



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

### **Decision No. 7**

#### **Water**

##### **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 Water issues.

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.

"Fire Service" means the NZ Fire Service Commission.

"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.

"NZAS" means New Zealand Aluminium Smelters Ltd.

"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 Drawing Room of the Civic Theatre on 9 June 2014.

### **Section 42A Report**

The Hearings Committee received a report from Liz Devery, Senior Policy Planner with the Invercargill City Council. In her report, Mrs Devery highlighted that the Council is required to consider the effects of land use and subdivision activities including effects on water quality and water quantity. She noted that 43 submission points and 12 further submission points were lodged on these provisions and whilst some support the approach adopted in the Proposed Plan, others question the Council's jurisdiction on these matters. There are also submissions seeking clarification on matters raised in the provisions, and others that are seeking greater detail in the Rules.

The key issues discussed in the body of the Section 42A Report were:

- The Council's role in managing the potential effects of land use and subdivision on water.
- References to Community Water Supply Schemes.
- Permeable Surfaces.
- New Zealand Fire Service provisions.
- Consideration of water issues at the time of subdivision.

The recommendations in the report supported the general approach to water in the Proposed Plan and the Water objectives, whilst acknowledging that there are provisions that could benefit from minor amendments to assist in achieving the objectives.

### **Submitters Attending the Hearing**

No submitters attended the hearing.

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

#### Alliance Group Limited

Kirsty O'Sullivan of Mitchell Partnerships Limited, advised on behalf of Alliance Group Limited that the objectives in relation to "water" should be deleted from the Proposed Plan, noting that the roles and functions of regional and territorial authorities are quite distinct, and while there are some shared responsibilities (i.e. natural hazards, hazardous substances), the RMA does not intend for there to be unnecessary regulative duplication of the management of effects. The submission went on to state that:

*Environment Southland has a broad range of policies, rules and regulations that adequately deal with the management of adverse effects on water quality and quantity (both fresh and coastal). In our opinion it is unnecessary to include provisions within the District Plan that effectively duplicate such existing controls. We therefore consider that these objectives are superfluous and can be deleted from the Plan. The integrated management that Invercargill City Council seeks to achieve by retaining these objectives can and should be achieved through the preparation of Regional Policy Statements and Water/Coastal Plans.*

#### South Port Limited

Kirsty O'Sullivan of Mitchell Partnerships Limited advised on behalf of South Port that Policy 6 referring to the adverse effects of land based activities on coastal water quality and ecosystems should be deleted from the Proposed Plan for the same reasons set out above in discussing the written submission of the Alliance Group Limited.

#### New Zealand Fire Service Commission

Alex Strawbridge of Beca Ltd, on behalf of the New Zealand Fire Service Commission, expressed appreciation at the focus the Council has placed on the provision of adequate fire fighting water supply in the interests of protecting life, property and the surrounding environment within the District, and noted the provision of an adequate fire fighting water supply will allow the Fire Service to carry out its duties effectively and efficiently when responding to a structural fire emergency.

Mr Strawbridge also noted it had been recommended that many of the submissions of the Fire Service be accepted. However, in relation to Rule 3.39.13 it was recommended a

request to include the words "inadequate for fire fighting purposes" be rejected. Mr Strawbridge advised the Committee the intent was to highlight that in areas of low water pressure the supply could not be relied upon for fire fighting purposes. He therefore sought that the relevant part of the rule be amended to read:

*This rule applies to properties that are not connected to the Council's reticulated water supply, or are only connected to Council's reticulated Restricted flow SUDDIV (as defined in Council's Water Supply Bylaw 2008).*

Consequential changes were also requested to ensure consistency with this and other provisions in the Proposed Plan.

### Federated Farmers

David Cooper, Senior Policy Advisor for Federated Farmers, advised of his support to the amendments recommended in response to the submissions of Federated Farmers. He noted however that any non-regulatory approaches to maintain or enhance water quality or quantity adopted by the Invercargill City Council should be aligned with the initiatives of Environment Southland and the Regional Water Plan for Southland.

## **MATTERS REQUIRING PARTICULAR CONSIDERATION**

### **The Role of the Council**

Mrs Devery in her Section 42A Report referred the Committee to the provisions of Sections 30 and 31 of the RMA, as did Federated Farmers, Alliance and South Port in their submissions, further submissions and in written material submitted to the hearing for the Committee to consider.

Mrs Devery also noted there are a number of mechanisms that the Council can use to minimise the adverse effects of subdivision and development on water quality and water quantity, including use of esplanade strips, controls on site coverage and permeable surfaces; and requiring on-site water collection in large lot residential areas to complement the reticulated water supply. She also noted that the Council is responsible for water quality and water quantity matters through its role in providing stormwater infrastructure for the City and ensuring that any discharges into water bodies meet required standards.

Federated Farmers in Submission 88.19 on Objectives 1 and 2 stated "that Invercargill City Council has no regulatory role to play in the management or allocation of the district's water resources". This submission was supported by Alliance Group Limited. South Port in Submission 24.43 on Policy 6 proffered that the policy covers matters within the jurisdiction of the regional council. Environment Southland on the other hand supported Objective 1 and Policy 6, seeking their retention.

The Committee considered the provisions of Sections 30 and 31 of the RMA, and agreed in part with Federated Farmers that it is the responsibility of regional councils to allocate water resources and establish standards for water quality. However, the Committee did not believe that the Proposed Plan was seeking to allocate water resources or set standards for water quality. It considered the Proposed Plan was assessing the effects of subdivision and development on water quality and water quantity in an integrated manner consistent with the National Policy Statement for Freshwater Management 2014, Policy 4(c)(iv) of the New Zealand Coastal Policy Statement, Policies 4.5 and 5.5 of the Operative Regional Policy Statement and Policy WQUAN.8, Method WQUAL.13 and Method WQUAN.8 of the Proposed Regional Policy Statement. The Committee considered by way of example, that it

was appropriate for the Invercargill City Council to impose conditions on earthworks so as to avoid silt and other contaminants entering waterways or coastal water.

The Committee concluded overall that the provisions of the Proposed Plan fell within the bounds of the Council's responsibilities under Section 31 of the RMA. As set out in Appendix 1 it did agree however that minor changes to the text were warranted in order to avoid confusion.

### **Provisions for Fire Fighting**

Mrs Devery in her Section 42A Report highlighted that the Proposed District Plan requires provision for on-site fire-fighting systems where reticulated water supplies are not available, and while the provisions are supported in principle, changes have been sought. The Committee was advised by Mrs Devery that many of the changes sought are of a minor nature and where they assist in clarifying the Proposed Plan provisions or removing inconsistencies she has recommended their adoption.

The Fire Service in Submission 101.6A has requested that an on-site supply for fire fighting be available in areas "where the reticulated water supply servicing the property is inadequate for fire fighting purposes". Mrs Devery in her report recommended that the submission be rejected because of the uncertainty of such wording and lack of clarity in the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice which includes calculations that could be used to determine adequacy. The Committee agreed that the suggested wording will result in a rule that is not easily enforceable or clear to the users or the Plan.

However, the Fire Service submitted an alternative wording at the hearing, suggesting that reference be made to the Council's reticulated Restricted flow SUDDIV (as defined in Council's Water Supply Bylaw 2008). The Committee accepted that such wording overcame its concerns and adopted this approach. The Committee also accepted that a number of consequential changes were required to other plan provisions for consistency in response to the matters raised by the Fire Service in their submissions, some of which did not become apparent until considering the material submitted at the hearing.

### **Reference to Community Water Supply Schemes**

Community water supply schemes are referred to in various provisions in the Proposed Plan, including 2.18.2 Objective 2 and 2.18.3 Policy 2. NZAS in Submission 71.26 is concerned that the use of the term "community water supply scheme" in relation to the water supply they use may lead to an expectation of access to that supply by the wider community. NZAS requests the term be replaced with "non-Council water supply schemes" with a corresponding definition.

Mrs Devery in her Section 42A Report advised the Committee that the term "community water supply scheme" as used in both 2.18.2 Objective 2 and 2.18.3 Policy 2, is intended to ensure that water quality and quantity within areas served by both public and private schemes is maintained and not affected by land use activities in their catchments. She suggested that an addition be made to the explanation of 2.18.2 Policy 2 to the effect that taking of water for public or private schemes is subject to regional council consents, and if the Committee thought it necessary the definition of "community water supply scheme" in the Southland Regional Water Plan could be included in the District Plan.

The Committee has concluded that the approach recommended by Mrs Devery would not remove the uncertainty raised by NZAS. After assessing alternative wordings, including those promoted by NZAS, it concluded that the most appropriate outcome would be to delete



reference altogether to the NZAS having a "community water supply" in the explanation to 2.18.3 Policy 2.

The Committee was advised by Mrs Devery that the term "community water supply" is used by the Department of Health to describe the NZAS supply, and that definition is referred to in the explanation to Policy 2. However, the Committee did not see a need to apply or refer to that classification in the Proposed Plan. Wherever water is taken for municipal supply, or as part of a private scheme for people or animals, there is a need where practical to protect the quality and quantity of that water. As a consequence, the Committee concluded that a revision of Policy 2 and its explanation was appropriate. That then necessitated consequential changes to Issue 2 and Objective 2 in Section 2.18.

## **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 with 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**

Arising from the submissions lodged, this decision makes minor alterations to the wording, but not the intent of the provisions considered in this Decision. We consider the amendments made are only of a minor nature and do not raise any significant matters outside of the original evaluation report and the assessment included in the Section 42A Report. Mrs Devery in her Section 42A Report advised the Committee as follows:

*Due to the minor nature of the recommended changes it is not necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment*

*effects of the changes. There will be social benefits arising from ensuring sufficient fire fighting infrastructure in accordance with the proposed amendments. With respect to other wording amendments, it is sufficient to state that a more accurate and easily interpretable plan can aid efficient and effective regulation, which can result in positive effects with respect to these matters. For this reason, the recommended approaches are considered to be preferable to the alternatives of adopting the provisions as notified.*

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>GENERAL</b>	
<p><b>56.17 - Jenny Campbell</b>                      The submitter supports the emphasis on stormwater but believes all stormwater drains need to be labelled with a sign to remind people about not putting inappropriate materials down them. The submitter believes public awareness campaigns on water quality and quantity issues are essential.</p> <p><b>FS34.13 - ICC Environmental Health and Compliance Services</b> support Submission 56.17                      The further submitter considers that Council should look at public awareness campaigns to educate people on effects of placing inappropriate chemical/materials into our stormwater drains and discuss water quality in our District.</p>	<p><b>Decision 7/1</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 provisions in the Proposed Plan and does not seek any changes to them.</li> <li>2. A range of techniques is required to raise public awareness, including those suggested. These can be undertaken within the bounds of the matters listed in the Proposed Plan and no change is required to it.</li> <li>3. The specific example raised by the submitter is more appropriately considered as part of the Council's Annual Plan process, rather than by inclusion in the District Plan.</li> </ol>
<p><b>56.24 - Jenny Campbell</b>                      The submitter suggests that people could be encouraged to install water tanks for rain water to be collected and used for gardens and other outdoor activities.</p>	<p><b>Decision 7/2</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 installation of rainwater tanks is recognised as a potential method of implementation by 2.18.3 Policy 3. In that regard, the submitter agrees with the Council's approach.</li> <li>2. On-site water collection and storage is required in the non-reticulated areas of the District and areas where supply is limited, to supplement the reticulated water supply.</li> </ol>

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<p><b>67.4 - ICC Drainage Manager</b> Support. The submitter supports the intention of the Plan in regard to stormwater management.</p> <p><b>105.5 - ICC Environmental Health and Compliance Services</b> The submitter commends the proactive approach to improving and maintaining water supplies in the district, particularly in relation to drinking water. Support.</p>	<p><b>Decision 7/3</b> These submissions are 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 submitters support the provisions in the Proposed Plan and do not seek any changes to them.</li> <li>2. While the wording of various provisions may vary as a result of other decisions, their overall direction remains the same.</li> </ol>
<p><b>116.6 - Kylie Fowler</b> The submitter acknowledges water is a precious commodity and suggests that the collection and storage of rainwater should be permitted without a resource consent.</p>	<p><b>Decision 7/4</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the installation of rainwater tanks and the ability to do that without the need for any resource consent.</p>
<b>WATER</b>	
<b>2.18 Issues, Objectives and Policies - General</b>	
<p><b>18.87 - Environment Southland</b> Support Objective 1, Policies 1, 4, 6 and Methods 4 and 9. Retain.</p> <p><b>FS34.14 - ICC Environmental Health and Compliance Services</b> support Submission 18.87.</p>	<p><b>Decision 7/5</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 provisions in the Proposed Plan and does not seek any changes to them.</li> <li>2. While the wording of various provisions may vary as a result of other decisions, their overall direction remains the same.</li> </ol>

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<b>2.18 Introduction</b>	
<p><b>65.42 - ICC Environmental and Planning Services</b> Support Introduction subject to amendment. The submitter considers the term water collection is preferable to water harvesting. Amend background to read: “... In non-reticulated areas water needs to be <del>harvested</del> <u>collected</u> and stored ...”</p>	<p><b>Decision 7/6</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Amend the second paragraph of 2.18 Introduction to read: Water is a finite resource. The Invercargill City Council’s reticulated water is currently taken from the Oreti River outside the District boundaries at Branxholme. There are a number of groundwater bores in use. In non-reticulated areas water needs to be <del>harvested</del> <u>collected</u> and stored.</p> <p><b>Reason</b> The word "collected" is more appropriate in the context used.</p>
<b>2.18.2 Objectives</b>	
<p><b>77.55 - Te Runaka o Waihopai and Te Runaka o Awarua</b> Support Objectives 1 and 2.</p>	<p><b>Decision 7/7</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the provisions in the Proposed Plan and does not seek any changes to them.</p>
<p><b>88.19 - Federated Farmers</b> Support Objectives 1 and 2 in part. The submitter believes that Invercargill City Council has no regulatory role to play in the management or allocation of the district’s water resources. Further, any non-regulatory approaches adopted by the Invercargill City Council must be aligned with Environment Southland and the Regional Water Plan for Southland.</p> <p><u>Relief Sought:</u> That Council distinguish between the roles and responsibilities of the Invercargill City Council and Environment Southland in relation to water. It is unreasonable to expect ratepayers to try to determine how the</p>	<p><b>Decision 7/8</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Paragraph 4 of 2.18 Introduction is amended to read: <del>A coordinated</del> <u>An integrated approach to</u> <del>on</del> water quality and quantity issues between Environment Southland and the Invercargill City Council has been adopted. Environment Southland is responsible for controlling the use of land for the purposes of maintaining and enhancing water quality <u>and quantity, as well as</u> <del>and</del> controlling discharges of contaminants into or onto land or water <del>under Section 30 of the RMA.</del> The Invercargill City Council <u>also</u></p>

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SUBMISSION	DECISION
<p>water policies of the two councils fit together – this should be explicit.</p> <p><b>FS6.4 - Alliance Group Limited</b> support Submission 88.19.</p>	<p>plays a role in managing the District's water quality and water quantity through management of land use activities <u>and its responsibility to control adverse environmental effects of inappropriate land use, subdivision and development.</u> <del>and it</del> <u>It is therefore</u> within the Council's jurisdiction to include provisions in the District Plan for controlling the effects of land use on water quality and water quantity.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. As set out on page 3 of this Decision, the Committee concluded overall that the provisions of the Proposed Plan fell within the bounds of the Council's responsibilities under Section 31 of the RMA.</li> <li>2. The Committee considered the Proposed Plan was assessing the effects of subdivision and development on water quality and water quantity in an integrated manner consistent with the National Policy Statement for Freshwater Management 2014, Policy 4(c)(iv) of the New Zealand Coastal Policy Statement, Policies 4.5 and 5.5 of the Operative Regional Policy Statement and Policy WQUAN.8, Method WQUAL.13 and Method WQUAN.8 of the Proposed Regional Policy Statement. The Committee also noted that Environment Southland supported the general approach adopted.</li> <li>3. Notwithstanding the conclusion above, the Committee agreed there was merit in making a minor addition to the Introduction to Section 2.18 to better describe the integrated relationship between the responsibilities of the City Council and those of Environment Southland.</li> </ol>
<p><b>2.18.2 Objective 2</b>  <b>2.18.3 Policy 2 - Catchment Areas</b></p>	
<p><b>71.26 - NZAS Ltd</b></p> <p>Support Objective 2 in part. The submitter considers that there is confusion by the use of the term community water supply schemes, particularly where later in the Plan there is wording referring to the Tiwai Point Aluminium Smelter using a community drinking water supply. The submitter notes that there is no definition for this term in the Plan. The submitter is concerned that this could be interpreted as meaning that the water supply could be accessed</p>	<p><b>Decision 7/9</b></p> <p>These submissions are accepted in part.</p> <p><b>Amendments to District Plan</b></p> <p>(i) 2.18.1 Issue 2 is amended to read:</p> <p style="padding-left: 40px;">The quality and quantity of water in <del>community communal</del> <u>community communal</u> water supply schemes, <u>be they Council owned or privately operated,</u> can be affected by land use in their</p>

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<p>by the community, which is incorrect.</p> <p><u>Relief Sought:</u> Replace reference to “community drinking water supplies” and “community water supply schemes” with a reference to “non-Council water supply schemes” with a corresponding definition OR clarify what is meant by the term “community”.</p> <p><b>71.27 - NZAS Ltd</b></p> <p>The submitter opposes in part the explanation to Policy 2. The submitter considers that the term “community drinking water supply” is incorrect when used in reference to the Smelter. This is because the water taken from the Tiwai aquifer by NZAS is used not only as drinking water but in the general operations of the Smelter.</p> <p>The submitter considers the phrase “community water supply scheme” is not defined and may be misleading when used with reference to the Smelter. Amend the explanation as follows:</p> <p>Tiwai Aluminium Smelter and Myross Bush School are two <del>examples current users of community</del> <u>non-Council water supply schemes drinking water supplies</u>, with the water taken by bore.</p>	<p>catchment areas.</p> <p>(ii) 2.18.2 Objective 2 is amended to read: Water quality and water quantity in the catchment areas of <del>community</del> <u>communal</u> water supply schemes is maintained and enhanced.</p> <p>(iii) 2.18.3 Policy 2 is amended to read: Catchment areas: To ensure land use practices within the catchment areas of <del>community</del> <u>communal</u> water supply schemes avoid wherever practicable, or remedy or mitigate adverse effects on water quantity and water quality.</p> <p>Explanation: Water quality <del>reflects</del> <u>is influenced by</u> land management practices in the catchment. <u>Currently, Invercargill’s reticulated water supply is taken from outside the Invercargill district boundary. In non-reticulated areas residents can rely on on-site water collection for individual use or be part of a privately operated communal supply scheme. The health of consumers of such supplies necessitates management of land use within their catchments.</u></p> <p><del>The Ministry of Health definition of “community drinking water supplies” is drinking water supplies serving 25 or more people for more than 60 days a year. This includes many schools, permanent camp sites and marae.</del></p> <p><del>Currently, Invercargill’s reticulated water supply is taken from outside the Invercargill district boundary. In non-reticulated areas residents rely on on-site water collection for individual use. Tiwai Aluminium Smelter and Myross Bush School are two current users of community drinking water supplies, with the water taken by bore.</del></p> <p><del>Future development of community water supply systems may occur within the Invercargill district and land use practices within their catchments need to anticipate this.</del></p> <p><b>Reason</b> As set out on page 4 of this Decision, it is confusing to apply the term "community water supply scheme" to the water sourced at the NZAS site. Amendment is therefore required to Policy 2, with consequential changes also needed to Issue 2 and Objective 2.</p>

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SUBMISSION	DECISION
<b>2.18.3 Policy 2 Catchment Areas</b>	
<p><b>77.56 - Te Runaka o Waihopai and Te Runaka o Awarua</b> Support in part. The submitter notes that water quality is extremely important to Iwi, and considers that the current wording allows for uncertainty. Amend Policy 2 by removing “where practicable”.</p> <p><b>FS4.35 - Federated Farmers</b> oppose in part Submission 77.56. The further submitter acknowledges that importance of water quality to Iwi, but considers the inclusion of the words “where practicable” ensures that a balanced conversation can occur – addressing both the need to improve water quality while acknowledging existing legal land use activities.</p> <p><b>88.20 Federated Farmers</b> Support 2.18.3 Policy 2 in part. The submitter considers that legitimate and appropriate uses of land can impact on water quality and quantity and this may be unavoidable for practical or economic reasons. The submitter believes that in such situations, landowners must be able to continue to utilise their land productively, consistent with the RMA’s “avoid, remedy or mitigate” and ensuring an appropriate balance of values are considered. Amend the wording of the policy as follows:</p> <p><b>Policy 2 Catchment areas:</b> To ensure land use practices within the catchment areas of community water supply schemes avoid <del>wherever practicable</del>, or remedy or mitigate <u>where practicable</u>, adverse effects on water quantity and water quality.</p> <p><b>FS30.5 - Southern District Health Board</b> opposes Submission 88.20 and considers that retaining the original wording puts the onus on the land user to take appropriate actions against contamination of water within catchment areas. Community drinking water supplies have to meet strict NZ Drinking Water standards and supplies that are contaminated will require appropriate and potentially costly treatment to ensure safe drinking water is being provided to the public. Southern District Health Board supports this proactive approach to protect water quality as it has a direct effect on the health of communities. Retain Policy 2 as advertised.</p>	<p><b>Decision 7/10</b> These submissions are rejected.</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 policy as worded recognises that some adverse effects may be unavoidable, but that all practicable methods must be considered.</li> <li>2. A 2003 publication "Drafting Issues, Objectives, Policies and Methods in Regional Policy Statements and District Plans" by the Ministry for the Environment supports policies written in this style.</li> <li>3. There are always practical means to "remedy or mitigate" but it is not always practical to avoid adverse effects, and as noted in the discussion on page 4 of this Decision it is considered important that land users take some responsibility in either remedying or mitigating any adverse effects that they may be causing.</li> </ol>



## APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<b>2.18.3 Policy 3 – Effects on Water Quantity</b>	
<p><b>77.57 -Te Runaka o Waihopai and Te Runaka o Awarua</b> Support. Retain Policy 3 as advertised.</p>	<p><b>Decision 7/11</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the policy and does not seek any change to it.</p>
<b>2.18.3 Policy 4 – Effects on Water Quality</b>	
<p><b>65.43 - ICC Environmental and Planning Services</b> Support in part. The submitter considers that the explanation should be expanded to also cover issues such as the effects of poor water quality on natural habitats.</p> <p><u>Relief Sought:</u> Expand explanation to refer to the effects of poor water quality in respect to its life supporting capacity and the habitats relying on it.</p> <p><b>FS8.13 - Department of Conservation</b> support Submission 65.43 The further submitter considers that it is important that the effects of land use on water quality are managed to safeguard the life supporting capacity of water and associated ecosystems.</p>	<p><b>Decision 7/12</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Amend the Explanation of 2.18.3 Policy 4 to read:</p> <p>Any increase in sediment or pollutants significantly increases the cost of water treatment and can undermine the future operation of water schemes. Activities such as vegetation clearance, intensive land use and land use development can have effects such as increased sedimentation, increased runoff and a resultant decrease in water quality and quantity. It is important to Council that these effects are minimised in order to protect existing and future water supplies. <u>It is also important to protect the life supporting capacity of the water and its associated ecosystems.</u></p> <p><b>Reason</b> A wider perspective, as referred to by the submitter, is appropriate in the explanation.</p>

## APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p><b>77.58 - Te Runaka o Waihopai and Te Runaka o Awarua</b> Strongly support.</p>	<p><b>Decision 7/13</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the policy and does not seek any change to it.</p>
<p><b>2.18.3 Policy 6 – Coastal Water</b></p>	
<p><b>24.43 - South Port NZ Ltd</b> Oppose. The submitter considers that this policy covers matters within the jurisdiction of the regional council. Delete the policy.</p> <p><b>FS8.14 - Department of Conservation</b> opposes Submission 24.43. The further submitter considers that the policy allows for integrated management or control of activities in the coastal environment between local authorities across the boundary between the coastal marine area and land giving effect to Policy 4 of the NZCPS. The further submitter also considers that the policy specifically gives effect to Policy 4(c)(iv) of NZCPS where land use activities may affect water quality in the coastal environment.</p> <p><b>FS39.19 - Environment Southland</b> opposes Submission 24.43. The further submitter considers that it is not in the interests of integrated management to delete this policy. They comment that there is a strong link between land use activities and water quality, and as such, it is appropriate to “avoid remedy or mitigate the adverse effects of land based activities on coastal water and ecosystems”. The further submitter considers the proposed policy to be consistent with Policy WQUAL.8 of the Proposed RPS.</p> <p><b>77.59 - Te Runaka o Waihopai and Te Runaka o Awarua</b> Strongly support.</p>	<p><b>Decision 7/14</b> Submission 24.43 South Port NZ Ltd is rejected.</p> <p>Submission 77.59 Te Runaka o Waihopai and Te Runaka o Awarua 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. As set out on page 3 of this Decision the Committee concluded overall that the provisions of the Proposed Plan fell within the bounds of the Council's responsibilities under Section 31 of the RMA.</li> <li>2. The Committee considered the Proposed Plan was assessing the effects of subdivision and development on water quality and water quantity in an integrated manner consistent with the National Policy Statement for Freshwater Management 2014, Policy 4(c)(iv) of the New Zealand Coastal Policy Statement, Policies 4.5 and 5.5 of the Operative Regional Policy Statement and Policy WQUAN.8, Method WQUAL.13 and Method WQUAN.8 of the Proposed Regional Policy Statement.</li> <li>3. The Committee also noted that Environment Southland and Te Runaka o Waihopai and Te Runaka o Awarua supported the policy.</li> </ol>

## APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<b>2.18.3 Policy 7 - Fire Hazard</b>	
<p><b>101.1 - NZ Fire Service Commission</b> Support. The submitter states that compliance with this will assist it to carry out its duties effectively and efficiently.</p>	<p><b>Decision 7/15</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the policy and does not seek any change to it. It should be noted that consequential to Decision 7/24 a minor wording change is made to this policy. That does not change its intent however.</p>
<b>2.18.4 Methods of Implementation - General</b>	
<p><b>77.60 - Te Runaka o Waihopai and Te Runaka o Awarua</b> Support all methods. Retain.</p> <p><b>101.2 - NZ Fire Service Commission</b> Support Method 1. The submitter states that compliance with this will assist it to carry out its duties effectively and efficiently. Retain.</p> <p><b>101.3 - NZ Fire Service Commission</b> Support Method 3. The submitter states that compliance with this will assist it to carry out its duties effectively and efficiently. Retain.</p> <p><b>88.22 - Federated Farmers</b> Support Method 6 and 7.</p> <p><b>18.88 - Environment Southland</b> Strongly support Method 9. Retain.</p> <p><b>FS34.15 - ICC - Environmental Health and Compliance Services</b> support Submission 18.88.</p>	<p><b>Decision 7/16</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitters support various methods and do not seek any change to them.</p>

## APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<b>2.18.4 Method 4</b>	
<p><b>88.21 - Federated Farmers</b>            Oppose Method 4. The submitter believes it is unclear what the “assessment” might involve, and what standards, if any, might need to be met if this method was implemented. The submitter is concerned that the method would be overly burdensome for landowners undertaking legitimately established rural land uses. Delete this method.</p>	<p><b>Decision 7/17</b>            This submission is accepted in part.</p> <p><b>Amendments to District Plan</b>            Amend 2.18.4 Method 4 to read:  <del>Include assessment of</del> <u>Have regard to any adverse effects on water quality and water quantity when processing resource consents for subdivision, use or development and the means by which they can be avoided, remedied or mitigated.</u></p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Rewording is required to ensure compatibility with the Council's functions under Section 31 of the RMA.</li> <li>2. The method only applies when resource consent is required, and does not impact on existing uses or permitted activities.</li> </ol>
<b>SOILS, MINERALS AND EARTHWORKS</b>	
<b>3.17.5 Earthworks and Filling Activities Rule</b>	
<p><b>18.100 - Environment Southland</b>            Support 3.17.5(D) as altered drainage patterns often give rise to concern.</p>	<p><b>Decision 7/18</b>            This submission is noted.</p> <p><b>Amendments to District Plan</b>            None required.</p> <p><b>Reason</b>            The submitter supports the policy and does not seek any change to it.</p>

## APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<b>SUBDIVISION</b>	
<b>3.18.4 Subdivision Rule</b>	
<p><b>67.7 - ICC Drainage Manager</b> Oppose Rule 3.18.4(H)(a). The submitter considers the provision is unclear as to the control of stormwater.</p> <p>The submitter considers that 3.18.4(H)(a)(5) is a wastewater management issue, not a stormwater issue. Delete 3.18.4(H)(a)(5).</p> <p>The submitter considers 3.18.4(H)(b)(3) should be limited to the effects of a proposed development on stormwater runoff. Amend 3.18.4(H)(b)(3) as follows:</p> <p>The incorporation of low impact stormwater design features where appropriate, and in accordance with the Code of Land Development to limit peak stormwater flows, reduce stormwater contamination and avoid adverse effects to other properties.</p>	<p><b>Decision 7/19</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p> <p>(i) Delete 3.18.4(H)(a)(5)</p> <p>(ii) Include as 3.18.4(H)(b)(4):</p> <p style="padding-left: 20px;"><u>The incorporation of low impact stormwater design features where practical to limit peak stormwater flows, reduce stormwater contamination and avoid adverse effects to other properties.</u></p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. While stormwater issues can impact on the design of on-site wastewater systems this is covered in other matters of consideration. 3.18.4(H)(a)(5) is therefore not required.</li> <li>2. Low impact stormwater design features are an appropriate matter to consider in assessing stormwater disposal, which is separate from other matters listed. It should therefore be included as a new item.</li> <li>3. The existing provision 3.18.4(H)(b)(3) raises relevant issues that differ from that suggested and there is no reason for it to be deleted.</li> </ol>
<p><b>18.101A - Environment Southland</b> Support 3.18.4(I). Retain as notified.</p> <p><b>88.90A - Federated Farmers</b> Oppose Rule 3.18.4(I). The submitter opposes the drafting of 3.18.3 and 3.18.4 on the grounds that some matters of consideration are too broad and that others are not matters that should be considered by the Council. One particular part of the subdivision rule that the submitter opposes is 3.18.4(I). The submitter considers that the protection of waterways from stock is a regional council function and they do not believe that this is a matter over which Council should have discretion, particularly in respect to making</p>	<p><b>Decision 7/20</b> Submissions 18.101A Environment Southland and 88.90A Federated Farmers are accepted in part.</p> <p><b>Amendments to District Plan</b> Revise 3.18.4(I) to read:</p> <p style="padding-left: 20px;"><u>Protection of waterways from damage by stock. Opportunities to create buffer areas adjacent to waterways to avoid adverse effects of activities on waterways and water quality.</u></p> <p><b>Reasons</b></p>

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SUBMISSION	DECISION
<p>decisions on a subdivision consent application.</p> <p>Delete Rule 3.18.4(I) "Protection of waterways from damage by stock".</p> <p><b>FS8.12 - Department of Conservation</b> oppose Submission 88.90. The further submitter considers that it is appropriate to consider the matters listed in 3.18.4 in applications for subdivision, and to consider the potential effects of land uses on the land enabled by the subdivision. The further submitter considers that the protection of waterways from damage by stock is consistent with the use of esplanade strips and may be considered as a purpose of an esplanade strip required for a subdivision.</p> <p><b>FS30.4A - Southern District Health Board</b> Oppose Submission 88.90. The further submitter considers that 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. Protection of waterways from damage by stock is an integral pathway to maintaining and improving water quality.</p> <p>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><b>FS39.17A - Environment Southland</b> oppose Submission 88.90. The further submitter states that 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. Disallow decision sought.</p>	<ol style="list-style-type: none"> <li>1. As set out on page 3 of this Decision the Committee concluded overall that the provisions of the Proposed Plan fell within the bounds of the Council's responsibilities under Section 31 of the RMA. It considered the Proposed Plan was assessing the effects of subdivision and development on water quality and water quantity in an integrated manner consistent with the National Policy Statement for Freshwater Management 2014, Policy 4(c)(iv) of the New Zealand Coastal Policy Statement, Policies 4.5 and 5.5 of the Operative Regional Policy Statement and Policy WQUAN.8, Method WQUAL.13 and Method WQUAN.8 of the Proposed Regional Policy Statement.</li> <li>2. The subdivision process is one means of addressing effects of activities on water in an integrated manner and provides an opportunity to implement the Proposed RPS and support the work initiatives of Environment Southland.</li> <li>3. The ability of a territorial authority to require the provision of an esplanade strip at the time of subdivision under Section 229 of the RMA is a clear statutory authority for the Council to take action to maintain or enhance water quality. In this context revising the wording of the provision is appropriate. This does not alter its intent.</li> <li>4. This provision does not impact on existing use rights or permitted activities. It only applies when an application is submitted to subdivide land.</li> </ol>

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SUBMISSION	DECISION
<b>OTATARA ZONE</b>	
<b>3.33.17 Fire Safety Rule</b>	
<p><b>65.109 - ICC Environmental and Planning Services</b> Support 3.33.17 subject to amendment of drafting error.</p> <p><u>Relief Sought:</u> Amend 3.33.17 as follows: “... (A) The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008) <u>and the health and safety of the community, including neighbouring properties ...”</u>”</p>	<p><b>Decision 7/21</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Amend 3.33.17(A) to read: ... (A) The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008) <u>and the health and safety of the community, including neighbouring properties ...</u></p> <p><b>Reason</b> The amendment corrects a typographical error without changing the intent.</p>
<b>RESIDENTIAL1 ZONE</b>	
<b>2.36.3 Policy 4</b>	
<p><b>107.11 - A4 Simpson Architects Limited</b> The submitter states that stormwater runoff can be mitigated by means other than those referred to in 2.36.3 Policy 4. Amend the Plan provisions in residential areas to acknowledge other means of addressing stormwater runoff</p> <p><b>67.5 - ICC Drainage Manager</b> Support Policy 4 Stormwater runoff subject to amendment. The submitter notes that the policy refers to the incorporation of impermeable surfaces, where this should be referring to “permeable” surfaces.</p> <p>The submitter also considers the explanation requires rewording as it is currently inaccurate. Amend the second sentence of the explanation to read: ... <u>Currently, Invercargill’s residential stormwater systems are designed for immediate runoff to the stormwater system of 55% of design rainfall, with the</u></p>	<p><b>Decision 7/22</b> These submissions are accepted in part.</p> <p><b>Amendments to District Plan</b> Amend 2.36.3 Policy 4 to read: <u>To require site and building development to incorporate methods <del>to</del>:</u> (A) <del>Minimise</del> <u>Minimise</u> loadings on <del>the stormwater runoff networks and</del> <u>reticulation systems</u> caused by rainfall events; <u>and</u> (B) <del>and to improve</del> <u>improve</u> the water quality of stormwater flows, <del>by requiring that site development associated with new housing is designed to incorporate impermeable surfaces</del></p> <p><b>Explanation:</b> Climate change is likely to mean that rainfall in Invercargill may become higher on average but, more significantly, there is likely to be increased incidence of extreme climatic events. Currently, Invercargill’s stormwater systems are designed for</p>

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<p><u>remaining 45% being retained within permeable surfaces such as lawns and gardens. Increasing areas of impermeable surfaces can compromise stormwater capacity...</u></p> <p><b>65.75 - ICC Environmental and Planning Services</b> Support Policy 4 Stormwater runoff, subject to amendment of the explanation which the submitter believes inaccurately details the anticipated stormwater run-off percentages. Amend the policy by either amending the wording to be accurate OR remove this statistic.</p>	<p><u>immediate runoff to the stormwater system of 55% of design rainfall, with the remaining 45% being retained within permeable surfaces such as lawns and gardens. Increasing areas of impermeable surfaces can compromise stormwater capacity 55% permeability, which means that rain falling on 45% of the site is immediately disposed of through the stormwater reticulation system.</u> Lessening the immediate effect of peak stormwater flows on stormwater systems will reduce the risk of localised surface flooding.</p> <p>There is also increasing concern about the condition of Southland's waterways. Urban stormwater can contain pollutants and organic matter.</p> <p>Design to mitigate stormwater effects needs to encompass the whole of the area under development, including roads and open spaces as well as housing lots. Best practical means are necessary to minimise pollution of waterways by urban stormwater.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The specific policy limited the options to mitigate the effects of stormwater runoff. A more generic provision is required to leave options open in terms of what is appropriate in each case.</li> <li>2. Adopting a generic wording removes the word "impermeable" which was incorrect in any case.</li> <li>3. The explanation required amending to correct inaccuracies.</li> </ol>



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SUBMISSION	DECISION
<b>RESIDENTIAL 2 ZONE</b>	
<b>2.38.3 Policy 4</b>	
<p><b>65.81 - ICC Environmental and Planning Services</b> Support Policy 4 Stormwater runoff, subject to amendment of the explanation which the submitter believes inaccurately details the anticipated stormwater run-off percentages.</p> <p><u>Relief Sought:</u> Amend policy by either amending the wording to be accurate or remove this statistic.</p>	<p><b>Decision 7/23</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Amend the Explanation to 2.38.3 Policy 4 to read:</p> <p>... Currently, Invercargill's stormwater systems are designed for <u>immediate runoff to the stormwater system of 55% of design rainfall, with the remaining 45% being retained within permeable surfaces such as lawns and gardens. Increasing areas of impermeable surfaces can compromise stormwater capacity. 55% permeability, which means that rain falling on 45% of the site is immediately disposed of through the stormwater reticulation system. Whatever can be done to</u> <del>Lessening</del> the immediate effect of peak stormwater flows on stormwater systems will reduce the risk of localised surface flooding ...</p> <p><b>Reason</b> The amendment corrects an inaccuracy.</p>
<b>3.36 Rules</b>	
<p><b>65.112 - ICC Environmental and Planning Services</b> The submitter suggests a new rule on Fire Safety as there are areas within the Residential 2 Zone that do not have access to reticulated water and suggests that the Fire Safety Rule from other non-reticulated areas be repeated for the Residential 2 Zone to ensure consistency and to consider the health and well-being of the community.</p> <p><u>Relief Sought:</u> Include the Fire Safety Rule in the Residential 2 Zone. For recommended wording see 3.39.13 – 3.39.19 (and any subsequential amendments).</p>	<p><b>Decision 7/24</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Add new rules to the Residential 2 Zone as follows:</p> <p><b>Fire Safety</b></p> <p><b>3.36.25</b> <u>This rule applies to properties that:</u></p> <p style="padding-left: 40px;">(A) <u>are not connected to the Council's reticulated water supply; or</u> (B) <u>are connected to the Council's reticulated Restricted Flow Supply.</u></p> <p><b>3.36.26</b> <u>Each new residential unit with a building floor area of less than 200 square metres shall have either:</u></p>

## APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
	<p>(A) <u>A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure 7,000 litres of water is always available to the sprinkler system in the event of a fire; or</u></p> <p>(B) <u>A water tank with a storage capacity of 30,000 litres maintained to hold a minimum of 20,000 litres of water at all times as a static fire fighting reserve.</u></p> <p><b>3.36.27</b> <u>Each new residential unit with a building floor area of greater than 200 square metres shall have either:</u></p> <p>(A) <u>A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure a sufficient quantity of water (calculated in accordance with SNZ4509:2008) is always available to the sprinkler system in the event of a fire; or</u></p> <p>(B) <u>A water tank containing a sufficient quantity of water (calculated in accordance with SNZ4509:2008) always available as a static fire fighting reserve.</u></p> <p><b>3.36.28</b> <u>A fire fighting connection, in accordance with Appendix B of SNZ PAS 4509:2008 is to be located more than six metres and less than 90 metres from any proposed habitable building on the site. The connection point is to be designed so that:</u></p> <p>(A) <u>It is located so that it is clearly visible to enable connection of a fire appliance; and</u></p> <p>(B) <u>It is located so that fire appliances have unimpeded vehicular access, including a minimum width of four metres for an accessway, from the property boundary to the connection point; and it shall have a hardstand area adjacent to it to allow for a New Zealand Fire Service appliance to park on it. The hardstand area is to be located in the centre of a clear working space with a minimum width of 4.5 metres; and</u></p> <p>(C) <u>Where the water pressure at the connection point/coupling is less than 100kPa, a 100mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or</u></p> <p>(D) <u>Where the water pressure at the connection point/coupling is greater than 100kPa, a 70mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or</u></p>

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	<p style="text-align: center;"><u>(E) Underground tanks, or tanks that are partially buried (provided the top is no more than one metre above ground) may be accessed by an opening in the top of the tank, whereby couplings are not required.</u></p> <p><b>3.36.29</b> <u>Any addition exceeding 50 square metres to a residential building shall comply with Rules 3.36.26 - 3.36.28 as if it were a new building.</u></p> <p><b>3.36.30</b> <u>Where an activity does not comply with any of the relevant standards set out in Rules 3.36.26 - 3.36.29 the activity is a restricted discretionary activity.</u></p> <p style="text-align: center;"><u>The matter over which the Council shall exercise its discretion is:</u></p> <p style="text-align: center;"><u>(A) The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008) and the health and safety of the community, including neighbouring properties.</u></p> <p><b>3.36.31</b> <u>Any application made under Rule 3.36.30 shall include details of any consultation undertaken with the New Zealand Fire Service and the response received.</u></p> <p>Consequentially amending Rules 3.33.13 - 18; 3.37.30 – 36 and 3.38.15 – 20.</p> <p>Amend Policy 2.18.3 Policy 7 to read as follows:</p> <p><b>Policy 7</b> <u>Fire Hazard:</u> To minimise fire hazard for people and property in the District by requiring adequate on-site water storage where Council's fully reticulated water service is not available and encouraging the installation of domestic sprinkler systems.</p> <p>Include new definition as follows:</p> <p><b>Restricted Flow Supply:</b> <u>Means a type of water supply connection provided by the Invercargill City Council where a small flow is supplied through a flow control device, and storage is provided by the customer to cater for the customer's demand fluctuations.</u></p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Revision of the rule corrects an omission from the notified Proposed Plan.</li> <li>2. Minor consequential changes are required to other rules to remove</li> </ol>

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SUBMISSION	DECISION
	inconsistencies between them.
<b>RESIDENTIAL 3 ZONE</b>	
<b>2.39.3 Policy 4</b>	
<p><b>67.6 - ICC Drainage Manager</b>  Oppose in part Policy 4 Stormwater runoff. The submitter notes that the policy refers to the incorporation of impermeable surfaces, where this should be referring to “permeable” surfaces.  <u>Relief Sought:</u> Amend Policy 4 by replacing “impermeable” with permeable”.</p>	<p><b>Decision 7/25</b>  This submission is accepted in part.</p> <p><b>Amendments to District Plan</b>  Amend 2.39.3 Policy 4 to read:  <u>To require site and building development to incorporate methods <del>To</del>:</u>  (A) <del>Minimise</del> <u>Minimise</u> loadings on <del>the</del> stormwater <u>runoff networks and</u> reticulation systems caused by rainfall events; and  (B) <del>and to improve</del> the water quality of stormwater flows, <del>by requiring that site development associated with new housing is designed to incorporate impermeable surfaces</del></p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Consequential to Decision 7/22 amendment is also required to this policy.</li> <li>2. Adopting a generic wording removes the word "impermeable" which was incorrect in any case.</li> </ol>
<b>RURAL 2 ZONE</b>	
<b>3.39 Rules</b>	
<p><b>101.6A - NZ Fire Service Commission</b>  Support in part Rule 3.39.13 – 3.39.19 Fire Safety. The submitter states that the provisions should apply where the water supplies are inadequate as well as unavailable.  <u>Relief Sought:</u> Amend 3.39.13 by adding the following words:  ... reticulated water supply, <u>or the reticulated water supply servicing the</u></p>	<p><b>Decision 7/26</b>  This submission is noted.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b>  Decision 35/20 deletes the Rural 2 Zone. Decision 7/24 includes reference</p>

## APPENDIX 1 - DECISIONS BY SUBMISSION

SUBMISSION	DECISION
<p><u>property is inadequate for fire-fighting purposes.</u></p> <p>And subsequent renumbering.</p>	<p>to residences connected to “Restricted Flow Supply”.</p>
<b>SECTION 4 - DEFINITIONS</b>	
<b>General</b>	
<p><b>71.66 - NZAS Ltd</b> The submitter seeks the introduction of a new definition – “Non-Council water supply scheme” as follows:</p> <p><b><u>Non-Council water supply scheme:</u></b> Means water obtained for drinking and other use, other than the reticulated water supply provided by the Council.</p> <p><b>71.67 - NZAS Ltd</b> The submitter seeks the introduction of a new definition – “community” as it relates to terms used in 2.18 of the Proposed District Plan.</p>	<p><b>Decision 7/27</b> These submissions are rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> As a consequence of Decision 7/9 these definitions are not required.</p>
<p><b>65.119 - ICC Environmental and Planning Services</b> Oppose definition of “permeable surface”. The submitter considers the definition as proposed is incorrect as it does not acknowledge that there are permeable surfaces available other than paving, that should be considered in the calculation of permeable surfaces.</p> <p>Replace definition of permeable surface with:</p> <p><b><u>Permeable Surface:</u></b> Means any ground surface treatment that allows for surface water to soak into the ground, including through specially designed paved surfaces.</p>	<p><b>Decision 7/28</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Amend the definition of "Permeable Surface" to read:</p> <p><b><u>Permeable Surface:</u></b> Means any ground surface paving treatment that allows for surface water to soak into the ground <del>through the paved surface,</del> including through specially designed paved surfaces.</p> <p><b>Reason</b> The amendment recognises that there are other means of providing permeable surfaces other than through a paving treatment.</p>

## APPENDIX 1 - DECISIONS BY SUBMISSION

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

### SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

#### 2.18 Water

“If you have your water right, you will have everything else right” – *Te Tangi a Tauira*. Water supports the community in every way. Water is vital for human survival. The District’s waterways are important habitats for native and introduced species of plants and animals. They have significant cultural and recreational value.

Water is a finite resource. The Invercargill City Council’s reticulated water is currently taken from the Oreti River outside the District boundaries at Branxholme. There are a number of groundwater bores in use. In non-reticulated areas water needs to be ~~harvested~~ collected<sup>1</sup> and stored.

Whilst there is currently limited knowledge regarding the effects of land use on water quality and the actual sources of contamination, it is acknowledged that land use activities can have adverse effects on water quality. For example, activities like earthworks, as well as surface water runoff from areas such as roads and industrial areas can lead to contamination of waterways. Poor water quality affects the whole environment. A precautionary approach is adopted in this District Plan to manage water quality issues.

~~A coordinated~~ An integrated approach ~~to~~ on water quality and quantity issues between Environment Southland and the Invercargill City Council has been adopted. Environment Southland is responsible for controlling the use of land for the purposes of maintaining and enhancing water quality and quantity, as well as ~~and~~ controlling discharges of contaminants into or on to land or water ~~under Section 30 of the RMA~~. The Invercargill City Council also plays a role in managing the District’s water quality and water quantity through management of land use activities and its responsibility to control adverse environmental effects of inappropriate land use, subdivision and development. ~~and it~~ It is therefore within the Council’s jurisdiction to include provisions in the District Plan for controlling the effects of land use on water quality and water quantity.<sup>2</sup>

#### 2.18.1 Issues

2. The quality and quantity of water in ~~community~~ communal<sup>3</sup> water supply schemes, be they Council owned or privately operated, can be affected by land use in their catchment areas.

#### 2.18.2 Objectives

**Objective 2:** Water quality and water quantity in the catchment areas of ~~community~~ communal<sup>4</sup> water supply schemes is maintained and enhanced.

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<sup>1</sup> Decision 7/6

<sup>2</sup> Decision 7/8

<sup>3</sup> Decision 7/9

<sup>4</sup> Decision 7/9

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

### 2.18.3 Policies

**Policy 1 General:** To require that the adverse effects of subdivision and<sup>5</sup> land use activities on water quantity and quality are avoided, remedied or mitigated.

**Policy 2 Catchment areas:** To ensure land use practices within the catchment areas of community communal<sup>6</sup> water supply schemes avoid wherever practicable, or remedy or mitigate adverse effects on water quantity and water quality.

***Explanation:** ~~Water quality reflects~~ is influenced by land management practices in the catchment. Currently, Invercargill's reticulated water supply is taken from outside the Invercargill district boundary. In non-reticulated areas residents can rely on on-site water collection for individual use or be part of a privately operated communal supply scheme. The health of consumers of such supplies necessitates management of land use within their catchments.*

~~The Ministry of Health definition of "community drinking water supplies" is drinking water supplies serving 25 or more people for more than 60 days a year. This includes many schools, permanent camp sites and marae.~~

~~Currently, Invercargill's reticulated water supply is taken from outside the Invercargill district boundary. In non-reticulated areas residents rely on on-site water collection for individual use. Tiwai Aluminium Smelter and Myross Bush School are two current users of community drinking water supplies, with the water taken by bore.~~

~~Future development of community water supply systems may occur within the Invercargill district and land use practices within their catchments need to anticipate this.~~

**Policy 4 Effects on Water Quality:**

***Explanation:** Any increase in sediment or pollutants significantly increases the cost of water treatment and can undermine the future operation of water schemes. Activities such as vegetation clearance, intensive land use and land use development can have effects such as increased sedimentation, increased runoff and a resultant decrease in water quality and quantity. It is important to Council that these effects are minimised in order to protect existing and future water supplies. It is also important to protect the life supporting capacity of the water and its associated ecosystems.*<sup>7</sup>

**Policy 5 Collaboration:**

***Explanation:** Working collaboratively will ensure the most comprehensive and co-ordinated approach possible to managing water quality and quantity<sup>8</sup> issues.*

**Policy 7 Fire Hazard:** To minimise fire hazard for people and property in the District by requiring adequate on-site water storage where Council's fully<sup>9</sup> reticulated water service is not available and encouraging the installation of domestic sprinkler systems.

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<sup>5</sup> Minor change under Clause 16 of the First Schedule

<sup>6</sup> Decision 7/9

<sup>7</sup> Decision 7/12

<sup>8</sup> Minor change under Clause 16 of the First Schedule

<sup>9</sup> Decision 7/24

Note: Underline indicates additions, strikethrough indicates deletions.



## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

### 2.18.4 Methods of Implementation

**Method 4** ~~Include assessment of~~ Have regard to any adverse effects on water quality and water quantity when processing resource consents for subdivision, use or development and the means by which they can be avoided, remedied or mitigated.<sup>10</sup>

### 2.26 Business 5 (Rural Service) Zone

**Policy 15** ~~Open space~~ Stormwater runoff:<sup>11</sup> To avoid effects of increased quantity (especially peak flows) and quality of stormwater on neighbouring properties and on the region's waterways.

### 2.33 Industrial 4 (Awarua) Zone

#### 2.33.3 Policies

**Policy 3** Stormwater runoff:<sup>12</sup> To require stormwater runoff from buildings and ground surfaces to be managed in a manner that, as far as practical:

- (A) Provides for the removal of sediments and contaminants prior to leaving the site.
- (B) Avoids increases in flows within the Mokotua Stream and Waipaka Creek that would exacerbate the effects of any flooding within those water bodies.
- (C) Diverts any stormwater that cannot be disposed of on-site into common wetlands, water courses or water storage areas within the Industrial 4 Zone.

### 2.36 Residential 1 Zone

#### 2.36.3 Policies

**Policy 4** <sup>13</sup>Stormwater runoff: To require site and building development to incorporate methods ~~To~~:  
(A) ~~Minimise~~ Minimise loadings on the stormwater runoff networks and reticulation systems caused by rainfall events; and  
(B) ~~and to improve~~ and to improve the water quality of stormwater flows, by requiring that site development associated with new housing is designed to incorporate impermeable surfaces

**Explanation:** *Climate change is likely to mean that rainfall in Invercargill may become higher on average but, more significantly, there is likely to be increased incidence of extreme climatic events. Currently, Invercargill's stormwater systems are designed for immediate runoff to the stormwater system of 55% of*

<sup>10</sup> Decision 7/17

<sup>11</sup> Minor change under Clause 16 of the First Schedule

<sup>12</sup> Minor change under Clause 16 of the First Schedule

<sup>13</sup> Decision 7/22

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## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

~~*design rainfall, with the remaining 45% being retained within permeable surfaces such as lawns and gardens. Increasing areas of impermeable surfaces can compromise stormwater capacity. 55% permeability, which means that rain falling on 45% of the site is immediately disposed of through the stormwater reticulation system.*~~<sup>14</sup> *Lessening the immediate effect of peak stormwater flows on stormwater systems will reduce the risk of localised surface flooding.*

*There is also increasing concern about the condition of Southland's waterways. Urban stormwater can contain pollutants and organic matter.*

*Design to mitigate stormwater effects needs to encompass the whole of the area under development, including roads and open spaces as well as housing lots. Best practical means are necessary to minimise pollution of waterways by urban stormwater.*

### 2.38 Residential 2 (Bluff and Omaui) Zone

#### 2.38.3 Policies

##### Policy 4 Stormwater runoff:

**Explanation:** *Climate change is likely to mean that rainfall in Bluff may become higher on average but, more significantly, there is likely to be increased incidence of extreme climatic events. Currently, Invercargill's stormwater systems are for immediate runoff to the stormwater system of 55% of design rainfall, with the remaining 45% being retained within the permeable surfaces such as lawns and gardens. Increasing areas of impermeable surfaces can compromise stormwater capacity. 55% permeability, which means that rain falling on 45% of the site is immediately disposed of through the stormwater reticulation system.*<sup>15</sup> ~~*Whatever can be done to*~~ *Lessening* *the immediate effect of peak stormwater flows on stormwater systems will reduce the risk of localised surface flooding.*

*There is also concern about the condition of Bluff Harbour. Urban stormwater can contain pollutants and organic matter. Best practical means are necessary to minimise pollution of waterways by urban stormwater.*

*Stormwater runoff is less of an issue at Omaui, where dwellings depend on roof collection of water for domestic supply. Domestic tanks accommodate much of the first flush of any storm event.*

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<sup>14</sup> Decision 7/22

<sup>15</sup> Decision 7/23

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

### 2.39 Residential 3 (Large Lot) Zone

#### 2.39.3 Policies

**Policy 4 Stormwater runoff:** To require site and building development to incorporate methods to:

- (A) ~~to~~ Minimise loadings on stormwater runoff networks and reticulation systems caused by rainfall events; and
- (B) to improve the water quality of stormwater flows. ~~By requiring that site development associated with new housing is designed to incorporate impermeable surfaces<sup>16</sup>~~

## SECTION THREE - RULES

### 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:

- (H) Potential effects on water quality or water quantity of land uses enabled by the subdivision, in particular:
  - (a) Design of the proposed wastewater system, specifically:
    - (1) The efficiency and effectiveness of the wastewater systems proposed.
    - (2) That adequate land area is available for the on-site disposal system and the required reserve areas for replacement effluent disposal fields.
    - (3) Conveying surface water runoffs from roofs and other hard surfaces away from waste water disposal areas.
    - (4) Providing sufficient clearance between waste water discharge pipes and the mean seasonal high water table.
    - ~~(5) Timing and control of quantum of stormwater leaving the site.<sup>17</sup>~~
  - (b) Design of proposed provision for stormwater disposal, specifically:
    - (1) Efficiency and effectiveness of provisions proposed for stormwater.

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<sup>16</sup> Decision 7/25

<sup>17</sup> Decision 7/19

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

- (2) That surface water runoff is controlled in such a way that it does not cause damage to wetlands/waterways and their margins.
  - (3) That surface water runoff does not cause damage or nuisance to other properties.
  - (4) The incorporation of low impact stormwater design features where practical to limit peak stormwater flows, reduce stormwater contamination and avoid adverse effects to other properties.<sup>18</sup>
- (I) ~~Protection of waterways from damage by stock.~~ Opportunities to create buffer areas adjacent to waterways to avoid adverse effects of activities on waterways and water quality.<sup>19</sup>

### 3.33 Otatara Zone

#### Fire Safety

3.33.12 This rule applies to properties that:

- (A) are not connected to the Council's reticulated water supply; or
- (B) are connected to the Council's reticulated Restricted Flow Supply.<sup>20</sup>

**3.33.14** Each new<sup>21</sup> residential unit with a building floor area of greater than 200m<sup>2</sup> shall have either:

- (A) A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure a sufficient quantity of water (calculated in accordance with SNZ4509:2008) is always available to the sprinkler system in the event of a fire; or
- (B) A water tank containing a sufficient quantity of water (calculated in accordance with SNZ4509:2008) always available as a static fire fighting reserve.

**3.33.17** Where an activity does not comply with the relevant standards set out in Rules 3.33.13 - 3.33.16 above, the activity is a restricted discretionary activity.

The matter over which the Council shall exercise its discretion is:

- (A) The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008) and the<sup>22</sup> health and safety of the community, including neighbouring properties.

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<sup>18</sup> Decision 7/19

<sup>19</sup> Decision 7/20

<sup>20</sup> Decision 7/24

<sup>21</sup> Decision 7/24

<sup>22</sup> Decision 7/21

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

**3.33.18** ~~Where an activity does not comply with the relevant standards set out in subsections 3.33.13 – 3.33.16 written approval of the New Zealand Fire Service must be provided. Any application made under Rule 3.33.17 shall include details of any consultation undertaken with the New Zealand Fire Service and the response received.~~<sup>23</sup>

### **3.36 Residential 2 (Bluff and Omaui) Zone**

#### **Fire Safety**<sup>24</sup>

**3.36.25** This rule applies to properties that:

- (A) are not connected to the Council's reticulated water supply; or
- (B) are connected to the Council's reticulated Restricted Flow Supply.

**3.36.26** Each new residential unit with a building floor area of less than 200 square metres shall have either:

- (A) A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure 7,000 litres of water is always available to the sprinkler system in the event of a fire; or
- (B) A water tank with a storage capacity of 30,000 litres maintained to hold a minimum of 20,000 litres of water at all times as a static fire fighting reserve.

**3.36.27** Each new residential unit with a building floor area of greater than 200 square metres shall have either:

- (A) A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure a sufficient quantity of water (calculated in accordance with SNZ4509:2008) is always available to the sprinkler system in the event of a fire; or
- (B) A water tank containing a sufficient quantity of water (calculated in accordance with SNZ4509:2008) always available as a static fire fighting reserve.

**3.36.28** A fire fighting connection, in accordance with Appendix B of SNZ PAS 4509:2008 is to be located more than six metres and less than 90 metres from any proposed habitable building on the site. The connection point is to be designed so that:

- (A) It is located so that is it clearly visible to enable connection of a fire appliance; and
- (B) It is located so that fire appliances have unimpeded vehicular access, including a minimum width of four metres for an accessway, from the property boundary to the connection point; and it shall have a hardstand area adjacent to it to allow for a New Zealand Fire Service appliance to

<sup>23</sup> Decision 7/24

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

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## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

park on it. The hardstand area is to be located in the centre of a clear working space with a minimum width of 4.5 metres; and

(C) Where the water pressure at the connection point/coupling is less than 100kPa, a 100mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or

(D) Where the water pressure at the connection point/coupling is greater than 100kPa, a 70mm Suction Coupling (Female) complying with NZS4505:1977 is to be provided; or

(E) Underground tanks, or tanks that are partially buried (provided the top is no more than one metre above ground) may be accessed by an opening in the top of the tank, whereby couplings are not required.

**3.36.29** Any addition exceeding 50 square metres to a residential building shall comply with Rules 3.36.26 - 3.36.28 as if it were a new building.

**3.36.30** Where an activity does not comply with any of the relevant standards set out in Rules 3.36.26 - 3.36.29 the activity is a restricted discretionary activity. The matter over which the Council shall exercise its discretion is:

(A) The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008) and the health and safety of the community, including neighbouring properties.

**3.36.31** Any application made under Rule 3.36.30 shall include details of any consultation undertaken with the New Zealand Fire Service and the response received.<sup>25</sup>

### **3.37 Residential 3 (Large Lot) Zone**

#### **Fire Safety**

**3.37.30** This rule applies to properties that:

(A) ~~a~~Are not connected to the Council's reticulated water supply; or

(B) Are connected to the Council's reticulated Restricted Flow Supply.<sup>26</sup>

**3.37.32** Each new<sup>27</sup> residential unit with a building floor area of greater than 200m<sup>2</sup> shall have either:

(A) A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure a sufficient quantity of water (calculated in accordance with SNZ4509:2008) is always available to the sprinkler system in the event of a fire; or

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<sup>25</sup> Decision 7/24

<sup>26</sup> Decision 7/24

<sup>27</sup> Decision 7/24

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## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

- (B) A water tank containing a sufficient quantity of water (calculated in accordance with SNZ4509:2008) always available as a static fire fighting reserve.

**3.37.35** Where an activity does not comply with the relevant standards set out in Rules 3.37.31 - 3.37.33 and written approval of the New Zealand Fire Service has been provided, the activity is a restricted discretionary activity.

The matter over which the Council shall exercise its discretion is:

- (A) The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008) and the health and safety of the community, including neighbouring properties.

**3.37.36** ~~Where an activity does not comply with the relevant standards set out in subsections 3.33.13 - 3.33.16 written approval of the New Zealand Fire Service must be provided. Any application made under Rule 3.37.35 shall include details of any consultation undertaken with the New Zealand Fire Service and the response received.~~<sup>28</sup>

### 3.38 Rural 1 Zone

#### Fire Safety

**3.38.14** This rule applies to properties that:

- (A) are not connected to the Council's reticulated water supply; or  
(B) are connected to the Council's reticulated Restricted Flow Supply.<sup>29</sup>

**3.38.16** Each new<sup>30</sup> residential unit with a building floor area of greater than 200m<sup>2</sup> shall have either:

- (A) A sprinkler system installed (to an approved standard in accordance with SNZ4509:2008) in the building, plumbed to ensure a sufficient quantity of water (calculated in accordance with SNZ4509:2008) is always available to the sprinkler system in the event of a fire; or  
(B) A water tank containing a sufficient quantity of water (calculated in accordance with SNZ4509:2008) always available as a static fire fighting reserve.

**3.38.19** Where an activity does not comply with the relevant standards set out in Rules 3.38.15 - 3.38.18 above, the activity is a restricted discretionary activity.

The matter over which the Council shall exercise its discretion is:

- (A) The extent of compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS:4509:2008) and the<sup>31</sup> health and safety of the community, including neighbouring properties.

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<sup>28</sup> Decision 7/24

<sup>29</sup> Decision 7/24

<sup>30</sup> Decision 7/24

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## APPENDIX 2 - AMENDED DISTRICT PLAN PROVISIONS

**3.38.20** ~~Where an activity does not comply with the relevant standards set out in subsections 3.33.13 – 3.33.16 written approval of the New Zealand Fire Service must be provided. Any application made under Rule 3.38.19 shall include details of any consultation undertaken with the New Zealand Fire Service and the response received.~~<sup>32</sup>.

### SECTION FOUR – DEFINITIONS

**Permeable Surface:** Means any ground surface paving treatment that allows for surface water to soak into the ground ~~through the paved surface,~~ including through specially designed paved surfaces.<sup>33</sup>

**Restricted Flow Supply:** Means a type of water supply connection provided by the Invercargill City Council where a small flow is supplied through a flow control device, and storage is provided by the customer to cater for the customer's demand fluctuations.<sup>34</sup>

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<sup>31</sup> Minor amendment made under Clause 16 of the RMA First Schedule

<sup>32</sup> Decision 7/24

<sup>33</sup> Decision 7/28

<sup>34</sup> Decision 7/24

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