

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under Clause 14 of the First
Schedule of the Act
BETWEEN INVERCARGILL CITY COUNCIL
(ENV-2016-CHC-96)
Appellant
AND INVERCARGILL CITY COUNCIL
Respondent

Environment Judge J J M Hassan – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

CONSENT ORDER

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that the Invercargill City Council is directed to make amendments to the Proposed Invercargill City District Plan as set out in the annexure marked “A”, attached to and forming part of this order;
- (2) the appeal is otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.



REASONS

Introduction

[1] This proceeding concerns an appeal by Invercargill City Council (Water Manager) against part of a decision of the Invercargill City Council on the proposed Invercargill City District Plan, in relation Rule 3.9.3. The appellant sought that the status of any extension of the reticulated water system outside of the water supply area shown in Appendix XI change to a non-complying activity; and to remove the grey shaded non-rural zones in the Appendix XI Maps 1-5.

[2] The parties have now agreed on amended wording for Rule 3.9.3 and have agreed to leave the Appendix XI Maps 1-5 as they are.

[3] The court has now read and considered the consent memorandum of the parties dated 18 August 2017 which proposes to resolve the appeal.

Other relevant matters

[4] Southland Regional Council has given notice of an intention to become a party under Section 274 of the Resource Management Act and has signed the memorandum setting out the relief sought.

Orders

[5] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;



- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

DATED at CHRISTCHURCH

14

September 2017



J J M Hassan
Environment Judge



'A'

3.9 UTILITIES

Extensions

3.9.3 Any extension to

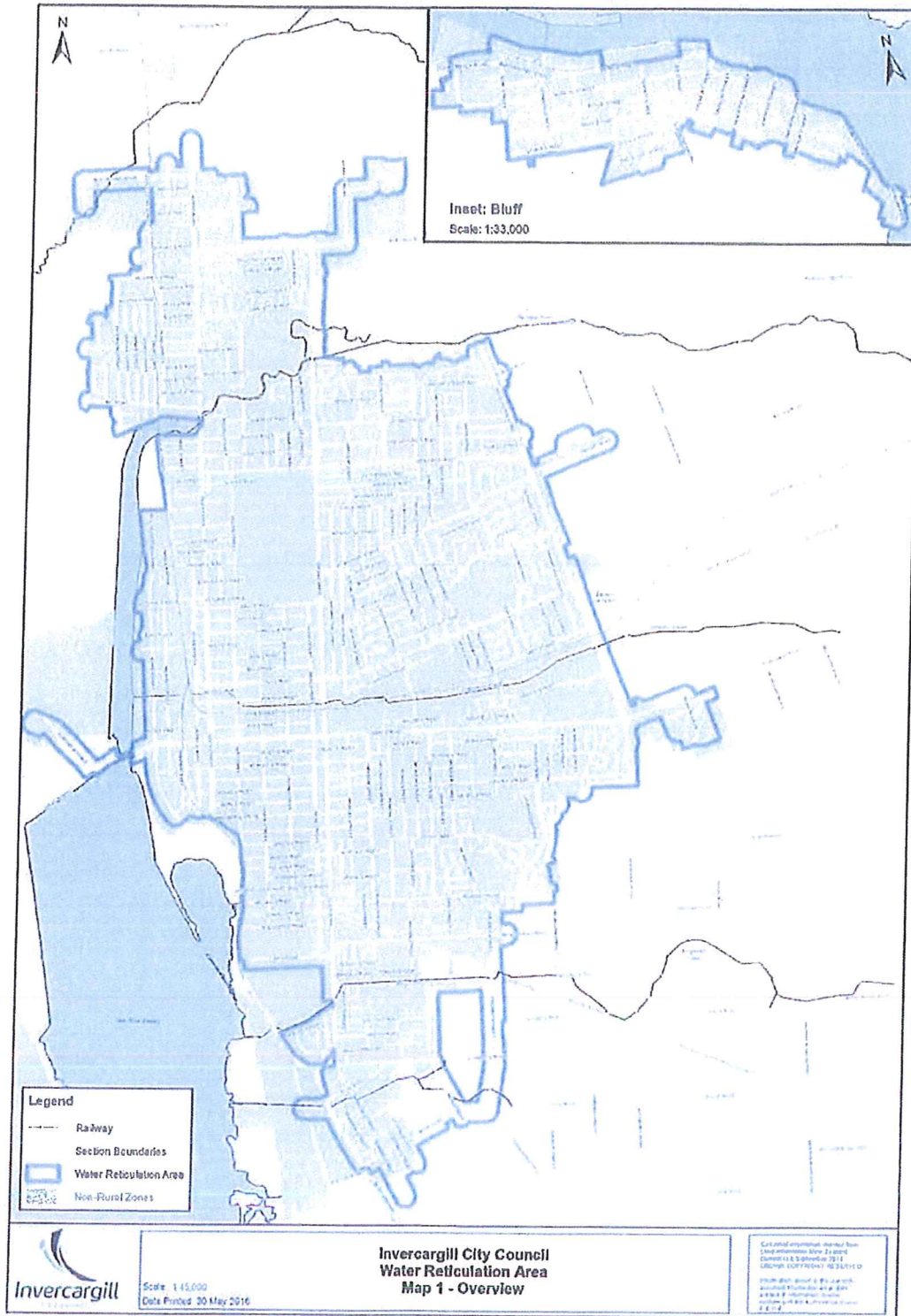
- (A) the Council's reticulated water system outside the Water Supply Area shown in Appendix XI is a non-complying activity, other than in the Industrial 4 Zone; and/or
- (B) the Council's reticulated sewerage system to properties that do not have a Certificate of Title boundary within the Sewerage Reticulation Area shown in Appendix XI is a non-complying activity within the Otatara and Rural Zones.

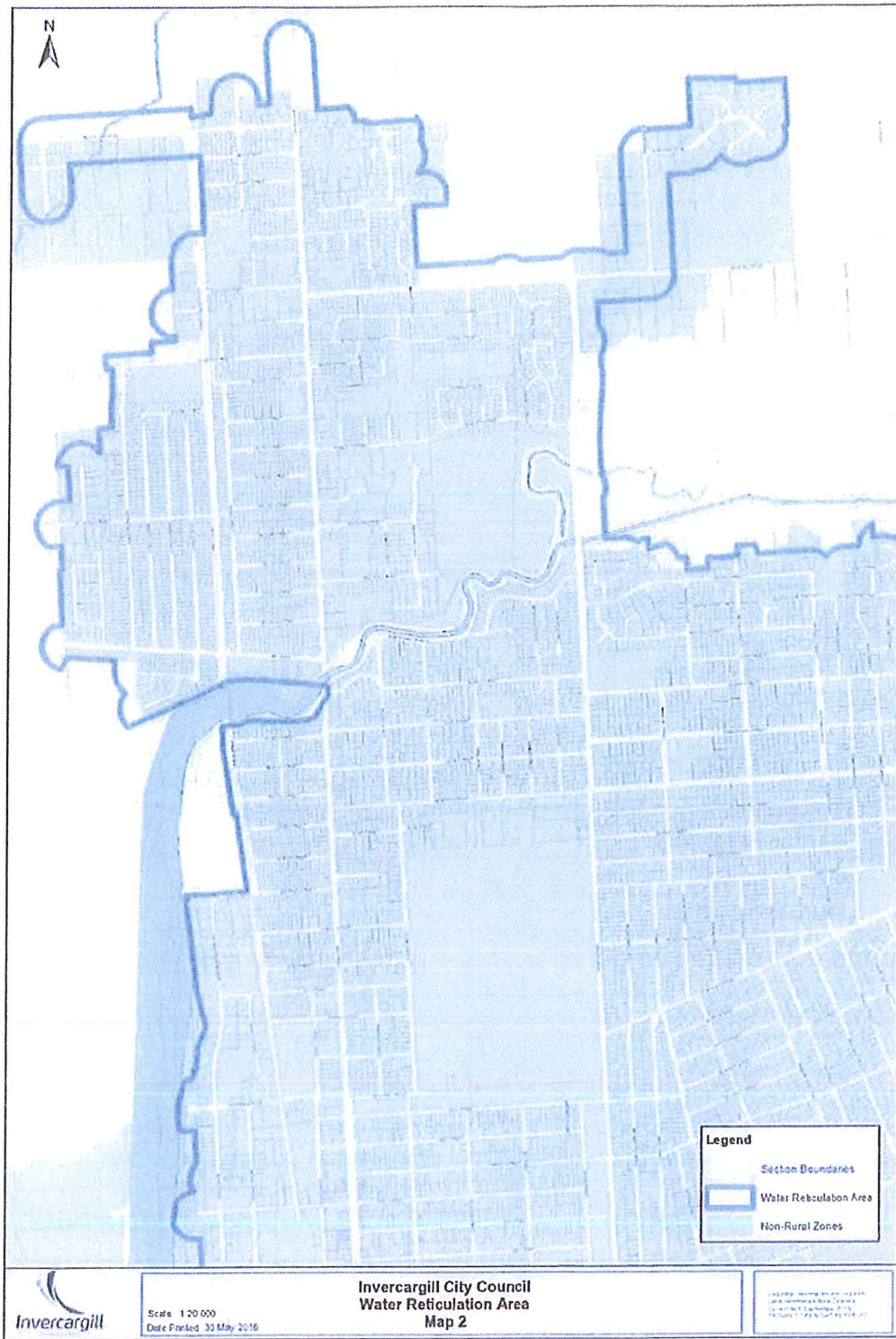
~~is a non-complying activity within the Otatara and Rural Zones.~~

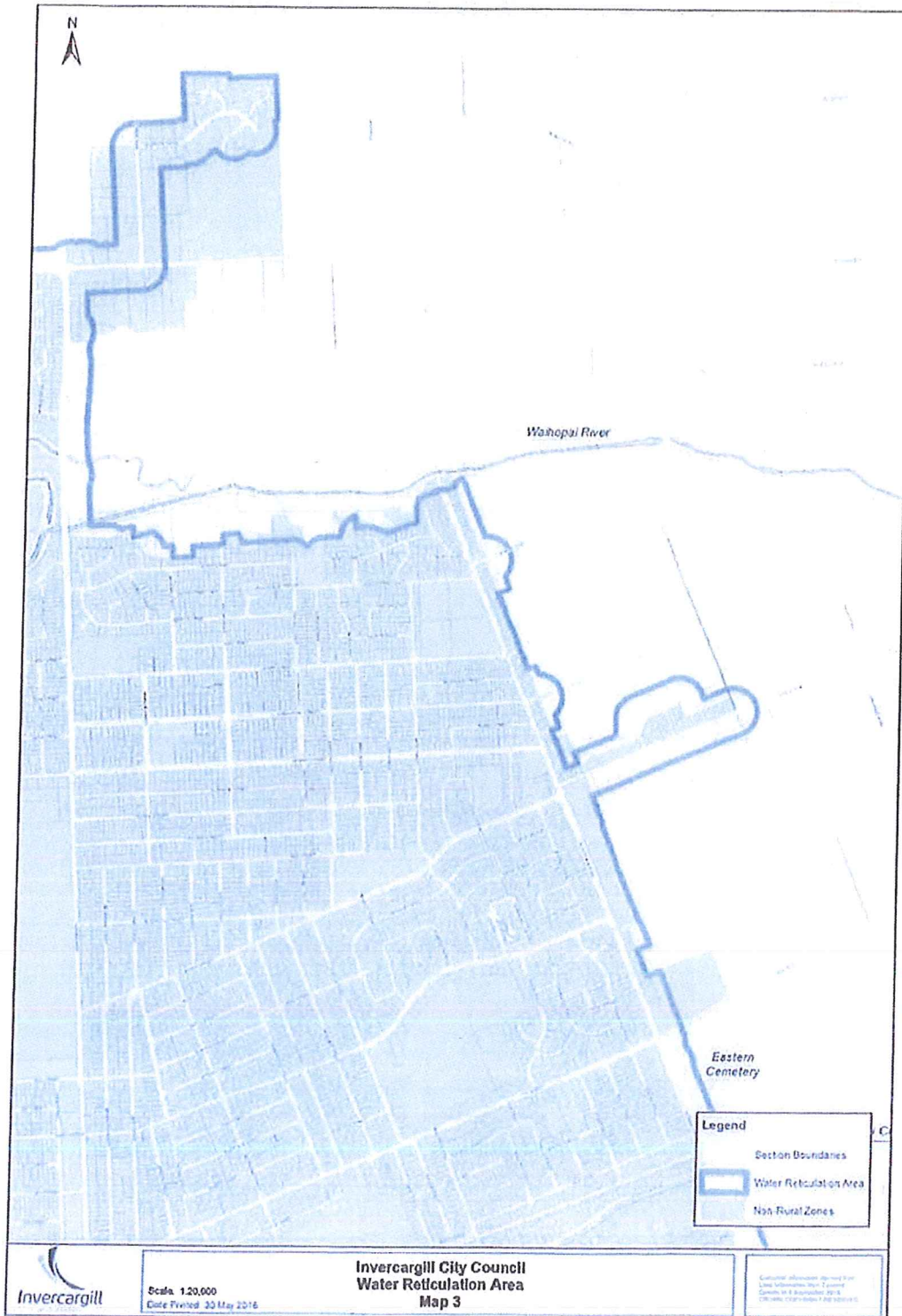


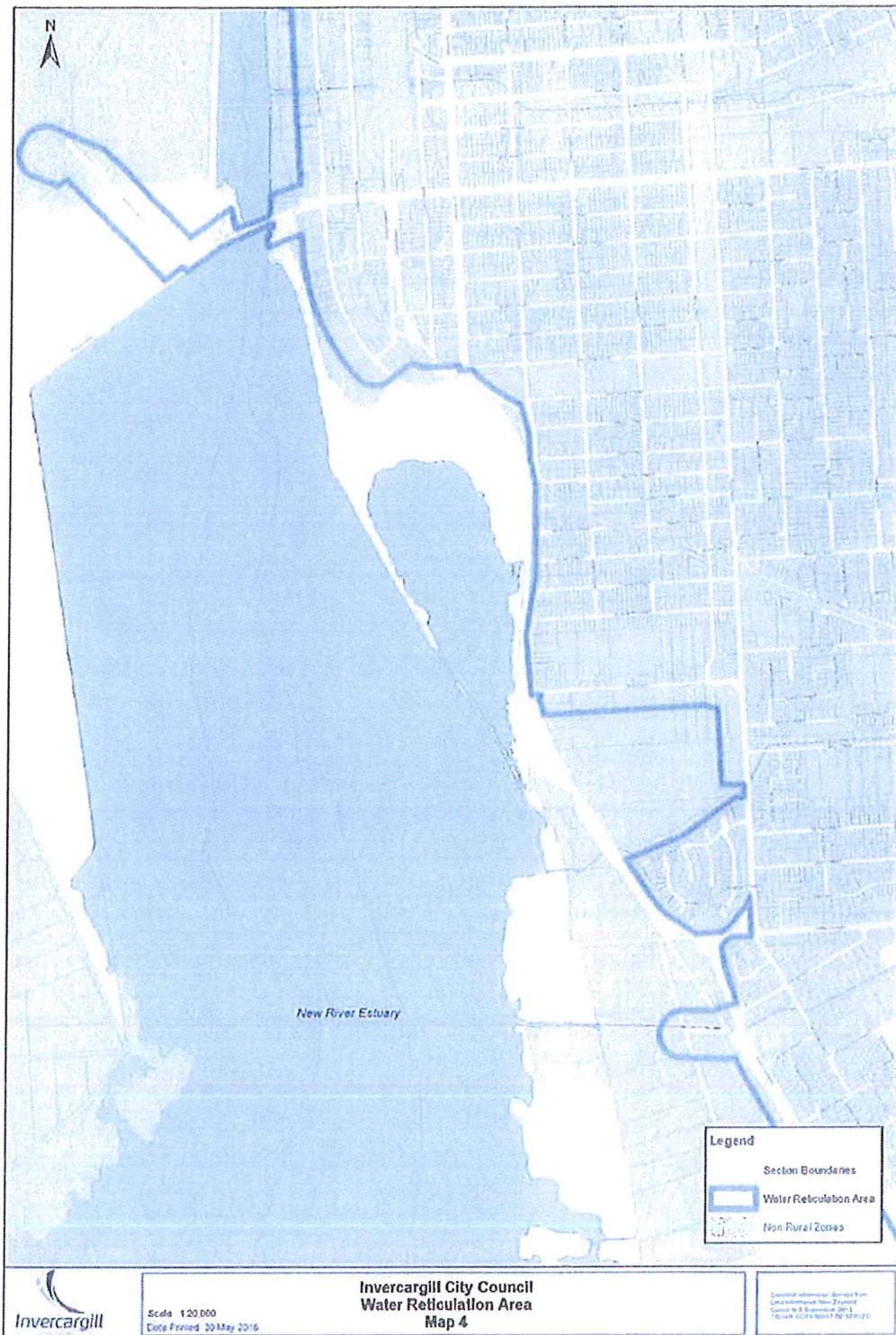
APPENDIX XI – COUNCIL'S SEWERAGE AND WATER RETICULATION AREAS

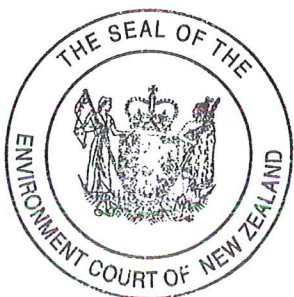
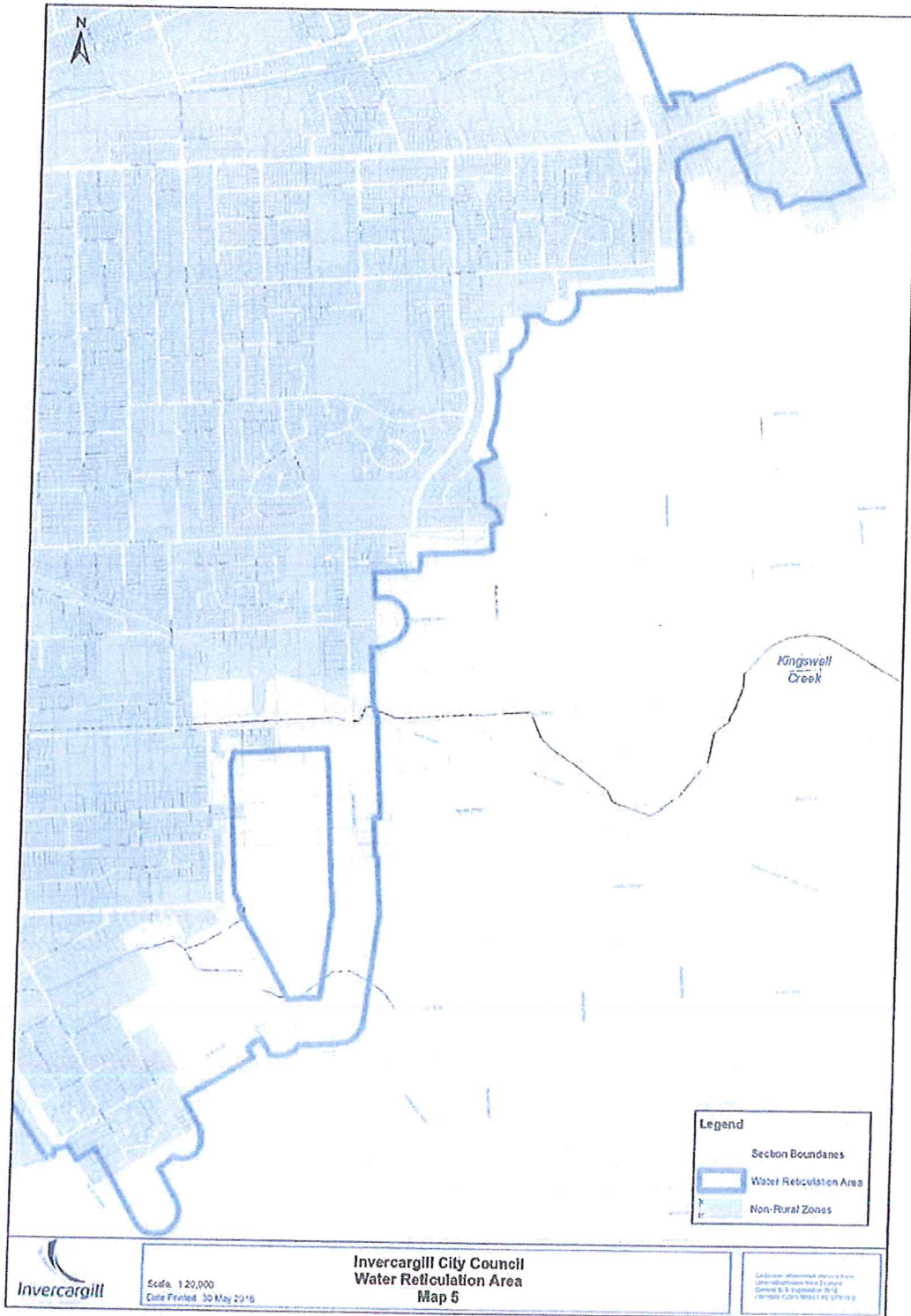


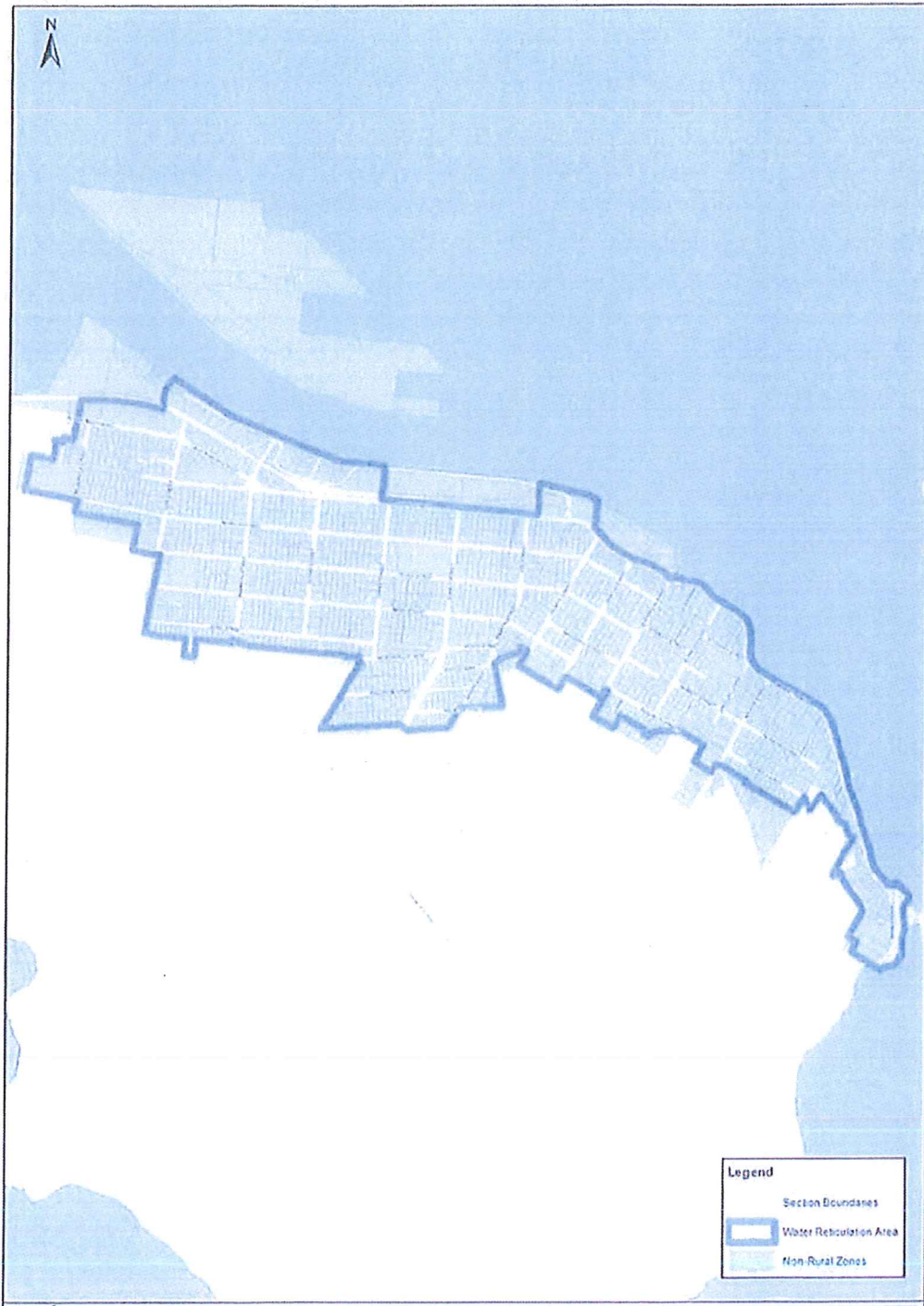












Scale 1:17 000
Date Revised: 30 May 2016

**Invercargill City Council
Water Reticulation Area
Map 6**

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