

**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 PETER JAMES HEENAN, THOMAS  
ANDREW DIXON, DOUGLAS STANLEY  
MUNRO AND R MUNRO, JOHN DAVID  
SCOTT AND OAKLAND FAMILY TRUST  
(ENV-2016-CHC-97)  
Appellants  
AND INVERCARGILL CITY COUNCIL  
Respondent

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

In Chambers at Christchurch

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**CONSENT ORDER**

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- 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 amend Map 7 of the Proposed Invercargill City District Plan as set out in Annexure A, attached to and forming part of this order;
  - (2) the appeal, to the extent that it relates to the land owned by Peter James Heenan, is dismissed; otherwise the appeal is extant.
- 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 Peter James Heenan, Thomas Andrew Dixon, Douglas Stanley Munro and R Munro, John David Scott and Oakland Family Trust against provisions of the Proposed Invercargill City District Plan as it relates to the Residential 3 Zone.

[2] The court has now read and considered the consent memorandum of the parties dated 26 October 2017, which proposes to resolve the appeal in so far as it concerns Peter James Heenan. Mr Heenan sought to extend the Residential 3 zoning to include his land at 319 Bainfield Road, Invercargill.<sup>1</sup>

[3] The appeal as it relates to the balance of the parties listed at [1] above is extant.

**Other relevant matters**

[4] The Southland Regional Council and Mr Wade Devine have given notice of an intention to become a party under section 274 of the Resource Management Act ("the RMA" or "the Act") and have signed the memorandum setting out the relief sought.

**Orders**

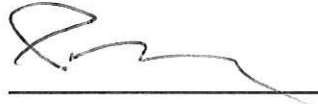
[5] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (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.

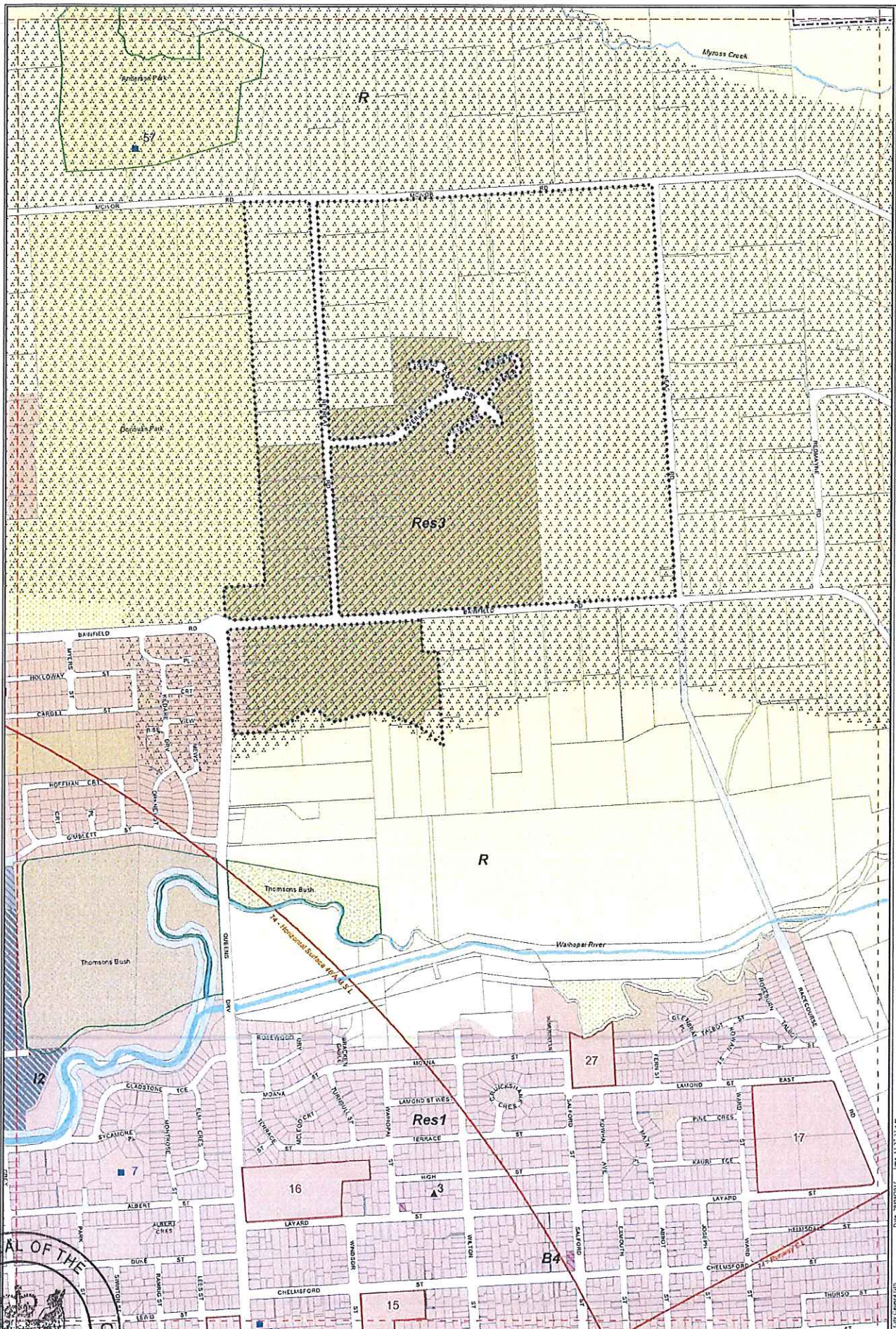
DATED at CHRISTCHURCH 31 October 2017



**J J M Hassan**  
**Environment Judge**



# Annexure A



Invercargill City  
PROPOSED DISTRICT PLAN  
Planning Maps - Appeals Version, August 2017

Scale 1:10,000

1	2	3
4	5	6
7	8	9
10	11	12

**7**

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# Planning Map Legend

- AO AIRPORT OPERATIONS
- AP AIRPORT PROTECTION
- B1 BUSINESS 1
- B2 BUSINESS 2
- B3 BUSINESS 3
- B4 BUSINESS 4
- B5 BUSINESS 5
- B6 BUSINESS 6
- H HOSPITAL
- I INDUSTRIAL 1
- I2 INDUSTRIAL 2
- I2A INDUSTRIAL 2A
- I3 INDUSTRIAL 3
- I4 INDUSTRIAL 4
- O OTATARA
- Res1 RESIDENTIAL 1
- Res1A RESIDENTIAL 1A
- Res2 RESIDENTIAL 2
- Res3 RESIDENTIAL 3
- R RURAL
- SP1 SEAPORT 1
- SP2 SEAPORT 2
- SM SMELTER
- Coastal Marine Area
- Rivers
- Coastal Environment
- Outstanding Natural Features & Landscapes
- Unformed Roads
- High Value Soils
- Reserves with Reserve Management Plans
- Areas of Significant Indigenous Biodiversity
- Designations - refer Appendix IV
- Railway View Lines
- Entertainment Precinct
- Priority Redevelopment Precinct
- Registered Heritage Areas - refer Appendix II
- City Centre Heritage Precinct
- Grid Boundary
- Pedestrian Friendly Frontages
- Airport Approach & Transition Lines
- Airnoise Boundary (Designation 75)
- Outer Control Boundary
- Single Event Sound Exposure Boundary
- Inner Control Boundary (Port Noise)
- Dam
- District Boundary
- Railway
- National Grid Electricity Transmission Lines (110Kv or above)
- ▲ National Grid Structures
- Heritage Sites - refer Appendix II
- ▲ Archaeological Sites - refer Appendix II

# Hazard Information Map Legend

- ▲ Riverine Inundation Level 1
- ▲ Riverine Inundation Level 2
- ▲ Riverine Inundation Level 2A
- ▲ Riverine Inundation Level 3
- 103 Floor Levels (Level 2)
- 103 Floor Levels (Level 2A)
- Areas Most at Risk from Sea Level Rise/Storm Surge Event
- Unformed Road
- Coastal Marine Area
- Rivers
- Grid Boundary
- Coastline Most Prone to Erosion
- Inland Extent of Coastal Sand Dunes
- 5m Contour (Urban, Derived)
- Dam
- Stopbank
- District Boundary
- Railway
- National Grid Electricity Transmission Lines (110Kv or above)
- ▲ National Grid Structures



**NOTE:**  
Where a formed or unformed road, railway, waterway or other natural feature divides Zones, these features will have the zoning of the Zone with the lower noise limits under Rule 3.13.2



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