



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

**Decision No. 24**

### **District Plan Introduction**

#### **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 the Introduction to the District Plan.

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.

"FS" means Further Submission.

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

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

"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.

"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 TO CONSIDER SUBMISSIONS TO THE PROPOSED DISTRICT PLAN**

The hearing to consider the submissions lodged to the matters set out in this decision was held in the Council Chambers on 26 January 2015.

### **Section 42A Report**

The Committee received a report from Liz Devery, Senior Policy Planner with the Invercargill City Council. In her report, Mrs Devery highlighted that the Introduction section provides an overview of the Proposed Plan, an explanation of its purpose and the relationship between the Plan and the District Planning Maps. She stated that while this section of the Proposed Plan is not required under legislation, it sets the scene and is a helpful addition for users of the Plan.

Mrs Devery noted that the submissions received on this section of the Proposed Plan are largely seeking minor amendments to "inaccuracies" in terminology used. She has recommended these requested amendments be made. She also commented on the "precautionary approach" used in the Proposed Plan, considering the wording used in the Plan appropriate.

### **Submitters Attending the Hearing**

No submitters attended the hearing.

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

No material was tabled at the hearing.

### **MATTERS REQUIRING PARTICULAR CONSIDERATION**

No matters arose which required particular consideration by the Committee.

### **SECTION 32 MATTERS**

#### **Requirements**

The Committee was advised by Mrs Devery 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. She then added that as this report is concerned with the Introduction only and does not alter the provisions of the Plan, an assessment under Section 32 of the RMA is not required. The Committee agrees with that approach and adopts it.

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 BY SUBMISSION

SUBMISSION	DECISION
<b>1.2 Relationship with other Plans under the RMA</b>	
<p><b>18.2 - Environment Southland</b> Oppose in part 1.2 as the numbering 1.2(C) is duplicated. Amend numbering to 1.2(A) to 1.2(E)</p>	<p><b>Decision 24/1</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Re-number section 1.2 once finalised.</p> <p><b>Reason</b> The amendment corrects a minor error.</p>
<p><b>18.3 - Environment Southland</b> Oppose in part 1.2 (C) and (D). The submitter considers that there is no need to add “prepared by Environment Southland” to “The Regional Policy Statement for Southland” and “Regional Plans”. If it is considered that these words must be there, similar words should be added (A) to (C). <u>Decision Sought:</u> Delete “prepared by Environment Southland” from (D) and (E).</p>	<p><b>Decision 24/2</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Delete “prepared by Environment Southland” from (D) and (E).</p> <p><b>Reason</b> The wording “prepared by Environment Southland” is superfluous.</p>
<p><b>18.4 - Environment Southland</b> The submitter notes that Section 1.2 says that the District Plan “gives effect to” various instruments, including Regional Plans. The submitter points out that Section 75(4) of the RMA provides that a District Plan must “not be inconsistent with” a regional plan or a water conservation order. <u>Decision Sought:</u> Amend Section 1.2 as follows: The District Plan gives effect to: (A) National Policy Statements. (B) The New Zealand Coastal Policy Statement. (C) National Environmental Standards. (C) The Regional Policy Statement for Southland, prepared by Environment Southland. <del>(D) Regional Plans prepared by Environment Southland.</del> <u>The District Plan must not be inconsistent with—</u> (A) a water conservation order; or</p>	<p><b>Decision 24/3</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Amend Section 1.2 as follows: The District Plan gives effect to: (A) National Policy Statements. (B) The New Zealand Coastal Policy Statement. (C) National Environmental Standards. (D) The Regional Policy Statement for Southland, prepared by Environment Southland. <del>(D) Regional Plans prepared by Environment Southland.</del> <u>The District Plan must not be inconsistent with—</u> (A) A water conservation order; or (B) A Regional Plan for any matter specified in Section 30(1) of the Resource Management Act 1991.</p> <p><b>Reason</b></p>

## APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
(B) <u>a regional plan for any matter specified in Section 30(1) of the Resource Management Act 1991.</u>	The amendment corrects a minor error.
<b>1.4 Regulatory Framework</b>	
<p><b>18.5 - Environment Southland</b> Support 1.4, paragraph 5. The submitter supports the adoption of a precautionary approach where there is less than complete scientific knowledge. Retain as proposed.</p> <p><b>FS4.4 - Federated Farmers</b> <i>oppose Submission 18.5</i> considering there is seldom complete scientific information available on any topic and that it is important that Council does not hamper land use or development where knowledge is incomplete.</p>	<p><b>Decision 24/4</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The submitter supports the provision and seeks no change to it.</li> <li>2. The wording used is appropriate, balanced and consistent with the provisions of the RMA.</li> <li>3. The matter raised by Federated Farmers is unable to be acted upon as it is raised as a new issue as part of a further submission.</li> </ol>
<p><b>79.2 - KiwiRail Holdings Ltd</b> Oppose in part page 1-2 paragraph 3. The submitter considers that the Council's obligations under the RMA in relation to reverse sensitivity effects should be expressly stated.</p> <p><u>Decision Sought:</u> Amend the second paragraph on page 1-2 to read:</p> <p><u>"... The Council is required, as a territorial authority, to control the adverse effects of inappropriate subdivision, use and development of land, including reverse sensitivity effects ..."</u></p>	<p><b>Decision 24/5</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The provisions throughout the Proposed Plan make numerous references to reverse sensitivity effects. There are also other effects that the Proposed Plan seeks to control which are not specifically referred to in the Introduction section of the Plan. It is not necessary to refer in this context to all different adverse effects that the Proposed Plan seeks to manage or control, and while important, reverse sensitivity effects are not given specific priority.</p>
<b>1.5 Cross Boundary Issues</b>	
<p><b>18.6 - Environment Southland</b> Oppose in part 1.5, paragraph 1. The submitter considers that the statement that "The Invercargill city district also adjoins the coastal marine area (CMA) ..." is incorrect. The Invercargill city district boundary is mean</p>	<p><b>Decision 24/6</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b></p>



## APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>low water mark. Therefore the district “contains” much of the CMA rather than “adjoins” it.</p> <p><u>Decision Sought:</u> Amend the sentence to read:</p> <p>The Invercargill city district also contains large parts of the coastal marine area (estuaries, harbours and open coast foreshores) which is the jurisdiction of Environment Southland and the Minister of Conservation for RMA matters.</p>	<p>Amend the sentence to read:</p> <p>The Invercargill City District also <del>adjoins</del> <u>contains parts of</u> the coastal marine area (<u>estuaries, harbours and open coast foreshores</u>) which is the jurisdiction of Environment Southland and the Minister of Conservation <u>for RMA matters</u>.</p> <p><b>Reason</b> The amendment corrects an inaccurate statement.</p>
<b>1.6 Contents of the District Plan</b>	
<p><b>65.1 ICC – Environmental and Planning Services</b></p> <p>Oppose in part 1.6, paragraph 8. The term “management area” is not used elsewhere in the Plan and could be confusing for the Plan user. Amend 1.6 to read:</p> <p>“... The District Planning Maps identify the <u>specific zone for</u> each parcel of land within the district ...”</p>	<p><b>Decision 24/7</b></p> <p>This submission is accepted.</p> <p><b>Amendments to District Plan</b></p> <ol style="list-style-type: none"> <li>1. Amend 1.6 paragraph 8 to read: <ul style="list-style-type: none"> <li>... The District Planning Maps identify the <del>management area which applies to</del> <u>specific zone for</u> each parcel of land within the District ...</li> </ul> </li> <li>2. Add an additional paragraph stating: <ul style="list-style-type: none"> <li>Where a formed or unformed road, railway, waterway or natural feature divides Zones, these features will have the zoning of the Zone with the lower noise limits under Rule 3.13.2.</li> </ul> </li> </ol> <p><b>Reason</b> The amendments more accurately set out the approach taken in the Proposed District Plan. Consequential to the amendment sought by the submitter, it is appropriate to clarify how the noise rules apply to various features.</p>

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## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

### SECTION ONE – INTRODUCTION

#### 1.2<sup>1</sup> Relationship With Other Plans Under The Resource Management Act 1991

The District Plan gives effect to:

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

The District Plan must not be inconsistent with -

- (A) A water conservation order; or
- (B) A Regional Plan for any matter specified in Section 30(1) of the Resource Management Act 1991.<sup>3</sup>

#### 1.5 Cross Boundary Issues

The Invercargill City District is adjacent to the Southland District and is within the jurisdiction of Environment Southland. The Invercargill City District also ~~adjoins~~ contains parts of the coastal marine area (estuaries, harbours and open coast foreshores) which is the jurisdiction of Environment Southland and the Minister of Conservation for RMA matters. A number of issues affect more than one Local Authority.<sup>4</sup>

#### 1.6 Contents of the District Plan

...  
The District Planning Maps identify the ~~management area which applies to~~ specific zone for<sup>5</sup> each parcel of land within the District. The maps also show other important information such as designations, heritage features, significant areas of indigenous biodiversity, the coastal environment, and hazard information.

Where a formed or unformed road, railway, waterway or natural feature divides Zones, these features will have the zoning of the Zone with the lower noise limits under Rule 3.13.2.<sup>6</sup>

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

<sup>1</sup> Decision 24/1 renumbers 1.2

<sup>2</sup> Decision 24/2

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

<sup>4</sup> Decision 24/6

<sup>5</sup> Decision 24/7

<sup>6</sup> Decision 24/7

Note: Underline indicates additions, strikethrough indicates deletions.