

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

IN THE MATTER of the Resource Management Act 1991
AND of appeals under clause 14 of the First
Schedule of the Act
BETWEEN DIRECTOR-GENERAL OF
CONSERVATION
ENV-2016-CHC-091
AND POWERNET LIMITED
ENV-2016-CHC-092
AND ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED
ENV-2016-CHC-099
AND TRANSPower NEW ZEALAND LIMITED
ENV-2016-CHC-100
Appellants
AND INVERCARGILL CITY COUNCIL
Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 24 September 2018

CONSENT ORDER

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

- (1) the appeals are allowed to the extent that the Invercargill City Council is directed to amend its proposed Invercargill City District Plan as set out in Annexure A, attached to and forming part of this Order;



(2) the appeals are otherwise dismissed.

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

REASONS

Introduction

[1] These proceedings concern appeals on the proposed Invercargill City District Plan as it relates to issue of Biodiversity.

[2] The court has now read and considered the consent memorandum of the parties dated 31 August 2018, which proposes to resolve these appeals.

Background

[3] The Biodiversity provisions have been the subject of three mediations. There had been a difference of opinion relating to the definition for “indigenous vegetation” for the new policies and rules.

[4] The definition was the subject of a determination by the court¹ and the Director-General of Conservation later sought to make a subtle change to the wording of the definition, replacing “all” with “any of.” This change was accepted by the court and the amendment was made using s292 of the Resource Management Act 1991 (“the RMA” or “the Act”).²

[5] Agreement has now been reached on all outstanding provisions.

Other relevant matters

[6] The following have given notice of an intention to become a party³ under section 274 of the Act and have signed the memorandum setting out the relief sought:

¹ Final Decision [2018] NZEnvC 134.

² Directions under s292 RMA [2018] NZEnvC 175.

³ Some of these parties are also appellants.



- (a) Royal Forest and Bird Protection Society of New Zealand Incorporated;
- (b) South Port NZ Limited;
- (c) Transpower New Zealand Limited;
- (d) Southland Regional Council;
- (e) Federated Farmers of New Zealand;
- (f) New Zealand Aluminium Smelters Limited; and
- (g) Director-General of Conservation.

Orders

[7] 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.



J R Jackson
Environment Judge



Annexure A

2.3 BIODIVERSITY

The Invercargill City District contains areas of indigenous bush, wetlands and tussock, some of which are large in size, while others are isolated. These areas are important habitats in their own right as well as significant collectively.

The Statement of National Priorities¹ provides a hierarchy for protecting biodiversity and outlines a national perspective as a basis for developing policy on biodiversity at a local level.

The protection of indigenous biodiversity is an important value for the tangata whenua of Murihiku. They place a high priority on protecting, maintaining and improving habitat for all biodiversity, be it in water, riparian margins, native bush or wetlands.

The identification of sites containing significant indigenous biodiversity includes the reference to a Council commissioned report by an ecologist in 1999 which detailed an assessment of the District with a focus on identifying land containing significant indigenous vegetation and significant habitats of indigenous fauna (add footnote). The criteria used in that initial study is set out in Appendix XY of this Plan. Additional qualitative assessments have been carried out since 1999. When assessing the significance of areas of indigenous biodiversity under this District Plan, the criteria set out in 2.3.3 Policy 1 is to be used. Those areas identified as being of significance are to be delineated on the District Planning Maps and afforded the protection through the District Plan.

The important areas of indigenous biodiversity within the District include the Otatara Peninsula containing nationally significant totara-matai remnant forest on an ancient sand dune system; Ōmaui containing rare and threatened coastal turf communities; and Bluff Hill containing nationally significant podocarp forest.

The river and stream systems in the District provide important habitats for native species of plants and animals.

The Awarua Plain contains the District's largest wetland, which extends into the Southland District. A significant part of this wetland area is managed by the Department of Conservation (DOC), and makes up a part of the Seaward Moss Reserve. The Awarua Wetland is listed as a wetland of international importance under the Ramsar Convention. This is also an important area for significant indigenous flora and fauna. The total area of wetland is approximately 23,500 hectares, including the New River Estuary.

There are other wetland areas in the District. Wetland areas and lagoons are situated behind the sand dunes at Sandy Point. Lake Murihiku provides a natural wildlife habitat. There are also numerous ponds within reserves and on farms that contribute to wetland habitat. Gravel extraction areas between the Oreti Beach sand dunes and the Oreti River have the potential, once extraction has been completed, to be turned into wetland areas.

Key threats to areas of indigenous biodiversity include lack of appropriate stock management, further fragmentation of land holdings which then become more vulnerable to the encroachment of surrounding land uses, the spread of pest

¹ Ministry for the Environment 2007. *Protecting Our Places: Introducing the National Priorities for Protecting Rare and Threatened Species on Private Land*, Wellington: Ministry for the Environment.



plants and animals, fire and inappropriate recreational use. Any activity that modifies the edge of vegetation areas, or that opens the interior of vegetation areas, has the ability to result in future changes to the ecological stability of the area, particularly within bush, where light and wind intrusions are increased.

In addition to providing the basis for identifying areas of significant indigenous biodiversity within the District Plan, the research and assessments carried out provide a baseline for future monitoring of changes to these areas, both on an individual property basis and over the entire District. Such monitoring will be required on a regular basis in order to determine the effectiveness of the approach contained in this District Plan for managing activities within these areas. That approach is highly reliant on the use of non-regulatory methods, supplemented where necessary with Rules.

The Council will work in collaboration with Environment Southland, other local authorities and the community to maintain indigenous biodiversity. This could include developing a Schedule of Threatened, At Risk and Rare Habitat Types and advocating for non-regulatory tools to manage biodiversity for the Southland region.

The Council acknowledges that, in some areas, there have been concerted efforts made by land owners and occupiers to protect and enhance areas of indigenous biodiversity so that they are available for future use and enjoyment. The Council will encourage such voluntary activities to continue. The Council will also encourage by non-regulatory means the promotion of public access to areas of indigenous biodiversity where this will not give rise to adverse effects, on the values of the areas themselves, the use of the land, including normal farm practices and animal welfare issues, and the privacy of the land occupier. The provision of public access should not compromise public safety or security issues and the Council accepts that the final decision on whether to permit the public access, and the conditions of such access, will be that of the land owner or occupier. The provisions of the Trespass Act 1980 also remain in instances where people access areas that the land owner does not wish to open to the public.

2.3.1 Issues

The significant resource management issues for biodiversity:

1. Invercargill's indigenous ecosystems have been reduced in diversity and extent over time and while further subdivision, land use change, and development has the potential to pose risks in some areas it also provides opportunity for enhancement.
2. Amenity values can be adversely affected by clearing and altering areas of indigenous biodiversity.

2.3.2 Objectives

Objective 1: Indigenous biodiversity and habitats with indigenous biodiversity values are maintained to a healthy functioning state and, where appropriate, restored and enhanced.



Objective 2: The natural character and biodiversity of wetlands, and rivers and their margins are protected from inappropriate subdivision, use and development.

2.3.3 Policies

Policy 1 Identification: To identify known areas of significant indigenous biodiversity by delineating these on the District Planning Maps and use the following criteria to identify additional areas of significance:

(a) Representativeness

- (i) Indigenous vegetation or habitat of indigenous fauna that is representative, typical or characteristic of the natural diversity of the relevant ecological district or coastal biogeographic region. This can include degraded examples where they are some of the best remaining examples of their type, or represent all that remains of indigenous biodiversity in some areas.
- (ii) Indigenous vegetation or habitat of indigenous fauna that is a relatively large example of its type within the relevant ecological district or coastal biogeographic region.

(b) Rarity/Distinctiveness

- (i) Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent in the Region, or relevant land environment, ecological district, freshwater environment, or coastal biogeographic region.
- (ii) Indigenous vegetation or habitat of indigenous fauna that supports an indigenous species that is threatened, at risk, or uncommon, nationally or within the relevant ecological district or coastal biogeographic region.
- (iii) The site contains indigenous vegetation or an indigenous species at its distribution limit within Southland Region or nationally.
- (iv) Indigenous vegetation or an association of indigenous species that is distinctive, of restricted occurrence, occurs within an originally rare ecosystem, or has developed as a result of an unusual environmental factor or combinations of factors.

(c) Diversity and Pattern

- (i) Indigenous vegetation or habitat of indigenous fauna that contains a high diversity of indigenous ecosystem or habitat types, indigenous taxa, or has changes in species composition reflecting the existence of diverse natural features or ecological gradients.

(d) Ecological Context

- (i) Vegetation or habitat of indigenous fauna that provides or contributes to: an ecological linkage, ecological corridor or network; buffering function; or ecosystem service.
- (ii) A wetland which plays an important hydrological, biological or ecological role in the natural functioning of a water body, including a river or coastal system, or springs, lakes and streams.
- (iii) Indigenous vegetation or habitat of indigenous fauna that provides important habitat (including, but not limited to, refuges from predation, or key habitat for feeding, breeding, or resting) for indigenous species, either seasonally or permanently.



Explanation: Significant indigenous biodiversity includes both significant indigenous vegetation and significant habitats of indigenous fauna. Areas of significant indigenous biodiversity shown on the District Planning Maps provide a baseline of information on the extent of known areas of significant indigenous biodiversity and indicate their location. For consistency with Policy BIO.1 of the RPS, where any additional areas of potentially significant indigenous biodiversity are discovered, or brought to the Council's attention, these can be assessed on a case-by-case basis by a suitably qualified ecologist to determine their significance using the criteria above. Where an area is determined to be significant it shall be delineated on the District Planning Maps by way of a Plan Change commenced within a year of its discovery.

Policy 2 Promotion: To promote and encourage the establishment, protection, maintenance, restoration and enhancement of indigenous ecosystems and habitats with indigenous biodiversity values.

Explanation: A range of non-regulatory methods provides the Council with opportunities to promote the protection, maintenance and enhancement of areas of indigenous biodiversity. However, in some instances Rules in the District Plan will need to be used to manage particular activities and their effects within areas of indigenous biodiversity.

Policy 3 Protecting significant indigenous biodiversity

- (A) To protect significant indigenous biodiversity by avoiding, remedying or mitigating the adverse effects of subdivision, land use and development within areas containing ecosystems and habitats with significant indigenous biodiversity values.
- (B) To have regard to the following potential adverse effects in considering subdivision, land use and development that may adversely affect indigenous ecosystems and habitats with indigenous biodiversity values:
 - (i) fragmentation of, or reduction in the extent of, significant indigenous vegetation or significant habitats of indigenous fauna;
 - (ii) fragmentation or disruption of connections and linkages between significant ecosystems or significant habitats of indigenous fauna;
 - (iii) loss of, or damage to, buffering of significant ecosystems or significant habitats of indigenous fauna;
 - (iv) loss or reduction of rare or threatened indigenous species populations or habitats.

Explanation: It is anticipated that a range of options will be considered for new land use and subdivision activities within areas of significant indigenous biodiversity in order to ensure that the values of that significant indigenous biodiversity are retained and that adverse effects are avoided wherever possible. For example, it is anticipated that access ways through an area of significant indigenous biodiversity would only be considered where there are no other alternatives available and appropriate mitigation measures have been proposed.



Policy 4 Maintaining indigenous biodiversity

- (A) To maintain indigenous biodiversity by avoiding, remedying or mitigating the adverse effects of subdivision, land use and development on indigenous biodiversity.

- (B) Have regard to the following potential adverse effects in considering subdivision, land use and development that may adversely affect indigenous ecosystems and habitats with indigenous biodiversity values:
 - (i) fragmentation of, or reduction in the extent of, indigenous vegetation or habitats of indigenous fauna;
 - (ii) fragmentation or disruption of connections and linkages between ecosystems or habitats of indigenous fauna;
 - (iii) loss of, or damage to, buffering of ecosystems or habitats of indigenous fauna;
 - (iv) loss or reduction of rare or threatened indigenous species populations or habitats.

Explanation: For new land use and subdivision activities, it is anticipated that a range of options will be considered to maintain indigenous biodiversity to ensure that the biodiversity values are retained and that adverse effects are avoided, remedied or mitigated wherever possible. A range of regulatory and non-regulatory methods provides the Council with opportunities to promote the maintenance and enhancement of areas of indigenous biodiversity.

- Policy 5 Otatara:** To protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna within the Otatara Zone recognising the nationally significant ecological and intrinsic values and the high amenity values of ancient sand dune landscape of that area.

Explanation: The areas of significant indigenous vegetation among the ancient sand dune remnants in the Otatara Zone have been identified as having nationally significant ecological and intrinsic values. The District Plan manages the effects of activities within these areas.

- Policy 6 Planting:** To promote the use of locally sourced indigenous vegetation as part of any restorative planting, enhancement planting and landscaping within areas of significant indigenous biodiversity.

Explanation: It is important that the integrity of the biodiversity be maintained by utilisation of locally sourced indigenous plant stock.

- Policy 7 Biodiversity initiatives:** To encourage and support biodiversity initiatives to maintain, restore and/or enhance:

- (A) Coastal features, ecosystems and habitats.
- (B) Aquatic ecosystems and habitats.
- (C) Indigenous species, ecosystems and habitats.



Explanation: This policy recognises the importance of various initiatives in achieving sustainable management of Invercargill's indigenous ecosystems and biodiversity values. Such initiatives are essential if the full range of Invercargill's ecosystem functions is to be maintained, restored or enhanced. The Council is well placed to be able to support and co-ordinate efforts with the land owners, the community and land management agencies to work together to maintain, enhance or restore a range of ecosystems and habitats throughout the District.

Policy 8 Other agencies: To promote the protection of areas of significant indigenous biodiversity, wetlands, and rivers and their margins where they abut areas with similar ecological values in the jurisdictions of other agencies.

Explanation: Where areas of indigenous biodiversity abut areas with similar ecological values in the jurisdictions of other agencies it is important that management is co-ordinated.

Policy 9 Information collection: Gather and record information on Invercargill's biodiversity resources and the effects of activities, pests and climate change on indigenous ecosystems to assist with the sustainable management of the resource and the ongoing development and implementation of appropriate management regimes.

Explanation: Gathering, recording and reporting on information such as the location, extent, pressures and condition of biodiversity through such means as State of the Environment reporting will assist the community to manage sustainably the District's biodiversity resource. The effects of activities, climate change and pests are not currently well known in Invercargill. Investigation into these effects will allow the Council to make decisions about how activities that affect biodiversity should be managed.

Policy 10 Other legislation: To use, and promote the use of, other legislation, including the Reserves Act 1977, the Conservation Act 1987 and the Biosecurity Act 1993 where this will result in the long term protection of areas of indigenous biodiversity.

Explanation: Other legislation also enables protection of the values of these areas, in a manner that can be more effective and more efficient than the methods available under the RMA.

Policy 11 Tangata whenua: To recognise the role of tangata whenua as kaitiaki, and provide for:

- (A) Tangata whenua values and interests to be incorporated into the management of biodiversity.
- (B) Consultation with tangata whenua regarding the means of maintaining and restoring areas and habitats that have particular significance to tangata whenua.
- (C) Active involvement of tangata whenua in the protection of cultural values associated with indigenous biodiversity.
- (D) Customary use of indigenous biodiversity according to tikanga.



Explanation: *Recognising and providing for the relationship of Māori with indigenous biodiversity is important in recognising the role of Māori as kaitiaki in accordance with Section 7 of the RMA, and Te Tangi a Taurira.²*

2.3.4 Methods of Implementation

- Method 1** Delineation on the District Planning Maps of areas of significant indigenous biodiversity. New areas will be assessed by a suitably qualified ecologist in accordance with the criteria in 2.3.3 Policy 1 and will be incorporated into the District Plan by way of Plan Change.
- Method 2** Adopting regulatory methods, including Rules in the District Plan and conditions on resource consents.
- Method 3** The adoption of an ongoing information dissemination programme by the Council and in co-operation with other organisations, preparing brochures and leaflets, assisting the funding of community publications, including information on the Council's website, preparing guidelines, undertaking environmental advocacy and making environmental awards to:
- (A) Increase knowledge about the existence and importance of areas of indigenous biodiversity.
 - (B) Develop a pride in the protection of areas of indigenous biodiversity.
 - (C) Recognise the ecological and intrinsic value of areas of indigenous biodiversity and their contribution to the District.
 - (D) Recognise the factors which can damage areas of indigenous biodiversity.
 - (E) Encourage composting of vegetative waste.
 - (F) Encourage the removal of exotic vegetation and the planting of indigenous vegetation of local genetic stock.
- Method 4** Consult and share information with land owners and occupiers, iwi, other Councils, other organisations, internal Council departments and local community and business groups.
- Method 5** Financial incentives to assist with costs associated with the voluntary and permanent protection of areas of indigenous biodiversity on private land.
- Method 6** Promoting the voluntary adoption of covenants.
- Method 7** Undertaking environmental advocacy through both statutory processes and other means.
- Method 8** Monitoring of resource consents and gathering information on changes in the state of the indigenous biodiversity of Invercargill.



² Ngāi Tahu Ki Murihiku (2008) "The Cry of the People - Te Tangi a Taurira - Ngāi Tahu Ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008"

Method 9 Collaborate with Environment Southland and other local authorities where joint initiatives and processes will assist in achieving common goals and desired outcomes.



3.1 BIODIVERSITY

- 3.1.1 (A) The following are permitted activities for all indigenous vegetation and areas of significant indigenous biodiversity:
- (a) Maintenance and/or restoration planting within areas of indigenous biodiversity.
 - (b) Trimming or clearance of diseased, dead or damaged indigenous vegetation, where this is necessary to avoid adverse effects on remaining indigenous vegetation or to avoid risk to buildings, structures and/or human life.
 - (c) Clearance of pest plants as identified in the Regional Pest Management Strategy for Southland or any replacement plan prepared under the Biosecurity Act 1993.
 - (d) Trimming or clearance of indigenous vegetation that encroaches into the Airport Approach and Land Use Controls as identified in the District Planning Maps.
 - (e) Trimming or clearance of indigenous vegetation where required for the safe operation or maintenance of the National Grid or to remove a potential fire risk associated with the National Grid.
- (B) Rule 3.1.1(A) overrides Rules 3.1.2 – 3.1.13.

Indigenous Biodiversity

- 3.1.2 Rules 3.1.3 – 3.1.7 apply to indigenous vegetation that is not identified as being within an area of significant indigenous biodiversity on the Planning Maps.
- 3.1.3 Clearance of indigenous vegetation is a permitted activity:
- (A) On and within 2 metres of formed roadways, where this is required to maintain road safety;
 - (B) On and within 2 metres of formed vehicle access ways and existing vehicle tracks, where this is required to enable use by vehicles (including emergency vehicles where necessary);
 - (C)
 - (a) Within 2.5 metres of structures and lines associated with network utility services, where required for the safe operation or maintenance of, or to avoid damage to, or to remove a potential fire risk associated with, such structures and lines;
 - (b) Where required for the construction (including associated trenches and earthworks) of the following structures and lines associated with network utility services:
 - (i) new electricity lines up to (and including) 110kV and their support structures; and
 - (ii) ground-mounted electricity substations that do not exceed six square metres in area or two metres in height.



- (D) Within 2 metres of open drains, where this is required in order to undertake maintenance of the drain;
- (E) Within 1 metre of boundary fences, where this is required to avoid damage to the fence;
- (F) On and within 0.5 metres of formed public walking tracks, where such removal or felling is required to enable safe passage by people; and
- (G) Within 1 metre of buildings and other structures, where such removal or felling is required to avoid damage to such buildings and structures.

3.1.4 Clearance of indigenous vegetation is a permitted activity where the clearance is:

- (A) of indigenous vegetation that was been deliberately planted
 - (a) within a domestic or public garden,
 - (b) for amenity purposes,
 - (c) for the use of screening / shelter belt purposes (such as farm hedgerows), or
 - (d) for the purpose of commercial harvest; or
- (B) of indigenous vegetation that has grown naturally since 2006* on land lawfully cleared of indigenous vegetation; or

3.1.5 The clearance of indigenous vegetation in the Coastal Environment, and/or areas of Outstanding Natural Features and Landscape (other than provided for in rules 3.1.3 and 3.1.4), is a permitted activity where:

- (A) the clearance of indigenous vegetation less than 500m² within any site over any 5 year period; and
- (B) the clearance of indigenous vegetation is more than 10m from a wetland or river; or
- (C) for the purpose of the construction, maintenance and operation of a river crossing, the clearance of indigenous vegetation is within 10m of a river, provided that there is no more than 20 linear metres of clearance.

3.1.6 The clearance of indigenous vegetation in areas outside the Coastal Environment and/or areas of Outstanding Natural Features and Landscapes (other than provided for in rules 3.1.3 and 3.1.4), is a permitted activity where:

- (A) the clearance of indigenous vegetation less than 1,000m² within any site over any 5 year period; and
- (B) the clearance of indigenous vegetation is more than 10m from a wetland or river; or
- (C) for the purpose of the construction, maintenance and operation of a river crossing, the clearance of indigenous vegetation is within 10m of a river, provided that there is no more than 20 linear metres of clearance.



3.1.7 Where clearance does not meet Rules 3.1.3 - 3.1.6, clearance of indigenous vegetation, is a restricted discretionary activity.

The matters over which Council shall exercise its discretion are:

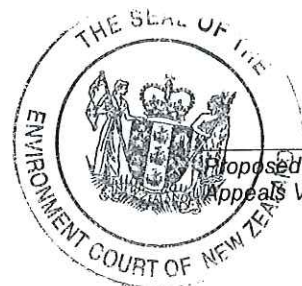
- (A) Whether the vegetation proposed to be cleared meets the criteria set out 2.3.3 Policy 1.
- (B) Where the vegetation meets the criteria in 2.3.3 Policy 1, how the proposed clearance has considered the avoidance of adverse effects on the significant indigenous biodiversity values.
- (C) The degree to which the clearance will affect biological diversity throughout the district.
- (D) Whether the indigenous vegetation contributes to an important ecological function (such as an ecological corridor) and the degree to which this function will be compromised by the proposed clearance.
- (E) The quantity of indigenous vegetation to be cleared and reason for the removal.
- (F) Where the clearance is within the Coastal Environment, how the proposed clearance has considered the avoidance of significant adverse effects on the Natural Character of the Coastal Environment.
- (G) Where the clearance is within an Outstanding Natural Feature or Landscape, whether the vegetation proposed to be cleared contributes to the Outstanding Natural Feature or Landscape values and the degree to which the proposed clearance would compromise these values.
- (H) Any potential for mitigation or offsetting of effects on ecosystems and biodiversity values.
- (I) Any technical and operational constraints and route, site and method selection process.
- (J) The benefits that the activity provides to the local community and beyond.

Areas of Significant Indigenous Biodiversity

3.1.8 Rules 3.1.9 – 3.1.13 apply to areas of significant indigenous biodiversity identified on the Planning Maps.

3.1.9 Trimming vegetation is a permitted activity:

- (A) On and within 2 metres of formed roadways, where such trimming is required to maintain road safety.
- (B) On and within 2 metres of formed vehicle access ways and vehicle tracks, where such trimming is required to enable use by vehicles (including emergency vehicles where necessary).
- (C) Within 2.5 metres of structures and lines associated with network utility services, where such trimming is required for the safe operation or



maintenance of such structures and lines or to avoid damage to such structures and lines or to remove a potential fire risk related to such structures and lines.

- (D) Within 2 metres of open drains, where such trimming is required in order to undertake maintenance of the drain.
- (E) Within 1 metre of boundary fences, where such trimming is required to avoid damage to the fence.
- (F) On and within 0.5 metres of formed public walking tracks, where such trimming is required to enable safe passage by people.
- (G) Within 1 metre of buildings and other structures, where such trimming is required to avoid damage to such buildings and structures.

Provided that trimming shall relate to the removal of parts of trees for reasons as set out above, while retaining the biological viability of the vegetation association.

3.1.10 The clearance of vegetation is a controlled activity:

- (A) On and within 2 metres of formed roadways, where such removal or felling is required to maintain road safety.
- (B) On and within 2 metres of formed vehicle access ways and vehicle tracks, where such removal or felling is required to enable use by vehicles (including emergency vehicles where necessary).
- (C) Within 2.5 metres of structures and lines associated with network utility services, where such clearance is required for the safe operation or maintenance of such structures and lines or to avoid damage to such structures and lines or to remove a potential fire risk related to such structures and lines.
- (D) Within 2 metres of open drains, where such removal or felling is required in order to undertake maintenance of the drain.
- (E) Within 1 metre of boundary fences, where such removal or felling is required to avoid damage to the fence.
- (F) On and within 0.5 metres of formed public walking tracks, where such removal or felling is required to enable safe passage by people.
- (G) Within 1 metre of buildings and other structures, where such removal or felling is required to avoid damage to such buildings and structures.

The matters over which the Council shall exercise its control are:

- (A) Replanting; and
- (B) Disposal of trees and vegetation; and
- (C) Visual, landscape, and ecological effects

3.1.11 It is a discretionary activity to:



- (A) Construct any road, driveway or other such access way that is intended to be used by motorised vehicles.
- (B) Construct lines and structures associated with network utility services (including associated trenches and earthworks) involving the trimming or clearance of any indigenous biodiversity or parts thereof, including of any branches or roots, within the drip line of the vegetation.

3.1.12 It is a non-complying activity (other than as provided for in Rules 3.1.1, 3.1.9, 3.1.10 and 3.1.11), to:

- (A) Remove any live indigenous vegetation, or alter vegetation or habitat in a manner that destroys the biological viability of that significant indigenous vegetation or significant habitat.
- (B) Erect any building or other structure.
- (C) Plant exotic woodlots and commercial forestry.
- (D) Carry out earthworks.

3.1.13 Applications under Rules 3.1.11 and 3.1.12 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Whether the affected indigenous biodiversity is one of the four priorities specified in the Statement of National Priorities for Protecting Rare and Threatened Indigenous Biodiversity on Private Land (MfE, 2007).
- (B) Whether the affected indigenous biodiversity is considered as threatened, at risk or rare in any official region wide schedule.
- (C) The quantity of vegetation to be cleared and the reason for the removal.
- (D) The degree of modification or damage that will occur to the areas of significant indigenous biodiversity.
- (E) The alternative options considered to avoid adverse effects on the significant indigenous biodiversity area and its values.
- (F) The effect on the overall ecological integrity and biological diversity and functioning of the area of significant indigenous biodiversity.
- (G) The proximity of the area affected by the proposal to riparian margins and wetland.
- (H) Methods proposed to avoid, remedy or mitigate adverse effects including:
 - (a) Soil and water conservation measures.
 - (b) Animal and plant pest control.
 - (c) Stock control measures.



- (I) The treatment of the area surrounding any clearances created so that vegetation within the adjoining area of significant indigenous biodiversity is not adversely affected.
- (J) Any proposals to compensate for or offset loss of indigenous biodiversity including setting aside equivalent areas (equal to or greater in terms of the extent of vegetation lost) of indigenous biodiversity elsewhere for protection.
- (K) Any landscape or amenity related values of the land (including contribution to natural character).
- (L) The role the affected land plays in ecosystem services (including natural hazard mitigation).
- (M) The value of the affected land to tangata whenua and the effects of the activity on cultural values, associated with lands, water, sites, wāhi tapu and wāhi taonga.
- (N) The social, cultural, and/or recreation effects of the proposal.
- (O) Where the subject property has been involved in any previous assessment processes, the outcome of such assessments.
- (P) Whether the affected indigenous biodiversity has ecological value due to its location and functioning in relation to its surroundings. For example, an area may be ecologically significant because of its connections to a neighbouring area, or as part of a network of areas of fauna habitat, or as a buffer.
- (Q) The economic costs and benefits of the activity for which consent is sought.

* Note: 2006 has been selected as the date for the purposes of 3.1.4 (B) due to the availability of aerial photography for the District.



3.6 ENERGY

3.6.1 Any activity associated with the investigation into renewable energy generation is a permitted activity, provided that such activities comply with all other Rules and standards in this Plan.

3.6.2 Small and community-scale renewable energy generation with an installed electricity generation capacity of up to 20 kilowatts (kW) is a permitted activity provided that:

- (A) The energy generation facility is not located:
 - (a) In an area of significant indigenous biodiversity identified on the District Planning Maps
 - (b) On the site of an identified building, structure, place or area identified in Appendix II – Sites of Heritage Value in this District Plan, or
 - (c) Within an outstanding natural feature or landscape identified on the District Planning Maps.
- (B) No more than three wind electricity generation turbines or masts are located on any site.

3.6.3 Any activity associated with the investigation, development and operation of renewable energy generation in the Industrial 4 Zone is a permitted activity.

3.6.4 The following activities are discretionary activities:

- (A) Small and community-scale renewable energy generation that does not comply with Rules 3.6.2 or 3.6.3 above.
- (B) Any activity associated with the investigation, development and operation of non-renewable energy generation in the Industrial 4 Zone.

3.6.5 The following activities are non-complying activities:

- (A) Any activity associated with the investigation into the development of non-renewable energy generation, except as provided for in Rule 3.6.4(B) above.
- (B) Any energy generation activity not provided for in Rules 3.6.1 to 3.6.5(A) above is a non-complying activity.

3.6.6 Applications under Rules 3.6.4 and 3.6.5 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Any adverse effects on:
 - (a) The natural character of the coastal environment, wetlands, lakes and rivers and their margins.
 - (b) The protection of outstanding natural features and landscapes.
 - (c)



- (c) Indigenous biodiversity.
- (d) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.
- (e) The safe and efficient movement of traffic.
- (f) Amenity values of any surrounding commercial, residential or rural areas and/or activities.
- (g) The safety and integrity of any high pressure gas line, high voltage electricity line or other significant network utility, infrastructure or service.
- (h) Heritage.
- (i) Any significant geological or archaeological values.
- (j) The visual character and amenity of the area, including:
 - (1) The extent to which the proposal will adversely impact on residences, key public places including roads, and recreation areas.
 - (2) The proximity of the proposal to any significant ridgelines.
 - (3) The visibility of the proposal with particular regard to any highly visible landscapes.
 - (4) Glare and light flicker.
- (B) The nature and location of the energy source.
- (C) Logistical or technical practicalities associated with developing, operating or maintaining the proposed electricity generation activity.
- (D) The nature and location of existing electricity generation activities.
- (E) Any effects of connecting to existing infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities and the local electricity distribution network.
- (F) Effects of any associated earthworks.
- (G) Any adverse effects on communities and the environment through the ongoing operation and subsequent closure of energy facilities.
- (H) The ability to connect to existing National Grid transmission lines.
- (I) The need for feasibility and effects of providing additional lines/connections to the National Grid including substations.



3.17 SOILS, MINERALS AND EARTHWORKS

Earthworks and Mineral Extraction

3.17.1 Except for within the National Grid Yard, Rules 3.17.2 – 13.17.8 do not apply to:

- (A) Land and activities in the Smelter Zone, Seaport 1 and 2 Zones or Industrial 1, 2, 3 and 4 Zones.
- (B) The movement, deposition or removal of material when it is a necessary consequence of building a structure for which a building consent has been obtained on that site.
- (C) The removal and deposition of material for the purposes of work in compliance with Council's Bylaw 2016/1 Code of Practice for Land Development and Subdivision Infrastructure.
- (D) The movement, deposition or removal of material for the purpose of forming hard surfaces such as accessways and paths.
- (E) The cultivation of land.
- (F) The construction, maintenance and upgrading of utilities as provided for by Rule 3.9 Utilities.
- (G) The movement, deposition or removal of material associated with the removal and replacement of underground petroleum storage systems.

3.17.2 Subject to Rule 3.1 Biodiversity, Rule 3.3 Contaminated Land, Rule 3.8 Heritage, Rule 3.9 Utilities, Rule 3.10 Natural Features, Landscapes and Townscapes, Rule 3.12 Natural Hazards and Rule 3.17.3 it is a permitted activity to undertake the following earthwork activities, provided these comply with the conditions in Rule 3.17.3:

- (A) Activities associated with the construction, operation, maintenance, repair and upgrading of utilities not provided for by Rules 3.17.1(C) and 3.17.1(F).
- (B) The excavation, stockpiling and use of material from a borrow pit.
- (C) The construction and operation of dead holes and farm landfills.
- (D) Earthworks in the National Grid Yard
- (E) All other earthworks provided that the quantity of earthworks undertaken in a 12 month period shall not exceed:
 - (a) 50m³ per site up to 1,000m², plus 50m³ each 1,000m² thereafter, in the Residential 1, 1A, 2 and 3, Business 1, 2, 3, 4 and 5, and Otatara Zones.
 - (b) 2,000m³ per site in the Rural Zone.
 - (c) 1,000m³ per site in all other Zones.



3.17.3 The following conditions apply to the permitted activities in Rule 3.17.2:

- (A) Within the Rural Zone no more than 50m³ shall be deposited on to, or extracted from, land containing high value soils, as shown on the District Planning Maps.
- (B) Within the Airport Protection Zone or the Otatara Zone no earthworks shall result in standing bodies of water greater than 10m² in area.
- (C) Within the National Grid Yard:
 - (a) earthworks within 6 metres of the outer visible edge of the foundation of a National Grid transmission line support structure shall be no deeper than 300mm.
 - (b) earthworks between 6 metres to 12 metres from the outer visible edge of the foundation of a National Grid transmission line support structure shall be no deeper than 3 metres.
 - (c) earthworks shall not create an unstable batter that will affect a National Grid transmission line support structure.
 - (d) earthworks shall not result in a reduction in the ground to conductor clearance distance of:
 - (i) 6.5 metres where the conductor voltage does not exceed 110kV; or
 - (ii) 7.5 metres where the conductor voltage exceeds 110kV.
 - (e) clauses (a) to (d) above do not apply to:
 - (i) earthworks undertaken by a network utility operator providing the work is not associated with buildings or structures for the storage of water for irrigation purposes;
 - (ii) earthworks undertaken as part of agricultural, horticultural or domestic cultivation;
 - (iii) repair, sealing, resealing of an existing road, footpath, farm track or driveway.

3.17.4 It is restricted discretionary activity to undertake earthwork activities that do not comply with Rule 3.17.3(A).

The matters over which the Council shall exercise its discretion are:

- (A) The depth and volume of material deposited on the land and its effect on the sustainability of the soil resource.
- (B) Any effects on the future use of the land.
- (C) The management of dust and noise.
- (D) Provision to be made for the rehabilitation of the land.



3.17.5 It is restricted discretionary activity to undertake earthwork activities that do not comply with Rule 3.17.3(B).

The matters over which the Council shall exercise its discretion are:

- (A) Any effect on the operation of Invercargill Airport and the movement of aircraft to and from the airport resulting from the congregation of birds on the land.
- (B) Methods to avoid, remedy, or mitigate potential conflict with the safe and efficient operation of aircraft.

Any application submitted under Rule 3.17.5 shall include details of consultation undertaken with Invercargill Airport Limited and its outcome.

3.17.6 It is a non-complying activity to:

- (A) Establish and operate a landfill.
- (B) Undertake activities to extract minerals from the ground, except where provided for by 3.17.2(B).
- (C) Undertake earthworks activities that do not comply with 3.17.3(C).

3.17.7 It is a discretionary activity to undertake earthworks not provided for by Rules 3.17.2 or 3.17.6.

3.17.8 In addition to matters required to be included in a resource consent by the Resource Management Act 1991, applications under Rules 3.17.6 and 3.17.7 above shall include:

- (A) An assessment of the following:
 - (a) The nature and volume of any fill or extracted material proposed.
 - (b) The effects on the sustainability of the soil resource.
 - (c) Potential effects of dust and noise, including traffic to and from the site and machinery on the site.
 - (d) The location and standard of any access to or egress from the site which is proposed to be used and any upgrades proposed, including on the adjoining roading network.
 - (e) Effects on natural water bodies and established drainage networks.
 - (f) Any effect on sites of:
 - (i) heritage and/or archaeological significance, and cultural importance to iwi listed in Appendix II;
 - (ii) outstanding natural features and landscapes shown on the District Planning Maps.



- (g) Any effect on the future development potential of the land.
 - (h) Any effect on indigenous biodiversity.
 - (i) When within the National Grid Yard:
 - (i) Any effects on the integrity of the transmission line.
 - (ii) Volume, area and location of the works, including temporary activities such as stockpiles;
 - (iii) Timing of works;
 - (iv) Site remediation;
 - (v) The use of mobile machinery near transmission lines;
 - (vi) The results of consultation with Transpower New Zealand including whether approval has been obtained under clause 2.2.3 of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).
- (B) A management plan which considers:
- (a) Where filling is proposed:
 - (i) The methods proposed to ensure that inappropriate material is not deposited on the land.
 - (ii) Proposals to monitor the filling operation.
 - (b) Site rehabilitation, including its timing and any proposed landscaping.
 - (c) Proposals for ongoing monitoring of the site.

Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) contains restrictions on the location of structures and activities in relation to the lines and needs to be met.



3.18 SUBDIVISION

3.18.1 The following subdivision activities are controlled activities:

- (A) Subdivision of land to provide for a utility except in the Industrial 4 Zone.
- (B) Boundary adjustments.
- (C) Amendments to cross-lease subdivision.

Where they meet the following:

- (a) The site on which the activity is to be undertaken does not contain an item listed in Appendix II (Heritage Record).
- (b) Subdivision boundaries of any allotments which have existing buildings are being aligned to ensure that the buildings comply with the provisions of:
 - (1) The Building Act 2004 in terms of fire safety.
 - (2) The bulk and location requirements of the relevant Zone.
- (c) The provisions of any National Policy Statement or National Environmental Standard.
- (d) The site on which the activity is to be undertaken does not contain an area of significant indigenous biodiversity as shown on the District Planning Maps.

3.18.2 The matters over which the Council shall exercise control are:

- (A) The provision of services, including adequate provision for on-site wastewater services when required.
- (B) The need for bonds. The value of the bond shall be calculated at up to 1.5 times the value of the work being bonded.
- (C) The impact of the subdivision on indigenous biodiversity.

3.18.3 Subdivision is a discretionary activity:

- (A) in the National Grid Corridor where the resulting allotment(s) are capable of accommodating a building platform that is wholly outside the National Grid Yard with the minimum dimensions of 20m by 20m;
- (B) other than as listed in Rules 3.18.1, 3.18.6 and 3.18.7.

3.18.4 Applications under Rule 3.18.3 above shall address the following matters which will be among those taken into account by the Council:

- (A) Integration with and effects on existing communities.



- (B) Integration with and effects on the operation, maintenance, upgrading and development of infrastructure.
- (C) Potential effects on the environment of land uses enabled by the subdivision.
- (D) The extent to which the subdivision enables land uses which will maintain the life supporting capacity and productivity of the District's soils.
- (F) Potential effects on any indigenous biodiversity, including effects on indigenous biodiversity that meets the criteria of 2.3.3 Policy 1.
- (H) Potential effects on water quality or water quantity of land uses enabled by the subdivision, in particular:
 - (a) Design of the proposed wastewater system, specifically:
 - (1) The efficiency and effectiveness of the wastewater systems proposed.
 - (2) That adequate land area is available for the on-site disposal system and the required reserve areas for replacement effluent disposal fields.
 - (3) Conveying surface water runoffs from roofs and other hard surfaces away from waste water disposal areas.
 - (4) Providing sufficient clearance between waste water discharge pipes and the mean seasonal high water table.
 - (b) Design of proposed provision for stormwater disposal, specifically:
 - (1) Efficiency and effectiveness of provisions proposed for stormwater.
 - (2) That surface water runoff is controlled in such a way that it does not cause damage to wetlands/waterways and their margins.
 - (3) That surface water runoff does not cause damage or nuisance to other properties.
 - (4) The incorporation of low impact stormwater design features where practical to limit peak stormwater flows, reduce stormwater contamination and avoid adverse effects to other properties.
- (I) Opportunities to create buffer areas adjacent to waterways to avoid adverse effects of activities on waterways and water quality.
- (J) Potential effects on the safety and efficiency of the transportation network of land uses enabled by the subdivision, in particular State Highways, limited access roads, and railway lines.



- (K) The extent to which the subdivision avoids or addresses reverse sensitivity issues associated with infrastructure including Transpower, State Highways, Rail, the Seaport and the Airport.
- (L) The extent to which the subdivision addresses the relationship between Māori and their ancestral lands, sites, wāhi tapu and other taonga.
- (M) The extent to which the subdivision addresses any statutory acknowledgements.
- (N) The extent to which the subdivision acknowledges heritage values.
- (O) The extent to which the proposed subdivision will help achieve good urban design outcomes.
- (P) The extent to which the proposed subdivision retains and enhances public access to and along the coast and along the margins of streams and rivers.
- (Q) The extent to which the proposed subdivision enables uses permitted in the Zone.
- (R) Contamination issues.
- (S) Conformity with any Concept Plan contained within the District Plan.
- (T) Natural Hazard issues.
- (U) Whether the access is adequate to service the activities enabled by the subdivision, including compliance with Table 1 in Section 3 of Appendix VIII – Transport Standards.
- (V) In addition to the matters specified in 3.18.4(A) – (T) above, applications made under Rule 3.18.3 above for sites in the Industrial 4 Zone shall also address the following matters
 - (a) Provision to be made for the ongoing supply of water to the site.
 - (b) Provision to be made for the treatment and disposal of sewage tradewaste and stormwater from the site.
 - (c) The extent to which wetland and indigenous vegetation values will be protected and enhanced on the site.
 - (d) Provision to be made for landscaping associated with future use of the site, and the extent to which this is consistent with the Concept Plan in Appendix X.
 - (e) Provision to be made for the protection of any heritage or archaeological values on the site.
 - (f) Providing suitable ground conditions for the erection of any buildings on the site.



- (g) Provision for any upgrading of the Colyer Road / State Highway 1 intersection arising from any increased use by traffic accessing the site via that intersection.
 - (h) Provision to be made for water drainage corridors.
 - (i) Provision to be made for road and rail transport corridors.
 - (j) Provision for street lighting.
 - (k) Setting aside as Local Purpose Reserve areas shown on the Concept Plan attached in Appendix X:
 - (1) Areas less than three metres above mean sea level; and
 - (2) Riparian areas adjoining waterways as shown on the Concept Plan attached in Appendix X, as Local Purpose Reserve
- (W) In addition to the matters specified in 3.18.4(A) – (T) above, applications made under Rule 3.18.3 above for sites located inside the Outer Control Boundary or Single Event Sound Exposure Boundary shall also address the following matters:
- (a) The extent to which evidence has been provided of a legally binding commitment (acceptable to the relevant Airport Authority) on behalf of the applicant and any successors in title not to complain as to current or potential effects associated with the operation of the airport resource and/or to waiver all rights of action under the Resource Management Act 1991 or otherwise at law against the Airport. A legally binding commitment may take the form of a restrictive non-compliant covenant or memorandum of encumbrance entered against the title to the property.

Note: Applications under Rule 3.18.3 will be notified to Invercargill Airport Limited as an affected party where the subdivision is located, in part or in full, within the Invercargill Airport Outer Control Boundary or the Single Event Sound Exposure Boundary.

National Grid Corridor

3.18.5 Where subdivision is within the National Grid Corridor the following matters will be among those taken into account by the Council:

- (A) The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP: 34 2001).
- (B) The results of consultation undertaken, including any written advice obtained, from the owner of the electricity transmission line.
- (C) The extent to which the subdivision or subsequent building location



mitigates the effects of the transmission lines and the risk of potential injury and/or damage to property, for example through the location of roads and reserves under the route of the transmission lines.

- (D) The ability for continued access to the National Grid for maintenance, inspections and upgrading.
- (E) The extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid to ensure adverse effects on and from the National Grid and on public safety are appropriately avoided, remedied or mitigated.
- (F) The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid.

Protected Areas and Minimum Lot Sizes

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

- (A) Within areas identified on the District Planning Maps as outstanding landscapes and natural features.
- (B) Within areas identified on the District Planning Maps as containing significant indigenous biodiversity.
- (C) Within the Airport Protection Zone: Allotments of less than 15 hectares.
- (D) Within the Industrial 3 Zone: Allotments of less than one hectare.
- (E) Within the Industrial 4 Zone: Allotments of less than one hectare and which do not comply with the Concept Plan.
- (F) Within the Otatara Zone: Allotments of less than one hectare (if not connected to the Council's reticulated sewerage system) or 4,000 square metres (if connected to the Council's sewerage system).

Or

Allotments of less than one hectare and within the Outer Control Boundary or the Single Event Sound Exposure Boundary.

- (G) Within the Residential 1 Zone: Allotments of less than 350 square metres.

Or

Allotments of less than 500 square metres and within the Outer Control Boundary or the Single Event Sound Exposure Boundary.

- (H) Within the Residential 1A Zone: Allotments of less of 350 square metres where resource consent and a Code Compliance Certificate have not been issued for a dwelling as part of a medium density housing development.
- (I) Within the Residential 2 Zone: Allotments of less than 750 square metres.



- (J) Within the Residential 3 Zone: Allotments of less than 1,500 square metres.
- (K) Within the Rural Zone: Allotments of less than two hectares.
- (L) Within the National Grid Corridor that cannot comply with 3.18.3(A).

Note: Applications under Rule 3.18.6(F) and (G) will be notified to Invercargill Airport Limited as an affected party where the subdivision is located, in part or in full, within the Invercargill Airport Outer Control Boundary or the Single Event Sound Exposure Boundary.

Subdivision in Areas Subject to Inundation

- 3.18.7** Where it is proposed to subdivide land in an area identified on the District Planning Maps as being subject to Level 2, 2A or 3 inundation, every subdivision plan shall show a building platform and, where applicable, effluent disposal area and reserve area that is hazard free. Where it is not possible to show a building platform and (where applicable) an effluent disposal area and a reserve effluent disposal area that are hazard free, then the subdivision is a non-complying activity.

Esplanade Strips

- 3.18.8** Esplanade reserves will not be required.
- 3.18.9** Esplanade strips shall not be greater than 20 metres wide.
- 3.18.10** Allotments less than four hectares: Where an allotment of less than four hectares is created when land is subdivided adjacent to a river three metres or greater in width or the coastal marine area, an esplanade strip up to 20 metres in width will be required within the allotment along the bank of the river or along the mark of mean high water springs of the sea as that case may be.
- 3.18.11** Allotments greater than four hectares: Where an allotment of greater than four hectares is created, and when land is subdivided adjacent to a river three metres or greater in width or the coastal marine area, Council will require an esplanade strip in the following circumstances:
- (A) Where reserves already exist adjacent to or in the general vicinity of the subdivision and the acquisition of an esplanade strip would complement or increase the width of that land already in public ownership.
 - (B) On any water body where such a strip or reserve may be necessary to provide for the purposes set out in Section 229 of the Resource Management Act 1991.
- 3.18.12** Esplanade strips will not be required in relation to the Seaport 1 Zone and in relation to the Smelter Zone.



SECTION FOUR

DEFINITIONS

Areas of Significant Indigenous Biodiversity: Means those areas of indigenous vegetation and habitats of indigenous fauna that are determined in accordance with the criteria set out in 2.3.3 Policy 1, along with those areas identified on the District Planning Maps as areas of significant indigenous biodiversity extending where appropriate to the drip line on the ground directly below the outside edge of the canopy of any indigenous plant or group of plants.

“Clearance” Means the removal, felling, or modification of any vegetation and includes cutting, crushing, cultivation, soil disturbance including direct drilling, spraying with herbicide or burning.



APPENDIX I – INFORMATION TO ACCOMPANY APPLICATIONS

1. Introduction

Efficient and effective processing of resource consents requires a partnership between the Council and resource consent applicants. Early discussions with Council officers and liaison with affected parties in the initial stages of any resource consent application will be beneficial.

Forms and fees

Forms for resource consent applications and schedules of fees are available at Council's office in Invercargill, at the Bluff Service Centre, and on the Council's website.

Information to be Submitted by Applicant

Council requires that applications for resource consent contain sufficient information to enable them to be processed. Discussions with staff about information requirements prior to submitting an application can save unnecessary work, or delays in the processing of the application.

Where applications, copies of applications and/or supporting documentation are provided in electronic format the applicant is to ensure that the files provided are compatible with the Invercargill City Council systems.

2. Information to Accompany Land Use Resource Consent Applications

Council may require any or all of the following information with applications for resource consent:

- (a) A description of the site including existing uses and buildings.
- (b) A description of the land use activity for which the consent is being sought.
- (c) A list of all other resource consent applications that may be required from other consent authorities (e.g. Environment Southland), indicating whether or not the applicant has applied for such consents.
- (d) An assessment of any actual or potential effects that the activity may have on the environment and the ways in which those adverse effects may be mitigated (see Resource Management Act 1991 Fourth Schedule). This includes matters specified in the Plan over which the Council has retained control.
- (e) Copies of the Certificates of Title for the subject sites.



- (f) Drawings illustrating the proposal.
- (g) Whether or not the site is shown on the District Hazard Information Maps as being within or adjacent to a hazard overlay, a description of any natural hazards affecting the land, together with an assessment of how the proposal will affect, or be affected by any hazard, and any measures proposed to avoid, mitigate or reduce those effects and the effects of those measures and where necessary the required hazard assessment form completed by a suitably qualified expert and signed as accepted by the applicant.
- (h) A description of any natural feature or landscape on the land and assessment of the significance or values of that feature and any adverse effects on it, together with an assessment of the opportunity to avoid, remedy or mitigate those effects.
- (i) A description of any indigenous biodiversity on the land and any adverse effects on it, together with an assessment (commensurate with the scale of the activity) of the significance or values of that indigenous biodiversity and an assessment of the opportunity to avoid, remedy or mitigate those effects.

The drawings must include the details set out below, where applicable:

- (i) A drawing showing the location of the site, with road names, property numbers and north point.
- (j) A site plan to appropriate scale of the property illustrating:
 - (i) The location of any areas of significant indigenous biodiversity.
 - (ii) The location of any areas of outstanding natural features or landscapes.
 - (iii) The location of any water bodies, wetlands or buffer strips.
 - (iv) The location and dimensions of any signage to be placed on the site.
 - (v) Location of all existing structures and proposed structures including where applicable, balconies, outdoor living courts, and verandahs.
 - (vi) Proposed use of each building.
 - (vii) Position of any easement over the site.
 - (viii) Position, location and dimensions of every off-street parking and loading space and the proposed access and manoeuvring areas including the location and width of footpath crossings necessary to serve such space.
 - (ix) Topography of the site; including information on the extent and nature of any actual or proposed fill on the site.
 - (x) Where relevant, appropriate shadow diagrams showing overshadowing envelopes on adjacent properties.
 - (xi) Watercourses and drainage and sewerage pipes within and adjacent to the site.
 - (xii) Location of any machinery that may emit noise above that specified for the area and the levels of potential noise emission.



- (xiii) Location of any structure that is likely to emit lightspill above that specified for the zone and the levels of potential glare or lightspill emissions.
- (xiv) The means proposed to deal with all stormwater and sanitary drainage, including the designated areas for permeable surfaces.
- (xv) The location of any significant heritage features or archaeological sites, including any feature that is listed in Appendix II of this Plan.
- (k) Floor plans of each structure illustrating:
 - (i) Use of all parts of any proposed structure. Where several floors are of the same area and use, a standard floor plan may be shown.
- (l) Elevations of each building showing:
 - (i) External appearance of the building.
 - (ii) Structure heights and height in relation to boundaries.

3. INFORMATION TO ACCOMPANY SUBDIVISION CONSENT APPLICATIONS

For applications to subdivide land, the following information requirements may apply.

Where required, the following information and explanation shall be shown on the subdivision plan or included in an accompanying report:

- (a) Existing and proposed easements.
- (b) Existing and proposed amalgamation conditions.
- (c) How the proposed subdivision complies with the subdivision and performance standards specified in this Plan. Where the subdivision does not meet the performance standards specified, the areas of non-compliance are to be explained.
- (d) Two copies of the subdivision report and two full scale copies of the plan along with a good quality A4 reduction shall be supplied. The two copies of a plan drawn accurately to a suitable scale shall show:
 - (i) All the land included in the subdivision proposal, its legal description, the boundaries of existing lots and Certificates of Title and the area and dimension of all new lots, as well as contiguous land owned by the subdivider.
 - (ii) The position of all new boundaries.
 - (iii) The location and areas of new reserves to be created, including esplanade strips to be set aside.
 - (iv) The location and area of land to vest in the Council as road.
 - (v) The location and areas of any part of the bed of a river or lake which is required to be shown on a survey plan as land to be vested in the Crown.



- (vi) Topographical features including watercourses, buildings, fences and hedges, and also contours and spot heights to show the general fall of the land and appropriate grade of roads or access.
 - (vii) The location of any significant trees, heritage features or archaeological sites, including any feature that is listed in Appendix II or III of this Plan. **Note:** The undertaking of an archaeological survey would be desirable in some situations but it is not a mandatory requirement.
 - (viii) An assessment of how the proposal will affect or be affected by any natural hazard, and any measures proposed to avoid, mitigate or reduce these effects.
- (e) Copies of the current Certificate of Title for the land being subdivided.
 - (f) The nature and standard of existing and proposed network utility services such as roads, sewage disposal, stormwater, electricity, gas, water and telecommunications.
 - (g) Where services are not available, evidence that the following are able to be provided in respect of each and every allotment shown on the plan of the proposed subdivision:
 - (i) A building platform.
 - (ii) A potable domestic water supply and fire fighting capacity.
 - (iii) Practical physical access to an existing formed legal road.
 - (iv) An area of suitable land large enough for the satisfactory disposal and treatment of sewage and domestic effluent.
 - (v) Satisfactory disposal of stormwater, such that erosion, pollution, siltation or flooding of any water course or groundwater is avoided.
 - (h) A report from a suitably qualified person with experience in soil mechanics, geotechnical and/or wastewater engineering as appropriate and, if necessary, records of test data, shall be provided as evidence that (g) (i), (iv) and (v) above are satisfied. Information to be provided shall include:
 - (i) A detailed soil and, if necessary, a geotechnical assessment.
 - (ii) Identification of relevant topographic and drainage features.
 - (iii) An assessment of actual or potential effects on soil and public health.
 - (iv) An assessment of actual or potential nuisance effects.
 - (v) An assessment of the likely volumes of effluent to be treated for a typical site
 - (vi) Confirmation that any existing or proposed effluent disposal system meets the requirements of the relevant Southland Regional plan, such confirmation to be by way of email, letter or Compliance Certificate from Environment Southland.
 - (i) Where a proposed allotment includes areas of significant indigenous biodiversity and/or areas of outstanding natural features and landscapes as shown on the District Planning Maps, details shall be shown of areas



considered suitable for any future buildings, accesses and effluent disposal fields in relation to the areas of significant indigenous biodiversity and/or areas of outstanding natural features and landscapes.

- (j) A description of any other natural feature or landscape on the land [not referred to in (i) above] and an assessment of the significance or values of that feature and any adverse effects of the subdivision and any permitted use of the land on it, together with an assessment of the opportunity to avoid, remedy or mitigate those effects.
- (k) A description of any indigenous biodiversity on the land [not referred to in (i) above] and any adverse effects on it, together with an assessment (commensurate with the scale of the activity) of the significance or values of that indigenous biodiversity and an assessment of the opportunity to avoid, remedy or mitigate those effects.
- (l) Information on consultation undertaken with affected parties and the result of the consultation shall be supplied.
- (m) Where the proposed access is on to a limited access road, an assessment of the effects of the proposed access including an outline of the consultation undertaken with the relevant roading authority.
- (n) Where it is proposed to subdivide land to create new boundaries within an area measured 32 metres of either side of the centre point of an electrical transmission line designed to operate at or above 110kV, the applicant shall be required to include information on the following additional matters:
 - (i) The extent to which the subdivision design mitigates the effects of the lines through the location of roads and reserves under the route of the line.
 - (ii) The ability to carry out maintenance and inspection of transmission lines to avoid risk of injury and/or property damage.
 - (iii) The extent to which potential adverse visual impact is mitigated through the location of the building platforms; and
 - (iv) The outcomes of consultation with the affected utility operator.
- (o) Where it is proposed to subdivide land within the Otatara Sub-Area details shall be provided (either by spot heights or contours) to indicate the extent of variation in the natural ground level of the site.

Where natural ground level of the site varies by more than two metres the contours of the land within any new lot created shall be shown, at no more than one metre intervals. An assessment shall be undertaken of the effects of the subdivision and its implementation on the natural features of the sites, and the means by which the natural features will be protected. This may include restrictions on the future use of the site, the location and extent of any earthworks and the identification of the building platforms.

4. Further Information May Be Required

The Objectives, Policies and Rules in this District Plan set out relevant matters that may need to be considered when developing a resource consent



application. Further information may also be required from an applicant where it is considered necessary to obtain a better understanding of the land use activity, the effects it may have on the environment or the ways in which the adverse effects may be avoided, remedied or mitigated. Council may commission reports, at the applicant's expense, on any matters raised in relation to the application or on any environmental assessment or effects.



APPENDIX XVI - CRITERIA FOR SIGNIFICANT INDIGENOUS BIODIVERSITY ASSESSMENT UNDERTAKEN IN 1999

Areas of significant indigenous biodiversity identified in the report entitled '*Significant Natural Areas – Invercargill City District 1999*' were assessed having regard to the following criteria:

- (A) **Representativeness** – reflecting importance based on ecological Districts (Southland Plains, Waituna and Foveaux) enabling a comparison between historic (typically prehuman) and present distributions.
- (B) **Rarity/Distinctiveness** – with rarity being the presence of species that are uncommon to a particular area, and distinctiveness relating to unusual features or species found on the site.
- (C) **Landscape Context** – incorporating a general assessment of:
 - (a) *Diversity/pattern* – whether or not an ecological sequence is represented within any one site.
 - (b) *Shape* – for example, discontinuous, irregular or compact.
 - (c) *Size* – for example, large, medium or small compared to other such remaining areas.
 - (d) *Connectivity* – for example, very isolated, semi-continuous, or part of a continuous landscape.
- (D) **Sustainability** – if the ecological role of the site, for example, providing a corridor for movement of birds, will remain intact under the current management regime then it is sustainable.
- (E) **Viability** – refers to the continued integrity of the ecosystem itself, as distinct from the role it provides.
- (F) **Threat/Fragility** – with potential threats being grouped as:
 - (a) *Biotic* – for example, troublesome plants and introduced animals.
 - (b) *Physical climatic* – for example, accelerated erosion.
 - (c) *Human* – for example, logging, burning, people damage.

