



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

**Report No. 10**

### **Public Open Space**

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

**Reporting Officer: Joanna Shirley  
POLICY PLANNER**

**Peer Reviewed by: John Edmonds and Dan Wells  
JOHN EDMONDS AND ASSOCIATES LTD**

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# 1. EXECUTIVE SUMMARY

This report is on the public open space provisions of the Proposed District Plan.

The Invercargill City district provides a large area of public open space delivering a range of benefits which enhance the social, economic, environmental and cultural well-being of the community. Most of these areas are vested or gazetted under the Reserves Act 1977 and are owned and managed by the Council or by the Department of Conservation.

The Reserves Act 1977 applies to all public land that has been vested or gazetted under the Act. As a mandatory requirement of this Act, management plans are to be prepared for all recreation reserves, to provide a framework for future management decisions relating to the maintenance, use and development of the land. The Public Open Space provisions of the Proposed District Plan recognise that there is a fundamental relationship between the Reserves Act 1977 and the RMA, and seek a coordinated approach to maintain and manage public open space.

The changes notified as part of the Proposed District Plan include a new district wide section on the issues, objectives, policies and methods of implementation relating to public open space. Like the Operative District Plan, there is a district wide rule on public open space, but some small changes have been made to the proposed rule.

Sixteen submission points were received on the matter of public open space. One was in support, three requested changes and 12 raised matters outside of the RMA. The key issues raised in the submissions are summarised below:

- Inaccurate identification of Council owned Reserves on the Planning Maps.
- Recognition of Environment Southland as owners of public open space within the district.
- Provision of more walkways and cycleways, bee friendly plants and a vegetable garden.
- The sale of Council owned reserves.

After analysing the submission points, I am recommending that the Planning Maps be amended to include and clearly identify all Council Parks and Reserves. This will aid in the implementation of the objectives, policies and rules and will provide a more user friendly document. I am also recommending that Environment Southland be included in the Public Open Space Introduction as owners of public open space within the district.

The Issues, Objectives, Policies and Rules should remain as notified. They meet the requirements of the RMA and have not been opposed by the submissions.

In this report:

- Part 2 considers several key procedural issues.
- Part 3 provides background information on the public open space topic.
- 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 the submitters.
- Part 6 provides a discussion on the Section 32 matters.
- Part 7 sets out the overall conclusions.

- Appendix 1 sets out the recommended changes to the text of the Proposed District Plan.
- Appendix 2 sets out the recommendations on each of the submission points.

## **2. INTRODUCTION**

### **2.1 Report Author**

My name is Joanna Louise Shirley. I am a Policy Planner at the Invercargill City Council, a position I have held since February 2014. I hold a Bachelor of Environmental Management and am an associate member of the New Zealand Planning Institute. I have five years experience in the planning field as a Resource Management Officer, which has involved implementing the District Plan and producing various planning documents.

### **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 has a Bachelor of Regional Planning from Massey University.

### **2.3 How to Read this Report**

This report is structured as follows:

- Interpretation (an explanation of some of the terms used).
- A summary of the hearing process.
- Background to the public open space topic, 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 the proposed changes under Section 32 of the RMA.
- Concluding comments.
- Recommendations on individual submissions.
- Tracked changes of the Proposed District Plan provisions relating to public open space.

To see my recommendation on an individual submission please refer to the table at the end of Appendix 1. The table sets out the name and relevant submission number of those who submitted on the public open space provisions and a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

### **2.4 Interpretation**

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“Hearings Committee” means the District Plan Hearings Committee  
“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.  
“Plan Group”  
“RMA” means the Resource Management Act 1991  
“Submitter” means a 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 Public Open Space provisions of the Proposed District Plan.

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 Hearings Committee has full delegation to issue a decision on these matters.

This report is prepared pursuant to Section 42A of the Resource Management Act 1991 (the “RMA”). Section 42A provides for a report to be prepared prior to a hearing, setting out matters to which regard should be had when 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 Hearings Committee to consider in making decisions on the submissions lodged. The report has been prepared on the basis of information available prior to the hearing.

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

The Invercargill City District is home to a large area of public open space which accommodates a multitude of recreational facilities and opportunities. These are a valued feature of the Invercargill City District, delivering a range of benefits which enhance the social, economic, environmental and cultural wellbeing of the community. Invercargill City District is home to 161 parks comprising a total land area of 3,016 hectares.

Most of the significant areas of public open space are vested or gazetted under the Reserves Act 1977 as Reserves and are owned and managed by the Council or by the Department of Conservation. Public open space land that does not hold Reserves Act Status is generally fee simple, awaiting Council completion of the formal gazetting process. Esplanade and access strips are also a form of public open space providing access and recreation opportunities along riparian and coastal margins.

The Reserves Act 1977 applies to all public land that has been vested or gazetted under the Act. As a mandatory requirement of this Act, management plans are to be prepared for all recreation reserves, to provide a framework for future management decisions relating to their maintenance, use and development of the land.

This report relates to the provisions in the Proposed District Plan addressing public open space. This includes:

- Section 2.12, which contains the issues, objectives, policies and methods of implementation relating to Public Open Space;
- Sections 2.22, 2.23 and 2.43 containing the issues, objectives, policies and methods of implementation relating to Public Open Space for the Business 1 and Business 2 Zones;
- Section 3.14, which contains the District Wide rules for public open space; and
- Section 4, containing the definitions.

The changes notified as part of the Proposed District Plan include a new district wide section on the issues, objectives, policies and methods of implementation relating to Public Open Space. Like the Operative District Plan, there is a District Wide Rule on Public Open Space, but some small changes have been made to make the proposed rule more explicit and user friendly.

**Note:** Provisions relating to esplanade strips and access along riparian and coastal margins are covered in the Surface of Water and Coastal Environment Reports.

#### 3.1 Proposed Issues, Objectives and Policies

Section 2.12 of the Proposed District Plan details the District Wide Issues, Objectives, Policies and Methods of Implementation relating to public open space.

The provisions recognise the relationship between the Reserves Act 1977 and the RMA and seek a coordinated approach to maintain and manage public open space. This includes recognising that in many cases there is no need to duplicate assessments under the RMA and Reserves Act.

Developments, particularly when they involve large buildings or groupings of activities, can have significant effects on the appearance of public open space and

amenities of residential properties. This is recognised by the Proposed District Plan as a significant resource management issue.

Two objectives and two policies have been developed relating to public open space at a district wide level.

The first objective is to maintain public open space in accordance with their classification under the Reserves Act 1977. The second objective is to ensure that the effects of development on public open space are identified, understood by the community, and are taken into account when making a decision on whether to allow such development to take place.

The objectives are supported by policies which seek to enable development on reserves where it is incorporated into a Reserve Management Plan, and when they are not, to require assessment under the RMA. This will ensure that the effects of developments on reserves are considered, either under the RMA or the Reserves Act 1977, and will provide for community consultation for activities with more than minor effects.

Public Open Space in the Business Districts, particularly the central business district (CBD), is viewed as an important space for the public to enjoy and hold activities of a public nature. Encouraging people to use these spaces will help enhance the vibrancy and attractiveness of the CBD and other business areas within the district. Policies promoting opportunities for public open space have been developed in the Zone Specific Issues, Objectives and Policies Section of the Proposed District Plan for the Business 1 and 2 Zones.

**Note:** Smelter Zone Policy 7 refers to public open space as one of the matters that does not require regulatory controls in the Smelter Zone. This policy also refers to wind, signage, height of structures, private open space, landscaping, planting, screening and weather protection. Because of the broad range of topics covered by this policy, any submissions received on it will be addressed in the Smelter Zone report.

### 3.2 Proposed Rule

Rule 3.14 of the Proposed District Plan sets out the rules for activities proposed within areas administered under the Reserves Act 1977.

Subject to Rule 3.13.12 (noise), it is a permitted activity to provide for activities within areas administered under the Reserves Act 1977, where they are specifically provided for in a Management Plan approved by the Minister. This has changed slightly from the Operative District Plan, which stated that activities were to comply with the Management Plan. In developing this rule the Plan Group felt that the term “comply” could be too broadly applied to a proposal, resulting in development which was not intended or specifically anticipated for by a Management Plan. It is considered that the proposed wording is more explicit and will avoid any doubt and confusion over the permitted activity status of a proposal.

Proposals not permitted by Rule 3.14.1 are discretionary activities. Rule 3.14.2, set out below, is a new addition to the rule and sets out matters that must be addressed as part of an application for resource consent.

“3.14.2 Applications under Rule 3.14.1(B) above shall address the following matters, which will be among those taken into account by the Council:

- (A) The extent to which the proposal differs from the approved Management Plan.
- (B) The extent to which the proposal is compatible with the amenities of the surrounding neighbourhood.
- (C) The effect of the proposal on the characteristics of any outstanding natural feature or landscape, any locally distinctive landscape, or townscape in which the development is to be located.
- (D) Details of consultation undertaken.”

These matters have been included to provide more transparency of process and guidance for the applicant.

**Note:** While the rule expressively refers to the noise rule, noise is not covered in this report and will be dealt with in the noise report.

## 4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

### 4.1 Resource Management Act 1991

When reviewing the District Plan, the 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 change, 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 RMA (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 its purpose and principles.

The purpose of the RMA is set out in Section 5. I confirm that the provisions for managing public open space fall within the purpose of the RMA. In particular, the policies and rules enable people and communities to provide for their social well-being and health and safety while avoiding, remedy or mitigating adverse effects on the environment in accordance with Section 5(2)(c) of the RMA.

Section 6 of the RMA sets out matters of national importance which must be recognised and provided for. None of these are especially relevant to the issue of public open space, but it is noted that the following may be relevant in some instances:

*(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;*

It is considered that the provisions, as notified, appropriately manage this issue by ensuring that the effects on the characteristics of any outstanding natural feature and landscape is considered as part of a resource consent application to undertake an activity on reserve land.

Section 7 of the RMA sets out “other matters” for which particular regard shall be had. It is considered that the most relevant matters are:

*(c) The maintenance and enhancement of amenity values:*

*(f) Maintenance and enhancement of the quality of the environment:*

It is considered that the provisions relating to public open space in the Proposed District Plan demonstrate particular regard to these matters.

Section 8 of the RMA obliges persons exercising functions and powers under the RMA to take account of the principles of the Treaty of Waitangi. 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 Iwi has also occurred. This subject was not identified as an issue of particular significance.

#### **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 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.”*

Under Section 31(1)(b) of the RMA a territorial authority is required to “ ... control ... any actual or potential effects of the use, development, or protection of land ...”

The public open space provisions in the Proposed District Plan include objectives policies, and methods intended to manage the actual or potential effects of land use activities and development on reserve land.

#### **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 Proposed District Plan. Section 6 of this report includes my evaluation of 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 Proposed District Plan 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. Policy 18 of the Coastal Policy Statement seeks to recognise the need for public open space within and adjacent to the marine area, for public use and appreciation. There are several reserves located within the district's coastal environment administered under the Reserves Act 1977. These areas provide opportunities for recreation, enjoyment of nature and access to the coastal environment. Effect has therefore been given to this policy.

#### **4.2.2 National Policy Statements and National Environmental Standards**

In accordance with Section 75 of the RMA, a District Plan must give effect to National Policy Statements.

Section 44A of the RMA prescribes how District Plans must be amended if a rule conflicts with a National Environmental Standard.

There are no National Policy Statements or National Environmental Standards that directly relate to public open space.

#### **4.2.3 Regional Policy Statement**

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

The policies and objectives from the Southland Regional Policy Statement (1997) specifically relevant to the public open space provisions are set out below:

*Objective 10.2 - To maintain and enhance the environmental quality of the Region's built environment.*

*Objective 10.5 - To minimise the adverse effects of the built environment on natural and physical resources.*

Public open space provides relief from the built form and creates an attractive and accessible space for the community to enjoy. These areas enhance the environmental quality of the built environment and creates an attractive and vibrant city.

The provisions of the Proposed District Plan give effect to the above objectives by encouraging and promoting public open space within the City. In addition to this, policies and rules have been developed enabling full consideration of development on reserve land, in order to ensure that any adverse effects of development on the environment are sufficiently avoided, remedied or mitigated.

Effect has also been given to the following objectives and policies which are considered relevant in some instances:

*Objectives 9.1 - To protect outstanding natural features and landscapes of the Region.*

*Policy 9.1 - Identify and encourage the protection of outstanding natural features and landscapes within Southland.*

*Objective 13.2 - To avoid, wherever practicable, remedy or mitigate any adverse effects from the use and development of the natural and physical resources within the coastal environment.*

*Policy 13.18- Manage subdivision, use and development of land within the coastal environment to protect outstanding natural features and landscapes and to preserve the natural character of the coastal environment.*

The effect of development on the characteristics of any outstanding natural feature or landscape or any locally distinctive landscape is a matter that is taken into account by the Council when considering an application for a proposal on reserve land.

#### **4.2.4 Proposed Regional Policy Statement**

In accordance with Section 74, regard needs to be given to any proposed Regional Policy Statement. The Proposed Southland Regional Policy Statement was notified in May 2012. The following policies are relevant to the issue of public open space.

*Policy URB.1 – The adverse effects of urban development on the environment should be appropriately avoided, remedied or mitigated.*

*Policy URB.5 Provide for a range of land use activities within the urban areas*

These policies have been given effect to by the public open space provisions. Public open space is provided throughout urban areas and provides opportunities for a range of activities including recreation, social gatherings, walking and cycling.

Effect has also been given to the following policies, which are relevant to development within the coastal environment:

*Policy Coast. 2 Ensure adequate measures or methods are utilised within the coastal environment when providing for subdivision, use and development to a) protect amenity, social, intrinsic, ecological, cultural, historic heritage, natural character, natural features and landscape values and coastal dunes systems.*

*Policy LNF.3 District Plans shall provide for the protection of identified outstanding natural features and landscapes for the adverse effects of inappropriate subdivision, use and development.*

#### **4.2.5 Regional Plans**

In accordance with Section 74 of the RMA, a District Plan must not be inconsistent with a Regional Plan. There are no regional plans of direct relevance to public open space.

#### **4.2.6 Iwi Management Plans**

Section 74 of the RMA requires that a local authority must take into account any 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 Tauira*.

One of the issues identified in Te Tangi a Tauira is the visual effects of building design and landscaping. The provisions for public open space take into account this issue by ensuring that development on reserve land is appropriately assessed under the Reserves Act 1977 or the RMA. This will ensure that effects on amenity, including visual effects, are avoided remedied or mitigated.

#### **4.2.7 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 following Plans and Strategies all contain matters relevant to public open space:



- The Invercargill City Council's non statutory spatial plan - The Big Picture
- Invercargill City Centre Action Plan
- Invercargill City Council Long Term Plan 2012 – 2022
- The Invercargill City Council Annual Plan 2013 – 2014
- The Invercargill City Council's Parks Strategy 2013

There are also a number of relevant reserve management plans in place. The reserves that will be shown on the Planning Maps are reflective of these documents and meet their anticipated outcomes.

### **4.3 Summary**

It is considered that the purpose and principles of the RMA are met by the public open space provisions set out in the Proposed District Plan. The proposed provisions fall within the functions of local authorities (minor changes are proposed to make this clearer). The requirements of Section 32 of the RMA have been met through the evaluations carried out prior to notification and in this report. The various documents required to be considered have been appropriately addressed in the preparation of provisions relating to public open space.

## 5. ANALYSIS OF SUBMISSIONS

Sixteen submission points were received on the matter of public open space. Of these submissions one was in support, three requested changes and 12 raised matters outside of the RMA. These submissions are summarised in table format, along with recommended responses, in Appendix 2 of this report.

The key issues raised in the submission are:

1. Identification of Council parks and reserves on the Planning Maps.
2. Recognition of Environment Southland as owners of public open space within the district.
3. Provision of more walkways, cycleways, bee friendly plants, and vegetable garden.
4. The sale of Council Reserves.

The issues are discussed below.

### 5.1 Identification of Council Parks and Reserves on the Planning Maps

Three submission points raised concerns over the mapping of the Council parks and reserves. The submitters have commented that the Planning Maps are incomplete and inaccurate and that all reserve land should be clearly identified on the Planning Maps.

Parks and reserves are a valued feature of the district and should be made readily available for the use and enjoyment of the community and protected for future generations. Traditionally, undeveloped reserve land has not been included on the District Planning Maps, because of its undeveloped nature.

The Public Open Space Rule applies to all parks and reserves administered under the Reserves Act 1977. Therefore to implement this rule it is helpful if all reserve land is accurately identified. This can be easily remedied by amending the planning maps to include all Council parks and reserves. As well as ensuring that all the information is provided, it is important that it can be clearly identified. Parks and reserves are shown on the Proposed Planning Maps as a light green colour, which can get lost in the detail of the information provided on the maps. I recommend changing the legend to make the park and reserve sites more visible.

Two submitters believe that special purpose land, such as urupa, should also be identified on the Planning Maps. Only Council reserves are identified on the Planning Maps and therefore not all special purpose land will be shown. Cultural heritage sites such as urupa will be addressed as part of the Heritage or Zone Specific reports.

#### **Recommendation:**

I recommend that the Planning Maps be amended to accurately reflect all Council Park and Reserve Land, and for the legend to be amended to enable better identification of these sites on the maps. This will provide a more efficient and use friendly document.

## **5.2. Recognition of Environment Southland in the Introduction as owners of public open space within the district**

Environment Southland has commented that it owns significant areas of land adjoining rivers that are made available for public recreation. Their submission requests that the third paragraph of the introduction be amended to reflect their ownership of this land. It is recommended that this submission point be accepted.

## **5.3. Provision of more walkways, cycleways, bee friendly plants and vegetable garden**

One submission suggests development of more walkways and cycleways within the district, the use of more bee friendly plants in the Parks and Reserves and the establishment of a community vegetable garden.

This submission is noted. However, the matters raised are outside of the RMA and would be better dealt with as part of the Annual Plan or Management Plan process.

## **5.4. The sale of Council Parks and Reserves**

Ten submissions points raised concerns over the sale of Council owned reserves. The submitters are opposed to the sale of reserve land and request extensive consultation to be undertaken on this matter. Te Runaka o Waihopai and Te Runaka o Awarua and the Southern District Health Board have commented that a Health Impact Assessment would be a useful tool for the Council if it is considering rationalisation of reserves.

The sale of reserves is a matter of the Reserves Act 1977 and not the RMA. However it is noted that through the Reserves Act process extensive consultation is required to be undertaken prior to the sale of land vested under this Act.

## **5.5. Minor Amendments**

I also recommend a minor change to the heading of Business 2 Policy 15 and correction of a spelling error in the definition of public open space. 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 the changes are a correction of a minor error and that 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 to examine policies and rules 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.

An Evaluation Report was released at the time of notification of the Proposed Plan.

Section 32AA of the RMA requires a further evaluation to be released with decisions, outlining the costs and benefits of any amendments made after the Proposed 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 Panel recommends minor changes from what was in the Proposed Plan, a further evaluation can be relatively brief.

### **6.1 Relevant Section 32AA Matters**

Listed below are the recommended changes to the Proposed District Plan and the Planning Maps with regard to public open space. These matters are considered relevant for further evaluation under s32AA of the RMA.

- Amendment to the Planning Maps to identify all Council Parks and Reserves and amendment to the legend to enable better identification of these sites.
- Amendment to the Public Open Space Introduction (2.12) in order to include Environment Southland as owners of public open space within the district.

### **6.2 Section 32AA Further Evaluation**

The Public Open Space 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 additional matters of consideration.

Public open space is a valued feature of the district, delivering a range of benefits which enhance the community's social, cultural, economic and environmental well-being. Amending the planning maps to accurately reflect Council Parks and Reserve land will aid in the implementation of the objectives, policies and rules and

will provide a more user friendly document. Amending the Introduction to include Environment Southland is administrative and will have no effect on the public open space provisions.

No amendments to the objectives, policies or rules are recommended and they should therefore remain as notified.

## **7. CONCLUDING COMMENTS**

Public Open Space is a valued feature of the Invercargill city district, delivering a range of benefits which enhance the community's social, cultural, economic and environmental well-being. The protection and management of these areas is vital to ensure its continued enjoyment and to enhance the vibrancy of the city.

The public open space provisions recognise the fundamental relationship between the Reserves Act 1977 and the RMA and seek a coordinated approach to maintain and manage public open space. Developments, particularly when they involve large buildings or groupings of activities, can have significant effects on the appearance of public open space and the amenity values of residential properties. This is recognised by the Proposed District Plan as a significant resource management issue.

The objectives, policies and rules have been developed to enable full consideration of development on reserve land through either a Reserve Management Plan or the RMA. This approach ensures community consultation under the RMA (for activities that would result in effects that are more than minor) or the Reserves Act, but not necessarily both.

Sixteen submission points were received on the matter of public open space. After analysing each of the submission points I am recommending that the Planning Maps be amended to include and clearly identify all Council parks and reserves. This will aid in the implementation of the objectives, policies and rules and will provide a more user friendly document.

I am also recommending a minor change to the Public Open Space Introduction in order to recognise Environment Southland as an owner of public open space within the district.

The Issue, Objectives, Policies and Rules should remain as notified. They meet the requirements under the RMA and have not been opposed by the submissions.

## APPENDIX 1: Recommendations in response to submissions

	Submission	Recommendation
<b>PUBLIC OPEN SPACE</b>		
<b>General</b>		
<b>56.27 Jenny Campbell</b>	<p>The submitter suggests more walkways and cycleways should be developed for leisure and promoting healthy living.</p> <p><b>DECISION SOUGHT</b> Not stated</p>	<p>The submission is noted. However, the matter raised is outside of the scope of the RMA and would be better dealt with as part of the Annual Plan or Management Plan process.</p>
<b>56.30 Jenny Campbell</b>	<p>The submitter would like to see the use of more bee friendly plants in the Parks and Reserves, as well as more wetland habitats. The submitter also suggests using Parks and Reserves land as community vegetable gardens and modelling various pest control and organic gardening methods.</p> <p><b>DECISION SOUGHT</b> Not stated</p>	<p>See recommendation outlined above in submission 56.27.</p>
<b>77.36 Te Runaka o Waihopai and Te Runaka o Awarua</b>	<p>The submitter considers that Health Impact Assessments would be a useful tool if considering the rationalisation of reserves.</p> <p><b>DECISION SOUGHT</b> Not stated</p>	<p>The submission is outside of the scope of the RMA. The sale of reserve land is a matter dealt with under the Reserve Act 1977.</p>
<b>117.12 Southern District Health Board</b>	<p>Supports the Issues, Objectives, Policies and Rules in general, in particular Objective 1 and 2. The submitter supports encouraging physical activity in planning and managing the use of public space</p> <p><b>DECISION SOUGHT</b> Support</p>	<p><b>Accept</b></p>

	<b>Submission</b>	<b>Recommendation</b>
<b>117.13 Southern District Health Board</b>	<p>The submitter is concerned that the rationalisation of areas of public open space should involve public consultation and ideally the use of Health Impact Assessment.</p> <p><b>DECISION SOUGHT</b> Any rationalisation of areas of public open space involves public consultation and Health Impact Assessments</p>	See recommendation outlined above under submission 77.36.
<b>2.12 Introduction</b>		
<b>18.75 Environment Southland</b>	<p>The submitter points out that they own significant areas of land adjoining rivers that is made available for public recreation.</p> <p><b>DECISION SOUGHT</b> Amend the third paragraph of the Introduction to read: “...by the Council, <u>Environment Southland</u> or by the Department of Conservation ...”</p>	<b>Accept</b>
<b>Maps</b>		
<b>65.127 ICC Environmental and Planning Services</b>	<p>The submitter notes that the mapping of the Council Parks and reserves is incomplete and inaccurate</p> <p><b>DECISION SOUGHT</b> Review the data used to map the Parks and Reserves on the Planning Maps and amend maps where necessary.</p>	<p><b>Accept</b></p> <p>Clear and accurate identification of parks and reserves are important to ensure their continued enjoyment and management. It is also useful to aid the implementation of the Public Open Space Rule.</p> <p>It is recommended that the Planning Maps be amended to include all Council Park and Reserve land and for the legend to be amended in order to make it more visible.</p>
<b>68.1 ICC Parks Division</b>	<p>The submitter is concerned that the mapping of the Council Parks and Reserves is incomplete and inaccurate and lists all areas that should be shown on the Planning Maps</p> <p><b>DECISION SOUGHT</b> Amend Planning Maps by showing all parks and reserves clearly as per the list provided.</p>	<p><b>Accept</b></p> <p>See reasons and recommendations set out above in submission 65.127.</p>



	Submission	Recommendation
<b>RESIDENTIAL 2</b>		
<b>General</b>		
<b>43. John Mulholland</b>	<p>The submitter is opposed to the sale of the Omaui Reserve.</p> <p><b>DECISION SOUGHT</b> That Council reverse its decision to sell the Omaui Reserve and the plans for subdivision of the Omaui Reserve and give the local populace a greater consultation in this process.</p>	See recommendation set out above in submission 77.36
<b>37.1 Karen Cox</b>	<p>The submitter also explains that she is opposed to the sale of all council reserves, including Mokomoko Road and considers that these areas should be replanted with native bush and protected now for the benefit of future generations.</p> <p><b>DECISION SOUGHT</b> No sale of reserves.</p>	<p>The submission is outside of the scope of the RMA.</p> <p>The sale of reserve land is a matter dealt with under the Reserves Act 1977 and the planting of native vegetation is a matter covered by the Management Plan process.</p> <p><i><b>Note:</b> This recommendation is for the reserve part of the submission only. The matter of zoning will be addressed in the Omaui Zone Report.</i></p>
<b>38.1 Nicole Edwards</b>	<p>The submitter does not wish to see any of Omaui's Council reserves sold off and believes that they should remain native bush for the wildlife of Omaui.</p> <p><b>DECISION SOUGHT</b> Not stated.</p>	<p>See recommendation set out above in submission 37.1.</p> <p><i><b>Note:</b> This recommendation is for the reserve part of the submission only. The matter of zoning will be addressed in the Omaui Zone Report.</i></p>
<b>39.1 Sean Edwards</b>	<p>The submitter does not wish to see any of Omaui's Council reserves sold off and believes that they should remain native bush for the wildlife of Omaui.</p> <p><b>DECISION SOUGHT</b> Not stated.</p>	<p>See recommendation set out above in submission 37.1.</p> <p><i><b>Note:</b> This recommendation is for the reserve part of the submission only. The matter of zoning will be addressed in the Omaui Zone Report.</i></p>

	<b>Submission</b>	<b>Recommendation</b>
<b>40.1 Jacinta Hamilton</b>	<p>The submitter does not wish to see any of Omaui's Council reserves sold off and believes that they should remain native bush for the wildlife of Omaui.</p> <p><b>DECISION SOUGHT</b> Not stated.</p>	<p>See recommendation set out above in submission 37.1.</p> <p><i><b>Note:</b> This recommendation is for the reserve part of the submission only. The matter of zoning will be addressed in the Omaui Zone Report.</i></p>
<b>42.1 Stephen Morris</b>	<p>The submitter is opposed to the selling off the Mokomoko Road Reserve and believes it should be replanted for the benefit of future generations and Omaui's biodiversity.</p> <p><b>DECISION SOUGHT</b> Return of the reserve to its native condition.</p>	<p>See recommendation set out above in submission 37.1.</p> <p><i><b>Note:</b> This recommendation is for the reserve part of the submission only. The matter of zoning will be addressed in the Omaui Zone Report.</i></p>
<b>50.1 Dorothy Gilbert</b>	<p>The submitter is against the sale of reserves and requests that the Omaui Urupa be marked on the Council Planning Maps.</p> <p><b>DECISION SOUGHT</b> Not stated.</p>	<p><b>Reject</b></p> <p>The sale of reserve is a matter of the Reserve Act 1977 and not the RMA.</p> <p>Only Council owned parks and reserves will be shown on the Planning Maps. The Omaui Urupa is owned by the Maori Land Court and will therefore not be identified as reserve land.</p> <p><i><b>Note:</b> This recommendation is for the reserve part of the submission only. The matter of zoning will be addressed in the Omaui Zone Report.</i></p>
<b>55.1 Irene Schroder</b>	<p>District Plans should show all land uses. This includes parks and reserves and especially cultural sections like the Urupa. To exclude these from your plans is misleading and inaccurate.</p> <p><b>DECISION SOUGHT</b> That all parks and reserves and special purpose land (e.g. Urupa) be shown on all maps, including draft plans.</p>	<p><b>Reject</b></p> <p>See reasons outlined above in submission 50.1.</p>

## **APPENDIX 2: Recommended Changes to the Proposed District Plan**

(Underline indicates recommended additions, strikethrough indicate recommended deletions.)

### **SECTION TWO ISSUES, OBJECTIVES AND POLICIES**

#### **2.12 Public Open Space**

**Introduction** (*paragraph 3 pg 2-45*)

Most of these significant areas of public open space are reserves, owned and managed by the Council, Environment Southland or by the Department of Conservation, and with classifications according to their purpose under the Reserves Act 1977.

##### **2.12.1.1 Issues** (*pg 2-46*)

**Issue 1** - No change

##### **2.12.2 Objectives** (*pg 2-46*)

**Objective 1** – No change

**Objective 2** – No change

##### **2.12.3 Policies** (*pg 2-46*)

**Policy 1** Reserve Management Plans – No change

**Explanation** – No change

**Policy 2** RMA – No change

**Explanation** – No change

#### **2.22 Business 1 (Central Business District) Zone**

##### **2.22.3 Policies**

**Policy 17** (*pg 2-82*) Public Open Space – No change

**Explanation** – No change

#### **2.23 Business 2 (Suburban Shopping and Business) Zone**

##### **2.23.2 Policies**

**Policy 15** (*pg 2-88*) Public Open Space - No change

**Explanation** – No change

## SECTION THREE DISTRICT WIDE RULES

### 3.14 Public Open Space (pg 3 -25)

**Rule 3.14.1** – No change

**Rule 3.14.2** – No change

## SECTION FOUR DEFINITIONS

### Public Open Space (pg 4-13)

Means any open space maintained for the benefit of the public pursuant to an Act of Parliament.

**Reserve** (pg 4-13) – No change

## DISTRICT PLANNING MAPS

The parks and reserves set out in Table 1 will be added to the District Planning Maps. The map attached to this report shows the location of the parks and reserves set out in Table 1, which were excluded from the notified District Planning Maps.

It is also recommended that the park and reserve legend be amended to enable better identification of these sites. Final maps will be brought before the Hearings Committee at a future hearing date.

**Table 1: Parks and Reserves to be included on Planning Maps**

Reference number on accompanying map	Park/Reserve Name
1	Makarewa Playcentre
2	Esplanade Reserve - Mclvor Road
3	Esplanade Reserve - Forde Road
4	Grasmere Domain
5	Queens Drive Planting Strip
6	Queens Drive Planting Strip
7	Queens Drive Planting Strip
8	Esplanade Res - Racecourse Rd
9	Esplanade Res - Racecourse Rd
10	Esplanade Reserve - Waihopai River
11	Esplanade Reserve - Waihopai River
12	Esplanade Reserve - Waihopai River
13	Esplanade Reserve - Oteramika Road
14	Esplanade Reserve - Oteramika Road
15	Lake Hawkins Wetland Reserve
16	Rockdale Park Reserve
17	McMillan St Reserve
18	Tisbury Reserve
19	Woodend - Blyth Reserve
20	Omaui Reserve
21	Omaui Reserve
22	Mokomoko Rd, Omaui
23	Greenhills Quarry Reserve

24	Esplanade Reserve - Colyers Island
25	Esplanade Reserve - Colyers Island
26	Awarua Bay Recreation Reserves
27	Awarua Bay Recreation Reserves
28	Joeys Island
29	Tikore Island
30	Tikore Island
31	Esplanade Reserve - Ocean Beach
32	Bluff Harbour Land
33	Bluff Hill Reserve
34	Esplanade Res - Stirling Point Pilot Station