



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

**Report No. 35**

**Rural Zones**

**11 - 12 May 2015, 9.00am  
COUNCIL CHAMBERS  
CIVIC ADMINISTRATION BUILDING**

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# TABLE OF CONTENTS

	Page
<b>1. Executive Summary .....</b>	<b>1</b>
<b>2. Introduction .....</b>	<b>2</b>
2.1 Report Author .....	2
2.2 Peer Review .....	2
2.3 How to Read this Report.....	2
2.4 Interpretation.....	2
2.5 The Hearing Process .....	3
<b>3. Background .....</b>	<b>5</b>
3.1 The Operative District Plan .....	5
3.2 The Proposed District Plan .....	6
3.2.1 Rural 1 Zone .....	6
3.2.2 Rural 2 (Rural Transition) Zone).....	6
<b>4. Statutory Context / Legislative Requirements.....</b>	<b>7</b>
4.1. Resource Management Act 1991 .....	7
4.1.1 Part 2 of the RMA .....	7
4.1.2 Functions of Territorial Authorities under the RMA .....	8
4.1.3 Consideration of alternatives, benefits, and costs .....	9
4.2. Relevant Planning Policy Documents.....	9
4.2.1 New Zealand National Policy Statements .....	9
4.2.2 New Zealand National Environmental Standards .....	9
4.2.3 Southland's Regional Policy Statements.....	10
4.2.4 Other documents .....	13
4.3. Summary .....	13
<b>5. Analysis of submissions.....</b>	<b>14</b>
5.1. Should the Plan promote larger minimum lot sizes in the rural zones.....	14
5.2. Is a Four Hectare Minimum lot size appropriate in the Rural 1 Zone .....	14
5.3. Myross Bush .....	16
<b>6. Discussion of Section 32 Matters.....</b>	<b>18</b>
6.1 Section 32AA further evaluation.....	18
<b>7. Concluding comment.....</b>	<b>19</b>
<b>Appendix 1 - Recommendations in response to submissions .....</b>	<b>21</b>
<b>Appendix 2 - Recommended changes to the Notified District Plan.....</b>	<b>59</b>
<b>Appendix 3 – Maps of areas recommended for zoning changes.....</b>	<b>69</b>
<b>Appendix 4 – Maps showing percentage change in household numbers between censuses .....</b>	<b>71</b>
<b>Appendix 5 – Maps showing lot sizes in selected areas on the edge of the Invercargill urban area .....</b>	<b>73</b>

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# 1. EXECUTIVE SUMMARY

Fifty submissions and 23 further submissions have been received on matters relating to the Rural Zones of the Proposed District Plan. This report is in response to these submissions.

Some submissions have been made with respect to ensuring that rural activities can be reasonably carried out and seeking not to unreasonably limit the range of activities that can occur in Rural Zones. I have recommended some minor changes as a result.

Many more submissions have been received on the subject of the minimum lot size proposed for the Rural 1 Zone. Understandably many with an interest in property in the rural parts of the District are concerned about the potential effects of this change (previously the minimum lot size was 2ha, which it is proposed henceforth would only apply to the Rural 2 Zone). Many have presumed that the reason for the change relates to ensuring large enough sites for on-site effluent systems – which is not in fact a key reason for this change.

I have support the proposed change to a 4ha minimum lot size. A key reason I have reached this conclusion has been through considering both the availability of potential “rural residential” properties under the proposed provisions and recent trends in development in the district. I have a concern that the settlement pattern of Invercargill is becoming increasingly dispersed. I believe this risks undermining the Council’s strategies of consolidating urban growth, encouraging redevelopment of existing urban areas and managing infrastructure costs. I consider that changes in policy in the Proposed District Plan to limit those areas where a minimum lot size of 2ha applies to those areas close to the existing urban area is in line with the RMA and regional policy.

In this report:

- Part 2 considers several key procedural issues.
- Part 3 summarises the various statutory provisions that apply to the consideration of the Proposed District Plan.
- Part 4 assesses the relevant issues raised by the submitters.
- Part 5 provides a discussion on the Section 32 matters.
- Part 6 sets out the overall conclusions.
- **Appendix 1** sets out the recommended changes to the text of the Proposed District Plan.
- **Appendix 2** sets out the recommendations on each of the submission points.
- **Appendices 3, 4 and 5** show maps referred to in discussions in the report

## **2. INTRODUCTION**

### **2.1 Report Author**

My name is Dan Wells and I am a planning consultant working for John Edmonds and Associates Ltd and based in Queenstown. I have a variety of experience in planning, predominantly in the area of planning policy making. I have approximately 12 years of relevant experience, the majority of which has been spent working for local authorities. I have a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University. Since 2014 I have assisted Invercargill City Council staff by peer reviewing the Section 42A reports for the District Plan hearings. I have met with Invercargill City Council staff and consultants and undertaken site visits on several occasions.

### **2.2 Peer Review**

This report has been peer reviewed by Elizabeth Ann Devery. Liz is the Senior Planner – Policy, at the Invercargill City Council, a position she has held since January 2003. Liz has over 14 years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom. These roles have focused on both developing and implementing District Plans and planning documents. Liz holds the qualifications of LLB/BA (Hons I) in Geography.

### **2.3 How to Read this Report**

This report is structured as follows:

- Interpretation (an explanation of some of the terms used).
- A summary of the hearing process.
- Description of the statutory framework within which the proposed provisions have been developed.
- Analysis of the submissions, including a discussion of the key issues raised through the submissions and further submissions received.
- Assessment of the proposed changes under Section 32 of the RMA.
- Concluding comments.
- Recommendations on individual submissions.
- Tracked changes of the Proposed District Plan

To see my recommendation on an individual submission please refer to the table in **Appendix 1**. The table sets out the name and relevant submission number of those who submitted on the Proposed District Plan and a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

### **2.4 Interpretation**

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“Hearings Committee” means the District Plan Hearings Committee

“Operative District Plan” means the Invercargill City District Plan 2005

“Proposed District Plan” means the Proposed Invercargill City District Plan 2013

“Provisions” is a term used to collectively describe Objectives, Policies and Rules

“RMA” means the Resource Management Act 1991  
“RPS” means Regional Policy Statement  
“Submitter” means a submitter to the Proposed District Plan

## **2.5 The Hearing Process**

A number of hearings are to be held to consider the submissions lodged to the Proposed Invercargill City District Plan 2013. The hearings have been divided up to ensure that submissions on similar issues have been grouped together and to enable the District Plan Hearings Committee to make decisions on the provisions relating to those issues. This report applies to the Rural Zones’ provisions within the Proposed District Plan.

The Hearings Committee comprises of accredited Invercargill City Councillors, with the assistance of an Independent Hearings Commissioner. This Committee is to consider the Proposed Plan and the submissions and further submissions lodged. The Hearings Committee has full delegation to issue a decision on these matters.

This report is prepared pursuant to Section 42A of the Resource Management Act 1991 (the “RMA”). Section 42A provides for a report to be prepared prior to a hearing, setting out matters to which regard should be had when considering a Proposed District Plan and the submissions lodged to it. This report highlights those matters that are considered appropriate by the author for the Hearings Committee to consider in making decisions on the submissions lodged. The report has been prepared on the basis of information available prior to the hearing.

While the Hearings Committee is required to have regard to this report, regard must also be given to the matters raised in submissions, and presentations made at the hearing. The comments and recommendations contained in this report are not binding on the Hearings Committee and it should not be assumed that the Hearings Committee will reach the same conclusions set out in the report having heard from the submitters and Council advisers.

The hearing is open to the public, and any person may attend any part of the hearing.

Those persons who lodged a submission have a right to speak at the hearing. They may appear in person, or have someone speak on their behalf. They may also call evidence from other persons in support of the points they are addressing.

At any time during or after the hearing, the Hearings Committee may request the preparation of additional reports. If that is done, adequate time must be provided to the submitters to assess and comment on the report. The Hearings Committee may determine that:

- the hearing should be reconvened to allow responses to any report prepared, or
- any responses be submitted in writing within a specified timeframe.

At the conclusion of the hearing process, the Hearings Committee will prepare a written decision. The decision is sent to all persons who lodged a submission. If not satisfied with the decision the submitters have a right of appeal to the Environment Court. If an appeal is lodged, the RMA requires a copy to be served on all submitters with an interest in that matter. Any submitter served may, if they wish, become a party to the appeal either in support or opposition to it.

If there is an appeal, an Environment Court hearing will take place before a Judge and Court appointed Commissioners. Except on points of law, the decision of the Environment Court is final.



### **3. BACKGROUND**

#### **3.1 The Operative District Plan**

The Operative District Plan contains one Rural zone, the Rural Sub-Area<sup>1</sup>. The emphasis of the provisions are on providing for productive activities and maintaining an “open” character.

The following are listed as permitted activities:

- Agriculture (which excludes factory farming)
- Animal Boarding Activity
- Educational activities as at 15 October 2002
- Health Care Activity
- Home Occupation
- Home Stay
- Residential Activity
- Residential Care Activity limited to a maximum of eight persons
- Roadside Sales Activity, other than on State Highways
- Temporary Military Training
- Veterinary Clinic

And the following are discretionary activities:

- Commercial Activity, limited to a maximum area of 150m<sup>2</sup>
- Commercial Recreation Activity
- Communal Activity
- Education Activity other than those existing at 15 October 2002
- Essential Services
- Habilitation Centre
- Hospital Activity
- Industrial Activity
- Marae Activity
- Residential Care Activity for nine or more persons
- Roadside Sales Activity on State Highways
- Service Stations
- Visitor Accommodation

Height limits are 10 metres with recession planes for sites less than 0.5 hectares. Four metre side yard setbacks apply (20 metres for forestry). Density is limited to one dwelling per two hectares of contiguous ownership.

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<sup>1</sup> There is also a Rural Service Sub-Area which is now being changed to a Business Zone and is not addressed by this hearing.

## **3.2 The Proposed District Plan**

The Proposed District Plan introduces more zones. The following is a summary:

### **3.2.1 Rural 1 Zone**

This Zone covers the majority of the former Rural Sub-Area. Productive rural activities are anticipated to predominate. A minimum lot size/maximum density of four hectares is introduced. The list of permitted activities is very similar to that that existed for the operative Rural Sub-Area.

Healthcare activities can now be considered on a discretionary basis (previously they were non-complying). Otherwise there is little change from the list of restricted discretionary activities that existing in the Rural Sub-Area of the Operative District Plan<sup>2</sup>.

The height limit for buildings is 10 metres, with recession planes that apply on sites of a hectare or less.

### **3.2.2 Rural 2 (Rural Transition) Zone**

This is a new zone which has been introduced for a few areas on the edge of the Invercargill and Bluff urban areas. Policy 1 describes how the Zone is designed to create a transition between urban and rural areas, providing for non-reticulated “rural residential” properties. New urban development is discouraged (by Policy 2), although Objective 2 and Policy 4 do provide for an extension via a plan change which includes an “outline development plan” in those areas subject to Appendix XV (toward the south-eastern edge of the Invercargill urban area).

Agriculture (with the exception of plantation forestry) is a permitted activity. Buildings which house animals are permitted providing they are at least 500 metres from the edge of a Residential Zone. In other respects, the list of permitted and discretionary activities is not dissimilar from that of the proposed Rural 1 Zone.

A two hectare minimum lot size/maximum density applies. The height limit is 10 metres with height recession planes on sites of one hectare or smaller. A four metre boundary setback rule applies for buildings for non-residential activities. While no such setback rules apply for residential buildings, in practice the recession plane rules will likely ensure at least some setback from boundaries.

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<sup>2</sup> As covered in the report, residential activities are listed both as permitted and discretionary activities – the latter appears to be a mistake.

## **4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS**

### **4.1 Resource Management Act 1991**

When reviewing the District Plan, the Council must follow the process outlined in Schedule 1 of the RMA.

The First Schedule procedure includes notification for submissions (clause 5) and further submissions (clause 8), holding a hearing into submissions (clause 8(b)), and determining whether those submissions are accepted or rejected and giving reasons for the decisions (clause 10).

Clause 29(4) of the First Schedule to the RMA states that, after considering a plan, the local authority may decline, approve, or approve with modifications, the plan change, and shall give reasons for its decisions.

Under Section 74 of the RMA, in relation to changes to the District Plan, Council must consider Part 2 of the RMA (purposes and principles), Section 32 (alternatives, benefits and costs), and relevant regional and district planning documents.

#### **4.1.1 Part 2 of the RMA**

I can confirm that the provisions of the Proposed District Plan discussed within this report fall within the purpose of the RMA (Section 5). Rural areas are important to the economic, social and cultural well-being of Invercargill's people.

Section 6 outlines the matters of national importance that shall be recognised and provided for in decisions made under the RMA. Each of the matters listed could in some way find linkages to land subject to the Rural Zones. However, matters such as the natural character of the coastal environment (clause a) and the protection of outstanding natural landscapes and features (clause b) have been the subject of separate reports to the Hearings Committee.

Section 7 states matters which Council decision makers "shall have particular regard to". Of those that are more relevant, I draw attention to the following:

- (aa) the ethic of stewardship

Landowners in rural areas are often best placed to manage their land in the most responsible manner. I interpret this clause as emphasising that regulation alone cannot be expected to achieve the sustainable management of natural and physical resources (i.e. the purpose of the Act). When considering how to respond to resource management issues, it is important to think critically whether the alternative of non-regulatory methods and relying on landowner stewardship can be equally or more efficient and effective.

- (b) the efficient use and development of natural and physical resources

Regulations that prevent the optimal economic use of rural land may be argued to be inefficient. What constitutes "efficient" can however be a complex issue. It is important to note that "efficient" extends beyond economic efficiency, and it cannot necessarily be assumed that leaving land uses to be determined by market forces alone will ensure the most efficient use of land.

- (ba) the efficiency of the end use of energy

The efficiency of the end use of energy has some relevance to the policy direction Council has promoted via the Proposed District Plan. Part of the thinking around raising the minimum lot size/maximum density to four hectares is to discourage the dispersal of residential development in the District. Given that development patterns over recent years have seen considerable growth in the rural areas (see Section 5 of this report) a move to constrain the extent to which this occurs can be argued to be supported by this clause of the RMA. This is because “rural residential” living can lead to homes isolated from community services, shops and work places, leading to increased travel (especially when situated in locations further afield from the City).

- (c) the maintenance and enhancement of amenity values

As acknowledged in the Proposed Plan provisions, rural environments are also an important source of amenity in the District. Effects on amenity values need to be considered in preparing and administering plan provisions for the Rural Zones.

- (d) intrinsic values of ecosystems
- (f) maintenance and enhancement of the quality of the environment

Concerns on the potential for pollution from on-site effluent systems is an issue discussed in this report. These clauses provide support for this being a resource management issue of interest.

- (g) any finite characteristics of natural and physical resources

There is a concern that subdivision in rural areas can have the effect of taking land out of production. This is particularly a concern in areas with high value “versatile soils”. Again, this is a relevant issue to consider when addressing submissions made to the Plan.

I believe that appropriate account has been taken of the principles of the Treaty of Waitangi in the preparation of the Residential sections of the District Plan, in accordance with Section 8 of the RMA.

#### **4.1.2 Functions of Territorial Authorities under the RMA**

Section 31 of the RMA states the functions of a territorial authority under that Act. One of the functions set out in Section 31(1)(a) is:

*“The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.”*

Under Section 31(1)(b) of the RMA a territorial authority is required to “... control ... any actual or potential effects of the use, development, or protection of land ...”

I have no doubt that the Proposed District Plan rules relating to the Rural areas fall within the functions of local authorities set out in the RMA.

#### **4.1.3 Consideration of alternatives, benefits, and costs**

Section 32 of the RMA states the Council's obligations in assessing the alternatives, benefits and costs.

Whilst a Section 32 report was released at the time of notification of the Proposed District Plan, the Council is required to carry out a further evaluation through the hearing, consideration and deliberation process before making changes on the Proposed District Plan.

#### **4.2 Relevant Planning Policy Documents**

The RMA specifies a number of documents that need to be considered in a decision on a Proposed District Plan and the weight that should be given to these. It is useful to consider the context these documents provide as they can guide how to address some matters raised in submissions.

Documents I consider worthy of discussion in this section are the following:

##### **4.2.1 *New Zealand National Policy Statements***

I do not consider that there is any NPS that is particularly relevant to this report. While the New Zealand Coastal Policy Statement is undoubtedly relevant to large parts of the Rural Zones, the Coastal Environment and Outstanding Natural Landscape and Features reports addressed submissions on those matters.

##### **4.2.2 *New Zealand National Environmental Standards***

Section 43(b)(9) of the Resource Management Act explains how national environmental standards essentially have the status of a rule in an operative District Plan.

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 requires (amongst other matters) under certain circumstances an assessment as to the likelihood of an activity having taken place on a site which could lead to unsafe levels of soil contamination (a "HAIL assessment"). Specifically, such matters need to be considered when applications are made:

- to subdivide land; or
- to change the use of the piece of land

Because residential development can occur as a permitted activity in the Rural Zones, should the previous zoning not have allowed this, such zoning could be argued to constitute a change of use.

However, in my opinion, the submissions made in this report to change zoning from Rural 1 to Rural 2 should not require the need to undertake a HAIL assessment under this NES. The reason I have reached this conclusion is that, while the Rural 2 Zone does enable a greater density of development than the Rural 1 Zone as a permitted activity, that density of development is only equal to what is currently achievable under the Rural Sub-Area in the Operative District Plan. Therefore, rather than seeking a change of use, such submitters are seeking to retain the nature and scale of development currently achievable.

There is one property (in Bluff) where the Council had notified a site as Rural 2, where I considered the NES of relevance in my discussion on a submission.

#### **4.2.3 Southland's Regional Policy Statements**

Sections 74 and 75 of the RMA require the Council to give effect to any operative regional policy statement, and have regard to any proposed regional policy statement.

With respect to the Operative RPS, there is not a great deal of direction provided on issues relevant to this report. Perhaps the most relevant policy is the following:

##### ***Policy 8.2***

*Provide for the sustainable management of the most versatile soils of the Region.*

##### ***Explanation***

*The most versatile soils of the Region are capable of supporting a variety of intensive uses. As a consequence activities, and the effects of activities, which could compromise their use in the future will require management. There is still however a need to identify the location and extent of these soils.*

The Proposed District Plan does map versatile soils (although rules do not directly relate to this map layer). Effects on the sustainable management of soils is a matter provided for when considering applications for subdivision, which will normally be discretionary (according to the Plan as notified). Related matters were considered in the report on the Subdivision chapter. What is being considered in this report is submissions arguing for a change in the minimum lot size/maximum density.

There are three main scenarios that I can see where the density of residential development allowed could be at odds with the sustainable management of the most versatile soils in the District:

- Subdivision down to landholdings too small to enable economic use to occur.<sup>3</sup>
- The effects of septic tanks on small land holdings (perhaps as a result of the cumulative effects of several nearby sites) could degrade soil health and limit future productive use.
- A large number of residential "lifestyle" properties could make it increasingly difficult for nearby productive activities to operate without reverse sensitivity effects (such as noise or odour complaints).

To varying degrees, the Proposed District Plan and background reports do draw on these matters as justification for the suite of provisions proposed. I am informed that Council officers have for some time been concerned about the adequacy of on-site effluent systems in the District. This issue has, I understand, been reported to

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<sup>3</sup> By my observations, the RPS is not clear as to whether and how allotment sizes should be managed. Consider the following from 5.8.1 of that document:

*"Previous planning interventions have been only partially successful and have sometimes themselves created unforeseen barriers to soil utilisation. For example, rural subdivisions have been approved based on evidence of the unit's economic viability, which may or may not come to fruition."*

Council committees in recent years. In the description of the resource management issues for the proposed Rural 2 Zone, the issue of ensuring section sizes are large enough to accommodate on-site effluent systems is raised.

With respect to the Proposed RPS, there would appear to be more that can be drawn on as relevant to the issues considered in this hearing.

Chapter 5 of the Proposed RPS is the most closely related to this subject, and is worth reading in full. I repeat the following provisions below as I consider them to be particularly relevant:

***Policy RURAL.2 – Land use change and land development activities***

*Manage subdivision, land use change and land development activities in rural areas of Southland, in a way that maintains or enhances existing amenity values and rural character.*

***Explanation/Principal Reasons***

*Land use change, subdivision and land development activities in rural areas can potentially give rise to reverse sensitivity issues, for example when new land uses are developed near existing primary production activities that can create noise, dust, and odour effects. These changes can constrain the ongoing operation of rural production and service activities. Rural amenity issues can also arise when new rural development takes place in close proximity to existing rural-residential activity.*

*While it is essential to provide for new rural-residential opportunities, this must be done in a manner that protects rural character, and enables and maintains reasonable productive use of land. It is also important to ensure that the economic value of the land resource is preserved and is able to support the livelihoods of future generations.*

***Policy RURAL.4 – Loss of high value soils from productive use***

*Avoid loss of high value soils from productive use, through inappropriate subdivision, use and development.*

***Explanation/Principal Reasons***

*Resource management decision-making needs to consider the irreversible effects of losing high value soils from productive use. High value soils may include soils classified as Class 1 or 2 in the New Zealand Land Resource Inventory (NZLRI) or soils on the Soil Information maps based on the Topoclimate Survey of Southland and South Otago, depending on their particular characteristics. These can be accessed through the Southland Regional Council's website.*

*High value soils are known to be highly productive, suitable for multiple uses, such as growing a wide range of crops, pasture and forest, and of high versatility for pastoral farming. Classification of a soil as "high value" also relates to current and likely future use, and ability to support production in a practical sense.*

*To retain the productive capability of the soil resource for future generations, land use change and land development must take place in a way that protects*

and sustains the productive value of high value soil. To give effect to Policy RURAL.4, it is appropriate to:

- avoid activities that permanently remove high value soils from food production;
- avoid the break-up of contiguous areas of high value soils;
- avoid land use changes that reduce the intrinsic economic value of high value soils, through reverse sensitivity effects on nearby economic farm units or other effects.

**Policy RURAL.6 - Adverse effects of on-site wastewater systems**

Provide for the use of onsite wastewater disposal systems in rural areas provided adverse effects, including cumulative effects, are avoided or mitigated.

**Explanation/Principal Reasons**

Appropriate design, siting, installation, operation, and maintenance is necessary to prevent on-site wastewater system failure and subsequent effects on human health, spiritually offensive mixing of human waste with food sources, and effects on water quality. Onsite wastewater disposal systems can have cumulative effects on the environment, particularly water quality, from the large number in the region that can discharge inappropriately to the receiving environment. By requiring appropriate design, siting, installation, operation and maintenance of these systems, adverse effects can be avoided or mitigated.

**Territorial Authorities will:**

**Method RURAL.7 - Territorial Authority Management**

Establish and maintain provisions that:

- a) enable activities that sustainably use and develop the rural land resource while avoiding or mitigating adverse environmental effects;
- b) control the location, density, design and standard of urban expansion, residential and rural residential development on rural land, for example by:
  - i) developing subdivision and design standards to guide high quality land development and guide resource management decisions that avoid or mitigate adverse effects on the community, landscapes and natural resources;
  - ii) promoting best practice sustainable approaches to subdivision and development to landowners and developers;
  - iii) requiring Concept Development Plans or Structure Plans as necessary for urban expansion or rural-residential subdivision, land use or development;
- c) avoid or mitigate effects from earthworks, soil and vegetation disturbance;
- d) avoid or mitigate the effects of rural land use and development, and mineral extraction activities on:
  - i) high class soils;
  - ii) landscape and amenity values;
  - iii) indigenous vegetation and biodiversity;
  - iv) residential activities, community activities and rural productive land use;
  - v) tangata whenua values;
  - vi) transport networks;



- e) *avoid or mitigate the effects of land-based mineral extraction activities.*
- f) *require appropriate design and operation of onsite wastewater disposal systems in rural areas;*
- g) *maintain or enhance existing amenity values and rural character.*

My view is that these provisions provide a strong foundation for the policy direction of the Proposed District Plan.

#### **4.2.4 Other documents**

The Invercargill City Spatial Plan – “The Big Picture” - was in my opinion a useful starting point for the preparation of the Proposed District Plan. Prepared under the Local Government Act, and subject to public consultation, I consider that regard should be given to the strategy in accordance with Section 74(2)(b)(i) of the RMA.

“The Big Picture” sets out a vision for how development might occur in coming years throughout the City. Potential changes in zoning are contemplated. The report did not focus on the more rural parts of the District (i.e. those parts of the District not within the immediate vicinity of the urban area). It did however make recommendations as to the potential for “rural residential” zoning in defined locations (such as the Rural 2 Zone). In some locations the presence of highly versatile soils underscores statements such as the need for “maintaining options for future agricultural use”. A theme of the strategy is the maintenance of a well-defined urban edge and attractive entranceways to the city, and locations where these issues are important are identified. Support in the document can be found for limiting urban extensions where the efficiency of infrastructure and transportation services could be compromised.

When considering submissions to change proposed zoning, I consider it appropriate to give consideration to this Spatial Plan, to the extent that it is relevant.

Regard has also been given to *Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Tauira* in the preparation of the District Plan. The most relevant part of this Plan to the Invercargill District is the section on the Southland Plains. Within that section, many of the issues raised more closely relate to the functions of Regional Councils (discharges to water etc). There is however a section on Subdivision and Development, which outlines the importance iwi attach to these processes. Concerns about related water quality effects, changes to access arrangements, pressure on infrastructure and the protection of spiritual and archaeological sites are amongst the issues identified. Support for minimum lot sizes in some locations is provided.

### **4.3 Summary**

I consider that in preparing the Proposed Invercargill District Plan, appropriate regard has been given to the various documents required by the RMA. In making recommendations on responses to the submissions made I have considered the policy direction provided by these plans and strategies.

## **5. ANALYSIS OF SUBMISSIONS**

Fifty submission points and 23 further submissions have been received on general matters of the Proposed District Plan.

The issues for which my responses are lengthy enough to warrant a discussion in this section of the report relate to minimum lot sizes.

### **5.1 Should the Plan promote larger minimum lot sizes in the rural zones?**

Submissions from Federated Farmers questioned whether it is necessary or appropriate to prescribe minimum lot sizes in the Rural 1 Zone and Rural 2 Zone.

I believe that the only realistic alternative to such an approach is a regime whereby case-by-case assessments consider how a proposal would stack up against the issues set out in objectives and policies. There is some merit in such an approach including flexibility to consider the unique characteristics of each site and application. In the Rural General Zone of Queenstown Lakes District I have had some experience in working in a discretionary regime such as this. Such a regime has been justified on the basis of the particular circumstances and values of that part of the country. However, I consider such an approach has several shortcomings including:

- Inefficiencies including expensive and litigious application processes.
- Uncertainty for applicants, landowners and infrastructure providers (e.g. how would Council calculate long term road use and investment?)
- Difficulties in managing the cumulative effects of multiple applications over time (particularly when it comes to quite subjective matters such as character).

I do not recommend such an approach in the Invercargill District, and consider that the proposed minimum lot size/maximum density approach is more efficient and effective in this context.

### **5.2 Is a Four Hectare Minimum lot size appropriate in the Rural 1 Zone?**

Several submissions have been received on the subject of raising the minimum lot size/maximum density from two hectares (as is currently the case in the Rural Sub-Area) to four hectares (in the Rural 1 Zone, as is proposed to cover the bulk of the former Rural Sub-Area). I can understand why this has caused some concern for landowners as the financial implications for individuals who anticipated the right to subdivide can be significant. This is something I consider needs to be taken account of in deciding upon submissions on this matter. However, I also consider that those seeking to make a financial return from land subdivision and development should anticipate the possibility of changes to District Plans.

Several submitters appear to have concluded that the justification for moving from a two hectares to four hectares minimum lot size in the Rural 1 Zone has been based on ensuring a large enough land area for on-site effluent systems. They point out that modern effluent systems can easily be provided on sites of two hectares or less. As far as I can see, the District Plan and the background reports did not use this issue as a justification for a four hectares minimum lot size in the Rural 1 Zone (it is mentioned in the Rural 2 Zone where a two hectares minimum lot size applies). Nor do I consider that the minimum lot size is closely related to any logic around the

amount of land necessary for an economic unit to function, as some submitters appear to have interpreted.

As I shall explain, I consider that the matters of greater importance relate to the provision for an appropriate settlement pattern in the District, and how this achieves the purpose of the RMA and aligns with the likes of the RPS (see my discussion in relevant matters in Section 4).

If one considers the maps in **Appendix 3** to this report, it is apparent that in recent years the rural parts of Invercargill District have been amongst the fastest growing in the District. The settlement pattern of the District has therefore become more dispersed. It would appear this is largely the result of “rural residential” style subdivisions. Indeed, the rural areas of the District have quite a fragmented subdivision pattern. Around a third of the approximately 3,800 allotments that exist in this Zone (which includes access lots etc) fall between one and four hectares in size.

It is difficult to conclude exactly why this has occurred. Undoubtedly, “rural residential” living appeals to many in the population, and to provide such opportunities can be viewed as contributing to the social well-being of those that seek such living arrangements. It is possible also that this pattern is partly the result of Council’s urban containment strategy employed under the Operative District Plan. With limited urban greenfield sites available, those not attracted to “infill sites” (which are often small) may have found rural sites to be the most suitable option available for them to build a new home.

There are, in my opinion, some adverse effects that arise from this more dispersed settlement pattern. I identify the following:

- As addressed in Section 4 of this report, it can lead to increased vehicle use and associated “end use of energy”.
- “Rural residential” sections are not typically used for productive purposes (although I accept there are exceptions to this statement). Taking land out of production can have adverse economic effects, especially with respect to the “finite resource” that is versatile soils, the protection of which is emphasised by the RPS.
- An increased intensity of residential development can lead to “reverse sensitivity” issues, with residents finding it difficult to coincide with noisy or smelly rural activities (which can over time make it more difficult for such activities to operate).
- Increased density of development can lead to increased expectations of Council services (e.g. street lights or footpaths) which can be expensive to provide in rural areas.
- Enabling a large proportion of the District’s residential development in rural areas may be at odds with the Council’s strategy of promoting urban renewal via investment in the redevelopment of existing residential areas.

Perhaps some of the above are not sufficiently compelling in their own right to justify the Council’s move toward a larger minimum lot size in the Rural 1 Zone, but collectively, I consider that the case becomes strong. I also believe there are additional points that also need to be borne in mind.

Firstly, while the Council may be raising the minimum lot size in parts of the District, it is also on the other hand creating through this District Plan large areas of Residential 3 Zone on the edge of the city. This will enable large residential lots (serviced with infrastructure) which may satisfy part of the market for new residential

development that previously was attracted toward rural lots. Given that the Rural 2 Zone is also located in areas close to the urban area, essentially what I consider is being proposed by the Council is a Plan that provides more strategic direction on where rural lifestyle development should occur. I consider this an effective and efficient way to promote the sustainable management of the rural environment.

Secondly, it would be an exaggeration to say that the Council is “shutting the door” on rural residential development in the rural parts of the District. By my calculations in excess of 350 further lots<sup>4</sup> could still be created in the Rural 2 Zone (i.e. around seven years’ worth of residential growth across the whole District under a medium growth scenario). Development in the Rural 1 Zone to a density of two hectares can still be achieved via a discretionary activity (although subdivision of lots below four hectares is non-complying activity). This means one could have two homes on a four hectare block. Furthermore, my analysis has concluded that in excess of 5,000 four hectare blocks could potentially be created in the Rural 1 Zone (subject to discretionary subdivision consent). Such larger lots may appeal to some of those looking for a “lifestyle section”. However, as some submitters have pointed out, this can be too large a block for some people in this sector of the community to look after. This I believe is not an unintended consequence of the change in policy – if the Council can dampen the demand to subdivide land in the Rural 1 Zone, it can limit the further fragmentation of the subdivision pattern in these areas and the dispersal of the District’s population.

Some submitters have pointed out that much of the Rural 1 Zone is already subdivided into “rural lifestyle” lots below four hectares (as I calculated earlier in this section). They therefore question whether the character that the Plan is seeking to protect still exists. I do not agree that this argument supports those submissions that seek to change the minimum lot size from four hectares to two hectares for the entire Rural 1 Zone. Perhaps parts of the former Rural Sub-Area have changed to a less rural character – and the productive capability of these areas has been reduced – but I do not consider this means the Council should not make a change in policy. It is reasonable, in my view, to decide that the community’s interests would be best served by slowing recent trends and discouraging further residential development within the Rural 1 Zone, in order to maintain or enhance the character and productive capacity of this part of the District.

So in summary, a key reason that I recommend rejecting those submissions seeking a reduction in the minimum lot size in the Rural 1 Zone is due to my opinion that there are strong resource management reasons for trying to consolidate more of the rural residential development in the District closer to the urban area. I consider that the proposed Plan makes some justifiable moves in this direction, while not entirely eliminating the potential for “rural residential” subdivision in the Rural Zones.

### **5.3 Myross Bush**

Several submissions have been made on the suitability of applying the Rural 1 Zone (or the associated four hectares minimum lot size) to Myross Bush. This is an area of rural land to the north-east of the Invercargill Urban Area.

This area was signalled in “The Big Picture” Spatial Plan as appropriate for a large lot rural zone. As covered earlier, I consider this document is worthy of bearing weight

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<sup>4</sup> For this analysis I removed those lots held in reserve and occupied by the racecourse. As subdivision would still be discretionary and many matters would still need to be considered (for example flooding hazards), subdivision of some of these lots would not be achievable.

in this RMA process, but I am conscious that justifications for decisions on zoning need to stand on their own right, rather than solely relying on previous processes.

As several submissions point out, this area is very close to the Invercargill urban area. This is true, but the same could be said of many other areas where the Rural 1 Zone is being recommended. Much of the area is identified as having versatile soils, but this can be equally said of some of the proposed areas of the Rural 2 Zone.

I have considered aerial photographs and maps and visited the area. A map of the area showing different lot sizes is shown in **Appendix 5**. Evidently, much of the area has been subdivided into lots of around two hectares (or smaller), although less so than some other areas, such as Makarewa.

My assessment is that the Myross Bush area has quite a mix of lot sizes. Rezoning Myross Bush to Rural 2 Zone, which depending on how it is defined is quite a large area, could enable quite a large number of new residential subdivisions. That would in my opinion be at odds with the arguments I set out above around the case for slowing rural residential subdivision. I believe it would be preferable to see more development in the Rural 2 and Residential 3 areas immediately adjoining the existing urban area, and incentivising more redevelopment within developed parts of the City.

## **6. DISCUSSION OF SECTION 32 MATTERS**

Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan. This requires the preparation of an Evaluation Report. This Section of the RMA was recently amended (since the notification of the proposed District Plan) and the following summarises the current requirements of this section.

The first step of Section 32 requires that objectives are assessed to determine whether they are the most appropriate way to achieve the purpose of the RMA (as defined in Section 5).

The second step is to examine policies and rules to determine whether they are the most appropriate way to achieve the objectives. In this instance, the objectives are those proposed by the District Plan. This assessment includes requirements to:

- Identify 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)
- Identify other reasonably practicable options for achieving the objectives; and
- Assess the efficiency and effectiveness of the provisions in achieving the objectives.

An Evaluation Report was released at the time of notification of the Proposed Plan.

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.

Section 32 states that Evaluation Reports need to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. This means that if in its decision the Hearings Panel recommends minor changes from what was in the Proposed Plan, a further evaluation can be relatively brief.

### **6.1 Section 32AA Further Evaluation**

I recommend little in the way of change to the proposed objectives, policies and rules. Those changes I recommend I believe provide for the pragmatic consideration of resource consent applications, which should aid the efficiency and effectiveness of the District Plan.

By acknowledging that some Otatara properties should have a right to be developed upon in accordance with the decision on Plan Change 9, there is clearly an economic benefit to those landowners. The change in zoning of the Bluff landfill site is unlikely in reality to affect how it would be developed, given the constraints of the site related to its former use.

None of the recommended changes are in my opinion significant enough to justify a quantification of the effects on employment and economic growth.

## **7. CONCLUDING COMMENT**

Overall I have suggested few changes to the Proposed District Plan. With these few changes, I consider the proposed provisions to be suitable for managing rural development in the District over coming years.

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## APPENDIX 1: Recommendations in response to submissions

### RURAL 1 ZONE

Submission No. and Point / Submitter Name	Submission	Recommendation
<b>General</b>		
<b>5.3 Alliance Group Limited</b>	<p>The submitter is concerned that there has not been sufficient regard had to the significant economic, social and cultural effects arising from the existence of the Lorneville Processing Plant when preparing the Proposed District Plan and therefore the lack of supporting objectives and policies with respect to this existing activity within the Rural 1 Zone.</p> <p><b>DECISION SOUGHT</b> Not stated.</p>	<p><b>Accept in part</b></p> <p>I do consider that the objectives and policies, particularly Policy 3 of the Rural 1 Zone, assist with the assessment of non-rural activities. I have recommended some changes to better encapsulate what I believe are the key issues to be considered (see the response to Submission 90.18). The reports on the Industrial zones will consider the submitter's concerns as to whether the correct zoning has been applied to this site.</p>
<b>56.12 Jenny Campbell</b>	<p>The submitter considers that in the Plan food growing places close to the city on productive and fertile soils should be earmarked and retained for that purpose for both present and future generations.</p> <p><b>DECISION SOUGHT</b> Not stated.</p>	<p><b>Reject</b></p> <p>There is a relation between rules such as the minimum lot size and the intention to retain the productive capability of land into the future. I do not however consider that the level of specificity requested by the submitter could be justified in the District Plan.</p>
<b>56.13 Jenny Campbell</b>	<p>The submitter supports the concept of the "urban fence".</p> <p><b>DECISION SOUGHT</b> Not stated.</p>	<b>Noted</b>
<b>58.5 Donald Moir</b>	<p>The submitter considers that those areas containing versatile soils have for the most part already been intensively subdivided with rural-residential land use well established. The submitter believes that the Rural 1 Zone should be split into two zones, one for those areas currently rural in nature with large parcel sizes, and the second where the pattern of rural-residential usage is already well</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
	<p>established. Alternatively the Rural 2 Zone could be extended.</p> <p><b>DECISION SOUGHT</b> Split the Rural 1 Zone into two zones, or alternatively, extend the Rural 2 Zone.</p>	
<p><b>88.1 Federated Farmers</b></p>	<p>The submitter is concerned that some of the changes proposed within the District Plan have the potential to result in high economic and social costs in the rural area, and these costs have not been adequately considered nor had proper account been taken of them within the Plan's Section 32 cost-benefit analysis.</p> <p><b>DECISION SOUGHT</b> Not stated.</p>	<p><b>Noted</b></p> <p>I anticipate that the Committee in its decision making capacity will be guided by Section 32 of the RMA and will account for social and economic issues in the decisions it makes on submissions. It therefore can determine whether the background reports took appropriate account of such matters.</p> <p>An evaluation report (in accordance with the requirements of the section of the RMA as it was written at the time of notification) was produced. A further evaluation is included in this report.</p>
<p><b>SECTION 2.40 – ISSUES, OBJECTIVES AND POLICIES</b></p>		
<p><b>78.22 Ministry of Education</b></p>	<p>The submitter notes that there is no Objective or Policy supporting the inclusion of educational activities as permitted.</p> <p><b>DECISION SOUGHT</b> Include a new objective and policy that support the educational activities required to provide for the community living in the Rural 1 Zone.</p>	<p><b>Accept in part</b></p> <p>I consider that the objectives and policies do provide reasonable direction in this regard, although I consider that Policy 3 could be better worded to encapsulate the issues to be considered when assessing the suitability of non-residential activities.</p> <p><b>RECOMMENDATION</b> See recommendation in response to submission 88.45 below.</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
<b>Introduction</b>		
<b>58.3</b> <b>Donald Moir</b>	<p>The submitter disagrees that it is desirable to keep options open for food production on versatile soils.</p> <p><b>DECISION SOUGHT</b> Remove the following statement:</p> <p><u>“The Rural 1 Zone contains higher quality and versatile soils, particularly in the north, for which it is desirable to keep options for food production.”</u></p>	<p><b>Accept in part</b></p> <p>I find no issue with the sentiment of this statement in the Proposed District Plan and consider it well supported by the Proposed RPS. I, however, suggest that it could be reworded slightly to acknowledge that some rural activities may (at least conceivably) not relate directly to food production.</p> <p><b>RECOMMENDATION</b> Amend the following statement in the introduction as follows:</p> <p>“The Rural 1 Zone contains higher quality and versatile soils, particularly in the north, for which it is desirable to keep options for <del>food-productive</del> <u>or</u> rural activities.”</p>
<b>2.40.2 Objective 1</b>		
<b>88.41</b> <b>Federated Farmers</b>	<p>Oppose Objective 1 in part.</p> <p>The submitter is in principle opposed to restrictions on legitimate land use decisions in the rural area, on the basis of a fixed idea of what constitutes a rural environment. The submitter argues that larger allotment sizes in the Rural Zone may result in allotments that are costly and time consuming to maintain, and which risk the loss of potentially productive land to other land use activities when a smaller allotment size may be more efficient and effective, with no loss to amenity values.</p> <p>The submitter believes the concerns the Council is trying to address can be better achieved by focusing on an enabling approach which appropriately encourages in-fill and development in the current residential and rural-residential zones, and robust use of incentives (for instance, Development Contributions) rather than placing restrictions on land use decisions in the rural area.</p>	<p><b>Accept in part</b></p> <p>I do not accept the argument that it is not appropriate to regulate allotment sizes. I consider this an effective and efficient means in which to manage settlement patterns in a way that achieves the purpose of the RMA (for further discussion see Section 5). What I do consider unnecessary about this Objective is the reference to the method of allotment sizes. Given that Policy 1 also does this, I consider it best for the objective to focus more broadly on what is anticipated in terms of the function of the rural environment.</p> <p><b>RECOMMENDATION</b> Amend Objective 1 to read as follows:</p> <p>“The rural environment within the Rural 1 Zone is maintained and enhanced <del>by providing for larger sizes of allotments while allowing for productive rural activities to be undertaken.</del>”</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
	<p>The submitter suggests deleting this Objective and providing an approach which assesses the particular merits of each allotment against an appropriate set of site standards for the Rural area. Where smaller allotment sizes in the rural area will have little to no impact on the rural environment we consider it important that there is a more flexible approach adopted.</p> <p><b>DECISION SOUGHT</b> Amend the wording of the proposed Objective as follows:</p> <p>“The rural environment within the Rural 1 Zone is maintained and enhanced <del>by providing for larger sizes of</del> <u>while allowing for allotments that are compatible with the Rural Zone environment.</u>”</p>	
<b>2.40.2 Objective 3</b>		
<b>53.64(a)</b> <b>NZ Transport Agency</b>	<p>The submitter considers the term “urban services” also includes expansion of the roading network.</p> <p>The submitter is concerned that no policy has been included to give effect to this objective.</p> <p><b>DECISION SOUGHT</b> Include a new Policy 21 as follows:</p> <p>“To restrict further intensification of development within the zone where the urban service expansion will be required to service the development.”</p>	<p><b>Reject</b></p> <p>Urban services is not defined, but I would consider that the expansion of roads, particularly of an urban nature, could fall under this term.</p> <p>While the sentiment of the proposed policy is understood and aligns with the District Plan, I believe there are enough policies through the various District-wide chapters which encompass this principle.</p>
<b>2.40.3 Policy 1</b>		
<b>58.4</b> <b>Donald Moir</b>	<p>The submitter disagrees with this statement.</p> <p><b>DECISION SOUGHT</b> Remove Policy 1.</p>	<p><b>Reject</b></p> <p>I am satisfied that allotment sizes and nature can affect the ability of rural activities to be carried out and can influence rural character and visual amenity.</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
<b>88.43</b> <b>Federated</b> <b>Farmers</b>	<p>Support 2.40.3 Policy 1 in part.</p> <p>The submitter does not agree that larger allotment sizes in the rural environment will always be the best mechanism through which the Council can maintain rural character and visual amenity, and ensure rural activities can occur, and they may result in allotments that are costly and time consuming to maintain, and which risk the loss of potentially productive land to other land use activities when a number of smaller allotment sizes may be more efficient and effective, with no loss to amenity values.</p> <p>The submitter believes that the Council has already developed a number of zone proposals for the Rural Zone which could be expanded to provide for an assessment of each allotment proposal (for instance, appropriate setbacks from boundaries) rather than a “one size fits all” policy that encourages larger allotment sizes.</p> <p><b>DECISION SOUGHT</b>  Amend the wording of the proposed Policy as follows:</p> <p>“To provide for <del>larger</del> rural allotments of a size and nature that ensures rural activities can occur and which maintain the rural character and visual amenity of the Rural 1 Zone.”</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>
<b>Policy 2</b>		
<b>88.44</b> <b>Federated</b> <b>Farmers</b>	<p>Support 2.40.3 Policy 2.</p> <p><b>DECISION SOUGHT</b>  Adopt the Policy as proposed.</p>	<p><b>Accept</b></p>

Submission No. and Point / Submitter Name	Submission	Recommendation
<b>Policy 3</b>		
<b>88.45 Federated Farmers</b>	<p>Oppose 2.40.3 Policy 3 in part.</p> <p>The submitter considers that it is not entirely clear what activities are captured, and what activities excluded under the current policy. Some non-rural activities can be incorporated into farming operations and may have benefits that outweigh any potential adverse effects.</p> <p><b>DECISION SOUGHT</b> Either amend the wording of the policy to specify those activities captured under the policy, or delete the policy.</p> <p><b>FS6.6 Alliance Group Limited</b> <i>Support submission 88.45</i></p>	<p><b>Reject</b></p> <p>It is intended that the list of permitted activities including agriculture (which in turn provides for associated activities) should enable a reasonable range of rural and non-rural activities. The list of discretionary activities outlines those non-rural activities anticipated to be appropriate on some occasions. I prefer to keep the policy broader and non-specific as it enables the consideration of non-rural activities in accordance with their merits and the nature and scale of their effects. Furthermore, I consider that the explanation following this policy gives examples of rural activities. While this is not a definitive list, it is a useful guide at a policy level. Naturally, other activities may be considered non-rural.</p>
<b>90.18 H W Richardson Group Ltd</b>	<p>Oppose 2.40.3 Policy 3.</p> <p>The submitter considers that the policy should be more balanced and not just focusing on “avoiding” the adverse effects.</p> <p><b>DECISION SOUGHT</b> Amend Policy 3 as follows:</p> <p>“To avoid, <u>remedy or mitigate</u> adverse effects of non rural activities on the character and amenity of the Rural 1 Zone.”</p> <p><b>FS2.44 NZAS Ltd</b></p> <p><b>Support submission 90.18</b> The further submitter supports the proposed amendment to enable the effects of non-rural activities on the character of the Rural 1 Zone to be “remedied or mitigated”.</p>	<p><b>Accept in part</b></p> <p>Using the verb of “avoid” in policies in isolation can create an “environmental bottom line” which can make it very hard for non-rural activities to occur (avoid is a very high test). On the other hand “avoid, remedy and mitigate” is not a very strong test which may provide insufficient safeguards.</p> <p>To address the some of the submitter’s concerns, I believe the policy could use some more context to ensure that it is appropriately applied.</p> <p><b>RECOMMENDATION:</b></p> <p>I recommend Policy 3 be reworded as follows:</p> <p>“To avoid <u>non rural activities which would result in adverse effects inconsistent with of non rural activities on the function, character and amenity provided for by of</u> the Rural 1 Zone.”</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
	<p><b>DECISION SOUGHT</b> Amend Policy 3 as sought by submission 90.18.</p> <p><b>FS6.7 Alliance Group Limited</b> <b>Support submission 90.18</b> The further submitter supports a more balanced approach and considers it appropriate for industrial activities within the Rural Zone, where the effects of those activities can be appropriately avoided, remedied or mitigated.</p>	
<b>Policy 5</b>		
<b>88.47 Federated Farmers</b>	<p>Support 2.40.3 Policy 5 in part.</p> <p>The submitter agrees that this policy is necessary to ensure that owners of sections which existed prior to the introduction of controls on lot sizes are able to use their land, however, the submitter believes that the date specified should be extended further into the future, ideally closer to the date the District Plan is adopted.</p> <p><b>DECISION SOUGHT</b> Amend the wording of the policy as follows:</p> <p>“To allow a single dwelling on sections for which a Certificate of Title was existing, or was approved by way of subdivision consent, on or prior to <del>30 July 2013</del> <u>31 August 2014</u>.”</p>	<p><b>Accept in part</b></p> <p>I am unsure of the rationale behind the proposed date of 31 August 2014. However, it seems to me that with the provisions drafted as they are, a dwelling on a site approved between 30 July 2013 and the date of the decision that brings the new plan into effect could find itself needing a non-complying resource consent. This would seem an inefficient rule, which I recommend changing. The policy would therefore need changing also.</p> <p><b>RECOMMENDATION</b></p> <p>“To allow a single dwelling on sections for which a Certificate of Title was existing, or was approved by way of subdivision consent, on or prior to <u>[Insert date decision is notified]</u> <del>30 July 2013</del>.”</p>
<b>Policy 6</b>		
<b>65.85 ICC Environmental and Planning Services</b>	<p>Support 2.40.3 Policy 6 subject to amendment of drafting error.</p> <p><b>DECISION SOUGHT</b> Amend explanation as follows: “...Several lines of reasoning draw to a conclusion that this minimum dimension should be <u>at least five and a half metres</u> ...”</p>	<p><b>Reject</b></p> <p>As discussed in the residential report, I am satisfied that five metres is sufficient outdoor space (This is very unlikely to become an issue in a rural zone in any event).</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
<b>Policy 9</b>		
<b>88.48 Federated Farmers</b>	Support.  <b>DECISION SOUGHT</b> Adopt the Policy as proposed.	<b>Accept</b>
<b>Policy 13</b>		
<b>90.18 H W Richardson Group Ltd</b>	Oppose. The submitter considers that the policy should be more balanced and not just focusing on “avoiding” the adverse effects.  <b>DECISION SOUGHT</b> Amend Policy 13 as follows: “To avoid, <u>remedy or mitigate</u> increasing natural wind effects by land use activities”	<b>Accept in part</b>  To ensure that minor effects are acceptable, I suggest an amendment as follows (I also believe the wording could be improved).  <b>RECOMMENDATION:</b>  Amend Policy 13 as follows: “To avoid, <u>remedy or substantially mitigate</u> increases <del>ing to</del> natural wind effects <u>from</u> <del>by</del> land use activities.”
<b>SECTION 3.38 RULES</b>		
<b>71.61 NZAS Ltd</b>	Support 3.38.1 in part.  The submitter would like to expand the list of permitted activities to provide for any potential monitoring activities that they may carry out on land adjacent to the smelter in the future and to enable fire fighting activities and training exercises that may be carried out on land adjacent to the smelter.  <b>DECISION SOUGHT</b>  Amend 3.38.1 by adding the following provisions: <u>“(J) Environmental monitoring carried out in relation to the Tiwai Point aluminium smelter;</u> <u>(K) Fire fighting activities and exercises.”</u>	<b>Accept</b>  I agree that there is no reason that the District Plan should interfere with the operations of the Smelter unless there is a compelling resource management issue to address.  The Southern Rural Fire Authority is tasked with managing fire permits under the Forest and Rural Fires Act 1977. I am satisfied that they can manage issues relating to safety, nuisance and damage to property. In some areas deemed to be at higher risk of fire (including the area surrounding Tiwai) particular restrictions apply requiring permits all year round for all burning types. All permits are inspected by a warranted rural fire officer. It seems unnecessary to me to also regulate fires via the District Plan (aside from the District Wide rules that apply around protection of significant natural areas for biodiversity reasons). I therefore consider it reasonable that firefighting activities and exercises be permitted.



Submission No. and Point / Submitter Name	Submission	Recommendation
		<p>With respect to environmental monitoring, I also am inclined to recommend that these be permitted. I do however have some concern that there is little information provided as to exactly what the monitoring exercises may entail.</p> <p>It would in my opinion be useful if NZAS could at or prior to the hearing provide some more information as to what they have in mind to provide assurances that the activities will be of a nature and scale appropriate to be listed as a permitted activity. In the absence of such further information and depending on discussions that may be held at the hearing, I may consider changing my recommendation.</p> <p>RECOMMENDATION</p> <p>Should the Committee be of a mind to accept the submission, amend 3.38.1 by adding the following provisions:</p> <p><u>“(J) Environmental monitoring carried out in relation to the Tiwai Point aluminium smelter;</u>  <u>(K) Fire fighting activities and exercises carried out in relation to the Tiwai Point aluminium smelter.”</u></p>
<b>78.24</b> <b>Ministry of Education</b>	Support 3.38.1.  <b>DECISION SOUGHT</b> Retain 3.38.1.	<b>Accept</b>
<b>88.94</b> <b>Federated Farmers</b>	Support 3.38.1.  The submitter considers it is important to ensure that expected activities in the rural area, particularly agriculture, are specifically designated permitted activities.  <b>DECISION SOUGHT</b>  Adopt the Rule as proposed	<b>Accept</b>

Submission No. and Point / Submitter Name	Submission	Recommendation
<b>30.1</b> <b>R T Chapman</b>	<p>Oppose in part Rules 3.38.1 and 3.38.2</p> <p>The submitter notes that “Residential Activity” is described as both a permitted activity and discretionary activity and suggests it should be deleted from Rule 3.38.2 – Discretionary activities.</p> <p><b>DECISION SOUGHT</b></p> <p>Delete Rule 3.38.2 (J)</p> <p><b>FS5.46 Invercargill Airport Ltd</b></p> <p><b>Support submission 30.1</b></p> <p>The further submitter agrees that clarification is necessary to determine whether residential activity within the Rural 1 Zone is permitted or discretionary.</p>	<p><b>Accept</b></p> <p>This repetition appears to be a mistake.</p> <p>RECOMMENDATION</p> <p>Delete Rule 3.38.2 (J).</p>
<b>53.84</b> <b>NZ Transport Agency</b>	<p>Support 3.38.1(F) and 3.38.2(J) in part.</p> <p>The submitter supports the approach taken but notes that Residential Activity appears as both a permitted and a discretionary activity.</p> <p><b>DECISION SOUGHT</b></p> <p>Clarify the activity status of Residential Activities in the Rural 1 Zone.</p>	<p><b>Accept</b></p> <p>This repetition appears to be a mistake.</p> <p>RECOMMENDATION</p> <p>Delete Rule 3.38.2 (J).</p>
<b>88.95</b> <b>Federated Farmers</b>	<p>Oppose 3.38.2 in part.</p> <p>The submitter considers that the activities listed in this rule are compatible with the rural area environment and do not significantly detract from the rural environment or rural amenities. Further, the submitter considers that sustainability of rural amenity is dependent on the economic sustainability of agriculture, and farmers should be afforded the ability to undertake businesses in the rural area without the cost and trouble of a consent application. The submitter</p>	<p><b>Reject</b></p> <p>I am satisfied that the list of discretionary activities represents a list of activities which one could reasonably expect <u>may</u> be appropriate. Commercial recreation activities and visitor activities beyond a certain scale could give rise to adverse effects which need to be avoided or mitigated in this zone (it is worth noting that “Home Stay” activities, being defined as up to a specified scale, are permitted). Whether this is the case will depend on the nature, scale, location and details of a proposal. The most effective and</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
	<p>recommends Council include Commercial recreation activities and Visitor Accommodation in the permitted activity rules, with appropriate site standards developed to protect any values.</p> <p><b>DECISION SOUGHT</b></p> <ul style="list-style-type: none"> <li>Commercial recreation activities and Visitor Accommodation are provided for as permitted activities in the Rural 1 Zone.</li> <li>Site standards are developed to ensure values associated with the rural area are defined and land users and landowners are informed.</li> </ul>	<p>efficient means in which to assess whether this is the case is through a resource consent application. While there is some cost and uncertainty involved with this, I note that consents are relatively affordable to apply for in Invercargill, and I consider that broader issues and potential benefits to consent holders justify these costs. The issues that the submitter raises can be argued and taken account of via the consent process.</p>
<p><b>5.2 Alliance Group Limited</b></p>	<p>Oppose 3.38.3 in part.</p> <p>The submitter opposes the non-complying activity status for Industrial Activities and the non-complying activity status for industrial activities that are not captured by the definition of heavy or light industry activities.</p> <p><b>DECISION SOUGHT</b></p> <p>That both heavy and light industrial activities are permitted on the submitter's property.</p> <p><b>FS32.3 Placer Investments Ltd</b>  <b>Support submission 5.2</b></p> <p>The further submitter also opposes the non-complying activity status as the default activity status. The further submitter is particularly concerned with the activity status of mining and believes it should be discretionary.</p> <p><b>DECISION SOUGHT</b></p> <p>The activity status for Rule 3.38.3 to be changed from non-complying to discretionary, or recognition that mining within the Rural 1 Zone is not a non-complying activity.</p>	<p><b>Reject</b></p> <p>Because industrial activities can have significant adverse effects, I consider it important that they be located in planned locations so surrounding uses can anticipate them. I consider the more relevant issue to be whether the appropriate zoning has been applied to the submitter's land. I therefore recommend deferring consideration of this matter to the Industrial Zones report.</p> <p>With respect to mining, the submitter appears to be raising issues beyond the scope of the original submission it is supporting. In the s42A report for the hearing on Soils a submission addressing the status of mining on Tiwai Peninsula was addressed.</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
<p><b>32.1</b> <b>R T Chapman</b></p>	<p>Oppose 3.38.8.</p> <p>The submitter opposes the maximum residential density of one residence per four hectares and considers the rationale behind the increase from the one residence per two hectares under the Operative District Plan to be flawed and doesn't promote sustainable management.</p> <p>The submitter suggests that a consequence of the change in density will be that existing four hectare allotments will be "stranded" and need resource consent as a discretionary activity to be built on.</p> <p>While the submitter acknowledges that a restriction on further subdivision of larger allotments (i.e. greater than four hectares) may be desirable in achieving the objectives of preserving the productivity of rural land, the submitter considers that the proposed restrictions on existing four hectare allotments will not achieve that.</p> <p>The submitter believes that it is unrealistic to expect that existing four hectare allotments will be aggregated into larger rural blocks for rural activities.</p> <p>The submitter considers that further subdivision of four hectare allotments down to two hectares will create an additional allotment for residential development as a lifestyle block with the productive value of the land being maintained, and this would represent a sustainable use of this land.</p> <p>The submitter states that there is no evidence that there are any problems with modern on-site wastewater disposal systems on two hectare allotments, and two hectare allotments will not create demands for extension to or upgrades of infrastructure.</p> <p><b>DECISION SOUGHT</b> Delete Rule 4.38.8 and substitute the following:</p> <p>"The maximum residential density is one residence per two hectares under contiguous ownership."</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
<b>41.1</b> <b>Angus Johnston</b>	<p>Oppose 3.38.8.</p> <p>The submitter believes the current residential density of one residence per two hectares should remain as most people who purchase these small blocks do not want to farm the properties, but want space for their families. They do not have the skills, facilities or desire to intensively farm these properties.</p> <p>The submitter believes it would not make any difference to modern effluent systems to increase the size of block from two hectares to four hectares, and it's the old systems that are failing, not the new systems on two hectare blocks.</p> <p>The submitter believes that two hectares is an optimum transition size and should not be changed. The submitter believes there is more than enough productive land in the Southland district for agricultural use.</p> <p><b>DECISION SOUGHT</b></p> <p>That the residential density remains at one residence per two hectares of land.</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>
<b>47.1</b> <b>Graham Dick</b>	<p>Oppose 3.38.8.</p> <p>The submitter opposes the maximum residential density of one residence per four hectares and considers the increase from the one residence per two hectares under the Operative District Plan is not logical and doesn't promote sustainable management.</p> <p>The submitter states that modern septic tank systems are efficient, environmentally friendly and do not require four hectares as an effluent field, and there is no evidence that there are any problems with on-site wastewater on two hectare allotments.</p> <p>The submitter considers that Invercargill is extremely well serviced</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
	<p>and there will be no demand for extensions or upgrades of infrastructure.</p> <p>The submitter states that the vast majority of the Rural 1 area already consists of small lifestyle blocks of two hectares, four hectares and larger, and as such have not resulted in any reduction in traditional forms of agriculture or horticulture. The submitter believes the creation of four hectare blocks would not result in a reduction in the traditional forms of agriculture.</p> <p>The submitter considers that maintenance of the existing two hectare criteria as a lifestyle block is the most appropriate, productive and sustainable use of this land.</p> <p><b>DECISION SOUGHT</b></p> <p>Delete Rule 4.38.8 and replace with the following:</p> <p>“The maximum residential density is one residence per two hectares under contiguous ownership.”</p>	
<b>57.1</b> <b>Anthony</b> <b>Chadderton</b>	<p>Oppose 3.38.8(A).</p> <p>The submitter believes the Rural 1 Zone should have a minimum section size of two hectares, not four hectares as proposed. The submitter believes the demand for land on Bainfield Road and McIvor Road is for two hectares and properties have been reduced to this size in these areas, and indeed Makarewa. The submitter considers that to now increase the size to four hectares does not make any practical sense. The submitter considers that modern septic tank systems, when properly designed, do work, so this is not an issue, and property values for four hectare blocks will be adversely affected by this proposal, should it proceed.</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
	<p><b>DECISION SOUGHT</b></p> <p>Change rule 3.38.8(A) to:</p> <p>“One residence per two hectares ...”</p>	
<p><b>58.7</b> <b>Donald Moir</b></p>	<p>Oppose 3.38.8(A).</p> <p>The submitter opposes the minimum allotment size of four hectares in the Rural 1 Zone. The submitter refutes the contention that domestic wastewater systems will perform better on the larger area, or that there will be fewer of them in total.</p> <p>The submitter considers that it is impractical to try and control development in those areas that are already rural-residential in nature.</p> <p><b>DECISION SOUGHT</b></p> <p>The zone boundaries should be modified or the minimum allotment size should be set at two hectares as is presently the case.</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>
<p><b>88.96</b> <b>Federated Farmers</b></p>	<p>Oppose 3.38.8 in part.</p> <p>The submitter considers the requirement for only one residence on a four hectare property is onerous, particularly if there is no loss to rural amenity values and no changes to the primary use of the land for agriculture as a result of these legitimate land use decisions.</p> <p>The submitter seeks to ensure there is a degree of flexibility for landowners in the rural area to recognise that the economic and (in respect to dwelling especially) the social drivers for subdivision differ between farming operations, and asks that Council develop appropriate site standards to protect the relevant values in this zone, or reduces the area to two hectares to provide more flexibility for landowners.</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
	<p><b>DECISION SOUGHT</b></p> <ul style="list-style-type: none"> <li>Reduce the residential density rule area to two hectares (with appropriate site standards if deemed necessary) as follows:</li> </ul> <p>“3.38.8 The maximum residential density is:  (A) One residence per <del>four</del> <u>two</u> hectares or more under contiguous ownership.”</p> <p>Subsequent amendments (deletions and or wording amendments) to Rules 3.38.9 and 3.38.10 to reflect the changes made to Rule 3.38.8.</p>	
<p><b>89.1</b> <b>Doug Bath</b></p>	<p>Oppose 3.38.8.</p> <p>The submitter strongly opposes the proposal to restrict the size of rural land size to four hectares. The submitter believes that the public are not interested in land size of four hectares as they do not possess the necessary skill, equipment and time to upkeep and run a four hectare block. It is also restricting land owners currently undergoing subdivision. The submitter considers that any restriction due to reasons of effluent disposal are unfounded as the modern septic systems are more than adequate to cope.</p> <p><b>DECISION SOUGHT</b>  That the Invercargill City Council does not allow a four hectare limit on Rural 1 Zone and instead allows the blocks to be two hectares as is now.</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>
<p><b>96.1</b> <b>Beverley Sherman</b></p>	<p>Oppose 3.38.8.</p> <p>The submitter seeks an amendment to the residential density rule in the Rural 1 area to retain the status quo of two hectares.</p> <p><b>DECISION SOUGHT</b>  Amend Rule 3.38.8(A) to change the residential density to one residence per two hectares.</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>



Submission No. and Point / Submitter Name	Submission	Recommendation								
97.1 Errol Sherman	<p>Oppose 3.38.8.</p> <p>The submitter seeks an amendment to the residential density rule in the Rural 1 area to retain the status quo of two hectares.</p> <p><b>DECISION SOUGHT</b></p> <p>Amend Rule 3.38.8(A) to change the residential density to one residence per two hectares.</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>								
109.1 Diane Brough	<p>Oppose 3.38.8.</p> <p>The submitter seeks an amendment to the residential density rule in the Rural 1 area to retain the status quo of two hectares.</p> <p><b>DECISION SOUGHT</b></p> <p>Amend Rule 3.38.8(A) to change the residential density to one residence per two hectares.</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>								
65.114 ICC Environmental and Planning Services	<p>Oppose 3.38.8(B) in part.</p> <p>The submitter considers that the decision of Plan Change 9 to enable one house per Certificate of Title for 13 properties in the Rural area should be carried through to the District Plan.</p> <p><b>DECISION SOUGHT</b></p> <p>Amend Rule 3.38.8(B) to enable one residence per Certificate of Title existing as at 31 March 2010 for those 13 properties formerly located within the Otatara Sub-Area, but now included in the Rural Zone by virtue of Plan Change 9.</p>	<p><b>Accept</b></p> <p>My understanding is that the intention of the Council is to roll over the outcome of Plan Change 9 into the new District Plan. It is probably, in my view, easiest to list those legal descriptions of properties where this rule shall apply as part of Rule 3.38.8(B).</p> <p>RECOMMENDATION:</p> <p>Add the following to 3.38.8:</p> <p><u>(C)</u>      One residence per each of the following sites:</p> <table><tr><td>147 Ackers Road</td><td>Lot 3 DP 364369</td></tr><tr><td>145 Ackers Road</td><td>Lot 4 DP 364369</td></tr><tr><td>195 Ackers Road</td><td>Lot 1 DP 401469</td></tr><tr><td>197 Ackers Road</td><td>Lot 2 DP 401469</td></tr></table>	147 Ackers Road	Lot 3 DP 364369	145 Ackers Road	Lot 4 DP 364369	195 Ackers Road	Lot 1 DP 401469	197 Ackers Road	Lot 2 DP 401469
147 Ackers Road	Lot 3 DP 364369									
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195 Ackers Road	Lot 1 DP 401469									
197 Ackers Road	Lot 2 DP 401469									

Submission No. and Point / Submitter Name	Submission	Recommendation
		<u>199 Ackers Road</u> <u>Lot 3 DP 401469</u> <u>205 Coggins Road</u> <u>Lot 4 DP 401469</u> <u>191 Ackers Road</u> <u>Lot 5 DP 401469</u> <u>203 Ackers Road</u> <u>Lot 6 DP 401469</u> <u>222 Marama Avenue North</u> <u>Lot 1 DP 423684</u>
<b>96.1</b> <b>Beverley</b> <b>Sherman</b>	<p>Oppose 3.38.8(B) in part.</p> <p>The submitter considers that the decision of Plan Change 9 to enable one house per Certificate of Title for 13 properties in the Rural area should be carried through to the District Plan.</p> <p><b>DECISION SOUGHT</b></p> <p>Amend Rule 3.38.8(B) to enable one residence per Certificate of Title existing as at 31 March 2010 for those 13 properties formerly located within the Otatara Sub-Area, but now included in the Rural Zone by virtue of Plan Change 9.</p>	<p>See response to 65.114 above.</p>
<b>97.1</b> <b>Errol Sherman</b>	<p>Oppose 3.38.8(B) in part.</p> <p>The submitter considers that the decision of Plan Change 9 to enable one house per Certificate of Title for 13 properties in the Rural area should be carried through to the District Plan.</p> <p><b>DECISION SOUGHT</b></p> <p>Amend Rule 3.38.8(B) to enable one residence per Certificate of Title existing as at 31 March 2010 for those 13 properties formerly located within the Otatara Sub-Area, but now included in the Rural Zone by virtue of Plan Change 9.</p>	<p>See response to 65.114 above.</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
<b>88.97 Federated Farmers</b>	<p>Oppose 3.38.12 (A) in part.</p> <p>The submitter considers that a maximum building height of 10m is unrealistic considering the nature of the agricultural equipment likely to be housed in such buildings, and the land efficiencies and cost-effectiveness of having offices and staff facilities located on a storey above display areas, and the opportunity to build upwards should be allowed in the Rural 1 Zone where this can occur without significant adverse effects.</p> <p><b>DECISION SOUGHT</b></p> <p>Amend the wording of the Rule as follows:</p> <p><u>“3.38.12</u> All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:</p> <p>(A) Maximum height: <del>40</del> <u>15</u> metres.”</p> <p><b>FS5.47 Invercargill Airport Ltd</b></p> <p><b><i>Oppose in part / Support in part submission 88.97</i></b></p> <p>The further submitter considers that it is necessary to recognise that in some locations within the City the height of all structures is limited by Invercargill Airport Ltd’s designation which imposes obstacle limitation surfaces (Designation 72).</p>	<p><b>Reject</b></p> <p>Buildings above 10m could in my opinion impinge on the amenity and character of the Rural 1 Zone. To permit these without the need for a resource consent would therefore I consider be inconsistent with objectives and policies of the Proposed District Plan.</p>
<b>65.113 ICC Environmental and Planning Services</b>	<p>Support 3.38.12 (B) in part.</p> <p>The submitter considers that the rule requires amendment to ensure that it is consistent with the policies and to protect the amenity values of neighbouring residential properties.</p> <p><b>DECISION SOUGHT</b></p> <p>Amend 3.38.12(B)</p> <p>Recession Plane: Infogram 4 applies on sites less than one hectare <u>and/or along boundaries adjoining a Residential Zone.</u></p>	<p><b>Accept</b></p> <p>RECOMMENDATION</p> <p>Amend 3.38.12(B) as follows:</p> <p>Recession Plane: Infogram 4 applies on sites less than one hectare <u>and/or along boundaries adjoining a Residential Zone.</u></p>

Submission No. and Point / Submitter Name	Submission	Recommendation
<b>RURAL 1 MINIMUM LOT SIZE</b>		
<b>18.102 Environment Southland</b>	<p>Support 3.18.6 (A) and (B).</p> <p><b>DECISION SOUGHT</b></p> <p>Retain.</p>	<b>Accept</b>
<b>32.2 R T Chapman</b>	<p>Oppose 3.18.6 (K).</p> <p>The submitter opposes the minimum lot size in the Rural 1 Zone of four hectares.</p> <p>While the submitter acknowledges that a restriction on further subdivision of larger allotments (i.e. greater than four hectares) may be desirable in achieving the objectives of preserving the productivity of rural land, the submitter considers that the proposed restrictions on existing four hectare allotments will not achieve that.</p> <p>The submitter believes that it is unrealistic to expect that existing four hectare allotments will be aggregated into larger rural blocks for rural activities.</p> <p>The submitter considers that further subdivision of four hectare allotments down to two hectares will create an additional allotment for residential development as a lifestyle block with the productive value of the land being maintained, and this would represent a sustainable use of this land.</p> <p>The submitter states that there is no evidence that there are any problems with modern on-site wastewater disposal systems on two hectare allotments, and two hectare allotments will not create demands for extension to or upgrades of infrastructure.</p>	<p><b>Reject</b></p> <p>I considered this proposal as a possible alternative. There is some merit to the idea in terms of alleviating economic effects for small landholdings affected by the change in allotment size and concentrating further subdivision into areas where the character has already – perhaps – changed.</p> <p>The maps in <b>Appendix 5</b> show selected parts of the District where an additional lot would be enabled as a result of accepting this submission over what was notified in the Plan (i.e. those sites shown in yellow). I believe these maps show that quite a large amount of further residential development would result through such a change.</p> <p>I estimate that around 300 extra sections could be created in the Rural 1 Zone were this to occur. This is a fairly significant amount in the context of projected growth, and of a scale which I consider could undermine Council's strategy of urban consolidation (the reasons for which are discussed in Sections 4 and 5 of this report).</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
	<p><b>DECISION SOUGHT</b></p> <p>Delete Rule 3.18.6 (K) and substitute either of the following:</p> <p>“Within the Rural 1 Zone: Allotments less than four hectares unless the allotment being subdivided is five hectares or less in which case the threshold for a non-complying activity shall be two hectares.”</p> <p>Or alternatively</p> <p>“Within the Rural 1 Zone allotments of less than two hectares.”</p>	
<p><b>47.2</b> <b>Graham Dick</b></p>	<p>Oppose 3.18.6 (K).</p> <p>The submitter opposes the minimum lot size in the Rural 1 Zone of four hectares and considers the increase from the one residence per two hectares under the Operative District Plan is not logical and doesn't promote sustainable management.</p> <p>The submitter states that modern septic tank systems are efficient, environmentally friendly and do not require four hectares as an effluent field, and there is no evidence that there are any problems with on-site wastewater on two hectare allotments.</p> <p>The submitter considers that Invercargill is extremely well serviced and there will be no demand for extensions or upgrades of infrastructure.</p> <p>The submitter states that the vast majority of the Rural 1 area already consists of small lifestyle blocks of two hectares, four hectares and larger, and as such have not resulted in any reduction in traditional forms of agriculture or horticulture. The submitter believes the creation of four hectare blocks would not result in a reduction in the traditional forms of agriculture.</p> <p>The submitter considers that maintenance of the existing two</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
	<p>hectares criteria as a lifestyle block is the most appropriate, productive and sustainable use of this land.</p> <p><b>DECISION SOUGHT</b></p> <p>Delete Rule 3.18.6 (K) and replace with the following:</p> <p>“Within the Rural 1 Zone allotments of less than two hectares.”</p>	
<p><b>58.7</b> <b>Donald Moir</b></p>	<p>Oppose 3.18.6.</p> <p>The submitter opposes the minimum allotment size of four hectares in the Rural 1 Zone. The submitter refutes the contention that domestic wastewater systems will perform better on the larger area, or that there will be fewer of them in total.</p> <p>The submitter considers that it is impractical to try and control development in those areas that are already rural-residential in nature.</p> <p><b>DECISION SOUGHT</b></p> <p>Give further consideration to the Rural 1 Zone. The zone boundaries should be modified or the minimum allotment size should be set at two hectares as is presently the case.</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>
<p><b>6.1</b> <b>Van Uden</b></p>	<p>Opposes the introduction of a four hectare minimum lot size in the Rural 1 Zone.</p> <p>Disagrees with the implication that two hectares is not enough to support on-site effluent systems. States that there are systems in existence on quarter acre sites that work with no adverse effects.</p> <p>Believes that the proposed four hectare minimum lot size in the Rural Zone would stagnate rural development.</p> <p>States that people wanting lifestyle blocks sometimes find four</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
	<p>hectares too large to manage and do not want the work associated with them, yet want to live in a rural area. The proposed lot size rule would take away peoples' choice.</p> <p><b>DECISION SOUGHT</b></p> <p>Not stated.</p> <p>Would like the Council to consult with the community.</p>	
<p><b>10.1</b> <b>Aleisha</b> <b>Henderson</b></p>	<p>Opposes the introduction of a four hectare minimum lot size in the Rural 1 Zone.</p> <p>The submitter would like to purchase a block of land but believes that she would not be able to afford a four hectare section or manage that much land. The submitter asserts that people only want two hectares to live on.</p> <p>The submitter believes that two hectare blocks are not hard on the City's drainage systems.</p> <p>The submitter cannot see a logical reason for the change, especially in areas, such as Myross Bush, where the lots are already two hectares.</p> <p><b>DECISION SOUGHT</b></p> <p>Retain the residential density provisions as per the operative District Plan.</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
<b>12.1</b> <b>Ian and Colleen Smith</b>	<p>Opposes the introduction of a four hectare minimum lot size in the Rural 1 Zone.</p> <p>The submitter purchased four hectares of rural land as an investment and a great place to raise a family. They believe the four hectares lot size would not enable them to realise the financial gain that they had envisaged. The submitter believes that this is not only bad timing for them, but also unfair as they are one of the few properties over four hectares in the area.</p> <p>The submitter asserts that the proposed activity status for subdividing below four hectares would devalue their property.</p> <p><b>DECISION SOUGHT</b></p> <p>Retain the residential density provisions for their area as per the Operative District Plan</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>
<b>17.1</b> <b>Rex and Ann-Marie Miller</b>	<p>Oppose.</p> <p>The submitter states that they had planned to subdivide for their retirement and feel that the Council should not be doing a U-turn and stopping this from happening.</p> <p>The submitter states that Myross Bush is heavily subdivided already and their property is surrounded by mostly two hectare blocks. They believe that it is too late to change land use now and any further subdivision will not have an impact on the area.</p> <p>The submitter believes that there is no problem with waste/sewage disposal. They believe that a two hectare block is capable of dealing with one houseload of waste disposal.</p> <p>The submitter considers that a four hectare block is uneconomic as a farm so there is no use trying to retain farming as an option. The market in the submitter's area is only for two hectare blocks for people moving out from the city who want extra room but do not</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>



Submission No. and Point / Submitter Name	Submission	Recommendation
	<p>have the knowledge or the resources to manage four hectares.</p> <p><b>DECISION SOUGHT</b></p> <p>That the two hectare minimum lot size be retained for lifestyle areas of Invercargill that are already heavily subdivided and have established amenities e.g. school, community hall.</p> <p><b>FS22.1 Donald Marshall</b></p> <p><b><i>Support submission 17.1</i></b></p> <p>The further submitter considers that there should be a two hectare minimum lot size in the Rural Zone.</p> <p>The further submitter supports the submitter's arguments that waste disposal can occur on two hectare lots; that lifestyles struggle to manage two hectares vs four hectares; two hectares provides open spaces and landscapes; there is an imbalance in permitted lot sizes, particularly in Myross Bush.</p> <p><b>DECISION SOUGHT</b></p> <p>That the minimum lot size be amended to two hectares in the Rural Zone.</p>	
<p><b>73.1</b> <b>John Beaufill</b></p>	<p>Oppose. The submitter opposes the proposed four hectare minimum lot size in the Rural 1 Zone, in preference to two hectares.</p> <p>The submitter believes that effluent disposal fields can be designed for two hectares, that requiring larger blocks of land will hasten urban sprawl, that people only want two hectares or less, that more land will be required for residential development, and that people can get privacy on two hectares.</p> <p><b>DECISION SOUGHT</b></p> <p>That the minimum lot size be amended to two hectares in the Rural Zone.</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>

Submission No. and Point / Submitter Name	Submission	Recommendation
<b>119.1</b> <b>Philip Brough</b>	<p>Oppose.</p> <p>The submitter agrees with the concept of preserving open space and landscapes but considers a blanket four hectare lot size will be detrimental to the general local economy and contrasts with property demand.</p> <p>The submitter believes that the Plan should be more proactive in enabling subdivision less than two hectares, where the on-site waste water disposal systems can be designed to suit the soils by making this a discretionary activity.</p> <p>The submitter believes that the minimum four hectare lot size will put more pressure on Otatara, which allows for more intense residential density.</p>	<p><b>Reject</b></p> <p>See discussion in Section 5.</p>

## RURAL 2 ZONE

Submitter	Summary of Submission	Recommendation
<b>GENERAL</b>		
<b>107.5</b> <b>A4 Simpson Architects Limited</b>	<p>The submitter opposes the zoning of urban areas of the city as Rural 2 Zone. The submitter states that if the land cannot be used for agricultural purposes then it should not be zoned rural.</p> <p><b>DECISION SOUGHT</b></p> <p>Rezone Rural 2 Zones that are unlikely to be farmed long term to an urban zone i.e. residential, industrial or business.</p> <p><b>FS26.9 - A4 Somerset Development Ltd</b>  <b>Support submission 107.5</b>  The further submitter opposes the Rural 2 zoning of urban areas of the City. The further submitter considers that those areas in the Rural 2 Zone that can't be independent farm units and are unlikely to be farmed long term should be changed to an appropriate urban zone. The further submitter does not consider it appropriate to incorporate small urban areas within the built up urban area as Rural 1, given the size and location of some of these areas where rural and rural residential land uses will not be viable.</p> <p><b>FS45.22 - Leven Development Ltd</b>  <b>Support submission 107.5</b>  The further submitter opposes the Rural 2 zoning of the property at Somerset Lane.</p> <p>The further submitter considers that Rural 2 zones that are on the city's urban fringe should be rezoned residential, industrial or business depending on existing adjoining urban land uses.</p> <p>The further submitter refers to its original submission relating to the zoning of 4 Beatrice Street, which they believe given its size and location should be rezoned Business 6.</p>	<p><b>Reject</b></p> <p>I consider this submission would need to be more specific of locations for it to be accepted. I consider that the purpose of the Rural 2 Zone is about more than agricultural activities. The character and amenity are also important elements covered in the objectives and policies. For reasons covered throughout this report and the residential report, except for a couple of small exceptions, I support the proposed extent of residential zones and the Rural 2 Zone. The reasons include potential natural hazard issues, potential contaminated land issues, and infrastructure constraints.</p> <p>Note – The Somerset Lane property was addressed in the Residential Report.</p> <p>Note - The zoning of 4 Beatrice Street will be discussed in the Business and Industrial Zones reports to be released at a later date.</p>

Submitter	Summary of Submission	Recommendation
	<p><b>FS46.40 - Leven Investment Ltd and others</b>  <b>Support submission 107.5</b>  The further submitter considers that Rural 2 zones that are on the city's urban fringe should be rezoned residential, industrial or business depending on existing adjoining urban land uses.</p>	
<b>SECTION 2.41 – ISSUES, OBJECTIVES, POLICIES AND METHODS OF IMPLEMENTATION</b>		
<b>General</b>		
<p><b>78.23</b>  <b>Ministry of Education</b></p>	<p>The submitter notes that there is no Objective or Policy supporting the inclusion of educational activities as permitted.</p> <p><b>DECISION SOUGHT</b></p> <p>Include a new Objective and Policy that support the educational activities required to provide for the community living in the Rural 2 Zone.</p>	<p><b>Reject</b></p> <p>I consider that the Plan does provide sufficient guidance on this matter. Non-residential activities such as educational facilities could be created or extended provided they maintain or enhance amenity values (Objective 1) and are not of an urban nature (Objective 2 and Policy 2). While “urban development” is not defined and may require a somewhat subjective assessment, I consider this appropriate for discretionary activities. In my opinion assessments as to whether a proposal is “urban” would require consideration of the nature and scale of effects, which should lead to a robust assessment.</p>
<p><b>78.26</b>  <b>Ministry of Education</b></p>	<p>Oppose Objective 2 and Policy 4 in part.</p> <p>The submitter suggests that these provisions be amended to ensure any future residential development in the outline development plan areas takes into account the effect on education activities in the area.</p> <p><b>DECISION SOUGHT</b></p> <p>Amend Objective 2 and Policy 4 to ensure that the effect of educational activities is taken into account.</p>	<p><b>Reject</b></p> <p>I do not consider this needs to be explicitly stated. I would anticipate that a plan change would address such matters, along with many other matters that are related to how a proposed urban extension integrates with its wider community. It is also noted that it was recommended in the officer's report to the hearing on Subdivision that the definition of Infrastructure be expanded to cover education activities. Given the references to the term “infrastructure” in various provisions in the proposed Plan, this should help ensure that there is sufficient regard given to effects on education activities as part of resource consents and plan changes.</p>

Submitter	Summary of Submission	Recommendation
<b>2.41.2 Objectives</b>		
<b>88.50 Federated Farmers</b>	<p>Support 2.41.2 Objective 1 in part.</p> <p>The submitter considers that the zone is separated from the Rural 1 Zone specifically to provide for urban growth, and this should be reflected in the Objective.</p> <p>The submitter seeks to amend the wording of the proposed Objective as follows:</p> <p><b>DECISION SOUGHT</b></p> <p>“The amenity values of the Rural 2 Zone are maintained <del>and</del> <u>or</u> enhanced <u>while providing for managed urban growth.</u>”</p> <p><b>FS26.10 - A4 Somerset Development Ltd</b> <b>Support in part submission 88.50</b></p> <p>The further submitter supports the relief sought, although questions the ability of all the areas zoned Rural 2 to be utilised for appropriate rural land use activities. In these situations, the further submitter considers the land should be rezoned to fit the adjoining environment.</p> <p><b>FS46.41 - Leven Investment Ltd and others</b> <b>Support in part submission 88.50</b></p> <p>The further submitter supports the relief sought but questions the ability of the Rural 2 properties to be developed for urban use activities given the limited number of activities that are permitted in the Rural 2 Zone. The further submitter considers that the zoning of these areas should be changed to some form of urban zoning.</p>	<p>This submission was addressed in the Section 42A Report on Amenity values, however the further submissions related to this submission were not.</p> <p>I believe I have addressed the reasons why I do not support the rezoning sought by the further submitters throughout this report.</p> <p>The following is the recommendation made by the reporting officer in the Section 42A Report 01 Amenity Values</p> <p><b>Accept</b></p> <p><i>It is recommended that at 2.41.2 Objective 1 be re-worded to read:</i></p> <p><b>Objective 1:</b> <i>The amenity values of the Rural 2 Zone are maintained <del>and</del> <u>or</u> enhanced <u>while providing for managed urban growth in specified areas</u>”</i></p>
<b>53.64(b) NZ Transport Agency</b>	<p>Oppose 2.41.2 Objective 2 in part.</p> <p>The submitter considers this the term “urban services” also includes expansion of the roading network.</p> <p>The submitter is concerned that no policy has been included to give effect to this objective.</p>	<p><b>Reject</b></p> <p>Urban services is not defined, but I would consider that the expansion of roads, particularly of an urban nature, could fall under this term.</p> <p>While the sentiment of the suggested policy is understood and aligns with the District Plan, I believe there are enough policies through the various District-wide chapters which encompass this principle.</p>

Submitter	Summary of Submission	Recommendation
	<p><b>DECISION SOUGHT</b></p> <p>Include a new Policy 20 as follows:          “To restrict further intensification of development within the zone where the urban service expansion will be required to service the development.”</p>	
<p><b>65.87 ICC Environmental and Planning Services</b></p>	<p>Support Objective 2 subject to amendment of drafting error.</p> <p><b>DECISION SOUGHT</b></p> <p>“... and only when adequate servicing and infrastructure <u>are</u> <del>is</del> available.”</p> <p><b>FS26.11 - A4 Somerset Development Ltd</b>  <b>Oppose submission 65.87</b>          The further submitter opposes the objective and the relief sought.</p> <p>The further submitter believes that it is not clear why the Plan is introducing an “Outline Development Plan” process, where land in the Rural 2 Zone can be developed through the resource consent and Plan Change process, neither of which requires an outline development plan.</p> <p>The further submitter also considers that a private plan change for a property as small as 12 Somerset Lane would be overly onerous and expensive.</p>	<p><b>Accept</b></p> <p>It is noted that the original submission seeks a simple wording correction, which limits the scope of what the further submission can be made on. I nevertheless note that I support the provisions around promoting the need for an Outline Development Plan as a part of a plan change. This I consider would promote well designed and connected development layouts which sometimes does not occur when development proceeds in a piecemeal manner (especially when multiple owners and developers are involved).</p> <p><b>RECOMMENDATION</b></p> <p>Make the following amendment to Objective 2:          “... and only when adequate servicing and infrastructure <u>are</u> <del>is</del> available.”</p>
<b>2.41.3 Policies</b>		
<p><b>88.51 Federated Farmers</b></p>	<p>Support Policy 1 – Rural 2 Zone in part. The submitter agrees that two hectares appears a reasonable area for subdivision in the Rural 2 Zone, however, they suggest that requiring a minimum lot size may be enforcing a subdivision size that is larger than preferred by the landowner or developer, and it is not unreasonable to assume that there may be some subdivisions of less than two hectares which result in the rural amenity values being retained or enhanced. The submitter would like to see greater flexibility around this</p>	<p><b>Reject</b></p> <p>The reason for the minimum lot size is much broader than providing for the preferences of individual landowners. I refer to Section 5 for further discussion.</p> <p>Note 1: It is questionable whether further submission FS26.12 is within the scope of the original submission. It is noteworthy that rules enable</p>

Submitter	Summary of Submission	Recommendation
	<p>minimum size, ideally through site standards against which each consent can be considered on its individual merits.</p> <p><b>DECISION SOUGHT</b></p> <p>Amend the wording of the Policy as proposed:</p> <p>“To create a transition between the rural and urban environments by providing for “lifestyle” properties <del>of a minimum lot size of two hectares,</del> which are self-sufficient in terms of servicing, whilst retaining the rural amenity of the land on the fringe of the urban environment.”</p> <p><b>FS26.12 - A4 Somerset Development Ltd</b>  <b><i>Oppose submission 88.51</i></b></p> <p>The further submitter opposes the two hectares minimum lot size applying to its property at 12 Somerset Lane through this policy, given that the property is only 1.5 hectares.</p> <p><b>FS45.25 - Leven Development Ltd</b>  <b><i>Oppose submission 88.51</i></b></p> <p>The further submitter opposes this Policy.</p> <p>The further submitter considers that in relation to its property at 4 Beatrice Street the two hectares density requirement is not considered reasonable or an efficient use of natural and physical resources. The further submitter considers that the property is on the urban fringe of the city and is able to be serviced by existing Council services. The further submitter considers 4 Beatrice Street should be rezoned either Enterprise or Business 6.</p>	<p>development on existing lots below the minimum lot size.</p> <p>Note 2: It is also questionable whether further submission FS45.25 is within the scope of the original submission. If the same point was made as part of an original submission (or the committee believe they can and should receive this as a late original submission) it can be considered as part of the submissions on the Business Zones.</p>
<p><b>53.67</b>  <b>NZ Transport Agency</b></p>	<p>Support Policy 2 – Urban Development.</p> <p><b>DECISION SOUGHT</b></p> <p>Retain Policy 2 as proposed.</p>	<p><b>Accept</b></p>

Submitter	Summary of Submission	Recommendation
<b>88.52 Federated Farmers</b>	<p>Support Policy 2 – Urban Development in part. The submitter considers that the best way to achieve this policy is to develop supportive planning approaches for the urban area, rather than restricting land use decisions in the rural area.</p> <p><b>DECISION SOUGHT</b></p> <p>Amend the wording of the Policy as proposed:</p> <p>“To discourage <del>urban</del>-incompatible development within the Rural 2 Zone.”</p> <p><b>FS26.13 - A4 Somerset Development Ltd</b></p> <p><b><i>Support in part submission 88.52</i></b> The further submitter agrees that the best way to achieve the policy is to develop supportive planning approaches for the urban area, rather than restricting land use decisions in rural areas.</p> <p>However, the further submitter objects to the policy applying to its property at 12 Somerset Lane.</p> <p><b>FS46.42 - Leven Investment Ltd and others</b></p> <p><b><i>Support submission 88.52</i></b> The further submitter agrees that the best way to achieve the policy is to develop supportive planning approaches for the urban area, rather than restricting land use decisions in the rural area. The further submitter questions the ability of Rural 2 Zone properties to be developed for urban land use activities given the limited number of activities that are permitted in the Rural 2 Zone and considers that the zoning should be changed to some form of urban zoning.</p>	<p><b>Reject</b></p> <p>I believe it an important principle that urban development be discouraged. This relates to the overall strategy of urban containment set out in the Plan.</p>
<b>88.53 Federated Farmers</b>	<p>Support Policy 3 – Historical sections in part.</p> <p>The submitter agrees that this policy is necessary to ensure that owners of sections which existed prior to the introduction of controls on lot sizes are able to use their land, however, the submitter</p>	<p><b>Accept in part</b></p> <p>I am unsure of the rationale behind the date of 31 August 2014. However, it seems to me that with the provisions drafted as they are, a dwelling on a site approved between 30 July 2013 and the date of the decision that brings the</p>



Submitter	Summary of Submission	Recommendation
	<p>believes that the date specified should be extended further into the future, ideally closer to the date the District Plan is adopted.</p> <p><b>DECISION SOUGHT</b></p> <p>Amend the wording of the policy as follows:</p> <p>“To allow a single dwelling on sections which existed with a Certificate of Title issued prior to 30 July 2013 <u>31 August 2014</u> and which can be connected to the Council’s reticulated sewerage system.</p> <p>To allow a single dwelling on sections for which a Certificate of Title was existing, or was approved by way of subdivision consent, on or prior to <del>30 July 2013</del> <u>31 August 2014</u>.”</p> <p><b>FS26.14 - A4 Somerset Development Ltd</b></p> <p><b><i>Oppose submission 88.53</i></b></p> <p>The further submitter opposes the policy as it would apply to its property at 12 Somerset Lane as it considers the erection on one dwelling on 1.4 hectares is not an efficient use of land.</p> <p><b>FS45.26 - Leven Development Ltd</b></p> <p><b><i>Oppose submission 88.53</i></b></p> <p>The further submitter opposes the policy as it would apply to 4 Beatrice Street. The further submitter does not consider that the erection of one dwelling on the 10 hectare property would not amount to an efficient use of land. The further submitter considers that Rural 2 zones that are on the city’s urban fringe should be rezoned urban.</p>	<p>new plan into effect could find itself needing a non-complying resource consent. This would seem an inefficient rule, which I recommend changing. The policy would therefore need changing also.</p> <p><b>RECOMMENDATION</b></p> <p>“To allow a single dwelling on sections which existed with a Certificate of Title issued prior to <del>30 July 2013</del> <u>[insert date decision is notified]</u> and which can be connected to the Council’s reticulated sewerage system.”</p>
<p><b>90.23</b> <b>H W Richardson</b> <b>Group Ltd</b></p>	<p>Oppose Policy 12 - Wind.</p> <p>The submitter considers that the policy should be more balanced and not just focusing on “avoiding” the adverse effects.</p>	<p><b>Accept in part</b></p> <p>To ensure that minor effects are acceptable, I suggest an amendment as follows (I also believe the wording could be improved).</p>

Submitter	Summary of Submission	Recommendation
	<p><b>DECISION SOUGHT</b></p> <p>Amend Policy 12 as follows:            “To avoid, <u>remedy or mitigate</u> increasing natural wind effects by land use activities.”</p>	<p>RECOMMENDATION:</p> <p>Amend Policy 13 as follows:            “To avoid, <u>remedy or substantially mitigate</u> increases <del>ing</del> <u>to</u> natural wind effects <u>from</u> <del>by</del> land use activities.”</p>
<b>Section 3.39 Rules</b>		
<p><b>78.25</b>  <b>Ministry of Education</b></p>	<p>Support 3.39.1.</p> <p><b>DECISION SOUGHT</b></p> <p>Retain 3.39.1 as notified.</p>	<p><b>Accept</b></p>
<p><b>88.98</b>  <b>Federated Farmers</b></p>	<p>Support 3.39.1.</p> <p>The submitter considers it is important to ensure that expected activities in the rural area, particularly agriculture, are specifically designated permitted activities.</p> <p><b>DECISION SOUGHT</b></p> <p>Retain 3.39.1 as notified.</p> <p><b>25.15 - A4 Somerset Development Ltd</b>  <b><i>Support in part submission 88.98</i></b>            The further submitter agrees that it is important to ensure that expected activities in a rural area are specifically designated permitted activities in rural zones.</p> <p>However the further submitter objects to these applying to its property on Somerset Lane. The further submitter considers that the activities provided for in the Rural 2 Zone are not appropriate for Somerset Lane, and those small properties on the urban fringe.</p> <p><b>DECISION SOUGHT</b>            Rezone 12 Somerset Lane Residential.</p>	<p><b>Accept</b></p>

Submitter	Summary of Submission	Recommendation
<b>88.99 Federated Farmers</b>	<p>Oppose 3.39.2 in part.</p> <p>The submitter considers that the activities listed in this rule are compatible with the rural area environment and do not significantly detract from the rural environment or rural amenities. Further, the submitter considers that sustainability of rural amenity is dependent on the economic sustainability of agriculture, and farmers should be afforded the ability to undertake businesses in the rural area without the cost and trouble of a consent application, particularly in the rural transition area where the underlying economic value of primary productive land is often exceeded by the potential economic value of subdivision. The submitter recommends Council include Commercial recreation activities and Visitor Accommodation in the permitted activity rules, with appropriate site standards developed to protect any values.</p> <p><b>DECISION SOUGHT</b></p> <ul style="list-style-type: none"> <li>Commercial recreation activities and Visitor Accommodation are provided for as permitted activities in the Rural 2 Zone.</li> <li>Site standards are developed to ensure values associated with the rural area are defined and land users and landowners are informed.</li> </ul> <p><b>FS26.16 - A4 Somerset Development Ltd</b></p> <p><b><i>Oppose in part submission 88.99</i></b></p> <p>The further submitter considers that the activities listed are compatible with the Rural area environment but considers that this rule should not apply to its property on Somerset Lane.</p> <p>The further submitter considers that land owners should be afforded the ability to undertake activities on their property without the cost and trouble of a consent application and that this will not be the case if the mixed use zoning of 12 Somerset Lane is not changed.</p>	<p><b>Reject</b></p> <p>I am satisfied that the list of discretionary activities represents a list of activities which one could reasonably expect <u>may</u> be appropriate. Whether this is the case will depend on the nature, scale, location and details of a proposal. The most effective and efficient means in which to assess whether this is the case is through a resource consent application. While there is some cost and uncertainty involved with this, I note that consents are relatively affordable to apply for in Invercargill, and I consider that broader issues and potential benefits to consent holders justify these costs. The issues that the submitter raises can be argued and taken account of via the consent process.</p>

Submitter	Summary of Submission	Recommendation
<b>88.100 Federated Farmers</b>	<p>Oppose 3.39.10(A) in part.</p> <p>The submitter considers that a maximum building height of 10m is unrealistic considering the nature of the agricultural equipment likely to be housed in such buildings, and the land efficiencies and cost-effectiveness of having offices and staff facilities located on a storey above display areas, and the opportunity to build upwards should be allowed in the Rural 1 Zone where this can occur without significant adverse effects.</p> <p><b>DECISION SOUGHT</b></p> <p>Amend the wording of the Rule as follows:</p> <p><u>“3.39.10 All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:</u> (A) Maximum height: <del>40</del> <u>15</u> metres.”</p>	<p><b>Reject</b></p> <p>Buildings above 10m (which is the height limit in the Operative Plan) could in my opinion impinge on the amenity and character of the Rural 2 Zone. To permit these without the need for a resource consent would therefore I consider be inconsistent with objectives and policies of the proposed Plan.</p>
<b>65.115 ICC Environmental and Planning Services</b>	<p>Support 3.39.10(B) in part. The submitter considers that the rule requires amendment to ensure that it is consistent with the policies and to protect the amenity values of neighbouring residential properties.</p> <p><b>DECISION SOUGHT</b></p> <p>Amend 3.39.10(B) Recession Plane: Infogram 4 applies on sites less than one hectare <u>and/or along boundaries adjoining a Residential Zone</u></p> <p><b>FS26.17 A4 Somerset Development Ltd</b> <b><i>Oppose submission 65.115</i></b> The further submitter considers that urban areas of the city that cannot be farmed as independent farming units and are likely to be farmed long term should be changed to an appropriate urban zone. The submitter considers that if the proposed zoning in the plan reflects the urban nature of properties there is no need for the use of additional height control rules.</p>	<p><b>Accept</b></p> <p>RECOMMENDATION</p> <p>Amend 3.38.12(B)</p> <p>Recession Plane: Infogram 4 applies on sites less than one hectare <u>and/or along boundaries adjoining a Residential Zone</u></p>

Submitter	Summary of Submission	Recommendation
	<p><b>FS45.24 - Leven Development Ltd</b>  <b>Oppose submission 65.155</b></p> <p>The further submitter considers that the rule does not need amendment and will impose unnecessary regulatory controls on what are supposed to be large rural properties. The further submitter considers that if a recession plane is needed along the boundary of a Rural 2 property it indicates that they should be zoned urban and subject to the relevant residential, business or industrial performance standards of the Proposed Plan.</p>	
<b>ZONING</b>		
<p><b>2.6</b>  <b>Bluff Community Board</b></p>	<p>The area at the top of Suir Street and behind Foyle Street should not be zoned Rural 2 as part of it is a landfill area. Rural 2 allows for the building of a house which could not occur on land which should be recorded as hazard/contaminated land.</p> <p><b>DECISION SOUGHT</b></p> <p>Not stated. It is considered the submitter requests the following:</p> <ul style="list-style-type: none"> <li>• The land in question be rezoned so as to not allow the development of residential activity; and</li> <li>• The land in question be identified on the hazard information maps as being filled land.</li> </ul>	<p><b>Accept</b></p> <p>I understand this site is a Council owned site. I am informed that at least part of the site has been used as a landfill for many years, but it appears that a designation has been reduced from that in the Operative District Plan to a small corner of the site in the Proposed District Plan. In its place, Rural 2 zoning has been applied. The conclusion that the site could be contaminated seems to me to be reasonable. I believe that in the absence of a detailed assessment of potential contamination, it would be best to zone the area "Rural 1" and limit the potential for development.</p> <p><b>RECOMMENDATION</b></p> <p>Change the zoning for the site shown as Rural 2 bounded by Suir and Foyle Streets to Rural 1.</p>
<p><b>65.129</b>  <b>ICC</b>  <b>Environmental and Planning Services</b></p>	<p>The submitter considers that the split zoning shown on 290 Bain Street should be removed to reflect the property boundaries.</p> <p><b>DECISION SOUGHT</b></p> <p>Amend Map 17, to remove the split zoning at 290 Bain Street from Rural 1/Rural 2 to replace it with Rural 2.</p>	<p><b>Accept</b></p> <p>Having visited the site I see no reason that the zoning should not follow property boundaries (which usually makes plans much easier to administer). I can see little if any consequential effect of this amendment requiring further analysis, as it would appear that the site would not become large enough to add an additional lot as a result under the proposed rules.</p>

Submitter	Summary of Submission	Recommendation
	<p><b>FS26.18 - A4 Somerset Development Ltd</b></p> <p><b><i>Support submission 65.129</i></b></p> <p>The further submitter submits that all split zoning under the proposed Plan should be amended to follow property boundaries, with particular reference to its property at 12 Somerset Lane.</p> <p>The further submitter is concerned that split zoning has implications in regard to the future land use potential of properties.</p> <p><b>DECISION SOUGHT</b></p> <p>Accept relief sought and remove the split zoning at 12 Somerset Lane so that the property is zoned Residential 1.</p>	<p>Note: Further submission FS26.18 appears to be outside the scope of the original submission. The matter of the zoning of this site has been addressed in the Residential Zones Report. I consider the circumstances of the site and its split zoning to be quite different for this site.</p>

## APPENDIX 2 – RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN

(additions shown in underline, deletions shown in ~~strikeout~~)

### 2.40 RURAL 1 ZONE

The Rural 1 Zone provides for rural activities such as agriculture, horticulture and forestry and associated residential activities. The zone boundary reflects the Council's non-statutory Spatial Plan, *The Big Picture*, which makes a firm distinction between the rural parts of the district, now contained within the Rural 1 Zone, and the urban parts.

The Rural 1 Zone contains higher quality and versatile soils, particularly in the north, for which it is desirable to keep options open for ~~food-productive~~ on rural activities.

Rural-residential subdivision and non-rural land use activities are not always compatible with rural primary production activities and can give rise to reverse sensitivity effects and limit the productivity of rural land.

The southern parts of the zone contain nationally significant landscapes and include the Awarua wetlands.

#### 2.40.1 Issues

**The significant resource management issues for the Rural 1 Zone are:**

1. No change
2. No change
3. No change

#### 2.40.2 Objectives

**Objective 1:** The rural environment within the Rural 1 Zone is maintained and enhanced by ~~providing for larger sizes of allotments~~ while allowing for productive rural activities to be undertaken.

**Objective 2:** No change

**Objective 3:** To enable existing sites (with a Certificate of Title issued on or prior to [Insert date decision is notified] ~~30 July 2013~~) to be used for rural-residential development without changing the character or amenities of the rural environment and without creating additional demands for urban services.

#### 2.40.3 Policies

**Policy 1** Rural 1 Zone: No change

**Policy 2** Rural Activities: No change

- Policy 3**      **Non Rural Activities:** To avoid non rural activities which would result in adverse effects inconsistent with ~~of non rural activities on the function,~~ character and amenity provided for by ~~of~~ the Rural 1 Zone.  
**Explanation:** No change
- Policy 4**      **Soils:** No change  
**Explanation:** No change
- Policy 5**      **Historical Sections:** To allow a single dwelling on sections for which a Certificate of Title was existing, or was approved by way of subdivision consent, on or prior to [Insert date decision is notified] ~~30 July 2013.~~  
**Explanation:** No change
- Policy 6**      **Outdoor Living:** No change  
**Explanation:** No change
- Policy 7**      **Incidence of daylight and sunlight:** No change  
**Explanation:** No change
- Policy 8**      **Noise:** No change  
**Explanation:** No change
- Policy 9**      **Odour:** No change  
**Explanation:** No change
- Policy 10**      **Glare:** No change  
**Explanation:** No change
- Policy 11**      **Electrical interference:** No change  
**Explanation:** No change
- Policy 12**      **Lightspill:** No change  
**Explanation:** No change
- Policy 13**      **Wind:** To avoid, remedy or substantially mitigate increases ~~ing~~ to natural wind effects from ~~by~~ land use activities.  
**Explanation:** No change.
- Policy 14**      **Signage:** No change  
**Explanation:** No change
- Policy 15**      **Dilapidated structures and ill-maintained lands:** No change  
**Explanation:** No change
- Policy 16**      **Demolition or removal activities:** No change  
**Explanation:** No change
- Policy 17**      **Relocation activities:** No change  
**Explanation:** No change
- Policy 18**      **Hazardous Substances:** No change  
**Explanation:** No change
- Policy 19**      **Height and location of structures:** No change  
**Explanation:** No change



**Policy 20**      **Car parking and vehicle manoeuvring:** No change  
*Explanation:* No change

#### **2.40.4            Methods of Implementation**

**Method 1**      No change

**Method 2**      No change

**Method 3**      No change

**Method 4**      No change

**Method 5**      No change

**Method 6**      No change

**Method 7**      No change

**Method 8**      No change

**Method 9**      No change

**Method 10**    No change

**Method 11**    No change

#### **2.41            RURAL 2 (RURAL TRANSITION) ZONE** No change

##### **2.41.1           Issues**

**The significant resource management issues for the Rural 2 (Rural Transition) Zone are:**

1.      No change
2.      No change
3.      No change
4.      No change
5.      No change

##### **2.41.2           Objectives**

**Objective 1:** The amenity values of the Rural 2 Zone are maintained ~~and or~~ enhanced while providing for managed urban growth in specified areas<sup>5</sup>.

**Objective 2:** New urban development within the Rural 2 Zone only occurs within the areas identified in Appendix XV and in general accordance with an operative outline

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<sup>5</sup> The changes shown in blue were recommended in Section 42A Report 01 Amenity Values.

development plan included in the District Plan through an approved Plan Change, and only when adequate servicing and infrastructure ~~is~~ are available.

### 2.41.3 Policies

**Policy 1 Rural 2 Zone:** No change

**Explanation:** No change

**Policy 2 Urban Development:** No change

**Explanation:** No change

**Policy 3 Historical sections:** To allow a single dwelling on sections which existed with a Certificate of Title issued prior to ~~30 July 2013~~ [insert date decision is notified] and which can be connected to the Council's reticulated sewerage system.

**Explanation:** No change

**Policy 4 Outline Development Plans:** No change

**Explanation:** No change

**Policy 5 Outdoor Living:** No change

**Explanation:** No change

**Policy 6 Incidence of daylight and sunlight:** No change

**Explanation:** No change

**Policy 7 Noise:** No change

**Explanation:** No change

**Policy 8 Odour:** No change

**Explanation:** No change

**Policy 9 Glare:** No change

**Explanation:** No change

**Policy 10 Electrical interference:** No change

**Explanation:** No change

**Policy 11 Lightspill:** No change

**Explanation:** No change

**Policy 12 Wind:** To avoid, remedy or substantially mitigate increases ~~ing~~ to natural wind effects ~~from~~ by land use activities

**Explanation:** No change

**Policy 13 Signage:** No change

**Explanation:** No change

**Policy 14 Dilapidated structures and ill-maintained lands:** No change

**Explanation:** No change

**Policy 15 Demolition or removal activities:** No change

**Explanation:** No change

- Policy 16**      **Relocation activities:** No change  
**Explanation:** No change
- Policy 17**      **Hazardous Substances:** No change  
**Explanation:** No change
- Policy 18**      **Height and location of structures:** No change  
**Explanation:** No change
- Policy 19**      **Car parking and vehicle manoeuvring:** No change  
**Explanation:** No change

#### **2.41.4      Methods of Implementation**

- Method 1**      No change
- Method 2**      No change
- Method 3**      No change
- Method 4**      No change
- Method 5**      No change
- Method 6**      No change
- Method 7**      No change
- Method 8**      No change
- Method 9**      No change
- Method 10**      No change
- Method 11**      No change
- Method 12**      No change

### 3.38 RURAL 1 ZONE

#### 3.38.1 Permitted Activities: The following are permitted activities in the Rural 1 Zone:

- (A) Agriculture
- (B) Animal boarding activity
- (C) Educational activity on sites listed in Appendix V - Educational Activity (Existing)
- (D) Home occupation
- (E) Home stay
- (F) Residential activity
- (G) Residential care activity limited to a maximum of eight persons
- (H) Roadside sales activity, other than on State Highways
- (I) Veterinary clinic
- (J) Environmental monitoring carried out in relation to the Tiwai Point aluminium smelter
- (K) Fire fighting activities and exercises carried out in relation to the Tiwai Point Aluminium Smelter

#### 3.38.2 Discretionary Activities: The following are discretionary activities in the Rural 1 Zone:

- (A) Commercial recreation activity
- (B) Communal activity
- (C) Education activity other than those on sites listed in Appendix V - Educational Activity (Existing)
- (D) Essential services
- (E) Habilitation centre
- (F) Healthcare activity
- (G) Hospital activity
- (H) Marae activity
- (I) Nursery activity
- ~~(J) Residential activity~~
- ~~(K)~~ Residential care activity for nine or more persons

(~~L~~K) Roadside sales activity on State Highways

(~~M~~L) Service stations

(~~N~~M) Visitor accommodation

**3.38.3 Non-complying Activities:** No change

**Space around Buildings**

**3.38.4** No change

**3.38.5** No change

**3.38.6** No change

**3.38.7** No change

**Residential Density**

**3.38.8** The maximum residential density is:

(A) One residence per four hectares or more under contiguous ownership.

(B) One residence per two hectares under contiguous ownership for sites under four hectares but equal to or greater than two hectares:

(a) Where there is a Certificate of Title existing as at 30 July 2013 or

(b) Where the lot is part of a subdivision approved prior to 30 July 2013.

(C) One residence per each of the following sites:

<u>147 Ackers Road</u>	<u>Lot 3 DP 364369</u>
<u>145 Ackers Road</u>	<u>Lot 4 DP 364369</u>
<u>195 Ackers Road</u>	<u>Lot 1 DP 401469</u>
<u>197 Ackers Road</u>	<u>Lot 2 DP 401469</u>
<u>199 Ackers Road</u>	<u>Lot 3 DP 401469</u>
<u>205 Coggins Road</u>	<u>Lot 4 DP 401469</u>
<u>191 Ackers Road</u>	<u>Lot 5 DP 401469</u>
<u>203 Ackers Road</u>	<u>Lot 6 DP 401469</u>
<u>222 Marama Avenue North</u>	<u>Lot 1 DP 423684</u>

**3.38.9** No change

**3.38.10** No change

**3.38.11** No change

### **Height of Structures**

**3.38.12** All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

(A) Maximum height: 10 metres.

(B) Recession plane: Infogram 4 applies on sites less than one hectare and/or along boundaries adjoining a Residential Zone.

**3.38.13** No change

**3.38.14** No change

### **Fire Safety**

**3.38.15** No change

**3.38.16** No change

**3.38.17** No change

**3.38.18** No change

**3.38.19** No change

**3.38.20** No change

### **3.39 RURAL 2 (RURAL TRANSITION) ZONE**

**3.39.1 Permitted Activities:** No change

**3.39.2 Discretionary Activities:** No change

**3.39.3 Non-complying Activities:** No change

#### **Space around Buildings**

**3.39.4** No change

**3.39.5** No change

**3.39.6** No change

#### **Residential Density**

**3.39.7** No change

**3.39.8** No change

**3.39.9** No change

#### **Height of Structures**

**3.39.10** No change

(B) Recession plane: Infogram 4 applies on sites less than one hectare and/or along boundaries adjoining a Residential Zone.

**3.39.11** No change

**3.39.12** No change

#### **Fire Safety**

**3.39.13** No change

**3.39.14** No change

**3.39.15** No change

**3.39.16** No change

**3.39.17** No change

**3.39.18** No change

**3.39.19** No change

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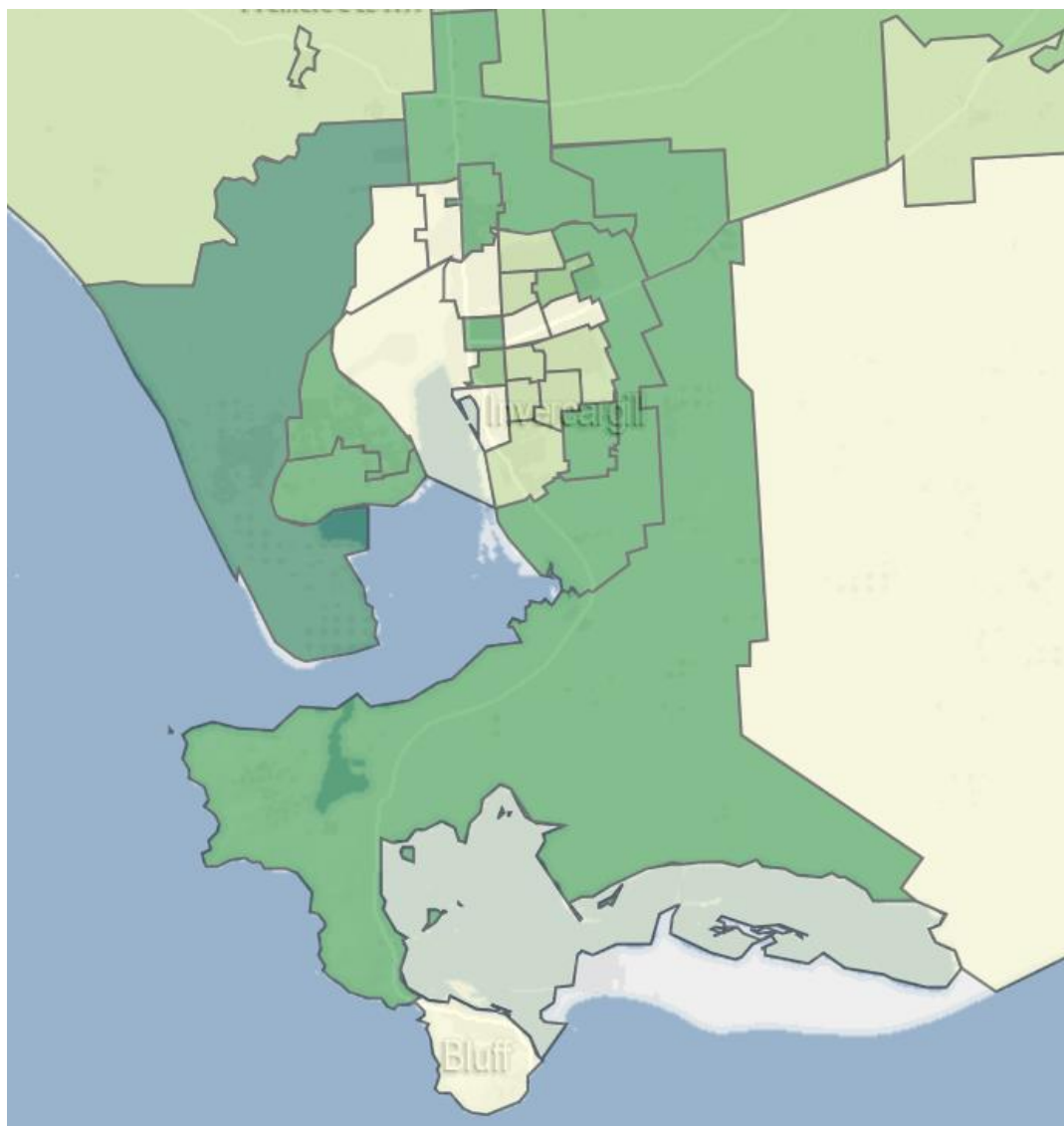


## APPENDIX 3 – MAPS OF AREAS RECOMMENDED FOR ZONING CHANGES





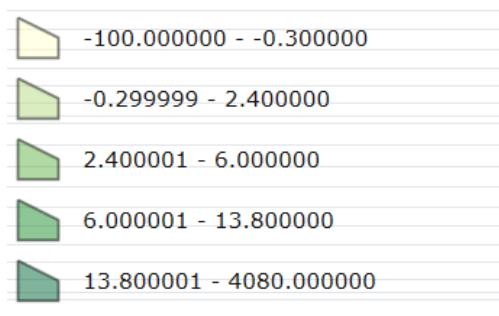
## APPENDIX 4 – MAPS SHOWING PERCENTAGE CHANGE IN HOUSEHOLD NUMBERS BETWEEN CENSUSES

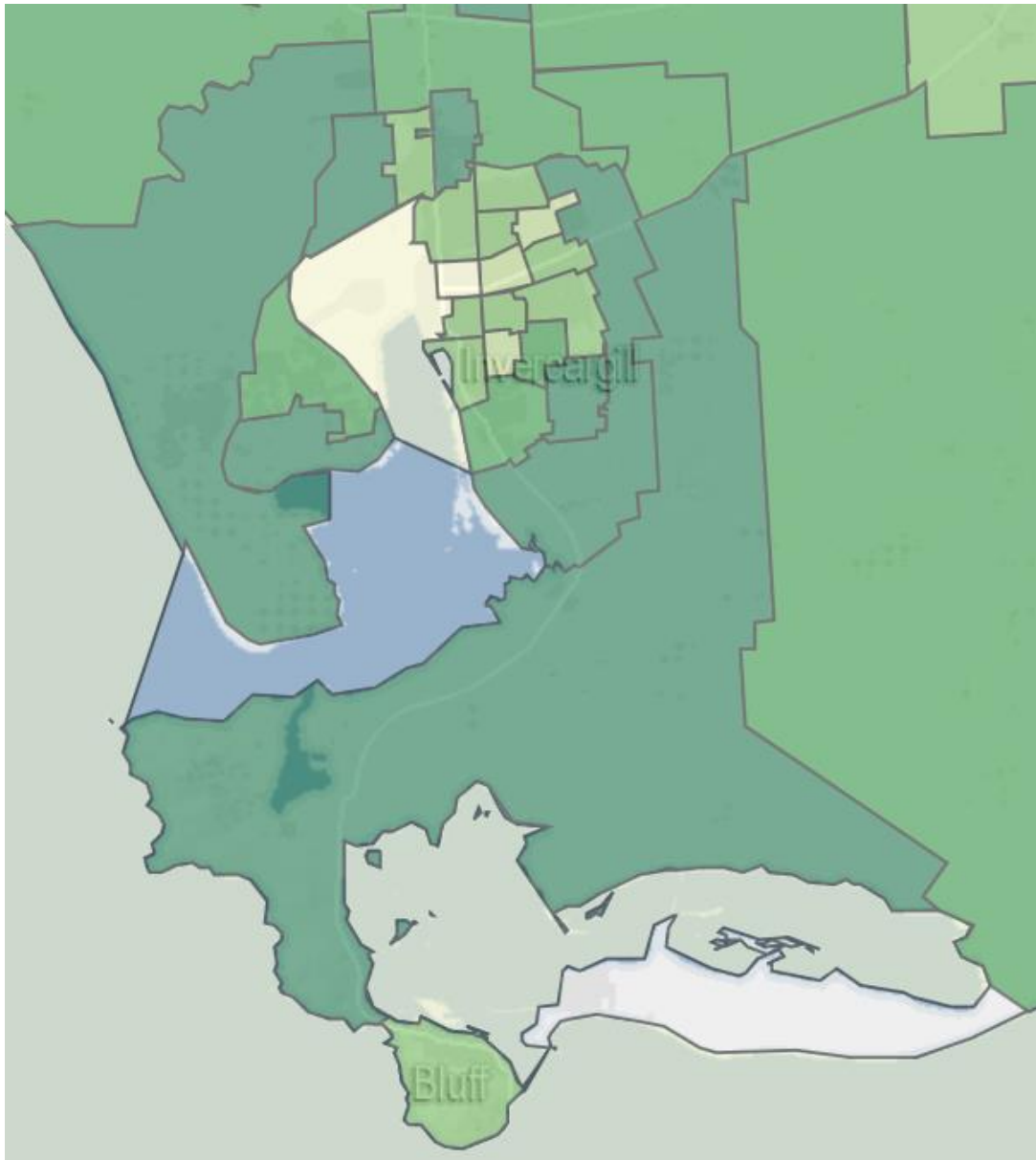


Source – Statistics New Zealand Quick Maps

Figure 1: Percentage change 2001 to 2006 (census dates) in the number of occupied dwellings (by Census Area Unit) -

Legend (percentage change):





Source – Statistics New Zealand Quick Maps

Figure 2: Percentage change 2006 to 2013 (census dates) in the number of occupied dwellings (by Census Area Unit)

## **APPENDIX 5 – MAPS SHOWING LOT SIZES IN SELECTED AREAS ON THE EDGE OF THE INVERCARGILL URBAN AREA**