

# SECTION ONE

## INTRODUCTION

### 1.1 THE RESOURCE MANAGEMENT ACT 1991

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

### 1.2<sup>1</sup> RELATIONSHIP WITH OTHER PLANS UNDER THE RESOURCE MANAGEMENT ACT 1991

The District Plan gives effect to:

- (A) National Policy Statements.
- (B) The New Zealand Coastal Policy Statement.
- (C) National Environmental Standards.
- (~~D~~) The Regional Policy Statement for Southland, ~~prepared by Environment Southland.~~<sup>2</sup>

~~(D) — Regional Plans prepared by Environment Southland.  
The District Plan must not be inconsistent with:~~

~~(A) A water conservation order; or~~

~~(A)(B) A regional plan for any matter specified in Section 30(1) of the Resource Management Act 1991.~~<sup>3</sup>

### 1.3 RELATIONSHIP WITH IWI AND THE TREATY OF WAITANGI

Whilst there are specific tangata whenua issues, objectives, policies and rules, iwi issues have been considered in the development of the District Plan in its entirety. This District Plan endeavours to give effect to the principles of the Treaty of Waitangi. Consultation with iwi was undertaken throughout the development of the District Plan. *The Cry of the People - Te Tangi a Taurira*, the ~~Ngai-Ngāi~~ Tahu Ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008,<sup>4</sup> has been taken into account throughout the District

<sup>1</sup> [Decision 24/1 renumbers 1.2](#)

<sup>2</sup> [Decision 24/2](#)

<sup>3</sup> [Decision 24/3](#)

<sup>4</sup> ~~Ngai-Ngāi~~ Tahu Ki Murihiku (2008) "The Cry of the People - Te Tangi a Taurira - ~~Ngai-Ngāi~~ Tahu Ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008"

Plan development and will be taken into account in resource management decisions.

## 1.4 REGULATORY FRAMEWORK

The Council's obligations under the RMA interface with private property rights and obligations. The RMA 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 well-being and for their health and safety.

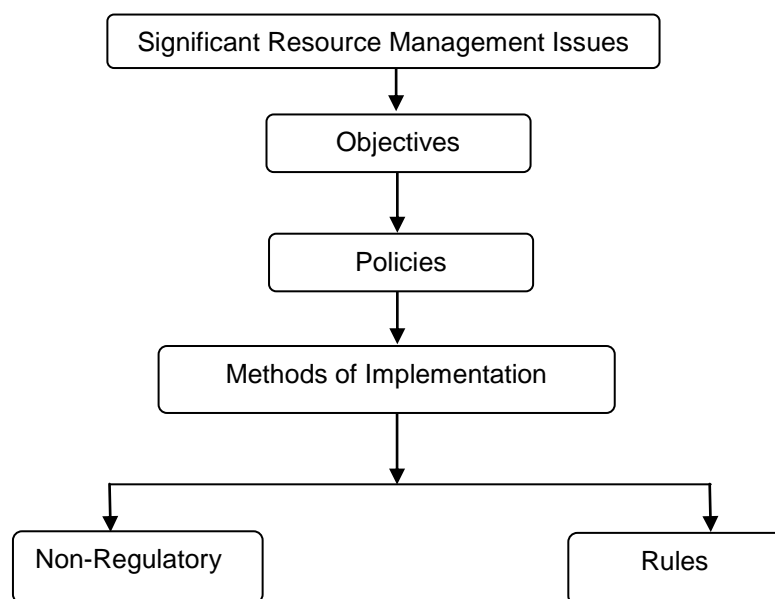
As a Territorial Local Authority, the Invercargill City Council is required to give effect to the provisions of a Regional Policy Statement adopted by Environment Southland. The Council has developed this District Plan on the basis that it is the Invercargill City Council's response to the significant resource management issues identified by Environment Southland.

The Council is required, as a Territorial Authority, to control the adverse effects of inappropriate subdivision, use and development of land.

The Council's response to its responsibilities under the RMA is made in the context of its non-statutory Spatial Plan, *The Big Picture*.<sup>5</sup> This Spatial Plan reflects the Council's vision for the City, i.e. creating an exciting, innovative, safe, caring and friendly City offering lifestyles based on a healthy environment and a diverse, growing economy.

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.

The relationship between the various ~~parts~~ provisions<sup>6</sup> of the District Plan is illustrated by the following diagram:



<sup>5</sup> Invercargill City Council (2012) "The Big Picture - Invercargill District Spatial Plan 2012"

<sup>6</sup> Minor amendment made under Clause 16(2) of the RMA First Schedule

## 1.5 CROSS BOUNDARY ISSUES

The Invercargill City District is adjacent to the Southland District and is within the jurisdiction of Environment Southland. The Invercargill City District also **adjoins** **contains parts of** the coastal marine area (**estuaries, harbours and open coast foreshores**) which is the jurisdiction of Environment Southland and the Minister of Conservation **for RMA matters**. A number of issues affect more than one local authority.<sup>7</sup>

Applicants who require resource consents from more than one organisation will be encouraged to make their applications simultaneously, to enable the application to be assessed jointly as a whole where possible. The Council will encourage other authorities to do the same. The RMA sets out occasions when applications must be considered together.

The Council has adopted procedures for joint hearings involving other local authorities in Southland.

Where an application for a resource consent may adversely affect those in the Southland District, the Council will require that these people be notified of the application unless they have given their written approval.

Where possible, non-regulatory methods may be undertaken in conjunction with other local authorities. For example, it may be more efficient and economical, in terms of staff, time and costs, to undertake or commission monitoring or research in co-operation with adjoining Councils.

## 1.6 CONTENTS OF THE DISTRICT PLAN

The RMA states that no person may use land in a manner that contravenes a Rule in the District Plan, unless they have existing use rights or a resource consent granted by the Council. In addition no person may subdivide land in the District unless expressly allowed by a Rule in the District Plan or resource consent.

The District Plan includes the matters prescribed in Section 75 of the RMA. It gives effect to all relevant National Policy Statements, the New Zealand Coastal Policy Statement and the Regional Policy Statement.

The layout for the District Plan is based on cascading logic.

Section Two states the significant resource management issues, the objectives and the policies that the District Plan seeks to achieve. The provisions are framed around two key sections: District Wide provisions and Zone specific provisions. The District Wide provisions cover general matters applicable to the whole District. The District has also been divided spatially into Zones. Each Zone has specific provisions providing opportunities for land use, subdivision and development that is in keeping with the character and amenity sought for each area. There is at least one Objective and Policy for each significant resource

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<sup>7</sup> [Decision 24/6](#)

management issue. This Section also gives a broad indication of the methods to be used to implement the Policies.

The Rules are stated in detail in Section Three. Rules establish minimum environmental standards that can be enforced. The Rules, like Section 2, have been divided into District Wide Rules and Zone Specific Rules. The Rules determine the activity status of activities and may address more than one Objective and/or Policy.

Section Four lists the Definitions of terms used in the District Plan.

Section Five contains the Appendices to the District Plan.

The District Planning Maps identify the ~~management area which applies to specific Zone for~~<sup>8</sup> each parcel of land in the District. The maps also show other important information such as designations, heritage features, significant areas of indigenous biodiversity, the coastal environment, and hazard information.

**Note:** Where a formed or unformed road, railway, waterway or other natural feature divides Zones, these features will have the zoning of the Zone with the lower noise limits under Rule 3.13.2.<sup>9</sup>

It is recommended that anyone proposing a subdivision and/or land use activity within the District discuss the proposal in the early stages with the Council's resource management staff to identify whether a resource consent is required and, if so, what issues will need to be addressed.

## 1.7 REGIONAL RULES

In addition to the rules in this District Plan, activities are also required to comply with the provisions of any relevant Regional Policy Statement or Plan.

Environment Southland should be consulted to determine whether there are provisions in any Regional Plan that apply. Inquiries should be directed to Environment Southland, Private Bag 90116, Invercargill, Telephone 03 211 5115 or 0800 768 845 (in Southland), [www.es.govt.nz](http://www.es.govt.nz).

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<sup>8</sup> [Decision 24/7](#)

<sup>9</sup> [Decision 24/7](#)