



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Decision No. 27

Subdivision

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 Subdivision.

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

"IAL" means Invercargill Airport Limited.

"NZCPS" means 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.

"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 Drawing Room of the Civic Theatre on 2 March 2015.

Section 42A Report

The Hearings Committee received a report from Liz Devery, Senior Policy Planner at the Invercargill City Council. In her report, Mrs Devery advised that apart from the provisions relating to the Airport Operations and Airport Protections Zones, her report does not cover the specific minimum lot sizes for the different Zones. Rather, these issues are considered in the reports assessing submissions to the individual zones. She also indicated that in general the 25 submissions lodged with regard to subdivision supported the plan provisions, with a few suggesting minor amendments.

Mrs Devery referred to the submission of Federated Farmers that questioned the discretionary activity status for subdivision because it gave rise to uncertainty to applicants. She agreed that was the case and considered that appropriate given that not all subdivisions should be approved having regard to the criteria listed in the Proposed Plan. She considers the criteria are clear in guiding people wishing to subdivide land and the Council in assessing any such proposals and was of the view that no changes were required to them. She rejected the notion that land owners are the best people to determine whether the economic value and productivity of the land was such that it should be retained in farming use, but accepted that not all of the criteria listed were relevant for all subdivisions. However, that did not require any change to the plan provisions.

Mrs Devery also stressed that the approach to subdivision in the Proposed District Plan is based on the understanding that subdivision leads to an expectation of use. Addressing potential land use expectations at the time of subdivision is consistent with this approach and will ensure that subdivisions create allotments that are suited for the specific Zone and that are able to be used into the future.

Submitters Attending the Hearing

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 was of the view that the productive capacity of the District's soils should not be a particular matter of consideration in subdivision applications and recommended that rural subdivision is given a restricted discretionary activity status. And while he agreed there should be an appropriate emphasis on considering the irreversible effects of losing high value soils from productive use and a need to protect areas important for primary production, he considered this must be balanced against an individual's right to manage their own property decisions. Mr Cooper also stressed there needs to be an underlying profitability to farming to ensure food production in New Zealand is sustainable, and at times subdivision and other land management or land use decisions often underpin, enable or support this profitability, particularly in the face of product price volatility, increasing off-farm costs and changes to the drivers behind decisions around best practice and optimal land use. He added that it was Federated Farmers view that prescriptive planning does not allow farmers to react to these pressures on an as-needed basis and as a consequence Council subdivision and development policies and planning should provide for managed growth in rural communities so as to provide diversity and vibrancy in rural areas, sustain essential community infrastructure, and provide employment flexibility and opportunities.

Invercargill Airport Limited

Kirsty O'Sullivan of Mitchell Partnerships Limited appeared on behalf of IAL, together with Chloe Surridge, General Manager of IAL noting in written evidence that IAL supported Rule 3.18.6 which imposed minimum subdivision standards in order to limit the number of people exposed to high levels of aircraft noise inside the Airport's noise contours and by imposing more stringent consenting requirements on proposals that seek to breach such restrictions. She added that while IAL supported the one hectare minimum allotment size within the Otatara Zone on land within the Airport's Outer Control Boundary (OCB) and Sound Exposure Single Event Boundary (SESEB) and the 500m² minimum allotment size for residential sites also within the OCB and SESEB, IAL sought prohibited activity status for any breach of these minimum allotment sizes. She considered this approach consistent with the New Zealand Standard for Airport Noise Management and Land Use Planning (NZS6805).

In response to the recommendation in the Section 42A Report to reject this submission, Mrs O'Sullivan opined that prohibiting any increased density of noise sensitive activities in the Residential or Otatarā Zones is the most efficient and effective planning method for protecting the Airport and avoiding adverse reverse sensitivity effects. She went on to say that by giving such activities a status of non-complying, consent applications can still be applied for and it is likely that IAL will have to spend further time and resources reviewing the applications, and building a case against the proposal in order to try and prevent it from occurring. Given this may need to be repeated she did not consider that this option has been appropriately considered in light of the Council's obligations in Section 32.

Mrs O'Sullivan did accept however that some subdivisions, such as for public utilities, should be allowed, and that the prohibition should only apply to subdivisions for noise sensitive activities.

Material Tabled at the Hearing

No material was tabled at the hearing.

MATTERS REQUIRING PARTICULAR CONSIDERATION

No matters required particular consideration.

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. 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 understands 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

Mrs Devery in her Report advised as follows:

There is a specific Subdivision section in the original Section 32 report. The recommended amendments are only minor changes and do not raise any significant matters outside of the original evaluation report.

The environmental, economic, social or cultural effects (including effects on employment and economic growth) anticipated to arise as a consequence of the changes will be minor.

The recommended amendment to the Objective will result in an objective that is still relevant in terms of the RMA but with a greater focus on the end result. The recommended Objective is consistent with the other Objectives throughout the Proposed District Plan in terms of ensuring that subdivision and development is integrated with the wider environment, the community and existing infrastructure.

The recommended amendments to Rule 3.18.6, as set out in Appendix 2, are considered to be the most appropriate way to achieve the objectives of the Proposed District Plan relating to Subdivision, Transportation, and Infrastructure and the Airport Protection Zone. Whilst the provisions will result in making it more difficult to subdivide private property within the Airport Protection Zone, the benefits in relation to avoiding, remedying or mitigating reverse sensitivity effects and in enabling the airport to continue to function are greater.

The Committee agrees with that approach and adopts it.

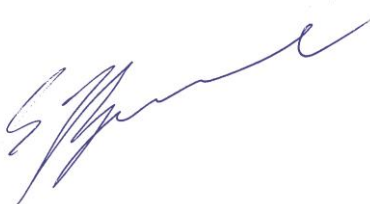
Dated at Invercargill this 11th day of October 2016



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
General	
<p>56.15 - Jenny Campbell The submitter supports these sections, especially minimum lot sizes.</p> <p>64.32 - Department of Conservation Support. The submitter considers these provisions to be consistent with Part 2 of the RMA, and it recognises the high values of some areas of the Invercargill city district. The submitter also notes that the provisions are consistent with the NZCPS2010 in retaining and enhancing public access to and along the coast and placing restrictions on subdivision in areas identified as being hazard prone.</p> <p><u>Decision Sought</u>: Retain objectives, policies, and rules.</p>	<p>Decision 27/1 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters support the plan provisions and seek no changes to them.</p>
<p>117.17 - Southern District Health Board The submitter believes that creating healthy home environments is an important aspect of public health and believes appropriate insulation within housing design mitigates against potential noise nuisances while maintaining healthy room temperatures.</p> <p>FS34.10 - ICC Environmental Health and Compliance Services supports Submission 117.17 and the inclusion of a clause for creating a healthy home environment, which may include appropriate insulation to mitigate potential noise nuisances, especially in a rural/industrial residential development.</p>	<p>Decision 27/2 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reasons The comment from the submitter does not directly relate to the subdivision provisions and is more relevant in considering Energy Issues, Objectives and Policies. The issues surrounding good urban design, promoted in the subdivision provisions, also relate to healthy environments.</p>
2.14 SUBDIVISION – ISSUES, OBJECTIVES AND POLICIES	
General	
<p>105.4 - ICC Environmental Health and Compliance Services The submitter supports the issues, objectives, policies and methods of implementation.</p>	<p>Decision 27/3 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the provisions and seeks no changes to them.</p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
Introduction	
<p>18.78 - Environment Southland The submitter believes the Introduction should recognise the existence of “The Big Picture” Spatial Plan in determining the way Invercargill “can realistically and sensibly be encouraged to develop and, in places, redevelop”. The submitter states that it is important that subdivision is guided by the strategic and visionary “Big Picture” and does not create an alternative ad hoc picture. Indeed The Big Picture document itself recognises the District Plan Review as a key project that assists with achieving the Council’s vision. As such the District Plan needs to recognise that it is part of a wider Council RMA process. Development of the city must be from the whole to the part, the “whole” being “The Big Picture” with one of the “parts” being subdivision. Subdivision must reflect the over-arching strategic direction set out in The Big Picture maps and District Plan Zone boundaries.</p> <p>The submitter points out that the proposed Plan only contains three references to “The Big Picture” document, one in the Introductory Section 1.4 (which the submitter considers will be seldom consulted once the District Plan is in effect) and the others being in relation to zone boundaries. Given that subdivision is often involved in facilitating development that would otherwise not conform with the District Plan, the submitter believes that it is important The Big Picture is considered before allowing for such non-conforming development, otherwise there is a distinct danger of “The Big Picture” being undermined.</p> <p><u>Decision Sought:</u> Inclusion of Objectives and Policies that recognise and give effect to “Invercargill: The Big Picture”, the non-statutory spatial plan prepared by the ICC in January 2012 following public consultation.</p>	<p>Decision 27/4 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The approach to zoning has been guided by The Big Picture, however not all the spatial plan was brought through to the District Plan. The spatial plan was drafted with a 30 year horizon, and in developing the Proposed District Plan it was considered that some of the development anticipated in drafting the spatial plan may not eventuate in the 10 year life of the District Plan. 2. The principles behind the development of the spatial plan have been brought through to the Proposed District Plan, such as the importance of integrating subdivision with infrastructure and seeking to ensure subdivision is guided by the objectives for the different zones. 3. In developing the District Plan the Council is obligated to have regard to management plans and strategies prepared under other Acts as noted in the Section 32 Report, and subsequent Section 42A reports. That is considered sufficient.
<p>79.13 - KiwiRail Holdings Limited Support Introduction. The submitter considers that it is important to protect significant transportation infrastructure.</p> <p><u>Decision Sought:</u> Retain paragraph 3 as proposed.</p>	<p>Decision 27/5 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the Introduction and seeks no changes to it.</p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
2.14.1 Issues	
<p>87.34(b) - Transpower NZ Ltd Support Issues in part but the submitter is concerned that there is no mention of the issue of effects <u>on</u> existing infrastructure, given that subdivision and development can be a major constraint on existing, and the provision of new infrastructure.</p> <p><u>Decision Sought:</u> That points 1, 4 and 7 are retained as notified.</p> <p>53.18 - NZ Transport Agency Support Issue 1. Retain Issue 1 as proposed.</p>	<p>Decision 27/6 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters support the provisions and seek no changes to them.</p>
2.14.2 Objectives	
<p>77.39 - Te Runaka o Waihopai and Te Runaka o Awarua Support Objectives 1-11, particularly strong support of Objective 4. Retain.</p> <p>53.19 - NZ Transport Agency Support Objective 1. Retain Objective 1 as proposed.</p> <p>65.35 - ICC Environmental and Planning Services Support Objective 1 subject to amendment of typo.</p> <p><u>Decision Sought:</u> Amend Objective 1 as follows: “Subdivision and development is promoted that is to <u>integrated</u> with existing communities, infrastructure and public spaces” Or “Subdivision and development is promoted <u>that is integrates</u> with existing communities, infrastructure and public spaces <u>is promoted.</u>”</p> <p>88.8 - Federated Farmers Support Objective 1. The submitter encourages Council to fulfil this Objective through a suite of tools and planning approaches, including strategic use of development contributions to incentivise or recover the costs associated with development, rather than by placing unnecessary restrictions on landowners.</p> <p><u>Decision Sought:</u> Adopt the Objective as proposed.</p>	<p>Decision 27/7</p> <p>(i) Submissions 77.39 Te Runaka o Waihopai and Te Runaka o Awarua, 53.19 NZ Transport Agency and 88.8 Federated Farmers are noted.</p> <p>(ii) Submission 65.35 ICC Environmental and Planning Services is accepted.</p> <p>Amendments to District Plan Reword 2.14.2 Objective 1 as follows: Subdivision and development is promoted that <u>is integrated</u> with existing communities, infrastructure and public spaces.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The submitters support the provisions. 2. The amendment provides clarity to Objective 1.

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>78.6 - Ministry of Education Support Objectives 1 and 5 in part. The submitter considers that these objectives provide an opportunity for future provision of schools or existing education facilities to be considered by developers.</p> <p><u>Decision Sought:</u> Amend by including reference to “education activities”.</p>	<p>Decision 27/8 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The submitter supports Objectives 1 and 5 and that is noted. 2. At a time when the Ministry of Education is reducing the number of schools in the City it seems out of context to seek provisions for new schools. 3. New schools will only be necessary when large scale expansion of the City occurs and that is unlikely. 4. The Ministry has the ability to designate new school sites and that is the preferred technique to adopt.
2.14.3 Policies	
<p>53.23 - NZ Transport Agency Support Policy 2 - Zoning. The submitter’s task of planning infrastructure for the future is enhanced by development occurring as anticipated by the District Plan. Retain Policy 2 as proposed.</p> <p>117.16 - Southern District Health Board Support Policy 2 - Zoning. The submitter supports a buffer between residential and industrial zones as a way of mitigating adverse public health effects.</p> <p>88.12 - Federated Farmers Support Policy 5 – Reticulated Services. Adopt the Policy as proposed.</p> <p>77.42 - Te Runaka o Waihopai and Te Runaka o Awarua Support Policy 8 – Iwi. Retain 2.14.3 Policy 8 as notified.</p>	<p>Decision 27/9 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters support the various policies and seek no changes to them.</p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>78.7 - Ministry of Education The submitter supports the policies, but suggests the addition of a new policy so that the location or provision of education activities is recognised as a matter to be considered when planning a subdivision.</p> <p><u>Decision Sought:</u> Add additional policy:</p> <p><u>Policy X: To include the consideration of education activities when preparing applications for subdivision consent.</u></p>	<p>Decision 27/10 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. It is not necessary to include objectives and policies in the District Plan referring specifically to individual activities. 2. This section of the plan deals with subdivision, and reference to individual activities is not needed.
<p>117.15 - Southern District Health Board Comment on Policy 3 – Urban Design. The submitter believes that in relation to public health, good urban design should also include factors such as effluent disposal, stormwater and water source. Good urban design should also consider landscape and the ability for future buildings to capture passive solar heat. No decision specified.</p>	<p>Decision 27/11 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The points raised are accepted. However, the policy is of a general nature and detailed provisions are not needed. If they were included there would be a large number of relevant matters that could be included.</p>
2.14.4 Methods of Implementation	
<p>88.14 - Federated Farmers Support Method 2. The submitter favours the provision of advice rather than a “one size fits all” regulatory approach which can restrict legitimate and reasonable land use decisions. Adopt the Method as proposed.</p>	<p>Decision 27/12 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the Method and seeks no changes to it.</p>
<p>69.13 - ICC Roading Manager Oppose Method 5 in part. The submitter considers that this clause is unclear in the way it is written and revision would ensure clarity of intent.</p> <p><u>Decision Sought:</u> Revise wording of Method 5.</p>	<p>Decision 27/13 This submission is accepted.</p> <p>Amendments to District Plan Replace Method 5 with the following: <u>Recognition and enforcement of the Invercargill City Council Bylaw 2013/1 Code</u></p>

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
SECTION 3.18 - RULES	
<p>88.90(b) - Federated Farmers Oppose 3.18.3 and 3.18.4 in part. The submitter believes that the rule does nothing to provide the reader or subdivider with any confidence that a well managed or reasonable subdivision proposal will clear the multiple hurdles this Rule sets out, and there is potential that there will be standards set that are capricious, not effects based, and which are inconsistent with more robust environmental policies set at the regional level. The submitter considers that where Council is seeking to address specific environmental impacts these should be specifically mentioned, and should not seek to replicate or differ from any relevant rules developed by Environment Southland.</p> <p>The submitter does not believe Council's decision making on particular subdivision consent applications should include the productive capacity of the district's soils. The submitter is particularly concerned with the way the Rule restricts the flexibility for land users to make legitimate land use decisions for the property they own and maintain, particularly in the Rural Zone.</p> <p>The submitter does not believe it is the subdivider's responsibility to develop a subdivision plan that enables any permitted land use activities in the relevant zone and considers it is a very high hurdle to expect that a subdivision proposal may consider and account for other potential land uses. As an alternative the submitter asks that Council specify the relevant permitted activities Subdivision should seek to enable in each zone.</p> <p><u>Decision Sought:</u></p> <ul style="list-style-type: none"> Delete proposed Rule 3.18.4 (C) "Potential effects on the environment of land uses enabled by the subdivision". 	<p><u>of Practice for Land Development and Subdivision Infrastructure for the development, operation, upgrading and replacement of infrastructure carried out as part of a subdivision.</u></p> <p>Reason The amendment makes it clear what the role of the Bylaw is in relation to the District Plan. While the details of the Bylaw are not enforced through the District Plan, they are relevant to ensuring that subdivision results in sustainable and well integrated development.</p> <p>Decision 27/14 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> The policy framework of the Plan, together with the list of particular matters that the Council will take into account when considering subdivision consents provides guidance to those wishing to subdivide land as to the appropriateness of their proposal, notwithstanding that not all matters listed will be relevant with any particular proposal. Reference is required to the life supporting capacity and productivity of the District's soils to ensure consistency with the Regional Policy Statement for Southland and to recognise that the Rural Zone as a primary purpose provides for agriculture and other land based activities. This is especially relevant for subdivisions creating undersized lots in rural areas. The matters of consideration listed in Rule 3.18.4 are not seeking to duplicate any rules developed by Environment Southland. There is however an integrated management approach taken throughout the Proposed District Plan that

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<ul style="list-style-type: none"> • Delete proposed Rule 3.18.4 (D) “The extent to which the subdivision enables land uses which will maintain the life supporting capacity and productivity of the district’s soils”. • Delete proposed Rule 3.18.4 (Q) “The extent to which the proposed subdivision enables uses permitted in the zone”. <p>FS30.4 - Southern District Health Board opposes Submission 88.90 because consideration of the potential effects of land uses enabled by subdivision is vital to the health of individuals and communities. Flow on effects of inappropriate land uses may result in poor soil health and poor water quality. Ensuring appropriate and sustainable land use is critical for maintaining the life supporting capacity and productivity of the district’s soils. Each landowner has a responsibility to consider cumulative effects and the flow on effects of land based activities. Soil and water are interconnected and contamination of Southland’s soil and waterways ultimately affects the health of individuals and communities.</p> <p>FS39.17(b) - Environment Southland oppose Submission 88.90 stating the rule is not inconsistent with any Environment Southland rules, and even if it was, the more specific water related ES rules would prevail. They consider that the proposed rule allows for integrated management and the protection of water and soil related values through the subdivision process. They believe that the consideration in a holistic manner of all the matters covered by 3.18.4 at the subdivision stage will lead to better environmental outcomes.</p>	<p>also applies to subdivision.</p> <p>4. While the subdivider may not know what type of development will eventuate on allotments created it is appropriate to consider what type of activity could be expected to be carried out on the land to ensure that lot sizes are fit for purpose. In some cases, as with utilities, that would favour the creation of small lots.</p> <p>5. The subdivision rule does not restrict land use options. The restrictions for land use are set out in the zone provisions and the other District wide rules. The alternative referred to in the submission of including the relevant permitted activities for each zone, are in fact set out in the Proposed District Plan.</p>
<p>78.8 - Ministry of Education Support 3.18.4 in part. The submitter considers that the matters over which Council reserves discretion should also include consideration of education facilities.</p> <p><u>Decision Sought:</u> Amend by including the following: <u>Integration with and effects on education activities</u></p>	<p>Decision 27/15 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. It is not necessary to include objectives and policies in the District Plan referring specifically to individual activities. 2. This section of the plan deals with subdivision, and reference to individual activities is not needed.

APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p>18.101 (c) - Environment Southland Support 3.18.4 (T). Retain.</p> <p>18.102 - Environment Southland Support 3.18.6 (A) and (B). Retain.</p>	<p>Decision 27/16 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the provisions and seeks no changes to them.</p>
<p>103.66 - Invercargill Airport Ltd Oppose in part 3.18.6. The submitter considers that to limit the number of people exposed to high levels of aircraft noise the minimum lot size rules within the Outer Control Boundary (OCB) and the Single Event Sound Exposure Boundary (SESEB) should be more stringent. The submitter also believes that the minimum 15 ha lot size in the Airport Protection Zone should be retained from the Operative District Plan.</p> <p><u>Decisions Sought:</u></p> <ul style="list-style-type: none"> • Amend 3.18.6(f) to prohibit the creation of allotments in the Outer Control Boundary (OCB) and the Single Event Sound Exposure Boundary (SESEB) less than 1ha in Otatara and 500m² in the Residential 1 Zone. • Insert a minimum 15 ha lot size for the Airport Protection Zone. 	<p>Decision 27/17 This submission is accepted in part.</p> <p>Amendments to District Plan Add to Rule 3.18.6: (C) <u>Within the Airport Protection Zone: Allotments of less than fifteen hectares</u></p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Subdivision with the OCB and SESEB is a non-complying activity within the Otatara and Residential 1 Zones where creating lots below 1 ha and 500m² respectively. There will be circumstances where subdivision below those areas is acceptable and as a consequence prohibited activity status is not appropriate. 2. In addition to the above, as a consequence of Decisions 21/21 and 21/36 it is a prohibited activity to locate noise sensitive activities within the Airport Operations and Airport Protection Zones. Within the remainder of the OCB and SESEB, standards apply for acoustic insulation and that provides added protection to the avoidance of reverse sensitivity issues. 3. It is accepted that a minimum lot size in the Airport Protection Zone is appropriate and there was no disagreement between the submitter and Council advisers that the area should be 15 ha.

APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

2.14 Subdivision

2.14.2 Objectives

Objective 1: Subdivision and development ~~is promoted that~~ is integrated with existing communities, infrastructure and public spaces.¹

2.14.4 Methods of Implementation

Method 5 ~~Where engineering works are required as part of a subdivision, the Council's Code of Practice for Land Development and Subdivision Infrastructure Invercargill City Council Bylaw 2013/1 is applicable.~~
Recognition and enforcement of the Invercargill City Council Bylaw 2013/1 Code of Practice for Land Development and Subdivision Infrastructure for the development, operation, upgrading and replacement of infrastructure carried out as part of a subdivision.²

SECTION THREE - RULES

3.18 Subdivision

Protected Areas and Minimum Lot Sizes

3.18.6 Subdivision is a non-complying activity where it would create lots as follows:

(C) Within the Airport Protection Zone: Allotments of less than fifteen hectares³

¹ Decision 27/7

² Decision 27/13

³ Decision 27/17

Note: Underline indicates additions, strikethrough indicates deletions.