

SECTION ONE

THE DISTRICT PLAN

1.1 THE RESOURCE MANAGEMENT ACT 1991

The Resource Management Act 1991 imposes certain functions on Council. The preparation, implementation and administration of the District Plan is to assist Council to carry out its functions. The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources.

1.2 RELATIONSHIP WITH OTHER PLANS UNDER THE RESOURCE MANAGEMENT ACT 1991

1.2.1 The District Plan dovetails with:

- (A) National Policy Statements
- (B) The New Zealand Coastal Policy Statement
- (C) The Regional Policy Statement for Southland
- (D) Regional Plans prepared by the Southland Regional Council

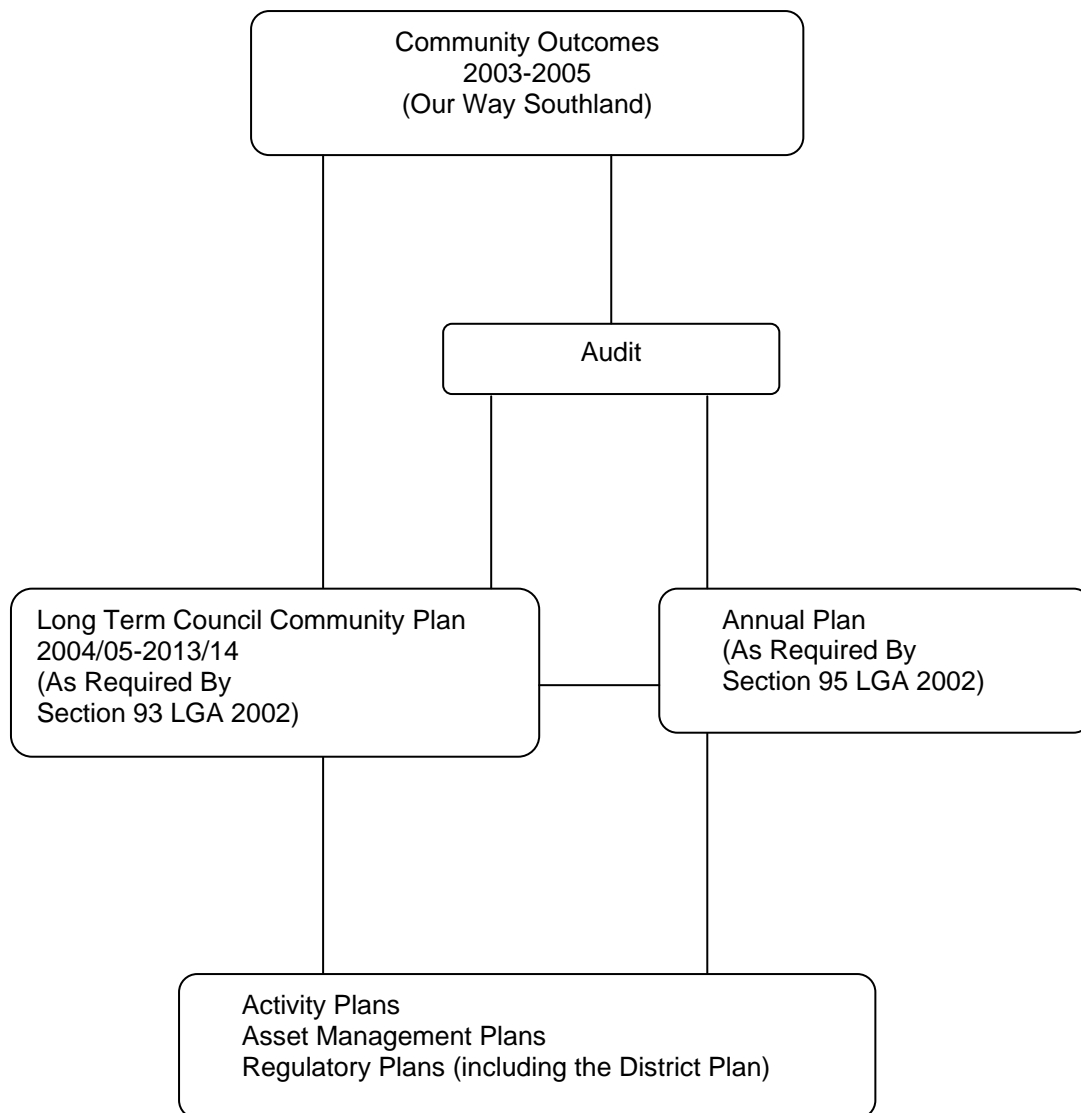
1.2.2 The Invercargill City District is adjacent to the Southland District and within the Southland Region. A number of issues jointly affect the Councils. These are referred to as cross-boundary issues in this Plan.

1.3 RELATIONSHIP WITH IWI AND THE TREATY OF WAITANGI

1.3.1 The development of this Plan endeavours to give effect to the principles of the Treaty of Waitangi. Consultation with iwi was undertaken throughout the development of the Plan. Regard was had to Te Whakatau Kaupapa o Murihiku, being the Kai Tahu resource management strategy for the Southland Region.

1.4 RELATIONSHIP WITH OTHER PLANS UNDER OTHER LEGISLATION

1.4.1 Council has obligations under other legislation to develop and implement plans. The relationship between the District Plan and these other plans is shown in the following diagram:

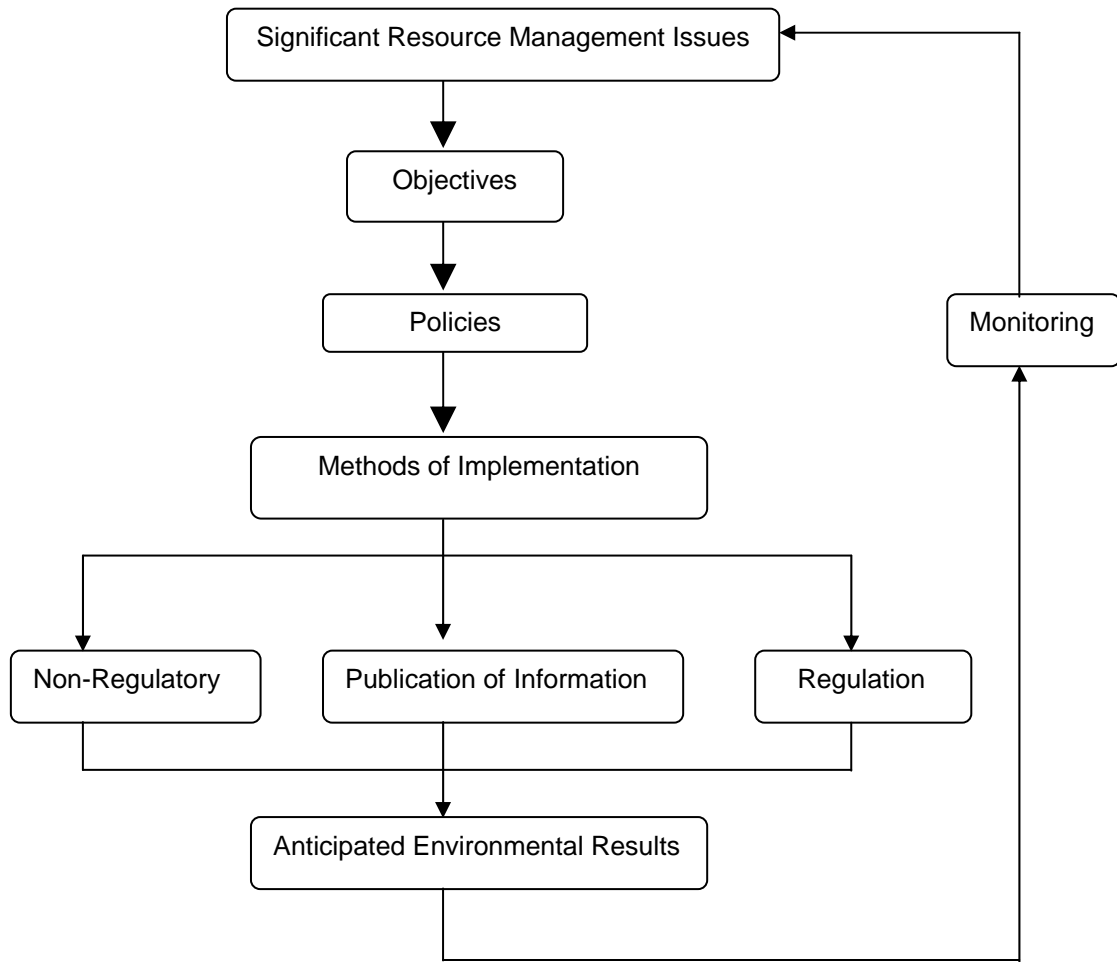


1.5 PHILOSOPHY

- 1.5.1** Council's obligations under the Resource Management Act 1991 interface with private property rights and obligations. The Resource Management Act 1991 is designed to ensure that the adverse effects of inappropriate subdivision, use and development are avoided, remedied or mitigated in the interest of the environment as a whole, while at the same time enabling people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.
- 1.5.2** Council has developed this Plan on the basis that it is required to control the adverse effects of inappropriate subdivision, use and development. Intervention is only acceptable where there is an adverse effect on the environment, including amenity values, or the need to protect or preserve a resource for the foreseeable needs of future generations. With regard to future generations' needs, this Plan takes the view that availability of choice is the best legacy.
- 1.5.3** The District Plan adopts a precautionary approach where there is less than complete scientific knowledge of the possible effects or outcomes which could potentially be severely adverse. However, this approach does not provide

justification for preventing any use, development or protection where knowledge is incomplete.

1.5.4 The relationship between the various parts of the Plan is illustrated by the following diagram:



1.6 CONTENTS OF THE DISTRICT PLAN

1.6.1 The Plan follows the format prescribed in Section 75 of the Resource Management Act 1991.

1.6.2 In addition, the Plan is based on cascading logic in that each section depends for its justification on the previous section or sections for its *raison d'être*.

1.6.3 The significant resource management issues of the District are stated in Section Two.

1.6.4 Section Three states the Objectives and Policies that the Plan seeks to achieve, and the methods to be used to implement the policies. For every significant resource management issue, there are one or more Objectives and Policies. This section also contains the methods to be used to implement the policies, together with an explanation of them and reasons for them.

1.6.5 The Methods of Implementation are stated in Section Four. They include a range of methods. Council intends to use non-regulatory methods to educate and promote

sustainable management. However, Rules establish minimum environmental standards that can be enforced.

- 1.6.6** Section Five states the anticipated environmental results that the implementation of the District Plan seeks to achieve and sets the basis for monitoring the effectiveness of the District Plan.
- 1.6.7** Section Six sets out how Council intends to address issues that cross boundaries with the Southland District and the Southland Region.
- 1.6.8** Section Seven sets out the procedures to be used to monitor the state of the environment, the suitability and effectiveness of the District Plan, the transfer of powers and delegation of functions, and resource consent compliance.
- 1.6.9** Section Eight lists the definitions of terms used in the District Plan.
- 1.6.10** Section Nine contains the Appendices to the Plan.
- 1.6.11** The District Planning Maps identify the management area which applies to each parcel of land in the District. The maps also show other important information such as designations, heritage features, significant areas of natural vegetation, the coastal environment, and Hazard Information.

1.7 HOW TO USE THIS DISTRICT PLAN

- 1.7.1** It is strongly recommended that anyone proposing a land use activity within the District discuss the proposal in the early stages with Council's resource management staff. This will assist in identifying issues that will need to be addressed and whether any resource consents are needed.
- 1.7.2** If you are unsure about the interpretation of this Plan and/or how it might affect you, please seek professional advice.
- 1.7.3** The recommended sequence for interpreting the District Plan for a specific property is as follows:

Step 1 Identify from the District Planning Maps the following:

- (A) The Area and Sub-Area
- (B) Any designations or heritage orders on the property
- (C) Whether the property is within the coastal environment
- (D) Whether the property has heritage values
- (E) Whether the property is within an area identified as an outstanding natural feature or landscape
- (F) Whether the property contains significant indigenous vegetation and significant habitats of indigenous fauna (including wetlands)
- (G) Whether there is a river within the property
- (H) Whether the property is within the Single Event Sound Exposure Boundary

Step 2 Consult Council's Hazard Information Maps contained within the District Planning Maps to see if any parts of the property are affected by hazards.

- Step 3 Identify from the “Methods of Implementation” the non-regulatory methods and publication of information sections that may assist the sustainable development of the proposed activity.
- Step 4 Consult the activity table (Rule 4.33) to determine whether your proposal is a permitted activity, a controlled activity, a discretionary activity or a non-complying activity.
- Step 5 Identify the district wide rules (Rule 4.22 – 4.32) relating to any relevant issues referred to in Step 1 and Step 2, and whether a resource consent is required, (help is available from Council staff).
- Step 6 Consider the environmental standards in Section 4 and assess whether or not the proposal complies with them. A resource consent will be necessary if you wish to operate outside the limits set.
- Step 7 If a resource consent is required by any of the Rules, it is the applicant’s responsibility to obtain this prior to the activity being commenced. Appendix I lists the information to be included with an application for a resource consent.
- Step 8 It is also the responsibility of the applicant to ensure that all consents and permits required by law from other authorities or under other legislation are obtained.

1.8 CROSS REFERENCING

1.8.1 To further assist the user the following Tables provide a cross reference to the District Plan. Table 1 Identifies the Significant Resource Management Issues and the associated sections of the District Plan and Planning Maps. Table 2 identifies the individual rules in the District Plan and the associated Objectives and Policies.

Table 1

SIGNIFICANT RESOURCE MANAGEMENT ISSUES	Associated Sections of the District Plan and Maps
Manawhenua	2.2, 3.2, 4.4, 4.5, 4.10, 4.11, 4.17, 4.18, 4.20, 5.2.1, 6, 7.3.1, 8, Appendix II, Appendix VI, Planning Maps
Coastal Environment	2.3, 3.3, 4.4, 4.5, 4.10, 4.14, 4.17, 4.20, 5.2.2, 6, 7.3.2, 8, Planning Maps
Wetlands and Rivers and their Margins	2.4, 2.6, 3.4, 3.6, 4.4, 4.5, 4.6, 4.7, 4.9, 4.10, 4.12, 4.14, 4.17, 4.20, 5.2.3, 6, 7.3.3, 8, Planning Maps Note: The Objectives and Polices relating to the Coastal Environment may also be applicable.
Outstanding Natural Features and Landscapes	2.5, 3.5, 4.4, 4.5, 4.9, 4.10, 4.14, 4.17, 4.20, 4.22, 5.2.4, 6, 7.3.4, 8, Planning Maps Note: The Objectives and Polices relating to the Coastal Environment may also be applicable.
Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna	2.4, 2.6, 3.4, 3.6, 4.4, 4.5, 4.6, 4.8, 4.9, 4.10, 4.12, 4.14, 4.17, 4.20, 4.23, 5.2.5, 6, 7.3.5, 8, Planning Maps Note: The Objectives and Polices relating to the Coastal Environment may also be applicable.
Soil Resource	2.7, 3.7, 4.6, 4.7, 4.8, 4.9, 4.10, 4.20, 4.24, 5.2.6, 7.3.6, 8, Planning Maps
Mineral Extraction	2.8, 3.8, 4.5, 4.10, 4.20, 4.25, 4.5, 5.2.7, 6, 7.3.7, 8

Heritage	2.9, 3.9, 4.4, 4.5, 4.9, 4.10, 4.12, 4.13, 4.14, 4.17, 4.18, 4.20, 4.26, 5.28, 7.38, 8, Appendix II, Planning Maps
Transportation	2.10, 3.10, 4.4, 4.10, 4.13, 4.19, 4.20, 4.27, 5.2.9, 6, 7.3.9, 8, Infograms 4 and 5
Natural Hazards	2.11, 3.11, 4.3, 4.5, 4.10, 4.16, 4.20, 4.28, 5.2.10, 6, 7.3.10, 8, Hazard Information Maps
Subdivision	2.12, 3.12, 4.18, 4.29, 5.2.11, 7.3.11, 8, Appendix I
Infrastructure	2.13, 3.13, 4.18, 4.32, 5.2.13, 6, 7.3.13, 8, Appendix III, Appendix IX
Amenity Values of the District	2.14, 3.14, 4.4, 4.5, 4.11, 4.12, 4.17, 4.18, 4.19, 4.20-4.44, 5.2.12, 7.3.12, 8, Infogram 7, Appendix I, Appendices III-V, Appendices VII-IX, Planning Maps
Connecting To Council Infrastructure	2.15, 3.15, 4.18, 4.29.9, 4.40, 4.42, 5.2.14, 7.3.14, Appendix IX
Expansion of Industrial Activities	2.16, 3.14.7, 3.14.7(B)(11), 3.16, 4.14, 4.21.5, 4.27.1, 4.33, ...,8, Appendix VII

Table 2

Regulatory Provisions	Relevant Objectives and Policies
Rule 4.22 Outstanding Natural Features and Landscapes	3.5.1 and 3.5.2 The Objective 3.3.1 and Policies 3.3.2 in relation to the Coastal Environment may also be applicable.
Rule 4.23 Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna	3.6.1 and 3.6.2 Objective 3.41 and Policies 3.4.2 are relevant where the areas of significant indigenous vegetation and significant habitats of indigenous fauna is a wetland. The Objective 3.3.1 and Policies 3.3.2 in relation to the Coastal Environment may also be applicable.
Rule 4.24 Soil Resource	3.7.1 and 3.7.2
Rule 4.25 Mineral Extraction	3.8.1 and 3.8.2
Rule 4.26 Heritage	3.9.1 and 3.9.2
Rule 4.27 Transportation	3.10.1 and 3.10.2
Rule 4.28 Natural Hazards	3.11.1 and 3.11.2, 3.11.6 and 3.11.7
Rule 4.29 Subdivision	3.12.1 and 3.12.2
Rule 4.30 Demolition or Removal	3.14.2 and 3.14.2 (B) (10), 3.14.6 and 3.14.7(B)
4.30A Relocated Buildings	3.14.2A, 3.14.2(B)(17), 3.14.3(Q), 3.14.4.18, 3.14.5.17, 3.14.6, 3.14.7
Rule 4.31 Public Open Space	3.14.2 and 3.14.2 (B) (15), 3.14.6 and 3.14.7(B)
Rule 4.32 Infrastructure	3.13.1 and 3.13.2, 3.13.6 and 3.13.7
Rule 4.33 Activity Table	3.14.1, 3.14.2, 3.14.6 and 3.14.7
Rule 4.34 Noise	3.14.2, 3.14.2(B)(1), 3.14.2(D), 3.14.6 and 3.14.7(B)
Rule 4.35 Electrical Interference	3.14.2 and 3.14.2(B)(4), 3.14.6 and 3.14.7(B)
Rule 4.36 Lightspill	3.14.2, 3.14.2(B)(5), 3.14.2(D), 3.14.6 and 3.14.7(B)

Rule 4.37 Signage	3.14.2, 3.14.2(B)(7), 3.14.6 and 3.14.7(B)
Rule 4.38 Hazardous Substances	3.14.2, 3.14.2(B)(8), 3.14.6 and 3.14.7(B)
Rule 4.39 Height of Structures	3.14.2, 3.14.2(B)(11), 3.14.6 and 3.14.7(B)
Rule 4.40 Private Open Space and Density	3.14.2, 3.14.2(B)(13), 3.14.6 and 3.14.7(B)
Rule 4.41 Weather Protection	3.14.2, 3.14.2(B)(16), 3.14.6 and 3.14.7(B)
Rule 4.42 North Road Sewerage Reticulation Area	3.15
Rule 4.43 (a) Business A Sub-Area	3.14.2, 3.14.2 (B), 3.14.6 and 3.14.7(B)(5)
Rule 4.43 (b) Awarua Industrial Sub-Area	3.14.2, 3.14.2 (B), 3.14.6 and 3.14.7(B)(10)
Rule 4.44 Temporary Military Activities	3.14.1, 3.14.2, 3.14.6 and 3.14.7

1.9 REGIONAL RULES

1.9.1 The Invercargill District is located within the Southland Region. In addition to the rules in this Plan, activities are also required to comply with the provisions of any relevant Regional Plan. For example, land use activities requiring an on-site foul sewage system are required to comply with the Regional Land Effluent Application Plan.

1.9.2 The matters, which are presently addressed in Regional Plans, are:

- (A) Discharges to air, land and water
- (B) Activities within the coastal marine area
- (C) Activities below the surface of rivers

1.9.3 The Southland Regional Council should be consulted to determine whether there are provisions in any Regional Plan that apply. Inquiries should be directed to the Southland Regional Council, Private Bag 90116, Invercargill, Telephone 03 211 5115, Facsimile 03 211 5252.

