretion listed in Rule 3.6 Energy.

Rule 3.9 Infrastructure covers reticulation of services, such as water and waste water. Management of infrastructure through these provisions can impact on the quality and quantity of water.

Rule 3.17 Soils, Minerals and Earthworks acknowledges that earthworks, filling of land and mineral extraction can all impact on water quality and natural water flows and drainage.

Rule 3.18 Subdivision requires consideration of a number of water quality and quantity issues as matters of discretion.

For example 3.18.4:

- “(B) Integration with and effects on existing infrastructure
- (H) Potential effects on water quality or water quantity of land uses enabled by the subdivision, in particular
 - (a) Design of the proposed wastewater system...
 - (b) Design of proposed provision for stormwater disposal...
- (I) Protection of waterways from damage by stock
- (L) The extent to which the subdivision addresses the relationship between Maori and their ancestral lands, sites, wahi tapu and other taonga”

In the residential zones, issues surrounding stormwater quality and quantity are addressed by rules limiting the area of impermeable surfaces.

In non-reticulated areas, there are requirements for on-site collection of water, with specific requirements for fire safety.

In large lot residential areas, the proposed rules require on-site water collection to complement reticulated water services.

The site coverage provisions throughout the Proposed District Plan in a number of the Zones include the consideration of the effects on stormwater as a matter of discretion where the site coverage is going to be exceeded.

In concept plans included within the Proposed District Plan provision is made in a number of zones for stormwater and surface water drainage and storage.

3.3 Scope of this report

This report sets out my recommendations on submissions relating to the provisions in the Proposed District Plan directly addressing Water. This includes Section 2.18 containing the issues, objectives, policies and methods of implementation for Water. The report covers provisions on stormwater runoff, such as permeable surfaces.

This report also includes discussion on the matters of discretion relating to water for subdivision consents, and those submissions relating to the supply of water for fire safety.

While the effects of stormwater runoff did inform to a certain extent the proposed site coverage provisions for the different Zones, I have deferred detailed discussion on the submissions relating to these provisions to be dealt with in the reports of each Zone. Many of the relevant submissions are focussed more on the merits of the actual site coverage limits, than the consideration of stormwater. Submissions on water related provisions in the Biodiversity, Coastal Environment, Infrastructure, Natural Features, Landscapes and Townscapes, and Natural Hazards sections are also not discussed in this report.

4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

In developing the Proposed District Plan there are a number of statutory requirements guiding the process and outlining what must be considered. This section of the report details the statutory context.

4.1 Resource Management Act 1991

In reviewing the District Plan, Council must follow the process outlined in Schedule 1 of the RMA.

The First Schedule procedure includes notification for submissions (clause 5) and further submissions (clause 8), holding a hearing into submissions (clause 8(b)), and determining whether those submissions are accepted or rejected and giving reasons for the decisions (clause 10).

Clause 29(4) of the First Schedule to the RMA states that after considering a plan the local authority may decline, approve, or approve with modifications, the plan, and shall give reasons for its decisions.

Under Section 74 of the RMA, in relation to changes to the District Plan, Council must consider Part 2 of the Act (purposes and principles), Section 32 (alternatives, benefits and costs), and relevant regional and district planning documents.

4.1.1 Part 2 of the RMA

Part 2 of the RMA (ss5-8) sets out the purpose and principles of the RMA.

The purpose of the RMA is set out in Section 5. I confirm that the Water provisions in the Proposed District Plan fall within the purpose of the Act. In particular, the provisions are designed to sustain the potential of natural and physical resources (excluding minerals) in order to meet the reasonably foreseeable needs of future generations (s5(2)(a); to safeguard the life-supporting capacity of water (5(2)(b)); and to avoid, remedy, or mitigate any adverse effects of activities on the environment (s5(2)(c)).

Section 6 of the RMA sets out matters of national importance which must be recognised and provided for. The proposed Water provisions cover a number of matters outlined in s6, in particular:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

Section 7 of the RMA sets out “other matters” for which particular regard shall be had. It is considered that the provisions relating to Water in the Proposed District Plan demonstrate particular regard to these matters.

- (a) *Kaitiakitanga*
- (aa) *The ethic of stewardship*

- (b) *The efficient use and development of natural and physical resources*
- (d) *Intrinsic values of ecosystems*
- (f) *Maintenance and enhancement of the quality of the environment*
- (g) *Any finite characteristics of natural and physical resources*
- (h) *The protection of the habitat of trout and salmon*

Section 8 of the RMA obliges persons exercising functions and powers under the Act to take account of the principles of the Treaty of Waitangi. The issues surrounding water involve significant values in the lives and beliefs of tangata whenua. Representatives from Te Ao Marama Inc have been part of the Plan Review process as members of the Council's Plan Group that worked on developing the Proposed District Plan. Consultation with representatives of Iwi has also occurred. The local Iwi Management Plan has also informed the approach to the water related issues in the Proposed District Plan.

4.1.2 Functions of Territorial Authorities under the RMA

Section 31 of the RMA states the functions of a territorial authority under that Act. One of the functions, as set out in Section 31(1)(a) is:

“The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district”

The approach to Water issues in the Proposed District Plan acknowledges the fact that land use, development and subdivision activities can impact on water quality and quantity. An integrated approach to these issues working with other local authorities has been proposed to manage the effects of these activities.

4.1.3 Consideration of alternatives, benefits, and costs

Section 32 of the RMA states the Council's obligations in assessing the alternatives, benefits and costs.

Whilst a Section 32 report was released at the time of notification of the Proposed District Plan, the Council is required to carry out a further evaluation through the hearing, consideration and deliberation process before making its decision on the Plan Change. Section 6 of this report includes my evaluation of any recommended changes to the Proposed District Plan provisions in accordance with Section 32AA.

4.2. Relevant Planning Policy Documents

The RMA specifies a number of documents that need to be considered in a decision on a plan change and the weight that should be given to these. These are addressed in the following section.

4.2.1 New Zealand Coastal Policy Statement

Section 75 of the RMA requires that a District Plan must give effect to any New Zealand coastal policy statement. The New Zealand Coastal Policy Statement 2010 (“NZCPS”) includes a number of provisions of relevance to the Water issue, particularly in relation to water quality.

Objective 1 of the NZCPS states its intention to:

“ safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by: ...

- *maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity ...”*

Objective 6 also raises water quality issues as follows:

Objective 6: To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- *the coastal environment contains renewable energy resources of significant value;*
- *the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*
- *the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;*
- *the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and*
- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.*

Other relevant provisions from the NZCPS are:

- Objective 3: Treaty of Waitangi
- Policy 2: Tāngata whenua
- Policy 4: Integrated management
- Policy 21: Enhancement of water quality
- Policy 22: Sedimentation
- Policy 23: Discharge of contaminants

Overall the NZCPS advocates a precautionary and integrated approach to dealing with water quality issues as it relates to the coastal environment. Where water quality is found to have deteriorated to such a state that it is having significant adverse effects on ecosystems, natural habitats, or water-based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering, and

cultural activities then Policy 21 states how this is to be addressed with a goal of working towards improving water quality.

It is considered that the Proposed District Plan gives effect to the NZCPS. The Proposed District Plan adopts an integrated approach to water issues. The provisions acknowledge that land use and subdivision activities can impact on water quality and that adverse effects should be avoided, remedied or mitigated. Policy 6 of the Proposed District Plan specifically addresses coastal water quality and seeks to avoid, remedy or mitigate adverse effects of land based activities on coastal water quality and ecosystems.

4.2.2 National Policy Statements

In accordance with Section 75 of the RMA, a District Plan must give effect to National Policy Statements. The National Policy Statements of most relevance to the Water issue are:

- National Policy Statement for Renewable Electricity Generation 2011
- National Policy Statement for Freshwater Management 2011

NPS for Renewable Electricity Generation 2011

The *NPS for Renewable Electricity Generation* (NPSREG) provides for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities. These renewable electricity generation activities could potentially involve the use of the water resource. While the effects of renewable electricity generation activities on water quality and water quantity will need to be considered, the preamble to the NPSREG notes that: “this national policy statement does not apply to the allocation and prioritisation of freshwater as these are matters for regional councils to address in a catchment or regional context ...”

NPS For Freshwater Management 2011

The *National Policy Statement for Freshwater Management* (“NPSFM”) is focused on the quality and quantity of freshwater in New Zealand. Most of the Policies outlined in this National Policy Statement are focussed on regional Council roles. However, territorial authorities do have a role in implementing the NPSFM, particularly working with regional councils on integrated management, and in implementing Regional Policy Statement provisions that may direct territorial authorities to take certain action. While most of the NPSFM policies are focused on regional council roles, the following objectives have relevance to the District Plan:

Water Quality - Objective A1 - To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the use and development of land, and of discharges of contaminants.

Water Quality - Objective A2 - The overall quality of fresh water within a region is maintained or improved while:

- protecting the quality of outstanding freshwater bodies*
- protecting the significant values of wetlands, and*
- improving the quality of fresh water in waterbodies that have been degraded by human activities to the point of being over-allocated.*

Water Quantity - Objective B4 - To protect significant values of wetlands.

Integrated Management - Objective C1 - To improve integrated management of fresh water and the use and development of land in whole catchments, including the interactions between fresh water, land, associated ecosystems and the coastal environment.

I consider that Objective C1 is the most relevant when undertaking district plan reviews in considering the effects of land use on freshwater quality and water yields. Given the Council's responsibilities in managing the effects of the use and development of land as well as its integrated management function under Section 31(1) of the RMA, the Council will need to work with the regional council to collaboratively give effect to the objective.

It is my opinion that the NPSFM has been given effect to by the Proposed District Plan. The effects of land use and subdivision on water quality and water quantity are recognised and water issues are woven through a large number of sections and rules of the Proposed District Plan. 2.18.3 Policy 6 explicitly sets out the intention to collaborate with other local authorities, and thus build on an integrated approach to water issues.

4.2.3 National Environmental Standards

Section 44A of the RMA prescribes how District Plans must be amended if a rule conflicts with a National Environmental Standard. The National Environmental Standards of most relevance to the issues covered by Water is the National Environmental Standard for Sources of Human Drinking Water. This National Environmental Standard is intended to reduce the risk of contaminating drinking water sources, such as rivers and groundwater and is of direct relevance to regional councils and Regional Water Plans. It includes no requirements of territorial authorities and District Plans. The Proposed District Plan does not conflict with this National Environmental Standard.

4.2.4 Regional Policy Statement

Under Section 75 of the RMA, A District Plan must give effect to an operative Regional Policy Statement.

There are a number of Objectives and Policies in the Southland Regional Policy Statement that deal with water issues, both in terms of water quality and water quantity. The policies and objectives from the Southland Regional Policy Statement (1997) specifically relevant to the Water provisions are set out below:

5.4 Water Quantity

Objective 4.1 To sustain the quantity of the Region's water resource so as to –

- a) meet the needs of a range of uses, including the reasonable foreseeable needs of future generations*
- b) safeguard the life-supporting capacity of water and related ecosystems.*

Objective 4.5 To recognise the relationship of Maori with water.

Policy 4.5 In preparing, implementing and administering Regional and District Plans and in considering resource consents, local authorities shall assess the effects of land use and development on the quantity and sustainability of water in water bodies and provide for any adverse effects to be avoided wherever practical, or remedied or mitigated.

5.5 Water Quality

Objective 5.1 To sustain the quality of the Region's water resources so as to:

- a) meet the needs of a range of uses, including the reasonably foreseeable needs of future generations*
- b) safeguard the life-supporting capacity of water and related ecosystems*

Objective 5.2 To ensure that in the use and development of water and land resources, and the discharge of contaminants, water quality of maintained and wherever practicable enhanced.

Objective 5.4 To recognise the relationship of Maori with water

Policy 5.5 In preparing, implementing and administering Regional and District Plans and in considering resource consents, local authorities shall assess the effects of land use and development on ground water and surface water quality, including both point and non-point source discharges, and provide for any adverse effects to be avoided, remedied or mitigated.

Policy 5.8 Manage the Region's water resources in ways that recognise and provide for the values that Maori place on water.

The Proposed District Plan takes a more proactive approach to water issues, than the Operative District Plan did, acknowledging that land use and subdivision can impact on the quality and quantity of the water resource. Water quality and water quantity issues are woven through a large number of sections of the Proposed District Plan. It is my opinion that the proposed integrated approach to these issues gives effect to the Operative Regional Policy Statement.

4.2.5 Proposed Regional Policy Statement

In accordance with Section 74 of the RMA, regard need to be given to any proposed Regional Policy Statement. The Proposed Southland Regional Policy Statement was notified in 2012. This policy statement includes a chapter specifically focusing on water issues and consideration of this chapter has informed the development of the Proposed District Plan provisions as they relate to water. The following policies are of most relevance:

Chapter 4 Water

Objective WQUAL.1 Water quality goals – Water quality in the region:

- safeguards the life-supporting capacity of water and related ecosystems*
- is maintained where it is good*
- is enhanced where it is degraded*
- meets the needs of a range of uses, including the reasonably foreseeable needs of future generations*

Policy WQUAL.1 Overall management of water quality – Identify values of surface and groundwater that should be maintained and manage discharges and land use activities to maintain or enhance water quality to provide for those values.

Method WQUAL.14 - District Plans Establish and maintain provisions in district plans to manage the effects of subdivision, use and development on water quality, including by:

- a) controlling the location, density, design and standard of land use and development, including by developing subdivision and design standards to guide high quality land development and guide resource management decisions that avoid or mitigate adverse effects;*
- b) promoting land use, development and management practices that maintain or improve water quality*
- c) ensuring that urban development cannot occur without the appropriate infrastructure capacity to support it;*
- d) Encouraging urban growth within urban areas of Southland that have existing infrastructure capacity;*
- e) ensuring that water quality is not reduced due to rural land use and earthworks.*

Objective WQUAN.1 – Sustainably managing the region’s water resources – Flows and levels of surface water and groundwater in the region:

- a) safeguard the life-supporting capacity of water, catchments and related ecosystems;*
- b) support the maintenance or enhancement of water quality;*
- c) meets the needs of a range of uses, including the reasonably foreseeable needs of future generations without compromising environmental standards established for the region*

Policy WQUAN.7 – Integrated management – Integrate the management of land use, water quality, water quantity and use and development of resources wherever possible.

Method WQUAN.6 – Plans, strategies and other mechanisms – Establish and maintain provisions to:

- a) Promote measures to improve the efficiency of water use, including:*
 - i. rainwater collection and use;*
 - ii. water conservation, reuse and recycling measures;*
- b) manage the effects of subdivision, land use and development on flows and levels of water in surface water and groundwater, including by:*
 - i. ensuring that flows and levels of water in surface water and ground water are not significantly reduced due to land use activities*
 - ii. ensuring that urban development cannot occur without the appropriate infrastructure to support it;*
 - iii. encouraging urban growth within urban areas of Southland that have existing infrastructure capacity.*

As stated in 4.2.1 above, in the discussion on the NZCPS, the requirements to take a more integrated approach to water issues has seen a greater focus on water issues in the Proposed District Plan. Provisions on water are spread throughout the

Proposed District Plan in acknowledgement that land use and subdivision activities can impact on the water resource.

4.2.6 Regional Plans

In accordance with Section 74 of the RMA, a District Plan must not be inconsistent with a Regional Plan. The regional plan of most relevance is the Southland Regional Water Plan.

The Water Plan includes provisions which seek to maintain or enhance the quality of water in water bodies (Objectives 1-4), to ensure that there is enough water (Policy 5), to maximise the efficiency of water use (Objective 7). The Water Plan covers discharge into or on to land, as well as including provisions on matters such as beds of waterways, heritage values and natural features.

The provisions within the Proposed District Plan are not inconsistent with the Water Plan provisions.

4.2.7 Iwi Management Plans

Section 74 of the RMA requires that a local authority must take into account any relevant planning relevant planning document recognised by an iwi authority and lodged with the territorial authority. Ngai Tahu has lodged an Iwi Management Plan with the Council. The relevant document is the *Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Tauria*.

The Iwi Management Plan sets out quite clearly the relationship of tangata whenua with the water, along with issues and policies. The importance of water, as taonga, runs through the greater part of *Te Tangi a Tauria*. As stated in 3.5.10 General Water Policy, Ngai Tahu ki Murihiku recognise that the welfare of the people and the success of their activities within the environment depends on water being maintained in the best possible condition. They believe that “if you have your water right, you will have everything else right” (p147).

The importance of water quality and quantity to local Iwi is well documented and the Council approach of giving greater attention to these issues in the Proposed District Plan than had previously been had in the Operative District Plan recognises this. The issues and policies of the Iwi Management Plan have been had regard to in the development of the Proposed District Plan provisions in the objectives, policies and methods of implementation.

4.2.8 Management Plans and Strategies Prepared under other Acts

A District Plan is required to have regard to management plans and strategies prepared under different Acts.

The Council’s spatial plan, *the Big Picture*, includes a number of references to water. Many of these references relate to the reticulation of water services and the infrastructure; however water quality and stormwater run-off is also frequently raised. These references particularly relate to the viability and health of the Invercargill City District’s wetlands, rivers, and estuary.

The Council’s Long Term Plan 2012-2022 sets out community outcomes. To promote economic and social well-being of the community in relation to water issues,

Council has many roles involving stormwater, water supply and sewerage. One of the outcomes in the Long Term Plan is to provide for healthy lifestyles in a healthy environment, by promoting a clean, green and pollution free Invercargill. Addressing water quality and water quantity issues in the District Plan is one means of achieving this outcome.

It is also worth noting that the Council has a number of consents from ES that relate to the quantity of water that the Council can take, as well as the quantity and quality of stormwater that can be disposed into the waterways. The proposed water provisions have taken these consents into consideration, noting that there is a need to ensure that the conditions of these consents can be met and a need to recognise methods that can be used by the Council and the wider community to ensure compliance.

5. ANALYSIS OF SUBMISSIONS

Forty-three points of submission and 12 points of further submission have been lodged commenting on, supporting and opposing the Water provisions. These submissions are summarised in table format, along with recommended responses, in **Appendix 2** to this report.

The key issues raised in the submissions are:

1. The Council's role in managing potential effects of land use and subdivision on water.
2. References to Community Water Supply Schemes.
3. Permeable surfaces.
4. New Zealand Fire Service provisions.
5. Consideration of water issues at time of subdivision.

5.1 The Council's role in managing potential effects of land use and subdivision on water

Whilst there has been support by some submitters, the theme in a number of submission points on the Water provisions, is the role that Council has in managing the effects of land use activities on water quality and quantity. It is suggested in these submissions that this is a regional council role.

As set out in Section 4 of this report, there are a number of regulatory documents that specify that one of the functions of the Council is to work towards achieving integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district. These documents include Section 31 of the RMA and the National Policy Statement for Freshwater Management 2011.

The approach taken in the Proposed District Plan is to acknowledge that activities on the land can have effects on the water resource and that there are methods within the Council's jurisdiction that can be used to manage these effects. This is quite a different approach to the Operative District Plan which was drafted on the belief that water quality and quantity issues were a regional council issue. As a result there was little mention of effects of activities on the water resource in the Operative District Plan. Whilst the regional council has primary responsibility for managing water quality and quantity, such as the allocation of the water resource and discharge to water, the Council is responsible for the control of adverse environmental effects of inappropriate land use, subdivision and development, including those effects on water quality and quantity. The Proposed District Plan does not introduce provisions that are inconsistent with the regional policies and plans.

The proposed water provisions enable the Council to consider the potential effects of activities on water. There are a number of mechanisms that the Council can use, and that have been included in the Proposed District Plan that are within its functions. These include consideration of esplanade strips, controls on site coverage and permeable surfaces, requiring on-site water collection in large lot residential areas to complement the reticulated water supply. In considering zoning and whether a particular area is appropriate for an increased intensity of residential development, Council may consider whether the site can sustain on-site wastewater systems or whether the Councils water and wastewater infrastructure can sustain the development. In developing the concept plan for the Industrial 4 (Awarua) Zone and

the Zone provisions, the Council factored in the potential effects of industrial activities with large areas of hardstanding on the surrounding waterways. These consideration informed decisions on how stormwater issues were to be dealt with within the Zone. By including rules regulating the maximum site coverage, the size of section, and inclusion of a concept plan with provision for the protection of marginal strips and other low impact stormwater management features, Council took responsibility for a number of water management issues.

Council is also responsible for water quality and water quantity matters through its role in providing infrastructure for the City. For example, Council is responsible for infrastructure that carries stormwater which is finally discharged into waterways and the CMA. If Council can manage activities in order to control contaminants entering these pipes, then it is in many ways acting to manage effects on the waterways downstream.

5.1.1 Recommendation

I understand that there can be a fine line between what Council can and cannot consider in relation to water, however, it is my opinion that the general approach to water issues in the Proposed District Plan is within the Council's jurisdiction. It is an integrated approach that should result in the consideration of the effects of activities on the finite water resource that holds many values to the community. The provisions are not inconsistent with the regional policies and plans and will enable the Council to carry out its functions under the RMA.

5.2 References to Community Water Supply Schemes

2.18.2 Objective 2 and 2.18.3 Policy 2 both refer to "community water supply schemes". While there are submissions in general support of these provisions, New Zealand Aluminium Smelters (NZAS) has raised concerns over the use of the term "community water supply scheme" given that there is no definition of it in the Proposed District Plan. From my understanding of the submission made by NZAS, the confusion stems from a reference to "community drinking-water supplies" in the explanation to 2.18.3 Policy 2 and a fear that the two terms may be misinterpreted by the Plan user. NZAS is also concerned that the use of the term "community water supply" in relation to the water supply that they use, may lead to an expectation of access to their supply by the wider community. NZAS has offered a number of suggestions to remedy their concerns.

The term "community water supply" as used in both 2.18.2 Objective 2 and 2.18.3 Policy 3 is defined in the Southland Regional Water Plan as:

A permanent reticulated supply of potable water for community use. It excludes any new supply, or increase in supply, where in either case the total exceeds 20 cubic metres per day to any agricultural or industrial user, except where there is already provision for such use within an existing community water supply as at (date of notification of Council decision).

These can be managed by Council or non-Council organisations. The objective and policy seek to ensure that the water quality and quantity within these water supply schemes is maintained and enhanced and not affected by land use activities in their catchments.

NZAS has suggested that the term "community water supply schemes" be replaced with "non-Council water supply schemes". I believe that this would result in an

unnecessary narrowing down of the Objective and Policies. While the “community water supply schemes” within the Invercargill City District are largely non-Council schemes, should the Council develop a community water supply scheme within the District in the future, they would not be covered by provisions amended as per the NZAS submission.

The concerns that the public may interpret the proposed provisions to mean that the Tiwai Point Aluminium Smelter’s water supply is accessible to the general public can be addressed by rewording the explanation to 2.18.3 Policy 2. “Community water supply schemes” are regulated by ES and any extraction of water beyond the terms of the water take consents is managed by ES.

5.2.1 Recommendation

The Objectives and Policies seek to ensure that the effects of activities within the catchments of community water supply schemes, such as those supply schemes used by private operations like Tiwai Point Aluminium Smelter, are managed so that the water quality and water quantity of these schemes is maintained and enhanced.

I believe the concerns raised by NZAS over the use of the terms “community water supply schemes” and “community drinking-water supplies” can be addressed by rewording the explanation to 2.18.3 Policy 2 clarifying the status of the Tiwai Point Aluminium Smelter’s water supply.

Should the Committee consider it necessary, I would support the inclusion of reference to the definition of ‘community water supply’ from the Southland Regional Water Plan.

5.3 Permeable Surfaces

In order to manage the quantity and quality of stormwater, provisions have been included in the Proposed District Plan requiring permeable surfaces in residential areas. Permeable surfaces aid in filtering contaminants from stormwater before it enters Council’s systems or the waterways. The permeable surfaces also reduce the runoff rates and amount of water entering into the reticulated stormwater service. In heavy rain, permeable surfaces can also take the pressure off the reticulated stormwater services and reduce surface flooding.

While one submission points out that there are also other possible methods that can be used to mitigate adverse effects on stormwater that could be acknowledged in the residential areas in the Proposed District Plan, no submissions have been lodged questioning the presence of provisions on permeable surfaces or on the percentage of area required per site. The submissions, however, seek corrections of terminology and facts within the provisions. There is also a submission seeking amendments to the definition of permeable surfaces.

5.3.1 Statistics in Explanations

The explanation accompanying the Stormwater Run-off policies in the Residential 1 and 2 Zones has also be the subject of submissions. The sentence in the explanations that is questioned in the submissions is as follows:

“Currently, Invercargill’s stormwater systems are designed for 55% permeability, which means that rain falling on 45% of the site is immediately disposed of through the stormwater reticulation system.”

The explanation uses statistics to highlight the importance of permeable surfaces in the residential areas. The Council's services are designed to hold only a certain amount of stormwater. This design is calculated on run-off co-efficients. Currently, in many residential areas of Invercargill, the area of impermeable surfaces exceeds what the existing infrastructure is designed to cater for.

The statistics in the explanation are incorrect, as stated in a couple of submission points. The system is actually designed based on the expectation that 45% of immediate runoff is retained in permeable surfaces, not the 55% inferred in the explanation.

It is my opinion that, if the Proposed District Plan is to include a statistic, then that statistic should be accurate, or else it should be removed. The wording suggested in the submission lodged by the ICC Drainage Manager (67.5) accurately states the extent of the design of the stormwater systems and the reasons for requiring permeable surfaces.

5.3.2 Definition of "Permeable Surface"

The definition of "permeable surface" in the Proposed District Plan has been the subject of a submission. This definition reads:

Permeable Surface: Means any ground surface paving treatment that allows for surface water to soak into the ground through the paved surface.

The submission (65.119) correctly in my opinion identifies that the definition is not correct as the definition limits the required surface to only a "paving treatment". Whilst there are a number of permeable paving treatments that are commercially available, there are other means of providing permeable surfaces. Lawns and gardens can also be permeable and would provide the same, if not better, results in dealing with stormwater. I believe that these methods should not be excluded from the definition of permeable surface.

5.3.3 Stormwater Runoff Policies – Focus on Permeable Surfaces?

One submitter (107.11 A4 Simpson Architects) questions 2.36.3 Policy 4 Stormwater Run-off in the Residential 1 Zone. The submitter considers that there are other methods that can mitigate the effects of stormwater runoff and that these should be acknowledged in the Residential Zones.

Given that the design of the Council's stormwater system is based around an expectation of permeable surfaces, I believe that this requirement should be retained in the plan, and that the provision of permeable surfaces should be the primary method advocated for. However, there are alternative methods that may be as efficient and effective in managing stormwater runoff. Some of these alternative methods are identified in the explanations to the proposed policies within Section 2.18 Water, such as Policy 3. It is my opinion that the drafting of the District Plan enables these other methods to be considered as alternatives to the provision of permeable surfaces. 2.36.3 Policy 4 could be amended to remove direct mention of the use of permeable surfaces to keep the policy more effects-based by ensuring that building design and site management incorporate methods that minimise loadings on the stormwater reticulation system caused by rainfall events and to improve the water quality of stormwater flows.

Submissions raised concerns about an error in the wording of the stormwater runoff policies in the Residential 1 and Residential 3 Zones, which referred to a requirement for “impermeable” surfaces, rather than “permeable”. The wording as notified did not meet the intention of the Water Objectives or Policies, and would have resulted in an increase in runoff and a decrease in the quality of stormwater. While noting the submissions, amendments to the Residential 1 and Residential 3 stormwater runoff policies could be made, as discussed above, to take a more effects-based approach and removing reference to this method.

5.3.4 Recommendations

I recommend that the definition of permeable surfaces be amended to recognise the other means of providing permeability for stormwater.

I also recommend that the inaccuracies in the explanations be amended.

I recommend amendments to make 2.36.3 Policy 4 and 2.39.3 Policy 4 more effects-based. Permeable surfaces are an effective and efficient means of minimising the quantity of stormwater and reducing pollutants in the stormwater, and the Council’s reticulated stormwater system is designed on the assumption that these surfaces are in existence. However, the policies in the 2.18 Water support alternative means of addressing stormwater quality and quantity issues. I recommend that the policies be amended to ensure that site and buildings design incorporate methods that address stormwater quality and quantity issues.

5.4 New Zealand Fire Service provisions

The Proposed District Plan includes provisions that require specific on-site water storage in non-reticulated areas to address risks associated with fire. These provisions relate to quantity of water issues and the related Objectives and Policies are covered in 2.18 Water of the Proposed District Plan. There are rules in a number of Zones requiring on-site fire fighting systems where reticulated water supplies are not available. The provisions have been supported in concept; however, there have been submissions on the finer details of the provisions.

One submitter identified a minor typo which in my opinion can easily be remedied without changing the intention of the provisions. However, there are submissions that raise issues as to where the provisions should apply.

Submissions relating to access for the fire appliances to the required water supply will be considered under the Transportation or Infrastructure reports. These submissions raise issues relating to widths of accessways. The widths referred to in the Proposed District Plan need to be consistent with other Council documents, such as the Invercargill City Code of Practice for Land Development, the proposed Invercargill City Council Bylaw 2013/1 Code of Practice for Land Development and Subdivision Infrastructure, and the accessways need to be approached in a consistent manner throughout the District Plan document.

5.4.1 Where the provisions should apply

A submission identifies that there are areas within the Residential 2 Zone that do not have access to a reticulated water service and suggest that the provisions should be extended to this Zone as well. The Omaui area of the Residential 2 Zone, for example, does not have access to a reticulated water supply. Given its remoteness from urban centres, in my opinion it makes sense that any new residential

development in these areas should be required to provide on-site water supply for the Fire Service in order to manage effects on the health and well-being of the community, as is required elsewhere in the Proposed District Plan for other non-reticulated areas. Extending the requirement for on-site water storage for fire fighting purposes to these areas in the Residential 2 Zone would give effect to Policy 2.18.3 Policy 7.

Another submission suggests that the provisions be amended to apply in areas of the Rural 2 Zone where the reticulated water supply servicing the property is inadequate. There are a few properties within the Rural 2 Zone that have access to reticulated water service, some of which are through private agreements. Whilst I agree with the submission in concept, it is unclear as to how adequacy is determined in order to trigger this requirement.

The SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice (Code of Practice) includes calculations that could be used to determine adequacy. It is my understanding that these calculations include consideration of the distance of the property from a fire hydrant and the water flow rate. The calculation can also be affected by a number of factors such as whether a sprinkler system is proposed for the residential dwelling. The Code of Practice calculation is not referred to in the wording suggested by the submitter and given the variances involved in the calculation I believe the suggested wording will result in a rule that is not easily enforceable or clear to the users or the Plan and that it will be difficult to determine whether the alternative fire fighting water supply is required.

It should also be noted that Policy 2.18.3 Policy 7 refers to requiring a fire fighting water supply where a reticulated water service is no available. There is no mention in this Policy of the adequacy of the reticulated water supply.

5.4.2 Recommendations

I accept the submissions relating to minor corrections of typographical errors and believe these can be amended without changing the intention of the fire fighting provisions.

I recommend that the fire fighting provisions be extended to the non-reticulated areas of the Residential 2 Zone.

I have difficulties in relation to the submission on the fire fighting provisions in the Rural 2 Zone that refer to situations where the reticulated water supply servicing the property is “inadequate”. Should an amendment be made I believe there would need to be some definition in the Plan that aids the Plan user in identifying whether the supply is “adequate”.

5.5 Consideration of water issues at time of subdivision

There are a number of submissions and further submissions contesting the subdivision provisions that require consideration of water related issues as part of the subdivision consent process.

5.5.1 Proposed design of wastewater systems and stormwater disposal

The Invercargill City Council Drainage Manager, in submission 67.7, raises concerns over the drafting of 3.18.4(H) and considers it could be redrafted to provide better clarity as to the consideration of stormwater issues.

3.18.4(H)(a) is intended to require the consideration of the subdivision design in relation to potential wastewater systems. The submitter considers that the timing and quantum of stormwater leaving the site, as set out in 3.18.4(H)(a)(5), is not a wastewater management issue, but a stormwater issue. In my opinion, whilst stormwater flows can impact on the design and location of wastewater systems, the provision as drafted is not directly relevant to wastewater systems and could be deleted without affecting the outcome of the provision.

The submitter's other suggestion is to amend 3.18.4(H)(b)(3) by considering the incorporation of low impact stormwater design features. It is my opinion that rather than amending 3.18.4(H)(b)(3), the clause suggested by the submitter should be added as an additional matter of consideration. Low impact design features are advocated for in the ICC Bylaw 2013/1 Code of Practice for Land Development and Subdivision Infrastructure as good practice and consideration of including these methods as part of the subdivision process is consistent with this.

5.5.2 Protection of waterways from damage by stock

Rule 3.18.4(1)(l) requires consideration of the "protection of waterways from damage by stock" as part of the subdivision consent process. There is one submission in opposition to this provision, opposed by three further submissions. There is also one submission in support of the provision.

Federated Farmers, who submitter in opposition to the provision, considers that the protection of waterways from damage by stock is a regional council function and is not a matter over which the Council should have discretion, particularly at the time of subdivision. My response to this argument comes back to the integrated approach that the Council has adopted in respect of water issues throughout the Proposed District Plan. This is an area where the Council can support the work done by ES. The provision is not inconsistent with ES's policies and plans. The subdivision process provides an opportunity for landowners, the Council and other affected parties to consider methods to protect and enhance water quality. The consideration of these matters can include discussions on options such as potential esplanade reserves. Section 229 of the RMA states that the reasons for requiring esplanade reserves include:

s229 (a) *To contribute to the protection of conservation values by, in particular,-*
..(ii) *Maintaining or enhancing water quality; or*
(iii) *Maintaining or enhancing aquatic habitats.*

5.5.3 Recommendations

It is recommended that 3.18.4(H) be amended to clarify the matters of consideration regarding stormwater.

It is recommended that the consideration of the protection of waterways from damage from stock be retained as a means of managing the effects of activities on water quality.

5.6 Minor Amendments

I also recommend minor changes to headings of some the Zone policies to ensure consistency throughout the Proposed District Plan. There are also minor amendments to correct topographical errors. It is considered that these are minor

amendments that will result in no consequence to the intention and outcome of the provisions. It is considered that changes are a correction of minor errors and the effects of the amendments are so minor that the amendments can be made at this stage under clause 16(2) of the First Schedule to the RMA.

6. DISCUSSION OF SECTION 32 MATTERS

Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan. This requires the preparation of an Evaluation Report. This section of the RMA was recently amended (since the notification of the Proposed District Plan) and the following summarises the current requirements of this section.

The first step of Section 32 requires that objectives are assessed to determine whether they are the most appropriate way to achieve the purpose of the RMA (as defined in Section 5).

The second step is for policies and rules to be examined to determine whether they are the most appropriate way to achieve the objectives. In this instance, the objectives are those proposed by the District Plan. This assessment includes requirements to:

- Identify the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth)
- Identify other reasonably practicable options for achieving the objectives; and
- Assess the efficiency and effectiveness of the provisions in achieving the objectives.

Section 32AA of the RMA requires a further evaluation to be released with the decision. This further evaluation is to outline the costs and benefits of any amendments made after the Proposed District Plan was notified.

Section 32 states that Evaluation Reports need to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. This means that if in its decision the Hearings Committee recommends minor changes from what was in the Proposed Plan, a further evaluation can be relatively brief.

6.1 Relevant Section 32AA Matters

This section of the report evaluates the recommended changes to the Water provisions. No changes are recommended to the Objectives of the Proposed District Plan. The following is a summary of the changes recommended to the proposed provisions:

2.18 WATER

Introduction

- Use of word “collected” in place of “harvested”.
- Clarification of the integrated management approach.

Policies

- Policy 2 – Explanation – clarify the private nature of the NZAS water supply.
- Policy 4 – Explanation – Acknowledge that adverse effects on water quality can impact on the life-supporting capacity of water and its associated ecosystems.

3.18 SUBDIVISION

Matters of discretion

- 3.18.4(H) Clarify matters of consideration in relation to stormwater.

OTATARA ZONE

Fire Safety

- 3.33.17 Amend minor typo.

RESIDENTIAL 1 ZONE

- 2.36.3 Policy 4 – Stormwater runoff – replace “impermeable” with “permeable”.
- 2.36.3 Policy 4 – Explanation – Correction of statistics used in calculations for the design of Council’s stormwater system.

RESIDENTIAL 2 ZONE

- 2.38.3 Policy 4 – Explanation – Correction of statistics used in calculations for the design of Council’s stormwater system.
- Introduce new rule requiring alternative fire fighting water supply in non-reticulated areas.

RESIDENTIAL 3 ZONE

- 2.39.3 Policy 4 – Stormwater runoff – replace “impermeable” with “permeable”.
- 2.39.3 Policy 4 – Explanation – Correction of statistics used in calculations for the design of Council’s stormwater system.

Fire Safety

- 3.37.35(A) Amend minor typo

RURAL 1 ZONE

Fire Safety

- 3.38.19(A) Amend minor typo

RURAL 2 ZONE

Fire Safety

- 3.39.18(A) Amend minor typo

DEFINITIONS

Permeable Surface

- Amend to include more than paved surface treatments.

The detail of the proposed changes to which this evaluation refers are set out in **Appendix 2**.

6.2 Section 32AA Further Evaluation

The Water section of the original Section 32 report is relevant to this report. The changes proposed are within the scope of the original evaluation findings and do not raise any significant matters outside of that report.

6.2.1 Objectives

No changes to objectives are recommended.

6.2.2 Introduction and explanations

There are recommended changes that affect the Water Introduction, as well as the explanations to a number of policies. These parts of the Proposed District Plan are included for information purposes. The recommendations ensure that the Proposed District Plan accurately portray the background to the Water provisions, the role of the Council and its expectations, in order to set the scene for District Plan users.

6.2.3 Policies

Recommended amendments to the Residential 1 and Residential 2 Stormwater Runoff policies are appropriate to achieve the objectives in the Proposed District Plan. Requiring “permeable” surfaces, rather than “impermeable” ones, is consistent with the objective to ensure water quality and water quantity are not significantly adversely affected by subdivision, use and development of land.

6.2.4 Rules

Amendments to the matters of discretion in the Subdivision rule (3.18) clarifying the Council’s role in considering effects on stormwater at the time of subdivision are appropriate to achieve the objectives in the Proposed District Plan. Amended fire fighting requirements will help ensure the health and safety of communities which may otherwise have not had sufficient firefighting infrastructure.

6.2.5 Definitions

The recommended changes to definitions more accurately detail what “permeable surfaces” are. The expanded definition is preferable to the definition as notified, as it provides more options for the landowner/occupier when developing their site.

6.2.6 Conclusion

Due to the minor nature of the recommended changes it is not necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes. There will be social benefits arising from ensuring sufficient firefighting infrastructure in accordance with the proposed amendments. With respect to other wording amendments, it is sufficient to state that a more accurate and easily interpretable plan can aid efficient and effective regulation, which can result in positive effects with respect to these matters. For this reason, the recommended approaches are considered to be preferable to the alternatives of adopting the provisions as notified.

7. CONCLUDING COMMENTS

Water quality and water quantity issues have historically been considered purely regional council issues. The Operative District Plan was drafted on this basis. However, the Proposed District Plan has adopted an integrated management approach acknowledging that land use and subdivision activities can impact on water. Managing the effects of activities using an integrated approach is provided for in the RMA. This approach has been challenged in a number of submission points, however, it is my opinion that the approach can be justified and that there are a number of valid methods that can be used by the Council through its District Plan to support the regional council and other authorities in their roles regard water. I do not believe that any of the proposed provisions unnecessarily duplicate regional policies and plans, or that any proposed provisions are inconsistent with them.

Minor amendments to the provisions in the Proposed District Plan on Water issues are recommended to ensure that the Plan is able to be understood and interpreted by the Plan User. Amendments will also ensure that the provisions best meet the Objectives set out in the Proposed District Plan.

APPENDIX 1 - Recommendations in response to submissions

Submitter	Submission	Recommendation
General		
56.17 Jenny Campbell	<p>The submitter supports the emphasis on stormwater but believes all stormwater drains need to be labelled with a sign to remind people about not putting inappropriate materials down them. The submitter believes public awareness campaigns on water quality and quantity issues are essential.</p> <p>RELIEF SOUGHT: Not stated.</p>	<p>Accept</p> <p>The methods of implementation in the Proposed District Plan include a number of educational and advocacy options to educate the public on issues surrounding water quality and water quantity. There are a range of education and advocacy tools available to Council, including labelling stormwater drains. The specific methods undertaken by the Council will vary over time.</p>
FS34.13 ICC - Environmental Health and Compliance Services	<p>Support submission 56.17</p> <p>The further submitter considers that Council should look at public awareness campaigns to educate people on effects of placing inappropriate chemical/materials into our stormwater drains and discuss water quality in our District.</p>	<p>Accept</p> <p>See the reasons set out under submission 56.17 above.</p>
56.24 Jenny Campbell	<p>The submitter suggests that people could be encouraged to install water tanks for rain water to be collected and used for gardens and other outdoor activities.</p> <p>RELIEF SOUGHT: Not stated.</p>	<p>Accept</p> <p>The intention is to encourage the suggested practices to occur. The policies seek to promote land use practices that minimise effects on the quality and quantity of water. The explanation of 2.18.3 Policy 3 expressly mentions the promotion of demand management and water conservation measures such as rainwater collection, water reuse and water recycling.</p> <p>On-site water collection and storage is <i>required</i> in the non-reticulated areas of the District, and in the Residential 3 Zone, to supplement the reticulated water supply.</p> <p>2.18.4 Method 6 expressly states that one of the methods advocated by the Council is the promotion of water conservation measures through the provision of information, brochures and leaflets.</p>

Submitter	Submission	Recommendation
67.4 ICC Drainage Manager	Support. The submitter supports the intention of the Plan in regard to stormwater management. RELIEF SOUGHT: Support.	Accept Although the details may vary slightly as a result of recommended decisions, the overall objectives and direction of the provisions remains the same.
105.5 ICC – Environmental Health and Compliance Services	The submitter commends the proactive approach to improving and maintaining water supplies in the district, particularly in relation to drinking water. RELIEF SOUGHT: Support.	Accept Although the details may vary slightly as a result of recommended decisions, the overall objectives and direction of the provisions remains the same.
116.6 Kylie Fowler	The submitter acknowledges water is a precious commodity and suggests that the collection and storage of rainwater should be permitted without a resource consent RELIEF SOUGHT: Not stated.	Accept If designed to meet the environmental standards, such as height and distances from boundaries, the collection and storage of rainwater onsite is permitted in the Proposed District Plan. In some zones this is also required as part of residential development. There are no proposed provisions requiring resource consent for these activities if they are carried out in conjunction with other activities on sites.
SECTION 2.18 WATER– ISSUES, OBJECTIVES AND POLICIES		
General – Numerous provisions		
18.87 Environment Southland	Support Objective 1, Policies 1, 4, 6 and Methods 4 and 9. RELIEF SOUGHT: Retain.	Accept It is recommended that the following provisions be retained as notified: 2.18.2 Objective 1 2.18.3 Policy 1 2.18.3 Policy 4 2.18.3 Policy 6 2.18.4 Method 4 2.18.5 Method 9

Submitter	Submission	Recommendation
FS34.14 ICC - Environmental Health and Compliance Services	Support submission 18.87	Accept See recommendation outlined for submission 18.87 above.
Introduction		
65.42 ICC Environmental and Planning Services	Support Introduction subject to amendment. The submitter considers the term water collection is preferable to water harvesting. RELIEF SOUGHT: Amend background: "... In non-reticulated areas water needs to be harvested <u>collected</u> and stored ..."	Accept The terms "harvesting" and "collecting" are relatively similar in the context of this background paragraph and can be swapped without affecting the intention of the provisions. RECOMMENDATION: Amend the second paragraph sentence of the Introduction to 2.18 to read as follows: "Water is a finite resource. The Invercargill City Council's reticulated water is currently taken from the Oreti River outside the district boundaries at Branxholme. There are a number of groundwater bores in use. In non-reticulated areas water needs to be harvested <u>collected</u> and stored."
2.18.2 Objectives		
77.55 Te Runaka o Waihopai and Te Runaka o Awarua	Support Objectives 1 and 2. RELIEF SOUGHT: Retain.	Accept Retain 2.18.2 Objectives 1 and 2 as notified.

Submitter	Submission	Recommendation
<p>88.19 Federated Farmers</p>	<p>Support Objectives 1 and 2 in part. The submitter believes that Invercargill City Council has no regulatory role to play in the management or allocation of the district's water resources. Further, any non-regulatory approaches adopted by the Invercargill City Council must be aligned with Environment Southland and the Regional Water Plan for Southland.</p> <p>RELIEF SOUGHT: That Council distinguish between the roles and responsibilities of the Invercargill City Council and Environment Southland in relation to water. It is unreasonable to expect ratepayers to try to determine how the water policies of the two councils fit together – this should be explicit.</p> <p>Support Objectives 1 and 2 in part. The submitter believes that Invercargill City Council has no regulatory role to play in the management or allocation of the district's water resources. Further, any non-regulatory approaches adopted by the Invercargill City Council must be aligned with Environment Southland and the Regional Water Plan for Southland.</p>	<p>Accept in part</p> <p>The fourth paragraph of the Introduction to 2.18 Water sets out the different roles of ICC and ES. It states that a coordinated approach on water quality and quantity issues has been adopted between the two local authorities and states that it is within the Council's jurisdiction to include provisions in the District Plan for controlling the effects of land use on water quality and water quantity.</p> <p>In accordance with Section 31 of the RMA an integrated approach to managing the water resource has been adopted. An integrated approach is promoted by the National Policy Statement for Freshwater Management 2011. Whilst the regional council has primary responsibility for managing water quality and quantity, including the allocation of the water resource, the Council is responsible for the control of adverse environmental effects of inappropriate land use, subdivision and development, including those effects on water quality and quantity.</p> <p>In my opinion there is merit in amending the introduction to set out in more explicit terms the role of the Council.</p> <p>RECOMMENDATION:</p> <p>It is recommended that 2.18.2 Objectives 1 and 2 be retained as notified AND That paragraph 4 of the Introduction to 2.18 be amended to read:</p> <p><u>"A coordinated An integrated approach to water quality and quantity issues between Environment Southland and the Invercargill City Council has been adopted. Environment Southland is responsible for controlling the use of land for the purposes of maintaining and enhancing water quality and quantity, as well as and controlling discharges of contaminants into or onto land or water under Section 30 of the RMA. The Invercargill City Council also plays a role in managing the district's water quality and water quantity through management of land use activities through its responsibility to control adverse environmental effects of inappropriate land use, subdivision and development. and It is therefore within the Council's jurisdiction to include provisions in the District Plan for controlling the effects of land use on water quality and water quantity.</u></p>

Submitter	Submission	Recommendation
FS6.4 Alliance Group Limited	Support submission 88.19	Accept in part See reasons for recommendations as set out under submission 88.19 above
71.26 NZAS Ltd	<p>Support Objective 2 in part.</p> <p>The submitter considers that this is confusion by the use of the term community water supply schemes, particularly where later in the Plan there is wording referring to the Tiwai Point Aluminium Smelter using a community drinking water supply. The submitter notes that there is no definition for this term in the Plan. The submitter is concerned that this could be interpreted as meaning that the water supply could be accessed by the community, which is incorrect.</p> <p>RELIEF SOUGHT: Replace reference to “community drinking water supplies” and “community water supply schemes” with a reference to “non-Council water supply schemes” with a corresponding definition</p> <p>OR</p> <p>Clarify what is meant by the term “community”.</p>	<p>Accept in part</p> <p>Objective 2 is a general objective that seeks to ensure the quality and quantity of community water supply schemes is not adversely affected by activities.</p> <p>It is recommended that the term “community water supply” be retained in Objective 2. This is a term that is used and defined in the Southland Regional Water Plan. It includes both Council and non-Council water supply schemes.</p> <p>It would not be appropriate to reduce the scope of this Objective down to only referring to non-Council water supplies as there may be future developments that require a Council water supply within the district.</p> <p>The Objective makes no reference to “community drinking-water supplies” and applies to the broader concept of “community water supply”. Reference to “community drinking-water supplies” is made in the explanation to 2.18.3 Policy 2. “Community water supply schemes” are technically different to “community drinking-water supplies” which are referred to in the explanation to 2.18.3 Policy 2. These community drinking-water supplies are water supplies registered with the Ministry for Health. The Council’s water supply is registered as a “community drinking-water supply” and although it is outside the District, the replacement of this term with “non-Council water supply schemes” would not recognise the potential for a Council “community drinking-water supply”.</p> <p>For a recommendation on a definition of the term “Community” see discussion and recommendation on submission 71.67.</p> <p>RECOMMENDATION</p> <p>Retain Objective 2 as notified.</p>

Submitter	Submission	Recommendation
2.18.3 Policies		
Policy 2 Catchment Areas		
71.27 NZAS Ltd	<p>The submitter opposes in part the explanation to Policy 2.</p> <p>The submitter considers that the term “community drinking water supply” is incorrect when used in reference to the Smelter. This is because the water taken from the Tiwai aquifer by NZAS is used not only as drinking water but in the general operations of the Smelter.</p> <p>The submitter considers the phrase “community water supply scheme” is not defined and may be misleading when used with reference to the Smelter</p> <p>RELIEF SOUGHT: Amend the explanation as follows:</p> <p>“Tiwai Aluminium Smelter and Myross Bush School are two <u>examples current users of community non-Council water supply schemes</u> drinking water supplies, with the water taken by bore.”</p>	<p>Accept in part</p> <p>2.18.3 Policy 2 is a general policy that seeks to ensure the quality and quantity of community water supply schemes is not adversely affected by land use activities, following on from 2.18.2 Objective 2.</p> <p>This submission relates to the explanation accompanying the policy.</p> <p>The explanation, among other things, acknowledges that there are non-Council water supplies, including a couple of private “community drinking water supplies” registered by the Ministry of Health that could be affected by land use activities. NZAS Tiwai Point has a community drinking-water supply registered with the Ministry of Health. In this respect the term “community drinking-water supply” is accurate.</p> <p>The Ministry for the Environment’s Drinking Water Standards for New Zealand 2005 (revised 2008) includes a definition of this term. It should also be noted that the two community drinking-water supplies currently in Invercargill are taken from bores and any increase in demand resulting in the need for further allocation of water would need to be considered by Environment Southland.</p> <p>RECOMMENDATION</p> <p>It is recommended that amendments to the explanation including the clarification of the private nature of the supply and the registration status of the NZAS drinking-water supply will address concerns raised by the submitter. It is recommended that the explanation be amended to read as follows:</p> <p>Explanation: <i>Water quality <u>and</u> quantity reflects land management practices in the catchment.</i></p>

Submitter	Submission	Recommendation
		<p>The Ministry of Health definition of “community drinking water supplies” is drinking water supplies serving 25 or more people for more than 60 days a year. This includes many schools, permanent camp sites and marae.</p> <p>Currently, Invercargill’s reticulated water supply is taken from outside the Invercargill district boundary. In non-reticulated areas residents rely on on-site water collection for individual use. There are also non-Council water supply schemes such as Tiwai Point Aluminium Smelter and Myross Bush School which are the current users of private “community drinking-water supplies”, registered with the Ministry of Health, with the water taken by bore. In non-reticulated areas residents rely on on-site water collection for individual use. Future development of community water supply systems may occur within the Invercargill City district. Consideration of the effects of land use practices in the catchment areas of these community water supplies is important in the management of the water resource.</p> <p>Future development of community water supply systems may occur within the Invercargill district and land use practices within their catchments need to anticipate this.</p>
<p>77.56 Te Runaka o Waihopai and Te Runaka o Awarua</p>	<p>Support in part. The submitter notes that water quality is extremely important to Iwi, and considers that the current wording allows for uncertainty</p> <p>RELIEF SOUGHT: Amend Policy 2 by removing: “where practicable”</p>	<p>Reject</p> <p>The policy has been drafted with the intention that <i>avoiding</i> adverse effects is the priority, above remedying and mitigating effects. The term “wherever practicable” applies to the requirement to <i>avoid</i> adverse effects. It recognises that some adverse effects may be unavoidable, but that all practicable methods must be considered. It is my opinion that removing the term “wherever practicable” will result in the mitigation of effects having the same priority as avoidance and would result in a weaker policy.</p> <p>RECOMMENDATION</p> <p>It is recommended that 2.18.3 Policy 2 be retained as notified.</p>

Submitter	Submission	Recommendation
FS4.35 Federated Farmers	<p>Oppose in part submission 77.56</p> <p>The further submitter acknowledges that importance of water quality to iwi, but consider the inclusion of the words “where practicable” ensures that a balanced conversation can occur – addressing both the need to improve water quality while acknowledging existing legal land use activities.</p> <p>RELIEF SOUGHT: Not stated.</p>	<p>Accept</p> <p>It is recommended that 2.18.3 Policy 2 be retained as notified for the reasons outlined for submission 77.56 above.</p>
88.20 Federated Farmers	<p>Support 2.18.3 Policy 2 in part. The submitter considers that legitimate and appropriate uses of land can impact on water quality and quantity and this may be unavoidable for practical or economic reasons. The submitter believes that in such situations, landowners must be able to continue to utilise their land productively, consistent with the RMA’s ‘avoid, remedy or mitigate’ and ensuring an appropriate balance of values are considered.</p> <p>RELIEF SOUGHT: Amend the wording of the policy as follows: “Policy 2 Catchment areas: To ensure land use practices within the catchment areas of community water supply schemes avoid wherever practicable, or remedy or mitigate <u>where practicable</u>, adverse effects on water quantity and water quality.”</p>	<p>Reject</p> <p>The policy recognises that it may not always be practical to avoid adverse effects on water quality and water quantity. However, it is considered important that land users take some responsibility in either remedying or mitigating any adverse effects that they may be causing. The policy is not seeking to prevent landowners using their land productively, but is asking landowners to take some responsibility for water quality and water quantity issues, and to factor these issues into their everyday land management plans.</p> <p>RECOMMENDATION: It is recommended that 2.18.3 Policy 2 be retained as notified, as per the recommendation for submission 77.56 above</p>
FS30.5 Southern District Health Board	<p>Oppose submission 88.20</p> <p>The further submitter considers that retaining the original wording puts the onus on the land user to take appropriate actions against contamination of water within catchment areas. Community drinking water supplies have to meet strict NZ Drinking Water standards and supplies that are contaminated will require appropriate and potentially costly treatment to ensure safe drinking water is being provided to the public. Southern District Health Board supports this proactive approach to protect water quality as it has a direct effect on the health of communities.</p> <p>RELIEF SOUGHT: Retain Policy 2 as advertised.</p>	<p>Accept</p> <p>It is agreed that water quality issues can impact on the health of communities, both in terms of drinking water and in the natural ecosystems and environments that rely on this resource.</p> <p>It is recommended that 2.18.3 Policy 2 be retained as notified, as per the recommendation for submission 77.56 above.</p>

Submitter	Submission	Recommendation
Policy 3 – Effects on Water Quantity		
77.57 Te Runaka o Waihopai and Te Runaka o Awarua	Support. RELIEF SOUGHT: Retain Policy 3 as advertised.	Accept It is recommended that 2.18.3 Policy 3 be retained as notified.
Policy 4 - Effects on water quality		
65.43 ICC Environmental and Planning Services	Support in part. The submitter considers that the explanation should be expanded to also cover issues such as the effects of poor water quality on natural habitats. RELIEF SOUGHT: Expand explanation to refer to the effects of poor water quality in respect to its life supporting capacity and the habitats relying on it.	Accept The focus of the explanation as proposed focuses on the importance to Council that effects on water quality are minimised. The explanation should be extended to recognise the importance of minimising effects on water quality to the wider environment and ecosystems. Amend explanation to read as follows: Explanation: <i>Any increase in sediment or pollutants significantly increases the cost of water treatment and can undermine the future operation of water schemes. Activities such as vegetation clearance, intensive land use and land use development can have effects such as increased sedimentation, increased runoff and a resultant decrease in water quality and quantity. It is important to Council that these effects are minimised in order to protect existing and future water supplies. <u>It is also important that adverse effects on the quality of water are minimised to protect the life supporting capacity of the water and its associated ecosystems.</u></i>
FS8.13 Department of Conservation	Support submission 65.43 The further submitter considers that it is important that the effects of land use on water quality are managed to safeguard the life supporting capacity of water and associated ecosystems RELIEF SOUGHT: Grant relief sought by submission 65.43.	Accept It is recommended that the explanation to 2.18.3 Policy 4 be amended as per the recommendation for submission 65.43 above.

Submitter	Submission	Recommendation
77.58 Te Runaka o Waihopai and Te Runaka o Awarua	<p>Strongly support.</p> <p>RELIEF SOUGHT: Retain.</p>	<p>Accept</p> <p>It is recommended that 2.18.3 Policy 4 be retained as notified, subject to recommended amendments to the explanation as detailed under submission 65.43 above.</p>
Policy 6 – Coastal Water		
24.43 South Port NZ Ltd	<p>Oppose. The submitter considers that this policy covers matters within the jurisdiction of the regional council.</p> <p>RELIEF SOUGHT: Delete the policy.</p>	<p>Reject</p> <p>The Plan uses an integrated approach to water quality matters. Whilst the regional council has responsibility for controlling land use for the purposes of maintaining the quality and quantity of coastal water, the Council is responsible for the control of adverse environmental effects of inappropriate land use, subdivision and development, including those effects on water quality and quantity. This policy acknowledges the integrated approach.</p> <p>It is recommended that 2.18.3 Policy 6 be retained as notified.</p>
FS8.14 Department of Conservation	<p>Oppose submission 24.43</p> <p>The further submitter considers that the policy allows for integrated management or control of activities in the coastal environment between local authorities across the boundary between the coastal marine area and land giving effect to Policy 4 of the NZCPS.</p> <p>The further submitter also considers that the policy specifically gives effect to Policy 4(c)(iv) of NZCPS where land use activities may affect water quality in the coastal environment.</p> <p>RELIEF SOUGHT: Disallow relief sought in submission 24.43.</p>	<p>Accept</p> <p>It is recommended that 2.18.3 Policy 6 be retained as notified for the reasons outlined in under submission 24.43 above.</p>

Submitter	Submission	Recommendation
FS39.19 Environment Southland	<p>Oppose submission 24.43</p> <p>The further submitter considers that it is not in the interests of integrated management to delete this policy. They comment that there is a strong link between land use activities and water quality, and as such, it is appropriate to “avoid remedy or mitigate the adverse effects of land based activities on coastal water and ecosystems”.</p> <p>The further submitter considers the proposed policy to be consistent with Policy WQUAL.8 of the Proposed RPS.</p> <p>RELIEF SOUGHT: Disallow decision sought.</p>	<p>Accept</p> <p>It is recommended that 2.18.3 Policy 6 be retained as notified for the reasons outlined in under submission 24.43 above.</p>
77.59 Te Runaka o Waihopai and Te Runaka o Awarua	<p>Strongly support</p> <p>RELIEF SOUGHT: Retain.</p>	<p>Accept</p> <p>It is recommended that 2.18.3 Policy 6 be retained as notified.</p>
Policy 7 - Fire Hazard		
101.1 NZ Fire Service Commission	<p>Support. The submitter states that compliance with this will assist it to carry out its duties effectively and efficiently</p> <p>RELIEF SOUGHT: Retain.</p>	<p>Accept</p> <p>It is recommended that 2.18.3 Policy 7 be retained as notified.</p>
2.18.4 Methods of Implementation		
77.60 Te Runaka o Waihopai and Te Runaka o Awarua	<p>Support all methods.</p> <p>RELIEF SOUGHT: Retain.</p>	<p>Accept</p> <p>It is recommended that the methods outlined in 2.18.4 be retained as notified.</p>
101.2 NZ Fire Service Commission	<p>Support Method 1. The submitter states that compliance with this will assist it to carry out its duties effectively and efficiently.</p> <p>RELIEF SOUGHT: Retain.</p>	<p>Accept</p> <p>It is recommended that 2.18.4 Method 1 be retained as notified.</p>

Submitter	Submission	Recommendation
101.3 NZ Fire Service Commission	Support Method 3. The submitter states that compliance with this will assist it to carry out its duties effectively and efficiently. RELIEF SOUGHT: Retain.	Accept It is recommended that 2.18.4 Method 3 be retained as notified.
88.21 Federated Farmers	Oppose Method 4. The submitter believes it is unclear what the “assessment” might involve, and what standards, if any, might need to be met if this method was implemented. The submitter is concerned that the method would be overly burdensome for landowners undertaking legitimately established rural land uses. RELIEF SOUGHT: Delete this method.	Reject The methods of implementation within the Proposed District Plan are not drafted to give specific detail but to give a general idea of the methods that the Council may use to meet the objectives and carry through on the policies. Assessments of the effects of activities on water quality and quantity will be carried out on a case-by-case basis and the detail of what this assessment will involve will vary depending on the scale and potential effects of an activity. Many of the assessment matters spelt out in the Proposed District Plan include assessing the effects of certain activities on water, however where an activity is discretionary or non-complying the assessment of the effects of an activity should include effects on water if this is relevant to the proposal. An assessment will only be required by Council where an activity requires resource consent. RECOMMENDATION: It is recommended that 2.18.4 Method 4 be retained as notified.
88.22 Federated Farmers	Support Method 6 and 7 RELIEF SOUGHT: Not stated	Accept It is recommended that 2.18.4 Methods 6 and 7 be retained as notified.
18.88 Environment Southland	Strongly support Method 9. RELIEF SOUGHT: Retain.	Accept It is recommended that 2.18.4 Method 9 be retained as notified.

Submitter	Submission	Recommendation
FS34.15 ICC - Environmental Health and Compliance Services	Support submission 18.88 RELIEF SOUGHT: Not stated.	Accept It is recommended that 2.18.4 Method 9 be retained as notified.
SOILS, MINERALS AND EARTHWORKS		
Rule 3.17		
18.100 Environment Southland	Support 3.17.5(D). The submitter supports this assessment matter as they consider that altered drainage patterns often give rise to concern. RELIEF SOUGHT: Retain.	Accept Earthworks and filling activities can result in altered drainage patterns and natural water flows, and the effects of the sedimentation can result in altered water quality. This provision provides an opportunity to consider the management of these effects as part of the resource consent process. RECOMMENDATION: It is recommended that 3.17.5(D) be retained as notified.
SUBDIVISION		
Rule 3.18		
88.90 Federated Farmers (part thereof)	Oppose Rule 3.18.4(1)(l) The submitter opposes the drafting of 3.18.3 and 3.18.4 on the grounds that some matters of consideration are too broad and that others are not matters that should be considered by the Council. One particular part of the subdivision rule that the submitter opposes is 3.18.4(1)(l). The submitter considers that the protection of waterways from stock is a regional council function and they do not believe that this is a matter over which Council should have discretion, particularly in respect to making decisions on a subdivision consent application. RELIEF SOUGHT Delete Rule 3.18.4(1)(l) "Protection of waterways from damage by stock".	Reject It is recommended that the subdivision process is one means of addressing effects of activities on water in an integrated manner. Using the subdivision process to consider means to protect waterways from damage by stock is one area where the Council can support the work done by the regional council. The subdivision process is an ideal opportunity for the landowners and the Council to discuss the issues, and to consider, for example, opportunities for esplanade strips. The ability of a territorial authority to require the provision of an esplanade strip, including for the purposes of maintaining or enhancing water quality, is clearly set out in section 229 of the RMA. RECOMMENDATION: It is recommended that Rule 3.18.4(1)(l) be retained as notified.

Submitter	Submission	Recommendation
FS8.12 Department of Conservation	<p><i>Oppose submission 88.90</i></p> <p>The further submitter considers that it is appropriate to consider the matters listed in 3.18.4 in applications for subdivision, and to consider the potential effects of land uses on the land enabled by the subdivision.</p> <p>The further submitter considers that the protection of waterways from damage by stock is consistent with the use of esplanade strips and may be considered as a purpose of an esplanade strip required for a subdivision.</p> <p><i>RELIEF SOUGHT</i> Decline relief sought by submission 88.90.</p>	<p><i>Accept</i></p> <p>It is recommended that Rule 3.18.4(1)(I) be retained as notified as set out under submission 88.90 above.</p>
FS30.4 Southern District Health Board (part thereof)	<p><i>Oppose submission 88.90</i></p> <p>The further submitter considers that consideration of the potential effects of land uses enabled by subdivision is vital to the health of individuals and communities. Flow on effects of inappropriate land uses may result in poor soil health and poor water quality. Ensuring appropriate and sustainable land use is critical for maintaining the life supporting capacity and productivity of the district's soils.</p> <p>Protection of waterways from damage by stock is an integral pathway to maintaining and improving water quality.</p> <p>Each landowner has a responsibility to consider cumulative effects and the flow on effects of land based activities. Soil and water are interconnected and contamination of Southlands soil and waterways ultimately affects the health of individuals and communities.</p> <p><i>RELIEF SOUGHT</i></p> <p>Retain: Rule 3.18.4 (I).</p>	<p><i>Accept</i></p> <p>It is recommended that Rule 3.18.4(1)(I) be retained as notified as set out under submission 88.90 above</p>

Submitter	Submission	Recommendation
FS39.17 Environment Southland (part thereof)	<p>Oppose submission 88.90</p> <p>The further submitter states that the rule is not inconsistent with any Environment Southland rules, and even it if was, the more specific water related ES rules would prevail. They consider that the proposed rule allows for integrated management and the protection of water and soil related values through the subdivision process. They believe that the consideration in a holistic manner of all the matters covered by 3.18.4 at the subdivision stage will lead to better environmental outcomes</p> <p>RELIEF SOUGHT Disallow decision sought.</p>	<p>Accept</p> <p>It is recommended that Rule 3.18.4(1)(I) be retained as notified as set out under submission 88.90 above</p>
18.101 Environment Southland (part thereof)	<p>Support 3.18.4 (I)</p> <p>RELIEF SOUGHT Retain 3.18.4 (I) as notified.</p>	<p>Accept</p> <p>It is recommended that Rule 3.18.4(1)(I) be retained as notified as set out under submission 88.90 above</p>
67.7 ICC Drainage Manager	<p>Oppose Rule 3.18.4(1)(H)(a)</p> <p>The submitter considers the provision is unclear as to the control of stormwater.</p> <p>The submitter considers that 3.18.4(H)(a)(5) is a wastewater management issue, not a stormwater issue.</p> <p>The submitter considers 3.18.4(H)(b)(3) should be limited to the effects of a proposed development on stormwater runoff.</p> <p>RELIEF SOUGHT Delete 3.18.4(H)(a)(5)</p> <p>AND</p> <p>Amend 3.18.4(H)(b)(3) as follows:</p> <p>“The incorporation of low impact stormwater design features where appropriate, and in accordance with the Code of Land Development to</p>	<p>Accept in part</p> <p>The timing and quantum of stormwater leaving a site is a stormwater matter that is best deleted from 3.18.4(H)(a). While stormwater issues can impact on the design of on-site wastewater systems this is covered in other matters of consideration.</p> <p>The suggested amendments to 3.18.4(H)(b) include specific considerations for low impact design and set out in a reasonably clear manner what is expected in the design of proposed provision for stormwater disposal. I believe that the suggested matter for consideration would be a benefit the subdivision process and would be consistent with the approach advocated in the ICC Bylaw 2013/1 Code of Practice for Land Development and Subdivision Infrastructure. Because the existing provision 3.18.4(H)(b)(3) raises relevant issues that differ from that suggested and see no reason for it to be deleted.</p> <p>RECOMMENDATION Delete 3.18.4(H)(a)(5)</p>

Submitter	Submission	Recommendation
	limit peak stormwater flows, reduce stormwater contamination and avoid adverse effects to other properties.”	<p>AND</p> <p>Amend 3.18.4(H)(b)to include the following: <u>“3.18.4(H)(b)(4) The incorporation of low impact stormwater design features where appropriate to limit peak stormwater flows, reduce stormwater contamination and avoid adverse effects to other properties.”</u></p>
OTATARA ZONE		
3.33 RULES		
65.109 ICC Environmental and Planning Services	<p>Support 3.33.17 subject to amendment of drafting error.</p> <p>RELIEF SOUGHT: Amend 3.33.17 as follows: “...(A) The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS: 4509:2008) and the health and safety of the community, including neighbouring properties...”</p>	<p>Accept</p> <p>The suggested amendment would have no more than a minor effect on the provision and would correct a typographical error.</p> <p>Amend 3.33.17 as follows: “...(A) The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS: 4509:2008) and the health and safety of the community, including neighbouring properties ...”</p>
RESIDENTIAL1 ZONE		
2.36.3 POLICIES		
107.11 A4 Simpson Architects Limited	<p>The submitter states that stormwater runoff can be mitigated by means other than those referred to in 2.36.3 Policy 4.</p> <p>RELIEF SOUGHT Amend the Plan provisions in residential areas to acknowledge other means of addressing stormwater runoff</p>	<p>Accept</p> <p>The policy can be amended to be more effects-based and to focus on ensuring that methods to address stormwater quality and quantity are incorporated within site and building development.</p> <p>Permeable surfaces are a preferred method given that the design of the Council’s stormwater system is based around an expectation of permeable surfaces. However there may be alternative methods that are equally as effective and efficient and these should be considered through the resource management processes.</p>

Submitter	Submission	Recommendation
		<p>RECOMMENDATION:</p> <p>Amend 2.36.3 Policy 4 to read:</p> <p><u>“To ensure site and building development is designed to incorporate methods that to minimise loadings on stormwater runoff networks and reticulation systems caused by rainfall events and to improve the water quality of stormwater flows. By requiring that site development associated with new housing is designed to incorporate impermeable surfaces”</u></p>
<p>67.5 ICC Drainage Manager</p>	<p>Support Policy 4 Stormwater runoff subject to amendment.</p> <p>The submitter notes that the policy refers to the incorporation of impermeable surfaces, where it should be referring to “permeable” surfaces.</p> <p>The submitter also considers the explanation requires rewording as it is currently inaccurate.</p> <p>RELIEF SOUGHT Amend Policy 4 by replacing “impermeable” with permeable”</p> <p>AND</p> <p>Amend the 2nd sentence of the explanation to read:</p> <p><u>“... Currently, Invercargill’s residential stormwater systems are designed for immediate runoff to the stormwater system of 55% of design rainfall, with the remaining 45% being retained within permeable surfaces such as lawns and gardens. Increasing areas of impermeable surfaces can compromise stormwater capacity...”</u></p>	<p>Accept in part</p> <p>See submission 107.11 for recommendation on 2.36.3 Policy 4. Whilst the word “permeable” would have better met the intention of the Objectives in the Proposed District Plan, the recommended wording does not incorporate the term “permeable” or “impermeable”</p> <p>It is recommended that the explanation also be amended to accurately reflect the basis for the design of stormwater systems in Invercargill and reasons for requiring permeable surfaces.</p> <p>RECOMMENDATION:</p> <p>Amend the explanation to 2.36.3 Policy 4 as follows:</p> <p>Explanation: <i>... Currently, Invercargill’s stormwater systems are designed for immediate runoff to the stormwater system of 55% of design rainfall, with the remaining 45% being retained within permeable surfaces such as lawns and gardens. Increasing areas of impermeable surfaces can compromise stormwater capacity 55% permeability, which means that rain falling on 45% of the site is immediately disposed of through the stormwater reticulation system. Lessening the immediate effect of peak stormwater flows on stormwater systems will reduce the risk of localised surface flooding....”</i></p>

Submitter	Submission	Recommendation
65.75 ICC Environmental and Planning Services	Support Policy 4 Stormwater runoff, subject to amendment of the explanation which the submitter believes inaccurately details the anticipated stormwater run-off percentages. RELIEF SOUGHT Amend policy by either amending the wording to be accurate OR remove this statistic.	Accept See recommendation set out in submission 67.5 above.
RESIDENTIAL 2 ZONE		
2.38.3 POLICIES		
65.81 ICC Environmental and Planning Services	Support Policy 4 Stormwater runoff, subject to amendment of the explanation which the submitter believes inaccurately details the anticipated stormwater run-off percentages. RELIEF SOUGHT Amend policy by either amending the wording to be accurate or remove this statistic.	Accept See recommendation on 2.36.3 Policy 4 set out in submission 67.5 above. RECOMMENDATION: Amend the explanation to 2.38.3 Policy 4 as follows: Explanation: ... <i>Currently, Invercargill's stormwater systems are designed for immediate runoff to the stormwater system of 55% of design rainfall, with the remaining 45% being retained within permeable surfaces such as lawns and gardens. Increasing areas of impermeable surfaces can compromise stormwater capacity 55% permeability, which means that rain falling on 45% of the site is immediately disposed of through the stormwater reticulation system. Lessening the immediate effect of peak stormwater flows on stormwater systems will reduce the risk of localised surface flooding...."</i>
3.36 RULES		
65.112 ICC Environmental and Planning Services	The submitter suggests a new rule on Fire Safety The submitter notes that there are areas within the Residential 2 Zone that do not have access to reticulated water and suggests that the Fire Safety Rule from other non-reticulated areas be repeated for the	Accept It is recommended that the rule requiring on-site fire fighting water supply in non-reticulated areas of the Residential 2 Zone be included.

Submitter	Submission	Recommendation
	<p>Residential 2 Zone to ensure consistency and to consider the health and wellbeing of the community</p> <p>RELIEF SOUGHT</p> <p>Include the Fire Safety Rule in the Residential 2 Zone. For recommended wording see 3.39.13 – 3.39.19 (and any subsequential amendments)</p>	<p><u>Fire Safety</u></p> <p><u>3.37.25</u> This rule applies to properties that are not connected to Council’s reticulated water supply.</p> <p><u>3.37.26</u> Each new residential unit with a building floor area of less than 200 square metres shall have either:</p> <p>(A) A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure 7,000 litres of water is always available to the sprinkler system in the event of a fire; or</p> <p>(B) A water tank with a storage capacity of 30,000 litres maintained to hold a minimum of 20,000 litres of water at all times as a static fire fighting reserve.</p> <p><u>3.37.27</u> Each residential unit with a building floor area of greater than 200 square metres shall have either:</p> <p>(A) A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure a sufficient quantity of water (calculated in accordance with SNZ4509:2008) is always available to the sprinkler system in the event of a fire; or</p> <p>(B) A water tank containing a sufficient quantity of water (calculated in accordance with SNZ4509:2008) always available as a static fire fighting reserve.</p> <p><u>3.37.28</u> A fire fighting connection, in accordance with Appendix B of SNZ PAS 4509:2008 is to be located more than six metres and less than 90 metres from any proposed habitable building on the site. The</p>

Submitter	Submission	Recommendation
		<p><u>connection point is to be designed so that:</u></p> <p>(A) <u>It is located so that is it clearly visible to enable connection of a fire appliance; and</u></p> <p>(B) <u>It shall have a hardstand area adjacent to it to allow for a New Zealand Fire Service appliance to park on it. The hardstand area is to be located in the centre of a clear working space with a minimum width of 4.5 metres; and</u></p> <p>(C) <u>Where the water pressure at the connection point/coupling is less than 100kPa, a 100mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or</u></p> <p>(D) <u>Where the water pressure at the connection point/coupling is greater than 100kPa, a 70mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or</u></p> <p>(E) <u>Underground tanks, or tanks that are partially buried (provided the top is no more than one metre above ground) may be accessed by an opening in the top of the tank, whereby couplings are not required.</u></p> <p>3.37.29 <u>Any addition exceeding 50 square metres to a residential building shall comply with Rules 3.37.31 - 3.37.33 as if it were a new building.</u></p> <p>3.37.30 <u>Where an activity does not comply with the relevant standards set out in Rules 3.37.31 - 3.37.33 and written approval of the New Zealand Fire Service has been provided, the activity is a restricted discretionary activity.</u></p>

Submitter	Submission	Recommendation
		<p>The matter over which the Council shall exercise its discretion is:</p> <p>(A) <u>The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008) and the health and safety of the community, including neighbouring properties.</u></p> <p>3.37.31 <u>Where an activity does not comply with the relevant standards set out in subsections 3.37.31 - 3.37.33 written approval of the New Zealand Fire Service must be provided.</u></p>
RESIDENTIAL 3 ZONE		
2.39.3 POLICIES		
<p>67.6 ICC Drainage Manager</p>	<p>Oppose in part Policy 4 Stormwater runoff.</p> <p>The submitter notes that the policy refers to the incorporation of impermeable surfaces, where it should be referring to “permeable” surfaces.</p> <p>RELIEF SOUGHT Amend Policy 4 by replacing “impermeable” with permeable”.</p>	<p>See recommendation on Residential 1 2.36.3 Policy 4 set out in submissions 107.11 and 67.5 above.</p> <p>Whilst it is acknowledged that requiring “impermeable” surfaces would have been inconsistent with the intention of the Objectives in the Proposed District Plan, it is recommended that Policy 4 be amended to be more effects-based. The recommended wording does not include the use of the term “permeable” or impermeable”.</p> <p>RECOMMENDATION: Amend 2.39.3 Policy 4 to read:</p> <p><u>“To ensure site and building development is designed to incorporate methods that to minimise loadings on stormwater runoff networks and reticulation systems caused by rainfall events and to improve the water quality of stormwater flows. By requiring that site development associated with new housing is designed to incorporate impermeable surfaces”</u></p>

Submitter	Submission	Recommendation
RURAL 2 ZONE		
3.39 RULES		
101.6 NZ Fire Service Commission (part thereof)	<p>Support in part Rule 3.39.13 – 3.39.18 Fire Safety.</p> <p>The submitter states that the provisions should apply where the water supplies are inadequate as well as unavailable.</p> <p>RELIEF SOUGHT Amend 3.39.13 by adding the following words: “...reticulated water supply, <u>or the reticulated water supply servicing the property is inadequate for fire fighting purposes</u>”.</p> <p>And subsequent renumbering.</p>	<p>Reject</p> <p>It is recommended that the relief sought in relation to the submission on the requirement for an on-site fire fighting water supply in areas where the reticulated water supply is “inadequate for fire fighting purposes”, does not provide sufficient clarity to be enforceable within a rule. The suggested wording is unclear as to what determines “adequacy”.</p> <p>RECOMMENDATION: It is recommended that the submission be rejected, unless the submitter can provide wording that is clear and enforceable.</p>
SECTION 4 - DEFINITIONS		
71.66 NZAS Ltd	<p>The submitter seeks the introduction of a new definition – “Non-Council water supply scheme”.</p> <p>The submitter seeks the introduction of a definition of the term “Non-Council water supply scheme” for clarity of use of this term in the Plan.</p> <p>RELIEF SOUGHT Insert a definition of “Non-Council water supply scheme”:</p> <p><u>“Non-Council water supply scheme: Means water obtained for drinking and other use, other than the reticulated water supply provided by the Council.”</u></p>	<p>Reject</p> <p>As per the recommendations for submission 71.26 and 71.27 above, the only time the term “non-Council water supply scheme” will be referred to in the Proposed Plan would be in the explanation to 2.18.3 Policy 2. It is not considered necessary to define the term as the explanation is merely a means of giving background to the policy and has no legal standing.</p> <p>The definition as suggested in the submission would not provide clarity as to what a “non-Council water supply scheme” is and is inaccurate as it does not define a “scheme”. Instead it could be used to define water that is collected on a non-reticulated site used for an individual residence. The water itself is not a “scheme”. A “scheme” implies a system.</p> <p>RECOMMENDATION It is recommended that a definition of “Non-Council water supply scheme” is not to be included in the Proposed District Plan</p>

Submitter	Submission	Recommendation
71.67 NZAS Ltd	<p>The submitter seeks the introduction of a new definition – “community”.</p> <p>The submitter seeks the introduction of a definition the term “community” as it relates to terms used in 2.18 of the Proposed District Plan.</p> <p>RELIEF SOUGHT: The addition of a definition of the term “community”</p>	<p>Reject</p> <p>The term “community” is used in a number of different provisions throughout the Proposed District Plan. One definition of this term may not suit all provisions.</p> <p>The use of the word “community” in 2.18 is part of a term “community water supply schemes” and there is no benefit to the plan-user in separating out and defining the individual words within this phrase.</p> <p>The submitter has provided no detail as to what they expect the definition to cover. The definition of “community” ranges from a physical body or place to a conceptual feeling or set of beliefs.</p> <p>RECOMMENDATION It is recommended that a definition of “community” is not included in the Proposed District Plan.</p>
65.119 ICC Environmental and Planning Services	<p>Oppose definition of “permeable surface”.</p> <p>The considers the definition as proposed is incorrect as it does not acknowledge that there are permeable surfaces available other than paving, that should be considered in the calculation of permeable surfaces.</p> <p>RELIEF SOUGHT Replace definition of permeable surface with:</p> <p><u>“Permeable Surface: Means any ground surface treatment that allows for surface water to soak into the ground, including through specially designed paved surfaces.”</u></p>	<p>Accept</p> <p>It is recommended that the definition of permeable surface be amended to recognise that there are other means of providing permeable surfaces other than through a paving treatment.</p> <p>RECOMMENDATION: Amend definition of permeable surface as follows:</p> <p>Permeable Surface: Means any ground surface paving treatment that allows for surface water to soak into the ground through the paved surface, including through specially designed paved surfaces.”</p>

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APPENDIX 2 - Recommended Change to the Proposed District Plan

(Underline indicates recommended additions, strikethrough indicates recommended deletions)

SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

2.18 Water (p2-64)

“If you have your water right, you will have everything else right” – *Te Tangi a Tauira*. Water supports the community in every way. Water is vital for human survival. The district’s waterways are important habitats for native and introduced species of plants and animals. They have significant cultural and recreational value.

Water is a finite resource. The Invercargill City Council’s reticulated water is currently taken from the Oreti River outside the district boundaries at Branxholme. There are a number of groundwater bores in use. In non-reticulated areas water needs to be ~~harvested~~ collected and stored.

Whilst there is currently limited knowledge regarding the effects of land use on water quality and the actual sources of contamination, it is acknowledged that land use activities can have adverse effects on water quality. For example, activities like earthworks, as well as surface water runoff from areas such as roads and industrial areas can lead to contamination of waterways. Poor water quality affects the whole environment. A precautionary approach is adopted in this District Plan to manage water quality issues.

~~A coordinated~~ An integrated approach ~~to~~ on water quality and quantity issues between Environment Southland and the Invercargill City Council has been adopted. Environment Southland is responsible for controlling the use of land for the purposes of maintaining and enhancing water quality and quantity, as well as ~~and~~ controlling discharges of contaminants into or on to land or water ~~under Section 30 of the RMA~~. The Invercargill City Council also plays a role in managing the district’s water quality and water quantity through management of land use activities through its responsibility to control adverse environmental effects of inappropriate land use, subdivision and development. ~~and it~~ It is therefore within the Council’s jurisdiction to include provisions in the District Plan for controlling the effects of land use on water quality and water quantity.

2.18.1 **Issues** – (Page 2-64) No change

2.18.2 **Objectives** – (Page 2-65) No change

2.18.3 **Policies**

Policy 1 General: (page 2-65) To require that the adverse effects of subdivision and land use activities on water quantity and quality are avoided, remedied or mitigated.

Explanation: (page2-65) – No change

Policy 2 Catchment areas: (page 2-65) – No change

Explanation: (Page 2-65) *Water quality and quantity reflects land management practices in the catchment.*

~~The Ministry of Health definition of “community drinking water supplies” is drinking water supplies serving 25 or more people for more than 60 days a year. This includes many schools, permanent camp sites and marae.~~

Currently, Invercargill’s reticulated water supply is taken from outside the Invercargill district boundary. ~~In non-reticulated areas residents rely on on-site water collection for individual use. There are also non-Council water supply schemes such as Tiwai Point Aluminium Smelter and Myross Bush School which are two current users of private community drinking-water supplies, registered with the Ministry of Health, with the water taken by bore. In non reticulated areas residents rely on on-site water collection for individual use. Future development of community water supply systems may occur within the Invercargill City district.~~

Consideration of the effects of land use practices in the catchment areas of all community water supplies is important in the management of the water resource.

~~Future development of community water supply systems may occur within the Invercargill district and land use practices within their catchments need to anticipate this.~~

Policy 3 Effects on Water Quantity: (Page 2-65) To manage the effects of activities on flows and levels of water in water bodies and on Council’s reticulated water services.

Explanation: (pages 2-65 – 2-66) No change

Policy 4 Effects on Water Quality: (Page 2-66) – No change

Explanation: (Page 2-66) *Any increase in sediment or pollutants significantly increases the cost of water treatment and can undermine the future operation of water schemes. Activities such as vegetation clearance, intensive land use and land use development can have effects such as increased sedimentation, increased runoff and a resultant decrease in water quality and quantity. It is important to Council that these effects are minimised in order to protect existing and future water supplies. It is also important that adverse effects on the quality of water are minimised to protect the life supporting capacity of the water and its associated ecosystems.*

Policy 5 Collaboration: (Page 2-66) – No change

Explanation: (Page 2-66) *Working collaboratively will ensure the most comprehensive and co-ordinated approach possible to managing water quality and quantity issues.*

Policy 6 Coastal water: (Page 2-66) – No change

Explanation: (Page 2-66) – No change

Policy 7 Fire Hazard: (Page 2-66) – No change

Explanation: (Page 2-67) – No change

2.18.4 Methods of Implementation

Method 1 (Page 2-67) – No change

Method 2 (Page 2-67) – No change

Method 3 (Page 2-67) – No change

Method 4 (Page 2-67) – No change

Method 5 (Page 2-67) – No change

Method 6 (Page 2-67) – No change

Method 7 (Page 2-67) – No change

Method 8 (Page 2-67) – No change

Method 9 (Page 2-67) – No change

2.26 Business 5 (Rural Service) Zone

Policy 15 (Page 2-103) **~~Open space~~ Stormwater runoff:** To avoid effects of increased quantity (especially peak flows) and quality of stormwater on neighbouring properties and on the region's waterways.

Explanation: (Page 2-103) – No change

2.33 Industrial 4 (Awarua) Zone

2.33.3 Policies

Policy 3 (Page 2-128) **Stormwater runoff:** To require stormwater runoff from buildings and ground surfaces to be managed in a manner that, as far as practical:

- (A) Provides for the removal of sediments and contaminants prior to leaving the site.
- (B) Avoids increases in flows within the Mokotua Stream and Waipaka Creek that would exacerbate the effects of any flooding within those water bodies.
- (C) Diverts any stormwater that cannot be disposed of on-site into common wetlands, water courses or water storage areas within the Industrial 4 Zone.

Explanation: (Page 2-128) – No change

2.36 Residential 1 Zone

2.36.3 Policies

Policy 4 (Page 2-143) **Stormwater runoff:** To ensure site and building development is designed to incorporate methods that ~~to~~ minimise loadings on stormwater runoff networks and reticulation systems caused by rainfall events and to improve the water quality of stormwater flows. ~~By requiring that site development associated with new housing is designed to incorporate impermeable surfaces~~

Explanation: (Page 2-143) *Climate change is likely to mean that rainfall in Invercargill may become higher on average but, more significantly, there is likely to be increased incidence of extreme climatic events. Currently, Invercargill's stormwater systems are designed for 55% permeability, which means that rain falling on 45% of the site is immediately disposed of through the stormwater reticulation system. For immediate runoff to the stormwater system of 55% of design rainfall, with the remaining 45% being retained within the permeable surfaces such as lawns and gardens. Increasing areas of impermeable surfaces can compromise stormwater capacity. Lessening the immediate effect of peak stormwater flows on stormwater systems will reduce the risk of localised surface flooding.*

There is also increasing concern about the condition of Southland's waterways. Urban stormwater can contain pollutants and organic matter.

Design to mitigate stormwater effects needs to encompass the whole of the area under development, including roads and open spaces as well as housing lots. Best practical means are necessary to minimise pollution of waterways by urban stormwater.

2.38 Residential 2 (Bluff and Omaui) Zone

2.38.3 Policies

Policy 4 **Stormwater runoff:** (Page 2-153) – No change

Explanation: (Page 2-154) *Climate change is likely to mean that rainfall in Bluff may become higher on average but, more significantly, there is likely to be increased incidence of extreme climatic events. Currently, Invercargill's stormwater systems are for 55% permeability, which means that rain falling on 45% of the site is immediately disposed of through the stormwater reticulation system. For immediate runoff to the stormwater system of 55% of design rainfall, with the remaining 45% being retained within the permeable surfaces such as lawns and gardens. Increasing areas of impermeable surfaces can compromise stormwater capacity. Whatever can be done to lessen the immediate effect of peak stormwater flows on stormwater systems will reduce the risk of localised surface flooding.*

There is also concern about the condition of Bluff Harbour. Urban stormwater can contain pollutants and organic matter. Best practical means are necessary to minimise pollution of waterways by urban stormwater.

Stormwater runoff is less of an issue at Omaui, where dwellings depend on roof collection of water for domestic supply. Domestic tanks accommodate much of the first flush of any storm event.

2.39 Residential 3 (Large Lot) Zone

2.39.3 Policies

Policy 4 (Page 2-158) **Stormwater Runoff:** To ensure site and building development is designed to incorporate methods that to minimise loadings on stormwater runoff networks and reticulation systems caused by rainfall events and to improve the water quality of stormwater flows. ~~By requiring that site development associated with new housing is designed to incorporate impermeable surfaces~~

Explanation: (Page 2-158) No change

SECTION THREE - RULES

3.17 Soils, Minerals and Earthworks

Earthworks and Filling Activities

3.17.5 (D) (Page 3.31) – No change

3.18 Subdivision

3.18.4 (Page 3-33) Applications under Rule 3.18.3 above shall address the following matters which will be among those taken into account by the Council:

- (H) Potential effects on water quality or water quantity of land uses enabled by the subdivision, in particular:
 - (a) Design of the proposed wastewater system, specifically:
 - (1) The efficiency and effectiveness of the wastewater systems proposed.
 - (2) That adequate land area is available for the on-site disposal system and the required reserve areas for replacement effluent disposal fields.
 - (3) Conveying surface water runoffs from roofs and other hard surfaces away from waste water disposal areas.
 - (4) Providing sufficient clearance between waste water discharge pipes and the mean seasonal high water table.
 - ~~(5) Timing and control of quantum of stormwater leaving the site.~~
 - (b) Design of proposed provision for stormwater disposal, specifically:

- (1) Efficiency and effectiveness of provisions proposed for stormwater.
- (2) That surface water runoff is controlled in such a way that it does not cause damage to wetlands/waterways and their margins.
- (3) The incorporation of low impact stormwater design features where appropriate to limit peak stormwater flows, reduce stormwater contamination and avoid adverse effects to other properties.
- (34) That surface water runoff does not cause damage or nuisance to other properties.

(l) Protection of waterways from damage by stock.

3.33 Otatara Zone

Fire Safety

3.33.13 (Page 3-66) – No change

3.33.14 (Page 3-67) – No change

3.33.15 (Page 3-67) - No change

3.33.16 (Page 3-67) Any addition exceeding 50m² to a residential building shall comply with Rules 3.33.13, ~~3.33.14~~ and ~~3.33.15~~ as if it were a new building.

3.33.17 (Page 3-67) Where an activity does not comply with the relevant standards set out in Rules 3.33.13 - 3.33.16 above, the activity is a restricted discretionary activity.

The matter over which the Council shall exercise its discretion is:

- (A) The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008) and the health and safety of the community, including neighbouring properties.

3.33.18 Where an activity does not comply with the relevant standards set out in subsections 3.33.13 - 3.33.16 written approval of the New Zealand Fire Service must be provided.

3.34 Residential 1 Zone

Permeable Surfaces

3.34.23 (Page 3-71) – No change

3.34.24 (Page 3-71) – No change

3.34.25 (Pages 3-71 – 3-72) – No change

3.36 Residential 2 (Bluff and Omaui) Zone

Permeable Surfaces

3.36.22 (Page 3-76) – No change

3.36.23 (Page 3-76) – No change

3.36.24 (Page 3-76) – No change

To insert:

Fire Safety

3.36.25 Each new residential unit with a building floor area of less than 200m² shall have either:

(A) A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure 7,000 litres of water is always available to the sprinkler system in the event of a fire; or

(B) A water tank with a storage capacity of 30,000 litres maintained to hold a minimum of 20,000 litres of water at all times as a static fire fighting reserve.

3.36.26 Each residential unit with a building floor area of greater than 200m² shall have either:

(A) A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure a sufficient quantity of water (calculated in accordance with SNZ4509:2008) is always available to the sprinkler system in the event of a fire; or

(B) A water tank containing a sufficient quantity of water (calculated in accordance with SNZ4509:2008) always available as a static fire fighting reserve.

3.36.27 A fire fighting connection, in accordance with Appendix B of SNZ PAS 4509:2008 is to be located more than six metres and less than 90 metres from any proposed building on the site. The connection point is to be designed so that:

(A) It is located so that is it clearly visible to enable connection of a fire appliance; and

(B) It shall have a hardstand area adjacent to it to allow for a New Zealand Fire Service appliance to park on it. The hardstand area is to be located in the centre of a clear working space with a minimum width of 4.5 metres; and

(C) Where the water pressure at the connection point/coupling is less than 100kPa, a 100mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or

(D) Where the water pressure at the connection point/coupling is greater than 100kPa, a 70mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or

(E) Underground tanks, or tanks that are partially buried (provided the top is no more than one metre above ground) may be accessed by an opening in the top of the tank, whereby couplings are not required.

3.36.28 Any addition exceeding 50m² to a residential building shall comply with Rules 3.36.25 - 3.36.27 as if it were a new building.

3.36.29 Where an activity does not comply with the relevant standards set out in Rules 3.36.25 - 3.36.27 above, the activity is a restricted discretionary activity.

The matter over which the Council shall exercise its discretion is:

(A) The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008) and the health and safety of the community, including neighbouring properties.

3.36.30 Where an activity does not comply with the relevant standards set out in subsections 3.36.25 - 3.36.27 written approval of the New Zealand Fire Service must be provided.

3.37 Residential 3 (Large Lot) Zone

3.37.21 On-site water storage: (page 3.80) – No change

3.37.22 (page 3-80) – No change

Permeable Surfaces

3.37.27 (page 3-81) – No change

3.37.28 (page 3-81) – No change

3.37.29 (page 3-81) – No change

Fire Safety

3.37.30 (page 3-81) – No change

3.37.31 (page 3-81) – No change.

3.37.32 (page 3-81) – No change

3.37.33 (pages 3.81 – 3-82) - No change

3.37.34 (page 3-82) – No change

3.37.35 (page 3-82) Where an activity does not comply with the relevant standards set out in Rules 3.37.31 - 3.37.33 and written approval of the New Zealand Fire Service has been provided, the activity is a restricted discretionary activity.

The matter over which the Council shall exercise its discretion is:

- (A) The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008) and the health and safety of the community, including neighbouring properties.

3.37.36 (page 3-82) No change

3.38 Rural 1 Zone

Fire Safety

3.38.15 (page 3-85) - No change

3.38.16 (page 3-85) - No change

3.38.17 (page 3-86) - No change

3.38.18 (page 3-86) Any addition exceeding 50 square metres to a residential building shall comply with Rules 3.38.15, ~~3.38.16~~ and 3.38.17 as if it were a new building.

3.38.19 (page 3-85) Where an activity does not comply with the relevant standards set out in Rules 3.38.15 - 3.38.18 above, the activity is a restricted discretionary activity.

The matter over which the Council shall exercise its discretion is:

- (A) The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008) and the health and safety of the community, including neighbouring properties.

3.38.20 (page 3-86) - No change.

3.39 Rural 2 (Rural Transition) Zone

Fire Safety

3.39.13 (page 3-89) - No change

3.39.14 (page 3-89) - No change

3.39.15 (page 3-89) - No change

3.39.16 (page 3-90) - No change

3.39.17 (page 3-90) Any addition exceeding 50 square metres to a residential building shall comply with Rules 3.39.4, ~~3.39.5~~ and 3.39.6 above as if it were a new building.

3.39.18 (page 3-90) Where an activity does not comply with the relevant standards set out in Rules 3.39.14, ~~3.39.15~~ and 3.39.16 above, the activity is a restricted discretionary activity.

The matter over which the Council shall exercise its discretion is:

- (A) The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008) and the health and safety of the community, including neighbouring properties.

3.39.19 (page 3-90) No change

SECTION FOUR – DEFINITIONS

Permeable Surface: (page 4-13) Means any ground surface paving treatment that allows for surface water to soak into the ground ~~through the paved surface,~~ including through specially designed paved surfaces.