



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

### **Decision No. 18**

#### **Natural Features and Landscapes**

##### **Hearings Committee**

Councillor Darren Ludlow (Chair)

Councillor Neil Boniface

Councillor Graham Sycamore

Keith Hovell

11 October 2016



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## **INTRODUCTION**

We have been appointed by the Invercargill City Council to consider and issue decisions on the submissions lodged to the Proposed Invercargill City District Plan. In this decision we consider the submissions lodged in relation to Natural Features.

The Resource Management Act 1991 sets out various matters that impact on our considerations and deliberations. The key provisions are Sections 5 - 8, 32, 75 and 76 of the Act, and the Second Part of the First Schedule to the Act. The Section 42A Report prepared for the Committee considered these matters in detail and we have had regard to those matters. Where the statutory provisions are of particular significance we have referred to them within this Decision.

In this Decision, the following meanings apply:

"The Council" means the Invercargill City Council.

"Further Submitter" means a person or organisation supporting or opposing a submission to the Proposed Plan.

"FS" means Further Submission.

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

"NZAS" means New Zealand Aluminium Smelters Limited.

"NZCPS" means the New Zealand Coastal Policy Statement.

"Operative Plan" or "Operative District Plan" means the Invercargill City District Plan 2005.

"Proposed Plan" or "Proposed District Plan" means the Proposed Invercargill City District Plan 2013.

"RMA" means the Resource Management Act 1991.

"RPS" means Regional Policy Statement.

"Submitter" means a person or body lodging a submission to the Proposed Plan.

At the commencement of the hearings, Crs Boniface and Ludlow declared an interest as Directors of PowerNet Limited, Cr Sycamore declared an interest as a Director of Invercargill City Holdings Limited and Commissioner Hovell declared a conflict of interest in relation to submissions lodged by Cunningham Properties Limited. The Councillors and Commissioner took no part in deliberations in relation to the submissions of the submitters referred to.

## **THE HEARING**

The hearing to consider the submissions lodged to the matters set out in this decision was held in the Council Chambers of the Invercargill City Council on 6 October 2014.

### **Section 42A Report**

The Hearings Panel received a report from William Watt, of William J Watt Consulting in which he noted the Natural Features and Landscapes section of the Proposed Plan has attracted 47 submission points. He advised the Committee that the most significant of these argued that the Proposed Plan, as notified, would not give effect to the provisions of the NZCPS and is inconsistent with the provisions of the Proposed RPS for Southland. Mr Watt added that these documents form a hierarchy of policy to which a district plan must give effect or have regard. Arising from this, Mr Watt made a number of recommendations, the most significant of which were to re-define the Outstanding Natural Features and Landscapes identified on the District Planning Maps and change the wording of various Plan

provisions, including:

- A re-write of the Introduction to Section 2.10.
- Additions to Policy 1 and a re-wording of the “Explanation” to align Policy 1 with the corresponding provision (Policy LNF.1) in the Proposed RPS.
- Redefining the Otatara Peninsula as one of the outstanding natural features and landscapes (Policy 2) rather than as a locally distinctive and valued natural feature and landscape (Policy 4).
- A re-draft of Rule 3.10.1 that applies in identified areas of outstanding natural features and landscapes other than in Otatara or Omaui to provide greater control over the effect of buildings on the landscape, and greater control over non-agricultural activities. In the recommended redraft agriculture remained a permitted activity but some buildings associated with agriculture would require resource consent.

Mr Watt indicated in his report that the Committee will need to assess whether the recommended changes should be subject to a Variation to the Proposed Plan. In his view a Variation was appropriate given his recommendations to amend the rules. He considered that those persons potentially affected should be made aware of the changes and have the opportunity to submit.

Mr Watt also recommended that text about specific areas and values should be redrafted in consultation with Iwi.

### **Submitters Attending the Hearing**

#### Susan Stark

The main issue of concern to Susan Stark related to Omaui, where her family has a holiday home, noting that it is a unique area because of its landscape. Mrs Stark sought a separate zoning for the area different to Bluff with adequate servicing for water and sewage up to 80 lots of up to 750 square metres, and improved roading. She was also accepting that these issues would be considered further in later reports to the Hearing Committee.

#### Federated Farmers

Ms Tanith Robb appeared on behalf of Federated Farmers of New Zealand, reading a statement prepared by David Cooper, Senior Policy Adviser.

Mr Cooper in the written statement noted that the Proposed Plan considered outstanding natural features and landscapes in the same manner as locally significant natural features and landscapes. In his view this was not consistent with Section 6 of the RMA, or the Proposed RPS which adopted a two tier approach. Arising from that he requested changes to the plan provisions as follows:

Objective 2: Invercargill’s locally significant natural features and landscapes are identified and ~~protected from inappropriate~~ subdivision, use and development is appropriately managed in these areas.

Policy 6 ~~Protection for~~ Management of locally significant landscapes and townscapes and culturally significant landscapes and townscapes:

Mr Cooper referred to the recommended redrafting of Rule 3.10.1 expressing the view that changes were of such a magnitude that, together with the amendments proposed to the District Planning Maps, a plan change is required to the Proposed Plan so that affected land owners can have input. With regard to the rule itself, Mr Cooper strongly supported the

exclusion of agriculture. He also requested that the existing use rights of the land for agricultural purposes be explicitly acknowledged in this section.

Mr Cooper considered the recommendation that buildings associated with agriculture no longer be a permitted activity went too far and is unnecessary. It is his preference that the provision be removed, but if the Council wished to retain the rule it should not apply in cases where the building is not visible from a public road or where small buildings (up to 50 square metres in area and five metres in height) are situated more than 50 metres from ridgelines and public roads, and painted in colours in keeping with the natural surroundings.

### Environment Southland

Gavin Gilder, Resource Planner at Environment Southland presented written evidence, noting that Submission 18.54 advocates the use of the term "locally distinctive and valued natural features and landscapes" to be consistent with the Proposed RPS. He noted that the changes recommended to the Proposed Plan did not use this term consistently and a check was required. Mr Gilder also advised the Committee that in response to further submission FS39.15 by Environment Southland, Lake Murihiku should be added to Section 2.10 and shown on the District Planning Maps.

Mr Gilder informed the Committee that other than these matters Environment Southland supported the amendments made to the Proposed Plan provisions.

### **Material Tabled at the Hearing**

#### South Port NZ Limited

Kirsty O'Sullivan of Mitchell Partnerships advised on behalf of South Port NZ Limited that many of the changes recommended to the Proposed Plan were of concern and go beyond the scope of the submissions lodged. It was her view that a Variation to the Proposed Plan was required so that those persons affected by the changes had an opportunity to submit on them.

In relation to specific provisions Mrs O'Sullivan advised:

- Objective 2 should be aligned to Section 7(c) of the RMA and seek to manage rather than protect values of the locally significant natural features and landscapes.
- Policy 1 should include recognition of the degree of modification of particular landscapes when identifying the outstanding and locally significant landscapes and features.

#### Transpower NZ Limited

Mike Hurley, Senior Environmental Planner at Transpower, advised that the recommendations made in relation to the submission and further submissions lodged by Transpower were accepted, notwithstanding that the recommendations were to reject the further submissions.

#### H W Richardson Group Limited and PowerNet Limited

Joanne Dowd of Mitchell Partnerships advised on behalf of H W Richardson Group Limited and PowerNet Limited that while these organisations did not lodge submissions on the topic of natural features they were concerned at the extent of amendments being recommended to the Proposed Plan, and considered that a Variation to the document was required.



## MATTERS REQUIRING PARTICULAR CONSIDERATION

### The extent and merit of changes recommended by the Section 42A Report

As set out above, submitters to this section of the Proposed Plan, and other submitters aware of recommendations contained in the Section 42A Report, expressed concern to the Committee that the extent of changes recommended to the Proposed Plan provisions went further than the scope of submissions lodged, and that a Variation was required to enable affected persons the opportunity to submit on those changes. The Committee has reviewed the submissions lodged, the Section 42A Report and the evidence presented at the hearing. Its conclusions on the requests to initiate a Variation and the merit of the changes sought and recommended are set out below.

#### Criteria Used to Identify Outstanding Natural Features and Landscapes

The following submissions were received:

- Submissions 77.32 Te Runaka o Waihopai and Te Runaka o Awarua and Submission 18.56 Environment Southland request that the criteria used in the Proposed RPS to identify Outstanding Natural Features and Landscapes also be used in the District Plan.
- Submission 65.27 ICC Environmental and Planning Services considers the list of values for the identified Outstanding Natural Features and Landscapes is incomplete and seeks a more detailed description.

Submissions 77.32 and 18.56 refer explicitly to the criteria listed in the Proposed RPS. The Committee is satisfied that there is authority to amend the criteria in line with the Proposed RPS. The Committee also noted that it shall have regard to, but is not required to give effect to, the provisions of a Proposed RPS. The Committee has been advised that on the finalising of the RPS it will be necessary for the Council to assess the provisions and determine whether any changes are required to the District Plan in order to give effect to the RPS. The Committee would expect that if the criteria finally adopted in the RPS differ from those used to prepare the District Plan then further work will be required to determine whether a change is required to vary the areas shown as Outstanding Natural Features and Landscapes in the District Plan.

The Committee noted that in Section 2.10.3 Policy 1 listed the criteria used to identify the outstanding and locally distinctive and valued landscapes and natural features, while Policies 2 and 4 identified the features within each category. The Committee also noted that the criteria listed and features identified in the introduction to Section 2.10 differed from those in the policies. Mr Watt in his Section 42A Report advised that the policy content was correct, while the introductory material was not. The Committee is satisfied that these errors and omissions are of a minor nature and can be rectified under Clause 16B of the First Schedule of the RMA.

The issue of greater importance to submitters is the nature of the criteria used in identifying the outstanding and locally distinctive and valued landscapes and natural features and the extent to which such features are identified in the Proposed Plan. In that regard, the Committee considered that the Proposed RPS provided an appropriate framework. The relevant provisions state:

**Objective LNF.1 – Identification and protection of outstanding natural features and landscapes.** Southland's outstanding natural features and landscapes are identified and protected from inappropriate subdivision, use and development.

**Policy LNF.1 – Identify and assess outstanding natural features and landscapes.** To identify and assess Southland’s outstanding natural features and landscapes using, but not limited to, the following regional criteria:

- (a) natural science factors, which specifically includes the geological, topographical, ecological and dynamic components of the landscape;
- (b) aesthetic values, including memorability and naturalness;
- (c) expressiveness (legibility), which is how obviously the landscape demonstrates the formative processes which helped to create it;
- (d) transient values, which specifically includes the occasional presence of wildlife or its values at certain times of the day or of the year;
- (e) whether the values are shared and recognised;
- (f) value to tangata whenua;
- (g) historical and heritage association;
- (h) the presence of water including in seas, lakes, rivers and streams;
- (i) Vegetation, particularly native vegetation and
- (j) wild or scenic values.

**Policy LNF.2 – Identify, assess and manage locally distinctive and valued natural features and landscapes.** To identify and assess Southland’s locally distinctive and valued natural features and landscapes, and manage adverse effects, in particular significant adverse effects, from subdivision, use and development in a manner consistent with the values identified

**Policy LNF.3 – Identify, assess and manage natural features and landscapes of cultural significance to tangata whenua** - To identify, assess and manage natural features and landscapes of cultural significance to tangata whenua as either outstanding natural features and landscapes or locally distinctive and valued natural features and landscapes, depending on the values associated with them.

**Policy LNF.4 Protection of outstanding natural features and landscapes.** Local authorities shall protect outstanding natural features and landscapes from inappropriate subdivision, use and development by having regard to the following:

- (i) whether the adverse effects of inappropriate activities on outstanding natural features and landscapes are avoided;
- (ii) the extent to which the outstanding natural feature or landscape would be modified or damaged including duration, frequency, magnitude or scale of any effect;
- (iii) the irreversibility of adverse effects on outstanding natural features or landscape values;
- (iv) the resilience of the outstanding natural feature or landscape to change;
- (v) opportunities to remedy or mitigate previous adverse effects on the outstanding natural feature or landscape;
- (vi) whether the activity will lead to cumulative adverse effects on the outstanding natural feature or landscape;
- (vii) the relationship of the landscape to the surrounding environment.

The Committee noted that the policies listed the criteria to be used in determining outstanding natural features and landscapes, required an assessment to be undertaken to identify them, their inclusion in the District Plan, and their protection. However, such action is not required until the Regional Policy Statement is operative. At that time, the Council will need to undertake an assessment of the Regional Policy Statement to ascertain the extent of changes required to the Proposed Plan. It is appropriate for this to be done in a considered manner, in consultation with interested and affected parties, rather than as part of the current review process.

The Committee accepts that the criteria listed in Policy LNF.1 are more robust than those used in the preparation of the Proposed Plan, and noted the submission from Environment Southland and the recommendation of Mr Watt recommending their adoption. Given that the Proposed RPS is not yet operative, the Committee did not consider it appropriate at this time to request a further report assessing whether any further natural features or landscapes should be included in the District Plan. Once the RPS is operative the Council is required to

assess whether any alterations are required to the District Plan. It would be premature to do that at this time.

Taking these factors into account, the Committee has determined that substantial revision is required to the introduction in Section 2.10. It noted that Mr Watt also recommended this be done making reference to the various reports prepared in recent years. The Committee favours a slightly different approach adopting that intended by the Proposed RPS. Arising from that, an additional policy is required in line with Policy LNF.4 of the Proposed RPS.

#### Listed Sites

The following submissions were received:

- Submission 77.28 Te Runaka o Waihopai and Te Runaka o Awarua considers the list of Outstanding Natural Features and Landscapes incomplete as it does not include a number of sites of cultural value. The submission requested that the District Plan maps be amended to be more inclusive of areas considered cultural outstanding landscapes and align with the Environment Southland commissioned report and landscapes identified therein.
- Submission 18.53 Environment Southland notes the coastal Outstanding Natural Features and Landscapes in the Proposed Plan do not align with those identified in an Environment Southland study, and seeks this be corrected.

The Committee accepts that Submission 77.28 refers generically to an "Environment Southland commissioned report" and there may be some confusion as to the precise report being referred to. Submission 18.53 however is different in that it refers to a particular study. The full submission stated:

Environment Southland commissioned a landscape assessment of the Invercargill City Council's coastal environment. The landscape assessment identified 'outstanding' and 'significant' natural features and landscapes. Coastal ONFLs within the Proposed Plan do not align with those identified in the landscape study. A copy of the study can be found at <http://www.es.govt.nz/environment/landscapes-and-natural-features/>

A copy is also attached to this submission.

Maps within the Proposed District Plan do not currently delineate 'locally significant' landscapes.

The Committee is satisfied that any person referring to the full submission would be on reasonable notice as to the areas sought to be included in the Proposed Plan as being of outstanding natural features and landscapes. Accordingly, it is satisfied that the inclusion of the additional areas shown on Appendix 3 of the Section 42A report is within the scope of the submission lodged.

In comparing the areas of Outstanding Natural Features and Landscapes shown in the Proposed Plan and the areas identified in the Boffa Miskell report, the omissions from the Proposed Plan are as follows:

- i. Land surrounding and including Omaui held in multiple ownership
- ii. Land between Omaui and the open coast, held in multiple ownership
- iii. Extensions to two areas between Omaui and Bluff held in multiple ownership
- iv. Islands 5, 6 and 8 within Bluff Harbour, which are owned by the Crown and/or the Council
- v. Other Islands in private ownership
- vi. A triangular area adjacent to Bluff Harbour, adjacent to the Awarua wetlands, held in multiple ownership
- vii. Extensions to two areas on the Tiawi Peninsula, owned by NZAS

Above, the Committee concluded that it was appropriate to adopt the criteria for determining outstanding natural features and landscapes in Policy INF.1 of the Proposed RPS. However, until such time that the RPS is operative it is not appropriate to undertake any additional assessments or change to the District Plan to include additional natural features or landscapes. Given the nature of the land holdings listed above, the Committee considers as a matter of natural justice that they should be included in any variation or plan change arising from the operative RPS provisions and the assessment required by the Council in response to those provisions.

Similarly, the Committee in response to the recommendation of Mr Watt to include all of the Otatara Peninsula and part of the Sandy Point Domain as areas of outstanding natural features and landscapes noted that no submission had been lodged seeking these changes. On that basis no change was authorised. The Committee anticipates however that in assessing the inclusion of additional areas of outstanding natural features and landscapes regard would be given to these areas as well.

The Committee considers that until such time that a further assessment is undertaken some provision is required in the District Plan to require consideration of the impact of subdivision, land use and development on those natural features and landscapes which are not identified as outstanding. The Committee recognises that such consideration can only occur when a resource consent is sought. To that end an additional policy is being included in the Proposed Plan. An addition is also being made to the information to be submitted with any resource consent application. Such a provision would also enable consideration of impacts on natural features and landscapes as part of any resource consent in the future, regardless of its status.

#### Rules Applying to Agriculture

The following submissions were received:

- Submission 18.95 Environment Southland seeks a strengthening of the performance standards, and their application to agriculture.
- Submission 64.31 Department of Conservation also requests that the rules apply to agriculture.

It is the view of the Committee that the submissions lodged clearly give authority to strengthening the performance standards in the rules and to amend the rules so that they explicitly apply to agriculture. The Committee noted that the revised format of the rules recommended in the Section 42A Report created some confusion. However, it was of the view that only the inclusion of a permitted activity rule went beyond the scope of the submissions. In the Committee's view, given the rule structure of the Proposed Plan the recommended permitted activity rule was not required.

Having regard to the submissions lodged, the Section 42A Report, Part II of the RMA, the provisions of the NZCPS and Proposed RPS, and the evidence presented at the hearing, the Committee concluded that the effect of buildings within areas of outstanding natural features and landscapes required careful management. Acknowledging the working nature of the rural environment, the Committee considered that some provision should be made as of right for farm buildings. It adopted the alternate approach suggested by Mr Cooper of only requiring consent where farm buildings exceeded 50 square metres in area or five metres in height.

## **Providing for Locally Significant Natural Features and Landscapes**

Submissions 18.52 and 18.53 by Environment Southland highlighted that a number of locally distinctive and valued landscapes referred to in Policy 4 were not shown on the District Planning Maps, despite the policy stating that they were. The Committee is satisfied that it is within the scope of the submissions lodged to now include those areas on the District Planning Maps.

In reading the plan provisions, the Committee was satisfied that the dualistic approach adopted in providing separately for outstanding and locally distinctive and valued natural features and landscapes was consistent with Part 2 of the RMA, the NZCPS and the Proposed RPS. The Committee considered it appropriate for outstanding natural features and landscapes to be subject to rules and for regard to be had to the relevant District Plan provisions when considering any resource consent for activities within locally distinctive and valued natural features and landscapes. In particular, within locally distinctive and valued natural features and landscapes regard would be given to the objectives and policies in section 2.10 of the Proposed Plan. Arising from Environment Southland submission 18.56 and South Port submission 24.32, the Committee considers that it is appropriate in areas outside the outstanding natural features and landscapes to assess the impact of developments on natural features and landscapes generally. A new policy has been included as a consequence.

## **SECTION 32 EVALUATION**

### **Requirements**

The Committee was advised by Mr Watt that Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan, and that a Report was released at the time of notification of the Proposed Plan in compliance with those provisions. The Committee was also advised that 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, with the detail of the assessment corresponding to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the changes made to the Proposed Plan.

As the Committee understand its obligations, it is required to:

- (i) Assess any changes made to objectives to determine whether they are the most appropriate way to achieve the purpose of the RMA.
- (ii) Examine any changes made to the policies and rules to determine whether they are the most appropriate way to achieve the objectives of the Proposed Plan. This includes:
  - Identifying 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)
  - Identifying other reasonably practicable options for achieving the objectives; and
  - Assessing the efficiency and effectiveness of the provisions in achieving the objectives.

The Committee however, is not required to assess in accordance with Section 32 of the RMA any changes to the issues and or explanatory text of provisions.

## Assessment

This decision makes various changes to the provisions in the Proposed Plan, most of which are of a minor nature. For those decisions that reflect the recommendations made by Mr Watt in his Section 42A Report, the Committee adopts the Section 32 assessment in his report.

There are, however, a number of changes made through this decision that have not previously been assessed in accordance with Section 32, being:

- Amendment of 2.10.2 Objective 2 to focus on the management of locally distinctive landscapes, as opposed to protecting them from inappropriate subdivision, use and development (Decision 18/10).
- Amending 2.10.3 Policy 1 Criteria for Identification to include “the extent to which the landscape has already been modified” (Decision 18/12).
- Amending 2.10.3 Policy 5 Identification of Invercargill’s townscapes of value by removing the culturally significant landscapes from the policy and changing the policy to include the promotion of the townscapes of value as well as their identification. (Decision 18/2).
- Inclusion of a new policy to assess the effects on natural features and landscapes, and consequentially additional information to be submitted with resource consents (18/3).
- Revision of Rule 3.10.1.1 (Decision 18/18).

### 2.10.2 Objective 2

The focus of the objective is now on the management of the locally distinctive landscapes, as opposed to the protection of them from inappropriate subdivision, use and development. This change has been made in light of the decision to introduce a new policy to assess the effects of activities on natural features and landscapes. Due to the minor nature of this change, it is not necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes.

Section 6 of the RMA lists the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development as a matter of national importance. Locally distinctive and valued landscapes are not afforded the same level of importance in the RMA. The Proposed RPS reflects the different approaches to the natural features by seeking the “protection” of outstanding natural features and landscapes, while referring to the “management” of locally distinctive and valued natural features and landscapes. The amended policy therefore adopts the dualistic approach promoted through the RMA and the Proposed RPS. This is the most appropriate means of achieving the purpose of the RMA.

### 2.10.3 Policy 1 Criteria for Identification

Policy 1 achieves the Objectives of the Proposed Plan, which seek the identification of both outstanding and locally distinctive and valued natural features and landscapes. Decision 18/12 includes the addition of four additional criteria to Policy 1. One of these, “the extent to which landscape values have already been modified by subdivision, use and/or development”, was added by the Committee in response to a submission from South Port NZ Ltd (24.33) but was not recommended by Mr Watt. Due to the minor nature of this change, it is not necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes.

The additional item on the list of criteria has been added in recognition that a natural landscape does not have to be pristine and that it can include landscapes that have been

modified by human impact. While this is not a criteria included in the Proposed RPS, there are few risks as a result of including this. The locally distinctive landscapes recognised within the Invercargill City District are modified landscapes where human activity has maintained or even created the values recognised in these areas. Excluding this term from the criteria would lead to the lack of recognition of the values related to modified or man-made landscapes.

### 2.10.3 Policy 5 Identification of Invercargill's townscapes of value

Decision 18/2 amends 2.10.3 Policy 5 Identification of Invercargill's townscapes of value, by removing the term culturally significant landscapes from the policy. The changes also include the promotion of townscapes as well as their identification. No amendments were recommended. Due to the minor nature of this change, it is not necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes.

The matters raised in this policy are resource management issues as they relate to the maintenance and enhancement of amenity values and the quality of the environment (Section 7 of the RMA). Including the word "promote" requires increased action and the benefit of this action will be an improved awareness of the values of these townscapes.

### 2.10.3 Policy 7 Assessing Effects on Natural Features and Landscapes and Appendix I Information to Accompany Applications

Decision 18/3 includes a new policy requiring the assessment of the effects on natural features and landscapes as part of all resource consent applications. As a consequential change, the decision also requires additional information to be submitted with resource consents. These changes were not recommended by Mr Watt.

This change will affect all applicants for resource consent. However, it is noted that the assessment of effects is to be commensurate with the significance of the natural features and/or landscapes affected by the activity. For this reason, it is considered that the change is of a relatively minor nature, and therefore a detailed evaluation of the economic, social, cultural, environmental and employment effects of the changes is not necessary or practical.

Having regard to Part II of the RMA, the NZCPS and the Proposed RPS, it is appropriate to have regard to the effects of subdivision and development on natural features and landscapes as part of any resource consent lodged. An alternative approach is to review the areas identified in the Invercargill City District as being Outstanding Natural Features and Landscapes and locally distinctive landscapes. This would avoid the need to consider effects of subdivision, use and development on landscapes where that activity is unlikely to affect a natural feature or landscape of value. However, the Proposed RPS is not operative, and until such time that it is operative and the Council can be sure that it is assessing its landscapes in a manner that is consistent with the Proposed RPS, it is not appropriate to undertake any additional assessments or change to the Plan. In the interim, the approach promoted in this decision is considered the most appropriate way of achieving the Objectives of this Plan.

The risk of adopting this approach is that applicants for resource consent will be required to carry out an assessment of the effects of their activity on natural features and landscapes, when the activity will not affect such environments. Retaining the provisions as notified may mean that some natural features and landscapes of value are not identified and activities adversely affect them before they can be reassessed.

### Rule 3.10.1.1

Decision 18/18 redrafts the Rule on Outstanding Natural Features and Landscapes. There are a number of changes that make the provisions more restrictive in terms of the range of activities that are permitted in these areas. For example, the rule as proposed did not apply to agricultural activities, but the amended provision does, although it allows for small agricultural buildings and limited earth movement. All other buildings are now deemed to be discretionary activities in the areas of Outstanding Natural Features and Landscapes, where previously only those with a footprint of over 200 square metres or that exceeded 10 metres in height were required to get resource consent. Because the provision manages all buildings, there is no longer the trigger for consent for structures that appear above the ridgelines in the Ōmaui – Greenhills – Bluff area. The provision also clarifies the application of the rule in relation to the Otatara zone, and exempts buildings, structures and earthworks in the residential part of the Ōmaui area from the controls.

As a result of this redrafting of the provision, more activities will require resource consent than under the proposed provisions.

There are currently 10 geographical areas identified in the Proposed Plan as being outstanding. There are private landowners with properties that will be affected by this change. There is also land identified in public ownership. A large portion of Sandy Point is administered as a reserve by ICC. Lake Murihiku is owned by the Department of Conservation. Much of Bluff Harbour/Awarua Bay, the New River Estuary, and Oreti Beach are within the Coastal Marine Area, administered by Environment Southland.

The changes do not introduce more areas that are affected by the rule. They increase the potential need for resource consent, but do not seek to prohibit land use activities. Due to the potential impact of this change, particularly on private landowners, this change is considered to be a minor/moderate amendment. A detailed evaluation of the economic, social, cultural, environmental and employment effects of the changes is not necessary or practical.

The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development is recognised as a matter of national importance in the RMA that the Council must recognise and provide for. The Objectives of the Plan set out to achieve the purpose of the RMA. The amended rule also recognises the Council's role as set out in the Operative and Proposed RPS.

The amended rule provides greater protection for the outstanding natural features and landscapes identified in the Invercargill City District. This provision will mean that landowners will require resource consent approval for an increased range of activities. This will be an increase in cost for them should they be proposing a development that exceeds the maximum building sizes. However, by comprehensively assessing the impacts of such development in these areas there will be opportunities to ensure that the impacts on the outstanding natural feature and landscape can be avoided, remedied or mitigated. This process can also increase understanding and appreciation of the values of the areas.

There is a balancing act required between the impact of the provisions on landowners and the value for the public in protecting these natural features and landscapes. This Rule does not necessarily prevent development, but will ensure that the values are recognised and protected.



Dated at Invercargill this 11<sup>th</sup> day of October 2016



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell

**Appendix 1 - Decisions on Submissions**

<b>SUBMISSION</b>	<b>DECISION</b>
<b>GENERAL</b>	
<p><b>21.2 Susan and Alastair Stark</b>                      Omaui has very special features that need recognition.</p> <p><u>Decision Sought:</u> Not specifically stated – other than that in the context of the whole submission the submitter seeks an “Omaui Special Zone” covering the whole Omaui Peninsula.</p>	<p><b>Decision 18/1</b>                      This submission is noted.</p> <p><b>Amendments to District Plan</b>                      No amendments are required.</p> <p><b>Reason</b>                      In Decision 34 Residential it is concluded that the Residential 2 Zoning is appropriate for the Omaui township, and given its size a special zoning is not warranted.</p>
<p><b>18.52 Environment Southland</b>                      The submitter points out that the Proposed Regional Policy Statement uses the term “locally distinctive and valued natural features and landscapes”. For consistency it is suggested both documents should utilise a common term for the second tier of landscapes.</p> <p><u>Decision Sought:</u> Change references to ‘locally significant natural features and landscapes’ to ‘locally distinctive and valued natural features and landscapes’.</p>	<p><b>Decision 18/2</b>                      This submission is accepted.</p> <p><b>Amendments to District Plan</b></p> <p>(i) Replace the term “locally significant natural features and landscapes” with “locally distinctive and valued natural features and landscapes” where it appears throughout the Plan.</p> <p>(ii) Amend Policy 5 to read:</p> <p style="padding-left: 40px;"><del>Identification and characterisation of Invercargill’s culturally significant landscapes and townscapes of value:</del> To identify and promote the following as <del>culturally significant landscapes and townscapes of value to the City District:</del> ...</p> <p style="padding-left: 40px;">Explanation: These neighbourhoods and building character types contribute to the character and heritage of Invercargill <u>and the Council will adopt non-regulatory methods to promote their attributes.</u></p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Amending the term "locally significant" provides consistency with the Proposed RPS.</li> <li>2. In the context of the statutory provisions, and the framework of this section of the Proposed Plan, the townscapes referred to in Policy 5 cannot be considered significant and amendment is required to clarify that.</li> </ol>

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<p><b>18.53 Environment Southland</b>            The submitter points out that Coastal ONFLs within the Proposed Plan do not align with those identified in the landscape assessment that Environment Southland commissioned for the Invercargill City Council's coastal environment. The submitter also points out that the maps within the Proposed District Plan map do not currently delineate "locally significant" landscapes.</p> <p><u>Decision Sought:</u> Review ONFLs identified within the Proposed Plan to ensure all ONFLs are identified and show the second tier of landscapes on the planning maps within the Proposed District Plan.</p> <p><b>77.28 Te Runaka o Waihopai and Te Runaka o Awarua</b>            The submitter considers that the identification of outstanding natural features and landscapes is not complete as there is a number of sites that the submitter considers have particular cultural value that should be recognised. The submitter also refers to a landscape assessment that was carried out by Environment Southland.</p> <p><u>Decision Sought:</u> Amend maps to be more inclusive of areas considered cultural outstanding landscapes and align with Environment Southland commissioned report and landscapes identified therein.</p>	<p><b>Decision 18/3</b>            These submissions are accepted in part.</p> <p><b>Amendments to District Plan</b>            1. Amend Policy 4 to read as follows:</p> <p><b>Policy 4</b>     <del>Identification and characterisation of locally significant distinctive and valued natural features and landscapes:</del> <u>To identify</u> <del>To avoid, remedy or mitigate any adverse effects that activities may have on the following as Invercargill's locally significant distinctive and valued natural features and landscapes as delineated in the Planning Maps:</del></p> <ul style="list-style-type: none"> <li>(A)     Anderson Park.</li> <li>(B)     Donovan Park.</li> <li>(C)     Thomsons Bush and the Waihopai River.</li> <li>(D)     Queens Park.</li> <li>(E)     The Town Belt.</li> <li>(F)     The Otepunu Creek and associated reserves and playing fields.</li> <li>(G)     Kew Bush.</li> <li>(H)     The Murihiku Marae and its landscape context.</li> <li>(I)     Elizabeth Park.</li> <li>(J)     The lagoon west of Kew/Appleby and its associated walkways/cycleways.</li> <li>(K)     The Otatara Peninsula.</li> </ul> <p><i><b>Explanation:</b> These areas have been <del>assessed identified</del> as locally <del>significant distinctive and valued</del> natural features and landscapes on the basis of an analysis using the criteria set out in Policy 1. Some but not all of these areas are reserves and have reserve management plans under the Reserves Act 1977.</i></p> <p>2. Include the following additional policy in section 2.10:</p> <p><u>In considering any application for resource consent, assess the adverse effects on any natural feature or landscape, and avoid, remedy or mitigate such effects to an extent commensurate with the significance of that natural feature and landscape.</u></p> <p><i><u>Explanation:</u> The District Plan identifies outstanding natural features and landscapes and Policy 3 provides for their protection. Policy 4 lists locally distinctive and valued natural features and landscapes and any adverse effects on those features are to be assessed as part of any resource consent lodged. In addition, regard is also required to be given to the impact on any</i></p>

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	<p><u>other natural feature or landscape from subdivision and development. In determining the significance of natural features and landscapes not identified in the District Plan particular regard should be had to</u></p> <ul style="list-style-type: none"> <li>• <u>the NZ Coastal Policy Statement</u></li> <li>• <u>the Regional Policy Statement for Southland</u></li> <li>• <u>the Southland Regional Coastal Plan</u></li> <li>• <u>Invercargill Coastal Landscape Study – Boffa Miskell, 2013</u></li> <li>• <u>Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Tauira.</u></li> </ul> <p>3. Include the following in Appendix I Information to Accompany Applications:</p> <p><u>2(h) A description of any natural feature or landscape on the land and assessment of the significance or values of that feature and any adverse effects on it, together with an assessment of the opportunity to avoid, remedy or mitigate those effects.</u></p> <p><u>3(j) A description of any other natural feature or landscape on the land [not referred to in (i) above] and an assessment of the significance or values of that feature and any adverse effects of the subdivision and any permitted use of the land on it, together with an assessment of the opportunity to avoid, remedy or mitigate those effects.</u></p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Policy 4 requires amending given features are not shown on the District Planning Maps.</li> <li>2. As discussed on pages 5 and 6 of this Decision, reassessment of the areas of outstanding natural features and landscapes should await until such time that the proposed RPS is operative.</li> <li>3. Having regard to Part II of the RMA, the NZ Coastal Policy Statement and the Regional Policy Statement for Southland it is appropriate to have regard to the effects of subdivision and development on natural features and landscapes as part of any resource consent lodged.</li> </ol>

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<b>SECTION 2.10 ISSUES, OBJECTIVES AND POLICIES</b>	
<b>Introduction</b>	
<p><b>18.54 Environment Southland</b>            The submitter believes that the Introduction to this section should clarify that the harbours, beaches and estuaries listed are also within the city boundaries and administered in part by the City Council.</p> <p><u>Decision Sought:</u> Amend the second to last paragraph to read “Bluff Harbour ... and Waihopai Rivers are also within the CMA which, for Resource Management Act purpose, is administered by Environment Southland.”</p> <p><b>FS7.29 South Port New Zealand Ltd</b> support Submission 18.54 agreeing that the introductory material should clarify the role of the Regional and City Councils in regards to the CMA.</p>	<p><b>Decision 18/4</b>            This submission is accepted.</p> <p><b>Amendments to District Plan</b>            The Introduction is amended as follows:            Bluff Harbour, Awarua Bay, the New River Estuary, Oreti Beach and parts of the Oreti and Waihopai Rivers are within the coastal marine area which <u>for resource management purposes</u> is administered by Environment Southland.</p> <p><b>Reason</b>            The amendment clarifies the legal situation.</p>
<p><b>65.27 ICC Environmental and Planning Services</b>            Support in part. The submitter considers that the descriptions of the Outstanding Natural Features and Landscapes do not reflect all relevant values.</p> <p><u>Decision Sought:</u> Develop descriptions of the Outstanding Natural Features and Landscapes to ensure that all values are detailed, giving particular reference to the criteria for identification as detailed in Policy 1.</p> <p><b>FS39.15 Environment Southland</b> support Submission 65.27 commenting that detailed descriptions of the outstanding natural features and landscape within the ICC boundary will assist in the implementation of the plan. They further comment that the Invercargill Coastal Landscape Study commissioned by Environment Southland provides commentary on ICC’s coastal landscapes that will assist with this.</p>	<p><b>Decision 18/5</b>            This submission is accepted in part.</p> <p><b>Amendments to District Plan</b>            The Introduction is replaced with the following:            The Invercargill City District contains a number of natural features and landscapes within the Invercargill City District that are either ‘outstanding’ or ‘locally distinctive’.</p> <p>The outstanding <del>landscapes and</del> natural features <u>and landscapes</u> <del>are have been identified</del> as follows:</p> <ul style="list-style-type: none"> <li>• <u>The Otatara Peninsula</u></li> <li>• <u>Bluff Hill (Motupohue)</u></li> <li>• <u>Three Sisters - Omaui</u></li> <li>• <u>The Bluff Dune System</u></li> <li>• <u>Awarua Wetlands</u></li> <li>• <u>New River Estuary</u></li> <li>• <u>Bluff Harbour / Awarua Bay</u></li> <li>• <u>Sandy Point Reserve</u></li> <li>• <u>Oreti Beach</u></li> </ul>

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	<ul style="list-style-type: none"> <li>• <u>Lake Murihiku</u></li> </ul> <p>All these sites are delineated on the District Planning Maps and RMA section 6(b), the NZ Coastal Policy Statement and the Regional Policy Statement for Southland all require that these be protected in the District Plan.</p> <p>...</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The submitters highlight deficiencies in the various descriptions and it is not necessary to actually include such descriptions in the District Plan. Such information to be effective requires a more robust description than what can be included briefly in the Plan. This is better done in documents and other sources outside of the Plan. Removing these descriptions does not alter the status of any areas listed, nor impact on any rules in the District Plan.</li> <li>2. The revision above incorporates Decisions 18/4 and 18/7. Otherwise, it is purely descriptive and would be able to be made as a minor change under Clause 16 of the First Schedule.</li> </ol>
<p><b>71.19 NZAS Ltd</b></p> <p>The submitter refers specifically to the acknowledgement in the introduction of the aluminium smelters existence within the Bluff Harbour/Awarua Bay landscape and the fact that the landscape has already been modified.</p> <p><u>Decision Sought:</u> Retain reference to the aluminium smelter in the paragraph relating to the Bluff Harbour/Awarua Bay area.</p>	<p><b>Decision 18/6</b></p> <p>This submission is rejected.</p> <p><b>Reason</b></p> <p>The paragraph referred to in this submission is deleted by Decision 18/5.</p>
<p><b>77.29 Te Runaka o Waihopai and Te Runaka o Awarua</b></p> <p>Support but with amendment giving more recognition of the importance of landscapes to Iwi. Amend the Introduction by including the following:</p> <p><u>The spiritual values and stories of tangata whenua and the sense of belonging, and heritage values that flow from them are embedded in the landscape.</u></p>	<p><b>Decision 18/7</b></p> <p>This submission is accepted.</p> <p><b>Amendments to District Plan</b></p> <p>Include the following prior to the final paragraph in the Introduction to section 2.10:</p> <p><u>The spiritual values and stories of tangata whenua and the sense of belonging, and heritage values that flow from them are embedded in the landscape.</u></p> <p><b>Reason</b></p> <p>The addition highlights the values of Iwi that are important within this area.</p>

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<b>2.10.1 Issues</b>	
<p><b>77.30 Te Runaka o Waihopai and Te Runaka o Awarua</b> Support. Retain.</p>	<p><b>Decision 18/8</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> No amendments are required.</p> <p><b>Reason</b> The submitters support the provisions and do not request any change to them.</p>
<b>2.5.2 Objectives</b>	
<p><b>18.55 Environment Southland</b> Support Objectives. Retain.</p> <p><b>77.31 Te Runaka o Waihopai and Te Runaka o Awarua</b> Support. Retain the Objectives.</p> <p><b>64.29 Department of Conservation</b> Support Objectives. The submitter considers this objective is consistent with Part 2 of the RMA and also recognises the existence of areas of outstanding natural features and landscapes within the Invercargill district. Retain.</p> <p><b>24.31 South Port NZ Ltd</b> Objective 1 - Support. Retain Objective 1.</p>	<p><b>Decision 18/9</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> No amendments are required.</p> <p><b>Reason</b> The submitters support the provisions and do not request any change to them.</p>
<p><b>24.32 South Port NZ Ltd</b> Objective 2 - Oppose. The submitter considers that the RMA does not require the protection of section 7(c) landscapes from inappropriate subdivision, use and development and that there needs to be clear distinction between those section 6(a) landscapes and those visual amenity landscapes (section 7(c)).</p> <p><u>Decision Sought</u>: Amend the objective as follows: Invercargill's locally significant natural features and landscapes are identified and</p>	<p><b>Decision 18/10</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Objective 2 is amended to read: <u>Invercargill's locally significant distinctive and valued natural features and landscapes are identified and appropriately managed protected from inappropriate subdivision, use and development.</u></p> <p><b>Reason</b> The change recognises the dualistic approach of managing the effects of activities</p>

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<p><u>appropriately managed.</u></p> <p><b>FS25.13 Transpower NZ Ltd</b> support Submission 24.32 noting that landscapes under s7(c) should not be afforded the same protection as “outstanding natural landscapes and features” under s6(a).</p>	<p>on natural features and landscapes commensurate to their significance.</p> <p>Consequentially, and additional policy is required as set out in Decision 18/3.</p>
<p><b>2.10.3 Policies</b></p>	
<p><b>64.30 Department of Conservation</b> Policies - Support. The submitter considers the identification of outstanding natural features and landscapes to be comprehensive and that protection of them is consistent with Part 2 of the RMA. Retain Policies 1-7.</p>	<p><b>Decision 18/11</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> No amendments are required.</p> <p><b>Reason</b> The submitters support the provisions and do not request any change to them. It is noted however that changes have been made to the policies as a result of other decisions.</p>
<p><b>24.33 South Port NZ Ltd</b> Policy 1 – Criteria for Identification - Support. The submitter considers the policy should also recognise the extent to which landscape values have already been modified by subdivision, use and/or development.</p> <p><u>Decision Sought:</u> Add a new (H) which reads:</p> <p><u>The extent to which landscape values have already been modified by subdivision, use and/or development.</u></p> <p><b>FS2.31 NZAS Ltd</b> support Submission 24.33 and the recognition of the extent to which an ONL has been modified by development.</p> <p><b>77.32 Te Runaka o Waihopai and Te Runaka o Awarua</b> Policy 1 – The submitter notes that the list of criteria is missing points from the proposed Southland Regional Policy Statement 2012.</p> <p><u>Decision Sought:</u> Align with the Proposed Regional Policy Statement for Southland 2010.</p>	<p><b>Decision 18/12</b> These submissions are accepted.</p> <p><b>Amendments to District Plan</b> The following are added to Policy 1 and its Explanation:</p> <p>(H) <u>The presence of water including in seas, lakes, rivers, and streams</u></p> <p>(I) <u>Vegetation (indigenous and exotic)</u></p> <p>(J) <u>Wild or scenic values</u></p> <p>(K) <u>The extent to which landscape values have already been modified by subdivision, use and/or development.</u></p> <p><u>Explanation:</u></p> <p>(H) <u>"The presence of water including in seas, lakes, rivers, and streams" recognises the contribution of water bodies to the amenity of an area, and the interrelationship between activities that take place on land and the adjoining water areas.</u></p> <p>(I) <u>"Vegetation (indigenous and exotic)" includes natural bush areas, plantation forestry and landscaped area.</u></p> <p>(J) <u>"Wild or scenic values" include those in their natural state and also those which have been</u></p>



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<p><b>18.56 Environment Southland</b>            Policy 1 – The submitter believes that the criteria do not align with the criteria within the Proposed Regional Policy Statement 2012.</p> <p><u>Decision Sought:</u> Ensure the criteria are consistent with those identified in the Proposed Regional Policy Statement 2012.</p>	<p style="text-align: center;"><u>modified by human activity.</u></p> <p>(K) <u>"The extent to which landscape values have already been modified" recognises that high values can still be maintained, or even created, as a consequence of human activity.</u></p> <p><b>Reason</b>            Additions (H) - (J) provide consistency with the Proposed RPS, while (K) ensures a practical approach is taken to the identification and classification of natural features and landscapes.</p>
<p><b>77.33 Te Runaka o Waihopai and Te Runaka o Awarua</b>            Policy 2 – The listed areas are supported but the submitter considers the mapping of them is not inclusive enough.</p> <p><u>Decision Sought:</u> Ensure that the identified areas are more inclusive to capture all outstanding landscapes and to ensure they represent Iwi opinions.</p> <p><b>FS2.32 NZAS Ltd</b> oppose in part Submission 77.33. The further submitter is not opposed to the identification of further areas of ONL, so long as land within the Smelter Zone is not affected. Retain the ONL identification in the Tiwai Peninsula as notified.</p>	<p><b>Decision 18/13</b>            This submission is noted.</p> <p><b>Amendments to District Plan</b>            No amendments are required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1 As discussed on page 4 of this Decision, once the Proposed Regional Policy Statement is operative the Council is required to assess whether any changes are required to the District Plan. That is the appropriate time to consider inclusion of any sites of cultural significance not otherwise included in the District Plan.</li> <li>2. The District Planning Maps do not show the smelter as being within an area of outstanding natural features or landscapes.</li> </ol>
<p><b>18.57 Environment Southland</b>            Policy 3 – The submitter is concerned that the inclusion of the words “associated vegetation and habitats” narrows the focus of the policy. The submitter agrees that vegetation and habitats are an important part of many of the district’s ONFLs. However, it considers that vegetation and habitats are a part of the landscapes identity and intrinsic value.</p> <p><u>Decision Sought:</u> Reword policy to read:</p> <p>“To provide for the protection of Invercargill’s outstanding landscapes and natural features, from those activities that could adversely affect their intrinsic value and</p>	<p><b>Decision 18/14</b>            This submission is accepted.</p> <p><b>Amendments to District Plan</b>            Policy 3 is amended to read:</p> <p><b>Policy 3 Protection for outstanding natural features and landscapes.</b> To provide for the protection of Invercargill’s outstanding landscapes and natural features, from those activities that could adversely affect their intrinsic value and identity <u>which includes, and their associated vegetation and habitats.</u>”</p> <p><b>Explanation:</b> The values and character of these areas, <u>which include their associated vegetation and habitats,</u> are also important in defining the character of the Invercargill City District.</p>

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<p>identity <u>which includes, and their</u> associated vegetation and habitats.”</p> <p>Clarify within the explanation to the policy what intrinsic value and identity includes.</p>	<p><b>Reason</b> Vegetation and habitats are attributes that contribute to the quality of a significant landscape.</p>
<p><b>77.34 Te Runaka o Waihopai and Te Runaka o Awarua</b> Policy 4 – Support. Retain.</p> <p><b>18.58 Environment Southland</b> Policy 4 – The submitter notes that “locally significant” natural features and landscapes are not delineated on planning maps, as this policy suggests. Identify second tier landscapes on Planning Maps.</p> <p><b>FS2.33 NZAS Ltd</b> oppose in part Submission 18.58 noting it is not opposed to the identification of second tier landscapes, so long as the land within the Smelter Zone is not affected.</p> <p><b>65.28 ICC Environmental and Planning Services</b> Policy 4 - The submitter considers that this policy incorrectly states that the locally significant natural features and landscapes will be delineated on the Planning Maps. Most of these are shown on the Maps as reserves, but otherwise they are not identified for their characteristics as a landscape of local significance. Either show these sites on the Planning Maps, or amend the policy.</p>	<p><b>Decision 18/15</b></p> <ol style="list-style-type: none"> <li>Submission 77.34 Te Runaka o Waihopai and Te Runaka o Awarua and 65.28 ICC Environmental and Planning Services are accepted in part.</li> <li>Submissions 18.58 Environment Southland is rejected.</li> </ol> <p><b>Amendments to District Plan</b> Adopting Decision 18/3.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>Te Runaka o Waihopai and Te Runaka o Awarua support the provision and do not request any change to it.</li> <li>Policy 4 requires revision given that the features are not shown on the District Planning Maps.</li> </ol>
<p><b>65.28 ICC Environmental and Planning Services</b> Policy 6 - Support in part. The submitter considers that this policy should be redrafted to combine the two sub-policies into one.</p>	<p><b>Decision 18/16</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Policy 6 is reworded as follows:</p> <p><b>Policy 6 Protection for locally <del>significant</del> distinctive and valued landscapes and townscapes and culturally significant landscapes and townscapes:</b></p> <ol style="list-style-type: none"> <li>To recognise the visual importance of the CBD, the established neighbourhoods and the parks in defining the character of Invercargill, <u>and</u></li> <li>To encourage new development to complement and build on existing character and heritage</li> </ol> <p><b>Reason</b> The policy now reads more clearly.</p>

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<p><b>18.59 Environment Southland and 77.35 Te Runaka o Waihopai and Te Runaka o Awarua</b> Policy 7 – Policies Specific to Otatara - Support. Retain.</p>	<p><b>Decision 18/17</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> No amendments are required.</p> <p><b>Reason</b> The submitters support the provisions and do not request any change to them.</p>
<b>SECTION 3.19 RULES</b>	
<p><b>18.95 Environment Southland</b> 3.10.1 - The submitter considers that this rule will not meet the objectives of the plan as it could lead to adverse effects on outstanding natural features and landscapes. There is no guidance within the rule whether these performance standards are allowed once in the life time of the plan, once per year, once per activity. Further, the submitter notes that the rule does not require agriculture to meet performance standards. Agriculture means “the use of land or buildings for the rearing, breeding and keeping of animals ...” The rule therefore allows sheds to house animals to be established on ridgelines, with no standards on size except for the 10m height zone rule.</p> <p><u>Decision Sought:</u> Strengthen performance standards to ensure there are no adverse effects on outstanding natural features and landscapes from land use.</p> <p><b>64.31 Department of Conservation</b> 3.10.1 - Oppose in part. The submitter considers that the rules enable agricultural activities within outstanding natural features and landscapes. The submitter is concerned about the broad definition of agricultural activities and the potential effects of these types of activities. The submitter is concerned that if these activities do not require resource consent through this rule that there is no trigger to consider effects of these activities on the coastal environment either.</p>	<p><b>Decision 18/18</b></p> <ol style="list-style-type: none"> <li>1. Submission 18.95 Environment Southland, 64.31 Department of Conservation, and 87.49 Transpower NZ Ltd are accepted.</li> <li>2. Submission 88.82 Federated Farmers is accepted in part</li> </ol> <p><b>Amendments to District Plan</b> Rule 3.10.1 is amended to read:</p> <p>3.10.1. This rule applies <del>only</del> to the areas identified on the District Planning Maps as Outstanding Natural Features and Landscapes <u>except for land within the:</u></p> <ol style="list-style-type: none"> <li>a) <u>Residential 2 Zone at Omaui</u></li> <li>b) <u>Otatara Zone.</u></li> </ol> <p><u>3.10.1.1 It is a permitted activity to erect buildings associated with agriculture, other than a residence, where:</u></p> <ol style="list-style-type: none"> <li>(i) <u>the height is no more than 5 metres; and</u></li> <li>(ii) <u>the building footprint does not exceed 50 square metres</u></li> </ol> <p><u>3.10.1.2 It is a discretionary activity to:</u></p> <ol style="list-style-type: none"> <li>(A) <u>Erect any buildings or other structures, excluding those provided for by 3.10.1.1 above.</u></li> <li>(B) <u>Alter the contour of the land by more than two metres over an area of land that exceeds 200 square metres.</u></li> </ol> <p>Applications <del>under Rule 3.10.1(B) above</del> shall address the following matters, which will be among those taken into account by the Council:</p> <ol style="list-style-type: none"> <li>(A) <u>All Applications</u></li> </ol>

## Appendix 1 - Decisions on Submissions

SUBMISSION	DECISION
<p><u>Decision Sought:</u> Amend 3.10.1 to remove the exemption for agricultural activities from the performance standards in Rule 3.10.1 and that the standards are to be applied to all land uses.</p> <p>OR amend the definition of agriculture to narrow the definition to activities typically understood as farming activities but not to include ancillary buildings or related earthworks.</p> <p><b>FS2.34 NZAS Ltd</b> oppose Submissions 18.95 and 64.31 noting it currently uses land identified as ONL for agricultural purposes and supports retention of the Rule 3.10.1 as notified and considers that restricting agricultural activities as proposed by either submission 18.95 or 64.31 has the potential to unduly restrict the further submitter's farming operation.</p> <p><b>FS4.29 and FS4.30 Federated Farmers</b> oppose Submissions 18.95 and 64.31 considering that 3.10.1 acknowledges the importance of enabling working rural environments to continue unimpeded and that farming landscapes and features change depending on the season and the systems and processes being used. The further submitter considers that it would be unrealistic and impractical to seek to constrain rural activities that impact on landscapes and features.</p> <p><b>87.49 Transpower NZ Ltd</b> 3.10.1 Support in part. The submitter seeks that the assessment matters are broadened to ensure that all relevant matters required by the NPSET are considered.</p> <p><u>Decision Sought:</u> Amend Rule 3.10.1(c) as follows:</p> <p>(C) Applications under Rule 3.10.1(B) above shall address the following matters which will be among those taken into account by the Council:</p> <p>.....</p> <p>(g) <u>Recognises the location and technical constraints of regionally significant infrastructure;</u></p> <p>(h) <u>Consider the suitability of the site, and alternative sites or locations in order to minimise adverse effects.</u></p> <p>(i) <u>Consider the benefits any proposed Network Utility may bring to the</u></p>	<p>(a) <u>The reasons why the activity or structures is required within the area of Outstanding Natural Features and Landscapes</u></p> <p>(ab) <u>The extent to which the landscape or natural; feature would be modified or damaged, including the duration, frequency, magnitude or scope of any effect</u> <del>The irreversibility of adverse effects on the landscape or natural feature to be modified</del> <del>The resilience of the landscape or natural feature to change</del></p> <p>(ec) <u>Opportunities to remedy or mitigate previous adverse effects on the Outstanding Natural Feature or Landscape</u></p> <p>(ed) <u>Whether the activity will lead to cumulative effects on the Outstanding Natural Feature and Landscape</u>  <u>The relationship of the landscape to the surrounding environment.</u></p> <p><u>(B) Infrastructure</u></p> <p>(a) <u>Locational and technical constraints of regionally significant infrastructure</u></p> <p>(b) <u>The suitability of the site, compared with alternative sites or locations,</u></p> <p>(c) <u>Benefits that any network utility or other infrastructure or activity may bring to the community</u></p> <p>(d) <u>Any special technical requirements of, or constraints on, network utilities or other infrastructure</u></p> <p><u>(C) Earthworks</u></p> <p>(a) <u>The reasons for undertaking the earthworks, and other options that may be available.</u></p> <p>(b) <u>The nature of the ground and any potential implications on ground stability and above ground and sub-surface water flows.</u></p> <p>(c) <u>The presence and any implications on any infrastructure in the locality.</u></p> <p><b>Reasons</b></p> <p>1. As discussed on pages 6 and 7 of this Decision, changes are required to the rule for clarity and to recognise the provisions of Section 6(c) of the RMA and the operative and Proposed RPS.</p> <p>2. It is appropriate to strengthen the rule as sought by Environment Southland and include matters referred to in the Transpower submission.</p>

**Appendix 1 - Decisions on Submissions**

<b>SUBMISSION</b>	<b>DECISION</b>
<p><u>community.</u></p> <p>(i) <u>Consider any special technical requirements and constraints of Network Utilities including those associated with their scale, location, design or operation.</u></p> <p>And any consequential amendments.</p> <p><b>88.82 Federated Farmers</b>            3.10.1 - Support. The submitter considers it would be unrealistic to seek to constrain rural activities that impact on landscapes and features.</p>	
<b>DISTRICT PLANNING MAPS</b>	
<p><b>71.71 NZAS LTD</b>            Planning Maps 27,29,30,31 - Support. The submitter considers it would be inappropriate to identify the Smelter Zone as an “outstanding natural landscape” given the highly modified nature of it.</p> <p><u>Decision Sought:</u> The Outstanding Natural Features and Landscapes overlay not be applied to the Smelter Zone.</p>	<p><b>Decision 18/19</b>            This submission is noted.</p> <p><b>Amendments to District Plan</b>            No amendments are required.</p> <p><b>Reason</b>            The Outstanding Natural Features and Landscapes overlay does not apply to the Smelter Zone.</p>

## APPENDIX 2 - Amended District Plan Provisions

### SECTION TWO - ISSUES, OBJECTIVES AND POLICIES

#### 2.10 Natural Features, Landscapes and Townscapes<sup>1</sup>

The Invercargill City District contains a number of natural features and landscapes within the Invercargill District that are either “outstanding” or “locally significant distinctive and valued”<sup>2</sup>.

Identification was based on the following criteria:

- (A) ~~Heritage, cultural and recreational values.~~
- (B) ~~Values to iwi.~~
- (C) ~~Habitat values.~~
- (D) ~~Natural science values – physical features – geographic / geomorphology.~~
- (E) ~~Aesthetic/visual values.~~
- (F) ~~Distinctiveness or uniqueness.~~
- (G) ~~Biodiversity/ecological values.~~
- (H) ~~Naturalness, isolation and remoteness.~~

~~These identified features and landscapes have been modified by humans but retain natural character and attributes which require protection.~~

~~The Outstanding landscapes and natural features and landscapes are have been identified as follows:~~

- The Otatara Peninsula
- Bluff Hill (Motupohue)
- Three Sisters - Omaui
- The Bluff Dune System
- Awarua Wetlands
- New River Estuary
- Bluff Harbour / Awarua Bay
- Sandy Point Reserve
- Oreti Beach
- Lake Murihiku<sup>3</sup>

~~*Areas of Significant Indigenous Biodiversity Within the Otatara Zone*~~

~~Contains relatively intact totara-matai forest remnants on the ancient sand dunes. This type of forest is of national significance.~~

~~*Bluff Hill (Motupohue)*~~

~~The lookout point on top of Bluff Hill offers panoramic views of the islands of Foveaux Strait, Stewart Island and the Southland Plains to Fiordland. Bluff Hill is 265m above sea level, and is an important landform as it provides a marked contrast with the low relief of the remainder of the district. The seaward side of this area provides the most rugged stretch of coastline in the district. The Foveaux Walkway and Glory Track provide foot access on and around Bluff Hill. This area contains nationally significant remnant kamahi, matai, miro, rimu, rata and totara as well as threatened coastal turf communities.~~

<sup>1</sup> Decision 18/5 revises the Introduction

<sup>2</sup> Decision 18/2

<sup>3</sup> Consequential to Decision 18/5

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### ~~*Three Sisters—Omaui*~~

~~The “Three Sisters” comprise three distinctive and prominent peaks in the Omaui area, and are volcanic in origin. There, vegetation is indigenous.~~

### ~~*The Bluff Dune System*~~

~~The Bluff Dune system comprises large and unusual windblown sand dunes with sequence of red tussock to shrub land then podocarp forest. This area is the best and most diverse dune system in southern Southland. There are nationally significant forest remnants at this location.~~

### ~~*Awarua Wetlands*~~

~~This wetland complex (which extends into the Southland district) is of international significance, and is part of a larger complex, not only for its ecological and habitat values, but also for its sense of isolation and wilderness reflecting the open and natural character of the landscape.~~

### ~~*New River Estuary*~~

~~This area is 4044.4 hectares in size and is part of a chain of five estuaries along the Southland coast. The estuary is a main spawning ground for a variety of fish species and supports a large number of bird species, with up to 74 different species having been observed. A variety of native plant species grow in and around the estuary. The waters of the estuary are a dominant landscape feature. Recreational activities mainly take place in the Oreti arm of the estuary. Modification has been made to the estuary by major reclamation of the Waihopai arm of the estuary. The reclaimed land contains the Invercargill airport and Invercargill’s service/industrial sector.~~

### ~~*Bluff Harbour/Awarua Bay*~~

~~This area is 5593.5 hectares and is less modified than the New River Estuary. Major developments in the Bluff Harbour/Awarua Bay include the port, Ocean Beach, the town of Bluff and the Tiwai Point Aluminium Smelter. However, away from these developments, the harbour’s scenic values and sense of remoteness and isolation are especially significant.~~

### ~~*Sandy Point Reserve*~~

~~Good examples of nationally significant totara and matai dominated forests on sand dune and sand plain ecosystems are present. Silver Lagoon provides a valuable wetland habitat in this area, with waterfowl and wading birds being plentiful. The sea, estuarine and river margins, along with Sandy Point Reserve, are major recreational resources.~~

### ~~*Oreti Beach*~~

~~This area lies between the north-western extremity of the Invercargill city district and the entrance to the New River Estuary. It comprises a wild, open beach and seascape with significant natural science and recreational significance.~~

### ~~*Lake Murihiku*~~

~~This lowland lake is an uncommon feature within the Invercargill city district, and the wider Southland region. Those, like Lake Murihiku, that retain a fringe of indigenous vegetation and that are buffered from~~

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - Amended District Plan Provisions

~~surrounding land use are likely to be more intact and so are of greater significance. Lake Murihiku also has important conservation values.~~<sup>4</sup>

All these sites are delineated on the District Planning Maps and RMA section 6(b), the NZ Coastal Policy Statement and the Regional Policy Statement for Southland all require that these be protected in the District Plan.

Bluff Harbour, Awarua Bay, the New River Estuary, Oreti Beach and parts of the Oreti and Waihopai Rivers are within the coastal marine area which for resource management purposes<sup>5</sup> is administered by Environment Southland.

Locally ~~significant~~ distinctive and valued landscapes, natural features and townscapes have also been identified. These are significant in the local context, as opposed to “outstanding” in the national context.

The spiritual values and stories of tangata whenua and the sense of belonging, and heritage values that flow from them are embedded in the landscape.<sup>6</sup>

Land use activities development and redevelopment could significantly and adversely affect these features, ~~and~~ landscapes and townscapes.

### 2.10.1 Issues

**The significant resource management issues for natural features, landscapes and townscapes:**

1. The character of outstanding natural features and landscapes is at risk from inappropriate subdivision, use and development.
2. Locally ~~significant~~ distinctive and valued natural features, landscapes and townscapes could be adversely affected by inappropriate subdivision, land use and development.

### 2.10.2 Objectives

**Objective 1:** Invercargill’s outstanding natural features and landscapes are identified and protected from inappropriate subdivision, use and development.

**Objective 2:** Invercargill’s locally ~~significant~~ distinctive and valued natural features and landscapes are identified and appropriately managed ~~protected from inappropriate subdivision, use and development.~~<sup>7</sup>

**Objective 3:** The special outstanding natural features and landscapes of the Otatara area are protected from inappropriate subdivision, use and development.

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<sup>4</sup> Decision 18/5

<sup>5</sup> Decision 18/4

<sup>6</sup> Decision 18/7

<sup>7</sup> Decision 18/10

Note: Underline indicates additions, strikethrough indicates deletions.



## APPENDIX 2 - Amended District Plan Provisions

### 2.10.3 Policies

**Policy 1** **Criteria for identification:** To identify and assess Invercargill's outstanding landscapes and natural features, and locally ~~significant~~ distinctive and valued landscapes and natural features and landscapes, using the following criteria:

- (A) Natural science factors.
- (B) Aesthetic values.
- (C) Expressiveness.
- (D) Transient values.
- (E) The extent to which the values are shared or recognised.
- (F) Value to the tangata whenua.
- (G) Historical associations.
- (H) The presence of water including in seas, lakes, rivers, and streams
- (I) Vegetation (indigenous and exotic)
- (J) Wild or scenic values
- (K) The extent to which landscape values have already been modified by subdivision, use and/or development.<sup>8</sup>

**Explanation:**

- (A) *“Natural science factors” include the geological, topographical, ecological and dynamic components of the landscape.*
- (B) *“Aesthetic values” includes memorability and naturalness.*
- (C) *“Expressiveness” refers to how obviously the landscape demonstrates the formative processes which helped to create it.*
- (D) *“Transient values” includes such features as the occasional presence of wildlife, or its values, at certain times of the day or of the year.*
- (E) *“The extent to which the values are shared or recognised” refers to the relationship between people and “place” and acknowledges the strong affinity people sometimes have with places that have special significance to them.*
- (F) *“Value to tangata whenua” refers to the special relationship that the Māori people have with places, often featured in legend.*

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<sup>8</sup> Decision 18/12 adds (H) - (K)

Note: Underline indicates additions, strikethrough indicates deletions.

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- (G) *“Historical associations” refers to anything of historic significance to any cultural group.*
- (H) “The presence of water including in seas, lakes, rivers, and streams” recognises the contribution of water bodies to the amenity of an area, and the interrelationship between activities that take place on land and the adjoining water areas.
- (I) “Vegetation (indigenous and exotic)” includes natural bush areas, plantation forestry and landscaped area.
- (J) “Wild or scenic values” include those in their natural state and also those which have been modified by human activity.
- (K) “The extent to which landscape values have already been modified” recognises that high values can still be maintained, or even created, as a consequence of human activity.<sup>9</sup>

**Policy 2 Identification and characterisation of outstanding natural features and landscapes:** To identify the following as Invercargill’s outstanding features and landscapes, as delineated on the District Planning Maps:

- (A) Areas of Significant Indigenous Biodiversity Within the Otatara Zone.
- (B) Bluff Hill (Motupohue).
- (C) The Three Sisters/Omaui area.
- (D) Bluff Dune System.
- (E) The Awarua Wetlands.
- (F) The New River Estuary.
- (G) Bluff Harbour/Awarua Bay.
- (H) Sandy Point.
- (I) Oreti Beach.
- (J) Lake Murihiku.

***Explanation:*** *These areas have been identified to be outstanding natural features and landscapes on the basis of an analysis using the criteria set out in Policy 1.*

**Policy 3 Protection for outstanding natural features and landscapes:** To provide for the protection of Invercargill’s outstanding landscapes and natural features, from those activities that could adversely affect their

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<sup>9</sup> Decision 18/12

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intrinsic value and identity, which includes their and<sup>10</sup> associated vegetation and habitats.

***Explanation:** The values and character of these areas, which include their associated vegetation and habitats<sup>11</sup> are also important in defining the character of the Invercargill City District.*

**Policy 4** ~~Identification and characterisation of~~ Locally significant distinctive and valued natural features and landscapes: To ~~identify~~ avoid, remedy or mitigate any adverse effects that activities may have on the following as Invercargill's locally significant distinctive and valued natural features and landscapes as delineated in the Planning Maps:<sup>12</sup>

- (A) Anderson Park.
- (B) Donovan Park.
- (C) Thomsons Bush and the Waihopai River.
- (D) Queens Park.
- (E) The Town Belt.
- (F) The Otepunui Creek and associated reserves and playing fields.
- (G) Kew Bush.
- (H) The Murihiku Marae and its landscape context.
- (I) Elizabeth Park.
- (J) The lagoon west of Kew/Appleby and its associated walkways/cycleways.
- (K) The Otatara Peninsula.

***Explanation:** These areas have been ~~identified~~ assessed as locally ~~significant~~ distinctive and valued natural features and landscapes on the basis of an analysis using the criteria set out in Policy 1. Some but not all of these areas are reserves and have reserve management plans under the Reserves Act 1977.*

**Policy 5** ~~Identification and characterisation of Invercargill's culturally significant landscapes and townscapes~~ of value: To ~~identify and promote~~ the following as ~~culturally significant landscapes and townscapes~~ of value to the City District:<sup>13</sup>

- (A) The rich variety of built heritage in the Central Business District (CBD).

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<sup>10</sup> Decision 18/14

<sup>11</sup> Decision 18/14

<sup>12</sup> Decision 18/3

<sup>13</sup> Decision 18/2

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- (B) The suburban “nodes” of Waikiwi, Windsor, Glengarry and South City.
- (C) Residential neighbourhood “character” types based on presence of the following housing typologies:
  - (a) Art Deco.
  - (b) Workers cottages circa 1880.
  - (c) The Bay Villa.
  - (d) Bungalows 1920s - 1930s.
  - (e) State Housing.
  - (f) 1960s housing.
- (D) The rich variety of the Bluff built heritage of several styles

***Explanation:*** *These neighbourhoods and building character types contribute to the character and heritage of Invercargill and the Council will adopt non-regulatory methods to promote their attributes.*<sup>14</sup>

### **Policy 6 Protection for locally significant distinctive and valued landscapes and townscapes and culturally significant landscapes and townscapes:**

- (A) To recognise the visual importance of the CBD, the established neighbourhoods and the parks in defining the character of Invercargill, and<sup>15</sup>
- (B) To encourage new development to complement and build on existing character and heritage.

***Explanation:*** *Invercargill has those increasingly rare attributes of character and authenticity in its built environment. Its ~~grid~~ grid street pattern and layout of parks within that grid contribute significantly to defining the character of the city in spatial terms. The city will be a better place to live if future development complements and builds on existing character.*

### **Policy 7 Assessing effects on natural features and landscapes:**

In considering any application for resource consent, assess the adverse effects on any natural feature or landscape, and avoid, remedy or mitigate such effects to an extent commensurate with the significance of that natural feature and landscape.

*Explanation:* The District Plan identifies outstanding natural features and landscapes and Policy 3 provides for their protection. Policy 4 lists locally distinctive and valued natural features and landscapes and any adverse effects on those features are to be assessed as part of any resource

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<sup>14</sup> Decision 18/2

<sup>15</sup> Decision 18/16

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consent lodged. In addition, regard is also required to be given to the impact on any other natural feature or landscape from subdivision and development. In determining the significance of natural features and landscapes not identified in the District Plan particular regard should be had to

- the NZ Coastal Policy Statement
- the Regional Policy Statement for Southland
- the Southland Regional Coastal Plan
- Invercargill Coastal Landscape Study – Boffa Miskell, 2013
- Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Tauria.<sup>16</sup>

### Policy 78 Policies specific to Otatara:

- (A) **Recognition:** To recognise within the Otatara Zone:
- (a) Areas of significant indigenous biodiversity as delineated on the District Planning Maps as outstanding natural features and landscapes.
  - (b) Other areas containing remnants of the ancient sand dune landscape, including such land that is elevated or depressed and areas between as being locally ~~significant~~ distinctive and valued natural features or landscapes (for example the sand dunes within the south-west corner of the Otatara Zone).
- (B) **Protection:** To protect areas of outstanding natural features and landscapes from those activities and practises that could adversely affect their intrinsic value and integrity, and associated vegetation and habitats.
- (C) **Effects:** To manage activities on locally ~~significant~~ distinctive and valued natural features and landscapes in a manner that retains as far as practical their intrinsic value and integrity.
- (D) **Subdivision:** To have regard to impacts on outstanding and locally ~~significant~~ distinctive and valued natural features and landscapes at Otatara in considering subdivision consents for the use of land or clearance of indigenous vegetation.
- (E) **Land use consents:** To have regard to impacts on outstanding and locally ~~significant~~ distinctive and valued natural features and landscapes at Otatara in considering resource consents for the use of land or clearance of indigenous vegetation.
- (F) **Monitoring:** To monitor changes to natural features and landscapes on properties at Otatara where subdivision, land use consents or modifying indigenous vegetation has been approved on those properties.

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<sup>16</sup> Decision 18/3

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- (G) **Non-regulatory methods:** To adopt non-regulatory methods in order to promote the protection of natural features and landscapes at Otatara and recognition of the inherent values associated with the remnants of the ancient sand dune landscape within that area.
- (H) **Understanding:** To promote public understanding of the importance of protecting natural features and landscapes at Otatara because of their intrinsic conservation, scientific and education worth, and for their contribution to natural character.
- (I) **Other legislation:** To use, and promote the use of, other legislation where this will result in the long term protection of natural features and landscapes at Otatara.
- (J) **Cross-boundary:** To promote the management of effects on natural features at Otatara that abut the territorial boundaries with the Southland District Council and Environment Southland.

**Explanation:** *The District Planning Maps show the areas to enable easy identification.*

*Increased public awareness of the values of these areas will assist their protection.*

*Controls are necessary so that the effects of land use activities do not denigrate these areas.*

*Where these areas abut territorial boundaries it is important that management is coordinated.*

*Economic instruments encourage protection of these areas.*

### 2.10.4 Methods of Implementation

**Method 1** Delineation of outstanding natural features and landscapes on the District Planning Maps.

**Method 2** Preparation and dissemination of material on the values of natural features and landscapes and townscapes.

**Method 3** Rules setting limits to the extent to which the natural contour of the land may be altered, and on the size and location of buildings, within areas identified as outstanding natural features and landscapes.

**Method 4** Rules setting limits to the extent to which the natural contour of the land may be altered, and on the size and location of buildings, within the Otatara Zone.

**Method 5** Rules requiring that the protection of the aesthetic character and coherence of natural features and landscapes be considered when assessing resource consents.

Note: Underline indicates additions, strikethrough indicates deletions.

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- Method 6** Initiate environmental advocacy for protection of the aesthetic character and coherence of locally ~~significant~~ distinctive and valued natural features and landscapes and townscapes.
- Method 7** Environmental citations and awards for good examples of integration of development with landscape features and values.
- Method 8** Identification of outstanding natural features and landscapes as a cross boundary issue.
- Method 9** Use of financial incentives to assist property owners where protection is undertaken.

### SECTION THREE - RULES

#### 3.10 Natural Features, Landscapes and Townscapes

**3.10.1** This rule applies ~~only~~ to the areas identified on the District Planning Maps as Outstanding Natural Features and Landscapes except for land within the:

(a) Residential 2 Zone at Ōmaui

(b) Otatarā Zone.<sup>17</sup>

~~(A) Any land use activity, other than agriculture, is required to meet the following performance standards:~~

~~(a) Land use activities shall alter the contour of the land by no more than two metres over an area of 200 square metres.~~

~~(b) Structures shall have a footprint area of less than 200 square metres.~~

~~(c) Structures are to be no more than 10 metres in height.~~

~~(d) Structures shall not appear above ridgelines in the Ōmaui – Greenhills – Bluff area, when viewed from State Highway 1 or Ōmaui Road.~~

~~(B) Where an activity cannot meet the standards above, the activity is a discretionary activity.~~<sup>18</sup>

3.10.1.1 It is a permitted activity to erect buildings associated with agriculture, other than a residence, where:

(A) the height is no more than 5 metres; and

(B) the building footprint does not exceed 50 square metres

3.10.1.2 It is a discretionary activity to:

(A) Erect any buildings or other structures, excluding those provided for

<sup>17</sup> Decision 18/18

<sup>18</sup> Decision 18/18

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by 3.10.1.1 above.

(B) Alter the contour of the land by more than two metres over an area of land that exceeds 200 square metres<sup>19</sup>.

~~(C) Applications under 3.10.1(B) above~~ shall address the following matters, which will be among those taken into account by the Council:

(A) All applications<sup>20</sup>

(a) The reasons why the activity or structures is required within the area of Outstanding Natural Features and Landscapes

~~(ab)~~ The extent to which the landscape or natural; feature would be modified or damaged, including the duration, frequency, magnitude or scope of any effect

~~(b) The irreversibility of adverse effects on the landscape or natural feature to be modified~~

~~(c) The resilience of the landscape or natural feature to change~~

~~(dc)~~ Opportunities to remedy or mitigate ~~previous~~ adverse effects on the Outstanding Natural Feature or Landscape

~~(ed)~~ Whether the activity will lead to cumulative effects on the Outstanding Natural Feature and Landscape

~~(f) The relationship of the landscape to the surrounding environment.~~

(B) Infrastructure<sup>21</sup>

(a) Locational and technical constraints of regionally significant infrastructure

(b) The suitability of the site, compared with alternative sites or locations.

(c) Benefits that any network utility or other infrastructure or activity may bring to the community

(d) Any special technical requirements of, or constraints on, network utilities or other infrastructure

(C) Earthworks<sup>22</sup>

(a) The reasons for undertaking the earthworks, and other options that may be available.

(b) The nature of the ground and any potential implications on

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<sup>19</sup> Decision 18/18

<sup>20</sup> Decision 18/18

<sup>21</sup> Decision 18/18

<sup>22</sup> Decision 18/18

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ground stability and above ground and sub-surface water flows.

(c) The presence and any implications on any infrastructure in the locality.

**3.10.2** This rule applies only within the Otatara Zone.

- (A) Within the Otatara Zone on any sites where the natural contour of the land varies by more than two metres, it is a restricted discretionary activity to undertake earthworks that:
- (a) Alter the ground level by more than two metres, or
  - (b) Alter the ground level by more than 500mm over an area exceeding 100 square metres.
- (B) The matters over which the Council shall restrict its discretion are:
- (a) The effects on any outstanding or significant locally distinctive and valued natural features or landscape that may be disturbed or otherwise altered in its appearance.
  - (b) The effects on the visual character and coherence of the natural feature or landscape and amenity of the locality.
  - (c) The general shape, character and form of the natural feature or landscape.
  - (d) The values derived from the feature or landscape, including any associated vegetation.
  - (e) Any methods proposed to address any adverse effects of the development on the natural feature or landscape and its associated vegetation.
  - (f) The extent to which the natural feature or landscape has already been modified.
  - (g) The effects on the visual character and amenity of the locality.

### 3.18 Subdivision

**3.18.4** Applications under Rule 3.18.3 above shall address the following matters which will be among those taken into account by the Council:

- (E) Potential effects on any locally distinctive and valued natural features and landscapes of land uses enabled by the subdivision.

Note: Underline indicates additions, strikethrough indicates deletions.

**APPENDIX I Information to Accompany Applications:**

**2. Information to Accompany Land Use Resource Consent Applications**

2(h) A description of any natural feature or landscape on the land and assessment of the significance or values of that feature and any adverse effects on it, together with an assessment of the opportunity to avoid, remedy or mitigate those effects.<sup>23</sup>

**3. Information to Accompany Subdivision Consent Applications**

3(i) A description of any other natural feature or landscape on the land [not referred to in (i) above] and an assessment of the significance or values of that feature and any adverse effects of the subdivision and any permitted use of the land on it, together with an assessment of the opportunity to avoid, remedy or mitigate those effects.<sup>24</sup>

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<sup>23</sup> Decision 18/3

<sup>24</sup> Decision 18/3

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