



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

**Report No. 18**

### **Natural Features, Landscapes and Townscapes**

**6 October 2014  
COUNCIL CHAMBERS  
CIVIC ADMINISTRATION BUILDING**

**Reporting Officer: William J Watt  
WILLIAM J WATT CONSULTING LTD**

**Peer Reviewed by: Dan Wells  
JOHN EDMONDS AND ASSOCIATES LTD**

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#### • **EXECUTIVE SUMMARY**

The Natural Features and Landscapes section of the Proposed District Plan has attracted approximately 47 submission points. Some of these have raised matters which require a review of some of the Plan provisions.

Probably the most significant of these is that submitters have argued that the Proposed District Plan, as notified, would not give effect to the provisions of the New Zealand Coastal Policy Statement and is inconsistent with the provisions of the Proposed Regional Policy Statement for Southland. These documents in particular form a hierarchy of policy to which a district plan must give effect or have regard. Failure to do so questions the efficacy and integrity of the District Plan.

I have a series of recommendations to address this. The main recommendations are:

- A re-definition of the Outstanding Natural Features and Landscapes identified on the Planning Maps.
- Several changes to the wording of the Plan provisions. The major recommendations are:
  - A complete re-write of the introduction to Section 2.10 (pages 2-34 and 2-35 of the Proposed District Plan as notified) which cites the documents which informed my recommended redefinition of the Outstanding Natural Features and Landscapes.
  - Additions to Policy 1 and a re-wording of the “Explanation” to align Policy 1 with the corresponding provision (Policy LNF.1) in the Proposed Regional Policy Statement.
  - Moving the Otatara Peninsula from Policy 4 (locally distinctive and valued natural features and landscapes) to Policy 2 (outstanding natural features and landscapes).
  - A complete re-draft of Rule 3.10.1 that applies in identified areas of outstanding natural features and landscapes other than in Otatara or at the hamlet of Omaui. The main thrust of the new rule is to achieve greater control over the effect of buildings on the landscape, and greater control over non-agricultural activities. (Agriculture remains a permitted activity but buildings associated with agriculture would require resource consent.)

Because some of this constitutes a significant change in the regulatory regime from that published in the Proposed District Plan as notified, the Hearings Panel will need to consider how best to proceed. In my view the matter would be best introduced as a Plan Change in order that those affected are made aware of the proposal and have the opportunity to submit. However, in the event that the Hearings Panel decides otherwise, I have outlined an option to replace the plan provision in response to submissions.

In response to one submission I have recommended that text about specific areas and values should be drafted in consultation with Iwi and introduced into the District Plan. Because I believe it would be desirable for Iwi to have input into this process, I am recommending that further reporting be done on this matter and incorporated as part of future amendments to the Plan. (It could be part of a plan change if the Hearings Panel decides to go that way.)

In this report:

- Part 2 considers several key procedural issues.
- Part 3 provides background information on the natural features, landscapes and townscapes provisions.
- Part 4 summarises the various statutory provisions that apply to the consideration of the Proposed District Plan.
- Part 5 assesses the relevant issues raised by the submitters.
- Part 6 provides a discussion on the Section 32 matters.
- Part 7 sets out the overall conclusions.
- Appendix 1 sets out the recommendations on each of the submission points.
- Appendix 2 sets out the recommended changes to the text of the Proposed District Plan.
- Appendix 3 reproduces maps from one of the background reports referred to in the body of the report.

## **2. INTRODUCTION AND PROCEDURAL MATTERS**

### **2.1 Report Author**

This report has been prepared by William J. Watt. My company, William J Watt Consulting Ltd, offers consultancy services in planning and resource management including research, consultation facilitation, policy formulation and evaluation, hearings commissioner and mediation roles. I am currently the sole practitioner in that company.

I hold the qualifications of Bachelor of Arts and Diploma of Town Planning. I am a Full Member of the New Zealand Planning Institute and also a Fellow of the New Zealand Institute of Management. I am an accredited Hearings Panel Chairman under the MfE “Making Good Decisions” programme and have mediator accreditation with LEADR. Before setting up my consultancy I had 40 years’ experience in local government in regional, local and project planning and senior management roles. I have been practising as a planning consultant for four years.

### **2.2 Peer Review**

This report has been peer reviewed by Dan Wells, from John Edmonds and Associates Ltd. Dan Wells is a practising resource management planner with a variety of experience throughout the plan change preparation process. He has a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University.

## 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.
- Background to the Natural Features, Landscapes and Townscapes topic, and the provisions of the Proposed Invercargill City District Plan 2013.
- 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 provisions relating to Natural Features, Landscapes and Townscapes

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 that submitted on the Natural Features, Landscapes and Townscapes provisions; 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:

“*AEE*” means Assessment of Environmental Effects

“*Council*” means the Invercargill City Council

“*FS*” means further submitter - someone who made a Further Submission to the Proposed District Plan

“*Hearings Committee*” means the District Plan Hearings Committee

“*ICC*” means Invercargill City Council

“*NES*” means National Environmental Standard

“*NPS*” means National Policy Statement

“*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

“*PSRPS*” means the Proposed Southland Regional Policy Statement 2012.

“*RMA*” means the Resource Management Act 1991

“*Submitter*” means a submitter to the Proposed District Plan

## 2.5 The Hearing Process

Several hearings are to be held to consider the submissions lodged to the Proposed Invercargill City District Plan 2013. The hearings have been arranged in such a way as to ensure that submissions on similar issues are grouped together, and to enable the District Plan Hearing Committee to make decisions on the provisions relating to

those issues. This report applies to the Natural Features, Landscapes and Townscapes provisions of the Proposed District Plan.

The Hearings Committee is comprised 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 in 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. This 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 after 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, if they wish, may become a party to the appeal either in support or opposition to it.

If there is an appeal, the Environment Court will provide an opportunity for mediation between the parties. If mediation is not accepted, or does not resolve the issues, a further hearing will take place before a Judge and Court appointed Commissioners.

Except on points of law, the decision of the Environment Court is final.

Because the topics are inter-related, there is a degree of overlap or 'common ground' with the Proposed District Plan topics of Biodiversity and Coastal Environment and even with Natural Hazards. Submitters wishing to appear at hearings may wish to read the Section 42A Officer's reports on the other topics as they may provide a helpful perspective. The other Section 42A reports on Biodiversity, Coastal

Environment and Natural Hazards have been compiled by the same author who has tried to achieve a consistent approach across the topics.

## • **BACKGROUND**

### **3.1 The Planning Process**

This report relates to the provisions in the Proposed District Plan relating to Natural Features, Landscapes and Townscapes.

In preparing the Proposed District Plan, the Plan Group considered wide-ranging background material relating to the landscapes and natural features of the Invercargill City District, and drew a number of conclusions from that material. In particular the following matters were noted:

- A fundamentally important concept is the idea that: *“What makes a landscape important is people’s perception of it.”* People are passionate about the Invercargill landscape and its values.
- The Iwi Management Plan, *The Cry of the People: Te Tangi aTauira*, points out that Maori people perceive the environment in a holistic way, and see themselves as part of that environment. The central component of the Maori perspective on the environment is the recognition of Mauri, the life principal in all objects, animate and inanimate.
- Non-Maori also feel passionate about the landscape of their home city.

The preparatory work included reviewing the “Outstanding Natural Features and Landscapes” previously identified in the Operative District Plan, and re-assessing them against the criteria in the draft Regional Policy Statement. These criteria were:

- Natural science factors
- Aesthetic values
- Expressiveness (Legibility)
- Transient values
- The extent to which values are shared and recognised
- Value to tangata whenua
- Historical associations

The non-urban parts of the Invercargill City District were considered first. Reference was made to a wide range of reports and other published material. The Outstanding Natural Features and Landscapes were identified, as follows:

- Otatara Peninsula
- Bluff Hill (Motupohue)
- The Three Sisters/Omaui area
- The Awarua Wetlands
- The New River Estuary
- Bluff Harbour/Awarua Bay
- Sandy Point
- Oreti Beach

Locally distinctive and valued natural features and landscapes were also identified and assessed. In general, it was concluded that the identified landscapes outside the urban areas were the “outstanding” landscapes in the Invercargill City District and that the landscapes and townscapes within the urban areas were the “locally significant” landscapes and townscapes. The following locally distinctive and valued natural features and landscapes were identified:

- Anderson Park
- Donovan Park
- Thomsons Bush and the Waihopai River
- Queens Park
- The Town Belt
- The Otepunu River and associated reserves and playing fields
- Kew Bush
- The Waihopai River east of Queens Drive
- Elizabeth Park
- The lagoon west of Kew/Appleby and its associated walkways/cycleways
- The principal suburban commercial “nodes” - Waikiwi, Windsor, Glengarry and South City
- The residential character “types” identified in the background paper on Invercargill’s Built Heritage (May 2012) – art deco, workers’ cottages, the bay villa, state housing, 1960s group housing, the Invercargill garden suburb (e.g. Cruickshank Crescent).
- Other features of special character identified in the South Invercargill Urban Design Strategy (J Corson for the Invercargill City Council, 2010) - Central City South, Appleby and Kew, Georgetown, Strathern-Heidelberg-Newfield.

Because there had recently been a Plan Change prepared and considered for the Otatara Peninsula, further analysis was not carried out in preparation for the Plan review. At the time the Plan Group noted that there had been no “North Invercargill” urban design strategy, but it was felt that this was not needed to enable landscape policy to be drawn up for a district plan in relation to Invercargill as a whole.

The townscape values of the CBD were identified and formed part of The Invercargill City Centre Outline Action Plan (December 2011), compiled for the Invercargill City Council by Urbanism+, William J Watt Consulting, and Pocock Design.

A further interpretative, desk-top analysis was carried out to delineate the “Outstanding Natural Features and Landscapes” on the Planning Maps. This analysis was not documented. Interpretation was necessary to reconcile the different scales of the March 2012 (the maps were to a small scale, and generalised) and the larger scale of the Planning Maps. The opportunity was taken to exclude areas that were not “outstanding natural” landscapes (such as the township of Bluff). In other cases, property boundaries were followed (e.g. to exclude a consented quarry). However some areas were excluded in this interpretative exercise that, arguably, should have been included within identified “outstanding landscapes”.

In 2013, while the Invercargill City Proposed District Plan was being drafted, the Invercargill Coastal Landscape Study was carried out by Boffa Miskell for Environment Southland. This study did not encompass the whole of the Invercargill City District, but focused on the coastline and the more immediate hinterland. The timing of this study was such that there was no way it could have been incorporated



into the process of drafting the Proposed District Plan, as they were both being written about the same time.

In January 2013, the Environment Court issued a consent order with respect to a change to the Operative District Plan that the Invercargill City Council had promulgated in 2010 and which had subsequently given rise to an appeal. This consent order contained provisions relating to outstanding and significant natural features and landscapes in Otatara. These provisions were carried over into the Proposed District Plan mostly in Policy 7 (Policies specific to Otatara) and in Section 2.10.4 – Methods of Implementation, as well as the provisions of the Otatara Zone.

## 3.2 The District Plan

The approach taken in the Proposed District Plan is similar in direction to that taken in the Operative Plan. By comparison, the issues, objectives and policies in the Proposed Plan are more sharply focused. The Operative District Plan identified areas of outstanding natural features and landscapes, delineating them on the Planning Maps, based on criteria set out in Section 2.5.2. It did not identify the locally significant natural features and landscapes, or the culturally significant landscapes and townscapes, identified in the Proposed District Plan.

### 3.2.1 Proposed Issues, Objectives and Policies

The introduction to Section 2.10 sets out the criteria used to identify the outstanding or locally significant natural features, landscapes and townscapes, then offers a brief discussion of the outstanding landscapes and natural features. There appears to have been a drafting error in the Plan in that the criteria listed on page 2-34 in the “introduction” are not congruent with the criteria listed in Policy 1. However a check back to the background work has confirmed that the analysis on which the subsequent policies were based were indeed the criteria set out in (proposed) Policy 1. It appears that the policies on page 2.34 in the introduction were carried over in error from the Operative District Plan.

I have made recommendations to correct this.

On page 2-36 at section 2.10.1 the significant resource management issues for natural features, landscapes and townscapes as follows:

- *The character of outstanding landscape features and landscapes is at risk from inappropriate subdivision, use and development.*
- *Locally significant natural features, landscapes and townscapes could be adversely affected by inappropriate subdivision, land use and development.*

At Section 2.10.2 the Proposed District Plan lists three objectives:

**Objective 1:** *Invercargill’s outstanding natural features and landscapes are identified and protected from inappropriate subdivision, use and development.*

**Objective 2:** *Invercargill’s locally significant natural features and landscapes are identified and protected from inappropriate subdivision, use and development.*

**Objective 3:** *The special outstanding natural features and landscapes of the Otatara area are protected from inappropriate subdivision, use and development.*

At Section 2.10.3 there are seven policies:

**Policy 1** sets out the criteria for identification of Invercargill's outstanding and locally significant landscapes and natural features.

**Policy 2** identifies the outstanding natural features and landscapes that are delineated on the Planning Maps.

**Policy 3** provides for their protection.

**Policy 4** identifies the locally significant natural features and landscapes.

**Policy 5** identifies Invercargill's culturally significant landscapes and townscapes.

**Policy 6** provides for protection of locally significant landscapes and culturally significant landscapes and townscapes.

**Policy 7** lists criteria specific to Otatara.

### 3.2.2 Proposed Rule

At Section 3.10.1 a District-Wide Rule is set out as follows:

**3.10.1** *This rule applies only to the areas identified on the District Planning Maps as Outstanding Natural Features and Landscapes.*

- *Any land use activity, other than agriculture, is required to meet the following performance standards:*
  - (a) *Land use activities shall alter the contour of the land by no more than two metres over an area of 200 square metres.*
  - (b) *Structures shall have a footprint area of less than 200 square metres.*
  - (c) *Structures are to be no more than 10 metres in height.*
  - (d) *Structures shall not appear above ridgelines in the Omaui – Greenhills - Bluff area, when viewed from State Highway 1 or Omaui Road.*
- *Where an activity cannot meet the standards above, the activity is a discretionary activity.*
- (C) *Applications under Rule 3.10.1(B) above shall address the following matters which will be among those taken into account by the Council:*
  - (a) *The extent to which the landscape or natural feature would be modified or damaged, including the duration, frequency, magnitude or scope of any effect.*
  - (b) *The irreversibility of adverse effects on the landscape or natural feature to be modified.*
  - (c) *The resilience of the landscape or natural feature to change.*
  - (d) *Opportunities to remedy or mitigate previous adverse effects on the landscape or natural feature.*
  - (e) *Whether the activity will lead to cumulative adverse effects on the landscape or natural feature.*
  - (f) *The relationship of the landscape to the surrounding environment.*

Section 3.10.2 sets out a “landscape” rule specific to the Otatara Zone, as follows.

**3.10.2** *This rule applies only within the Otatara Zone.*

- (A) *Within the Otatara Zone on any sites where the natural contour of the land varies by more than two metres, it is a restricted discretionary activity to undertake earthworks that:*
  - (a) *Alter the ground level by more than two metres, or*
  - (b) *Alter the ground level by more than 500mm over an area exceeding 100 square metres.*
- (B) *The matters over which the Council shall restrict its discretion are:*
  - (a) *The effects on any outstanding or significant natural features or landscape that may be disturbed or otherwise altered in its appearance.*
  - (b) *The effects on the visual character and coherence of the natural feature or landscape and amenity of the locality.*
  - (c) *The general shape, character and form of the natural feature or landscape.*
  - (d) *The values derived from the feature or landscape, including any associated vegetation.*
  - (e) *Any methods proposed to address any adverse effects of the development on the natural feature or landscape and its associated vegetation.*
  - (f) *The extent to which the natural feature or landscape has already been modified.*
  - (g) *The effects on the visual character and amenity of the locality.*

### **3.2.3 The Planning Maps**

Only the Outstanding Natural Features and Landscapes are shown on the Planning Maps. Many of the locally significant natural features and landscapes are identified for other reasons (the majority are parks and reserves) but are not delineated specifically for the landscape value. The culturally significant landscapes and townscapes also are not identified specifically for their townscape value, although in the cases of the CBD and the suburban nodes of Waikiwi, Windsor, Glengarry and South City, the areas are identified as separate zones and maintenance of townscape values is a feature of the zoning provisions.

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

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

In 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**

Part 2 of the RMA (ss5-8) sets out its purpose and principles of the Act.

The purpose of the RMA is set out in Section 5. I confirm that the provisions for managing outstanding natural features and landscapes fall within the purpose of the Act. In particular, policies and rules are designed to avoid, remedy or mitigate adverse effects on the environment in accordance with Section 5(2)(c) of the RMA.

Section 6 of the RMA sets out matters of national importance which must be recognised and provided for. The following is especially relevant to natural features and landscapes

*(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;*

It is considered that the provisions as notified appropriately manage these issues by devoting a separate section of the Plan to Natural Features, Landscapes and Townscapes.

Section 7 of the RMA sets out “other matters” for which particular regard shall be had. The matters most relevant to natural features; landscapes and townscapes are:

*(c) The maintenance and enhancement of amenity values:*

*(f) Maintenance and enhancement of the quality of the environment:*

It is considered that the provisions relating to natural features, landscapes and townscapes in the Proposed District Plan demonstrate particular regard to these matters.

Section 8 of the RMA obliges persons exercising functions and powers under the RMA to take account of the principles of the Treaty of Waitangi. Representatives from Te Ao Marama Inc have been part of the Plan Review process as members of the Council’s Plan Group that worked on developing the Proposed District Plan. Consultation with Iwi has also occurred. Landscapes and natural features, and the recognition and conservation of culturally significant landscapes, are of particular concern to Iwi. This is reflected in the inclusion of “*value to the tangata whenua*” as a criterion for selection of outstanding and locally significant natural features and landscapes, and in the features and landscapes actually selected.

#### **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 ...”

The provisions in the Proposed District Plan relating to natural features, landscapes and townscapes include policies, and methods intended to manage the actual or potential effects of land use activities that generate effects on these natural features, landscapes and townscapes.

#### **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 its decision on the Plan Change. Section 6 of this report includes my evaluation of the Proposed District Plan Provisions in accordance with Section 32AA.

## **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. These are addressed in the following section.

### **4.2.1 New Zealand Coastal Policy Statement**

Section 75 of the RMA requires that a District Plan must give effect to any New Zealand Coastal Policy Statement (NZCPS).

The most relevant policies of the NZCPS are:

#### ***Policy 13: Preservation of natural character***

- *To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:*
  - *avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and*
  - *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:*
    - *assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and*
    - *ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.*
- *Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:*

- *natural elements, processes and patterns;*
- *biophysical, ecological, geological and geomorphological aspects;*
- *natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;*
- *the natural movement of water and sediment;*
- *the natural darkness of the night sky;*
- *places or areas that are wild or scenic;*
- *a range of natural character from pristine to modified; and*
- *experiential attributes, including the sounds and smell of the sea; and their context or setting.*

**Policy 15: Natural features and natural landscapes**

*To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:*

- *avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and*
- *avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:*
- *identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:*
  - i. natural science factors, including geological, topographical, ecological and dynamic components;*
  - ii. the presence of water including in seas, lakes, rivers and streams;*
  - iii. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;*
  - iv. aesthetic values including memorability and naturalness;*
  - v. vegetation (native and exotic);*
  - vi. transient values, including presence of wildlife or other values at certain times of the day or year;*
  - vii. whether the values are shared and recognised;*
  - viii. cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;*
  - ix. historical and heritage associations; and*
  - x. wild or scenic values;*
- *ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and*
- *including the objectives, policies and rules required by (d) in plans.*

**In my opinion the landscapes, natural features and townscapes provisions go a long way towards giving effect to the New Zealand Coastal Policy Statement, but the identification of the outstanding natural features and landscapes in the Proposed District Plan, and the rules managing activities within them, need to be refined. This can be done either in response to submissions or through a Plan Change Process.**

#### 4.2.2 National Policy Statements and National Environmental Standards

In accordance with Section 75 of the RMA, a District Plan must give effect to National Policy Statements.

These national policy statements are in place:

- [Electricity Transmission](#)
- [Renewable Electricity Generation](#)
- [NZ Coastal Policy Statement](#) (led by the Department of Conservation)
- [freshwater management](#)

Work has also been done on:

- [Scope of an NPS on Urban Design](#)
- [A proposed NPS on Indigenous Biodiversity](#)

The following National Environmental Standards are in force as regulations:

- [Air quality](#)
- [Sources of human drinking water](#)
- [Telecommunications facilities](#)
- [Electricity transmission](#)
- [Assessing and managing contaminants in soil to protect human health](#)

There are no National Policy Statements or National Environmental Standards that directly relate to natural features, landscapes and townscapes other than the NZCPS.

However the NPS on Electricity Transmission contains one policy that is directly relevant:

*POLICY 8: In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.*

The NZES on Electricity Transmission and the District Plan enable some electricity transmission infrastructure to be developed as a permitted activity. However, larger projects will still require resource consent. The requirements of the District Plan will ensure that appropriate consideration is given to the adverse effects which are to be avoided.

#### 4.2.3 Regional Policy Statement

Under Section 75 of the RMA, a District Plan must give effect to an operative Regional Policy Statement.

The policies and objectives from the Southland Regional Policy Statement (1997) specifically relevant to the natural features, landscapes and townscapes provisions of the Proposed District Plan are set out below:

There is a section of the Southland Regional Policy Statement devoted to “*Landscape and Natural Features*” at section 5.9.

The resource management issues are identified as follows:

1. *Many of the outstanding natural features and landscapes of the Region have been adversely affected by the activities that have taken place on them.*
2. *Insufficient regard has been given to landscape values in preparing resource management documents, considering resource consents, designing buildings and locating activities.*
3. *The lack of recognition of the important contribution that the different plants and animals, namely biodiversity, make to the varied Southland landscape.*
4. *Changes in landscape affect the cultural relationship of Maori with ancestral lands, water, sites, wahi tapu and wahi taoka.*

There are also cross-references to other sections of the Policy Statement.

There are two objectives:

**Objective 9.1:** *To protect outstanding natural features and landscapes of the Region.*

**Objective 9.2:** *To avoid, remedy and mitigate adverse effects on ecosystems which contribute to the diversity of landscapes in the Region.*

There are three policies:

**Policy 9.1:** *Identify and encourage the protection of outstanding natural features and landscapes within Southland.*

**Policy 9.2:** *Promote, and where appropriate provide for, the protection of significant trees, areas of indigenous forests and scrublands, groups of trees, wetlands and tussock lands which contribute to the diversity of landscapes within the Region.*

**Policy 9.3:** *Consult with the takata whenua and provide for Maori cultural and traditional spiritual values in relation to issues affecting landscapes and natural features.*

Note: Policy 9.1 of the Operative Regional Policy Statement seeks only to “encourage” the protection of outstanding natural features and landscapes. However, the NZCPS and the Proposed Regional Policy Statement carry stronger direction on this matter.

The methods listed in the Regional Policy Statement are:

**Method 9.1** *Information, education and public awareness*

**Method 9.2** *Promotion*

**Method 9.3** *Consultation*

**Method 9.4** *Developing guidelines for resource users*

**Method 9.5** *Investigations and Research*

**Method 9.6** *Prepare, implement and administer Regional and District Plans*

**Method 9.7** *Plans, other documents, and action under other Acts*



**Method 9.8** *Resource Consents* (include in assessment criteria)

**Method 9.9** *Public Works and Network Utilities* (take landscape values into account)

**Method 9.10** *Ownership*

**Method 9.11** *Establishment and maintenance of registers and inventories*

**Method 9.12** *Economic Instruments*

**In setting criteria for identification of outstanding and locally significant natural features and landscapes, and by identifying those landscapes together with culturally significant landscapes and townscapes and associated rules, in my opinion the Proposed District Plan would go a long way towards giving effect to these provisions of the Southland Regional Policy Statement. Again, I note that some amendments would be advisable to ensure this test is met.**

#### **4.2.4 Proposed Regional Policy Statement**

In accordance with Section 74, regard needs to be given to any proposed Regional Policy Statement. The Southland Proposed Southland Regional Policy Statement (PSRPS) was notified in May 2012. The relevant provisions are set out in Chapter 10 and are as follows:

**Issue LNF.1:** *Southland has a number of outstanding natural features and landscapes which can be adversely affected by inappropriate subdivision, use and development.*

**Issue LNF.2:** *Southland has a number of locally distinctive and valued natural features and landscapes which can be adversely affected by inappropriate subdivision, use and development.*

**Objective LNF.1** – *Identification and protection of natural features and landscapes. Southland's outstanding natural features and landscapes, and locally distinctive and valued natural features and landscapes are identified and protected from inappropriate subdivision, use and development.*

**Policy LNF.1** – **Identify and assess outstanding natural features and landscapes.** *To identify and assess Southland's outstanding natural features and landscapes using, but not limited to, the following regional criteria:*

- *natural science factors;*
- *aesthetic values;*
- *expressiveness;*
- *transient values;*
- *whether the values are shared and recognised;*
- *value to tangata whenua;*
- *historical and heritage association;*
- *the presence of water including in seas, lakes, rivers and streams.*
- *vegetation (native and exotic); and*
- *wild or scenic values.*

**Policy LNF.2** – **Identify and assess locally distinctive and valued natural features and landscapes.** *To identify and assess Southland's locally distinctive and valued natural features and landscapes.*

**Policy LNF.3 - Protection of outstanding natural features and landscapes.** Regional and district plans shall provide for the protection of identified outstanding natural features and landscapes from the adverse effects of inappropriate subdivision, use and development.

**Policy LNF.4 – Interim criteria for the protection of outstanding natural features and landscapes.** Until such time that outstanding natural features and landscapes are identified, and are provided for within regional and district plans, bodies and persons in carrying out functions under the Act shall protect landscape values from inappropriate subdivision, use and development having regard to the following interim criteria:

- the extent to which the natural feature or landscape would be modified or damaged including the duration, frequency, magnitude or scale of any effect;
- the irreversibility of adverse effects on natural features or landscape values;
- the resilience of the natural feature or landscape to change;
- opportunities to remedy or mitigate previous adverse effects on the natural feature or landscape;
- whether the activity will lead to cumulative adverse effects on the natural feature or landscape;
- the relationship of the landscape to the surrounding environment.

**Territorial Authorities will:**

**Method LNF.7 – District Plans:** Establish and maintain objectives, policies and methods in district plans to avoid, remedy or mitigate adverse effects of land-use, subdivision or development on the values of outstanding natural features and landscapes

**Local Authorities will be encouraged to:**

**Method LNF.8 – Landscape assessments:** Work collaboratively with other local authorities to develop and adopt consistent methods for assessing and identifying outstanding natural features and landscapes of the Southland region. The methods will include consideration of the criteria listed in Policy LNF. 1.

**Method LNF.9 – Identify, investigation and assessment of other landscapes:** Establish and maintain objectives, policies and methods in plans that provide for the protection and management of other landscapes which contribute to Southland's locally distinctive and valued character. The locally distinctive and valued characteristics may include natural character, amenity, cultural or heritage values.

**Method LNF.10 – Areas and values:** Require applicants for consent applications or plan changes to provide detailed assessments of areas and values of outstanding natural features and landscapes, so that the effects of the proposal or plan change can be adequately assessed.

**Method LNF.11 – Investigation and assessment:** Work collaboratively to map outstanding natural features and landscapes while having regard to objectives and policies set out in the Regional Policy Statement as well as the findings of relevant landscape studies, including reasoning as to why areas are or are not (if under dispute) considered to be outstanding natural features and landscapes, and to ensure there are links to other sections of the Plan, in particular biodiversity, and the four national priorities and public access.

**Method LNF.12 – Other Methods:** *Collaborate with other local authorities to investigate additional methods that may be used to implement the policies of this chapter of the Southland Regional Policy Statement.*

**In my opinion the Proposed District Plan has regard to the provisions of the Proposed Southland Regional Policy Statement. The PSRPS Objectives and Policies LNF.1, LNF.2 and LNF.3 translate almost directly into the provisions of the Proposed District Plan. The Proposed District Plan would give effect to Method 7. However, the provisions of the Proposed District Plan would benefit from strengthening to ensure appropriate regard is given to the proposed RPS.**

#### **4.2.5 Regional Plans**

In accordance with Section 74 of the RMA, a District Plan must not be inconsistent with a Regional Plan. The only relevant regional plan is considered to be the Regional Coastal Plan.

The Regional Coastal Plan for Southland (RCPS) was approved by the Minister of Conservation and made operative on 10 September 2008. Under Section 75 ss.4 of the RMA, a District Plan must not be inconsistent with this Plan.

Its ambit includes:

- the coastal marine area
- an area of coastal dominance
- an area of coastal influence
- an area of coastal hinterland

The matter of boundaries needs to be considered. For RMA purposes, the boundary of the Invercargill City District is Mean High Water Springs (MHWS), however the territorial boundary of the City District has been extended to MLWS (Mean Low Water Springs).

In general, the Regional Coastal Plan is a document that identifies the values of the areas within its ambit and promotes an effects-based and conservative approach to managing coastal activities. The primary focus of the Coastal Plan is on the Coastal Marine Area. However, some objectives and policies apply to the broader coastal environment and are therefore relevant to the District Plan. Examples are:

**Objective 11.2.3 – Exterior of permanent structures/buildings.** *To ensure, where appropriate, that any permanent structure/building is of a form and is finished in materials and of colours which blend into the natural character of the area*

**Policy 11.2.17 – Structures and activities to be compatible with their surrounding environment.** *Encourage structures and activities, including reclamations, to be located, finished, and to be of a form, profile, extent and alignment that is not incompatible with the visual amenity, natural character and physical landscape of the area in which it is located.*

A Coastal Landscape Assessment is appended to the Regional Coastal Plan as Appendix 4. It identifies a series of loosely-defined “landscape units” around the Southland coast, and describes briefly the key landscape elements including distinctive features and cultural elements, and allocates a “naturalness rating” to each landscape unit.

Its provisions are summarised as follows:

The scale of the “naturalness rating” is:

1. Developed – severely modified ...
2. Cultural – extensively modified .... usually a scattering of homesteads and farm buildings ....
3. Modified – reasonable balance between retention of original vegetation and production.
4. Semi Natural – high inherent values .... indigenous characteristics are still dominant ....
5. Natural - high inherent value .... original characteristics still completely intact.

The coastal environment of the Invercargill City District falls within the following “landscape units”:

**Landscape Unit 5 – Waituna – Naturalness rating 4+.** (The Tiwai Peninsula and areas east). Key landscape elements are the shingle beaches and gravel bars, the dunelands with associated native grasslands, coastal plains with peat bogs, and lagoon and river estuary with associated salt marshes and mudflats. The aluminium smelter is mentioned.

**Landscape Unit 6 – Back Beach Bluff – Naturalness rating 4.** Key landscape elements are the “dome shaped high hill clad in mixed shrub lands” (Bluff Hill), low hills clad in reverting shrub lands and open grass, and small rocky bays with offshore reefs and stacks.

**Landscape Unit 7 – Green Hills – Naturalness rating 4.** Key elements are the coastal hills clad in a mixture of native shrub lands and grass lands, coastal bluffs with prominent rocky outcrops, sea cliffs with jagged reefs, a series of small sandy beaches, and secondary dune lands e.g. Three Sisters.

**Landscape Unit 8 – Oreti – Naturalness rating 3.** Key elements are the long curving beach, narrow strip of primary dune lands, sand plains intensively farmed, “*river mouth with backwater*” (New River Estuary?) and dune land ponds and peat lands.

This landscape assessment was a significant first attempt at categorising the landscape values of the Southland Region and was probably never intended to be used to define landscapes at the scale of the Invercargill City District Plan. It does not acknowledge the landscape values of the coastlines of Bluff Harbour and the New River Estuary. Neither does it acknowledge – in any way – Maori interpretation of landscape.

**In my opinion the provisions within the Proposed District Plan itself are consistent with and build on the Coastal Landscape Assessment included as Appendix 4 of the Regional Coastal Plan.**

**However, the current District Plan controls on structures in outstanding natural landscapes are somewhat less interventionist than the Regional Coastal Plan anticipates. Some of my recommendations address this.**

**Overall, in my opinion the Proposed District Plan is not inconsistent with the Regional Coastal Plan for Southland.**

#### **4.2.6 Iwi Management Plans**

Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority.

Ngai Tahu has lodged an Iwi Management Plan with the Council. The relevant document is the *Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Taurira*.

The way that tradition is interwoven into the Maori view of “landscape” is illustrated in the Introduction to Section 3.5, which deals with Te Ra a Takitimu (Southland Plains):

*The Southland Plains were formed when the canoe of Aoraki capsized, and aoraki and his brothers were forced to climb onto the back of it to avoid drowning. It was this canoe that became the South Island (Te Waka o Aoraki). The stern of the waka, being broad and flat, formed the Southland Plains, culminating the tip of the stern being Motu Pohue (Bluff Hill). The bodies of Aoraki and his brothers were changed into mountains”.*

To the Maori, the identity of the landscape and the identity of the people are inseparable.

*“The land, water and resources in a particular area are representative of the people who reside there. They relate to the origin, history and tribal affiliation of that group, and are for them a statement of identity. These natural resources also determine the welfare of the tribal group which owns or controls them.”* (The Cry of the People – Te Tangi a Taurira, page 23)

The Cry of the People - Te Tangi a Taurira does not include policies on landscape as a separate topic. Rather, landscape is seen in a more holistic way – the people are of the land and the land is of the people. As noted above in the “Background” section:

*“Maori people perceive the environment in a holistic way, and see themselves as part of that environment. The central component of the Maori perspective on the environment is the recognition of Mauri, the life principal in all objects, animate and inanimate ...”*

At page 136 the following are seen as activities, issues, ecosystems and places of importance:

- *Farm effluent management*
- *Wastewater disposal*
- *Solid waste management*
- *Industry*
- *Forestry*
- *Stock transport*
- *Subdivision and development*
- *Earthworks*
- *Mining*

- *General Water Policy*
- *Rivers*
- *Discharge to water*
- *Water quantity – abstractions*
- *Activities in the beds and margins of rivers*
- *Mahinga kai*
- *Nga Pononga a Tane a Tangaroa (biodiversity)*
- *Wetlands*
- *Riparian Areas*
- *Freshwater Fisheries*
- *Protection of sites of significance*
- *Wahi Ingoa/Customary Place Names*

The document sets out Ngai Tahu ki Murihiku management guidelines, intended to provide management guidance according to Ngai Tahu ki Murihiku values, in resolving significant environmental management issues and promoting the sustainable management of natural resources.

Some, but by no means all, these matters come within the bailiwick of a district plan.

**It is my opinion that the provisions of the District Plan, taken as a whole, will enable decision-making under the Plan to incorporate the resource management guidelines set out in *The Cry of the People - Te Tangi a Tauria*. However, I am recommending that additional text be incorporated into the Plan (at a future date) recording traditional Maori interpretation of the landscapes of the Invercargill city district.**

#### **4.2.7 Management Plans and Strategies Prepared under other Acts**

A District Plan is required to have regard to management plans and strategies prepared under different Acts. For the District Plan review, the Invercargill City Centre Action Plan and The Big Picture (both prepared under the Local Government Act) are considered relevant.

##### **Local Government Act**

The Big Picture was prepared and published in 2011 as a non-statutory spatial plan, as a prelude to the District Plan review, and set out the Council's vision, in mapped form, for the long-term (30 year) strategic direction for the city. The Big Picture articulates "values" and "issues". Outstanding and locally significant landscapes, natural features and townscapes are mentioned frequently in the document. For example:

- In landscape terms, the text accompanying Map 26 outlines the Maori perspective on Te Ara a Kiwa – Foveaux Strait.
- The text accompanying Map 16 identifies maintaining and enhancing existing values in terms of landscape and seascape in relation to the new River Estuary.
- The text accompanying Map 9 refers to the townscape values of the Invercargill Central City.

- Community “precincts” – which had a strong townscape element – were identified.

There was an opportunity for public submission.

The Invercargill City Centre Outline Action Plan was published in 2011 as a discussion document. It identified eight priority issues, one of which (Priority B) was *City Centre Focus in Council policies and actions*. Another, (Priority D) was *Heritage protection and enhancement*.

The townscape values of the Invercargill City Centre featured widely in the Outline Action Plan, which *informed* many of the provisions of the Proposed District Plan.

**It is my opinion that both The Big Picture and the Invercargill City Centre Outline Action Plan “informed” the preparation of the proposed District Plan, and that the landscape, natural features and townscape provisions in the Proposed District Plan are a reasonable development from the earlier publications.**

My only proviso is that perhaps more of the Maori tradition could have been carried through into the explanatory text of the Proposed District Plan at the time of drafting.

#### **Reserves Act 1977 - Reserve Management Plans**

Management Plans have been prepared under the Reserves Act by the Invercargill City Council. Many of these are in areas identified as having particular landscape or townscape values. These plans are noteworthy because they often provide an extra level of management and protection beyond the RMA, alleviating to some extent the need for the District Plan to have specific rules in these areas.

#### **4.2.8 Other Statutory Documents**

##### **Statutory Acknowledgements**

Appendix 3 of the Proposed District Plan sets out the Statutory Acknowledgements in relation to the Ngai Tahu Claims Settlement Act 1998.

Areas particularly affected by this document are Motupohue (Bluff Hill), the Oreti River, the Waituna Wetland, and Rakiura/Te Ara a Kiwa (Rakiura/Foveaux Strait CMA).

In these areas consultation with Ngai Tahu representatives will often be necessary, affording them the opportunity to influence outcomes for proposal in landscapes of particular cultural value.

**In my opinion the Natural Features, Landscapes and Townscapes section of the Proposed District Plan has regard to and is not inconsistent with these Statutory Documents and Management Plans.**

##### **Conservation Act 1987 – Conservation Management Strategy**

The most up to date and relevant document is the Conservation Management Strategy 2014-2024 (CMS). The version used in this report is the June 2013 draft. The Conservation General Policy (2005) requires that regard be given to local government planning documents. In turn, local government planning processes are

required to have regard to the Department's statutory plans when preparing documents under the RMA.

The Invercargill City District is within the "Awarua Place", described in the CMS as follows: "*The Awarua Place extends from Fortrose Spit in the east, to Omaui and New River Estuary in the west and The Bluff/Motupōhue in the south*".

The values and attributes of the "Awarua Place" are set out in pages 98-105 of the CMS, together with the management philosophy of the Department of Conservation for this area.

**In my opinion the Natural Features, Landscapes and Townscapes Section of the Proposed District Plan has regard to the 2013 Conservation Management Strategy.**

- **Summary**

**In my opinion the Natural Features, Landscapes and Townscapes provisions set out in the Proposed District Plan generally follow the purpose and principles of the RMA. Amendments are needed to ensure that District Plan conforms more closely with the policy hierarchy.**

## **5. ANALYSIS OF SUBMISSIONS**

The table below sets out the number of points made in submissions and further submissions on each section of the Proposed District Plan.

| <b>PLAN PROVISION</b> | <b>(Approximate) NUMBER OF SUBMISSION POINTS</b> |
|-----------------------|--|
| General               | 5  |
| Issues,               | 12   |
| Objectives            | 7  |
| Policies              | 15   |
| Methods               | 0  |
| Rules                 | 7  |
| Planning Maps         | 1  |

The number of submission points totals 47. In total numbers, this is low, compared with some other sections of the Proposed District Plan.

However, some submissions point out a "disconnect" between the District Plan as notified and national and regional policy. This is serious and needs to be rectified.

Because the topics are inter-related, there is a degree of overlap or "common ground" with the Proposed District Plan topics of Biodiversity and Coastal Environment. Inevitably, my conclusions and recommendations with respect to those topics have influenced my approach to this topic.

Several key issues can be identified. They are:

**Key Issue 1 – The robustness of the delineation of outstanding natural landscapes and features on the proposed Planning Maps.**



Submissions have raised concerns as to whether the landscapes have been appropriately identified. I note that there are differences between the conclusions of the landscape studies undertaken as background to preparing the District Plan, and the subsequent study carried out by Boffa Miskell for Environment Southland.

I have conducted a comparison of the work carried out as background to the District Plan, and the report commissioned by Environment Southland in 2013 entitled *Invercargill Coastal Landscape Study – Boffa Miskell*.

I include as Appendix 3 to this report, maps showing the conclusions of the Boffa Miskell report and the District Plan maps as they were published.

In my view, the only significant differences between the conclusions of the Boffa Miskell report and the background work done for the Plan relate to:

- The extent of the areas marked as “outstanding landscape” in relation to the Awarua Wetlands (the District Plan analysis shows a greater area included)
- The exclusion of Otatara from the Boffa Miskell map, and
- The extent of the “outstanding landscape” at Sandy Point.

With respect to (1), the area appears on the latest aerial photos as wetland, but may have been excluded from the Boffa Miskell study because their immediate focus was to within one kilometre of the ocean coastline. As wetland, and part of a wetland complex recognised under the Ramsar convention as being of international importance, the area is in my view also outstanding landscape.

With respect to (2), this area is also well inland from the open ocean coast, however two reports commissioned by the Council commented to the effect that Otatara is widely recognised in Invercargill as having special landscape values associated with its terrain (sand dune formations), its vegetation, and the rural-residential lifestyle of its inhabitants. (These studies were: Landscape Study. Sand Dunes, Otatara, Invercargill (Opus, 2009) and Otatara - Further Landscape Assessment and Recommendations (Opus, 2011). (These studies will be available to Commissioners at the hearing.) Further, a consent order signed by the Environment Court on 16 January 2013, referred to the need to recognise within Otatara, areas of significant indigenous vegetation and significant habitats of indigenous fauna within the Otatara Sub-Area that “... are also considered outstanding natural features and landscapes” (*Policy 3.5.4*). In the context of district-wide policy, it is appropriate that the District Plan identify the Otatara peninsula as an area of outstanding landscape.

With respect to (3), much of Sandy Point is gazetted as Reserve. The relevant Management Plan comments that in ecological terms, Sandy Point is considered an area of national importance as one of the few remaining examples of dune development and vegetation sequence left in New Zealand. North of the reserve, between the sea coast and the Oreti River, there is an area of sand dunes along the beach margin and an area used for managed gravel extraction between the dunes and the Oreti River. In my opinion the identified outstanding landscape needs to include the sand dunes but not the gravel pits. Overall and on this basis, in the context of district-wide policy, it is appropriate that the District Plan identify Sandy Point as an area of outstanding landscape.

The bigger issue is the difference between the conclusions of the Boffa Miskell report and the areas actually marked on the Planning Maps as “Outstanding Natural Features and Landscapes”. These areas on the Planning Maps often follow property boundaries. It seems that they were carried from the Operative District Plan into the Proposed District Plan

with limited further interpretation. The results of that process have been questioned in the submissions. Furthermore, after the Operative District Plan was adopted and before the review was prepared, the New Zealand Coastal Policy Statement (2010) was published, placing a high priority on identifying and protecting outstanding landscapes in the coastal environment.

**Conclusion: A re-definition of the “Outstanding Natural Features and Landscapes” is required in response to submissions. I am recommending that this re-definition be based on the 2013 Boffa-Miskell study but amended to include the areas at Awarua, Otatara and Sandy Point discussed above.**

**Key Issue 2 – Whether the natural features, landscapes and townscapes provisions articulate Maori values adequately.**

In several submission points it is suggested that the District Plan could, and should, have drawn more fully from Maori tradition and knowledge in documenting values in relation to landscapes and natural features.

More could have been done to incorporate the Maori interpretation of “landscape” into the language of the Proposed District Plan and it is not clear why this was not done. It is likely that this was due simply to the need to try and align all sections of the Plan to a congruent format, and I do not believe the omission of the Maori perspective was deliberate. It seems that material was made available to the Council when the Plan was being prepared, in particular: Ashwell, Harold F. Tutakiwa: Place Names of Rakiura, Ruapuke and Awarua, Department of Zoology, University of Otago, 2002. The Iwi Management Plan, The Cry of the People - Te Tangi A Tauria, also contains material that could have been considered for inclusion.

**Conclusion: Text about specific areas and values should be drafted in consultation with Iwi and introduced into the District Plan. I believe it would be desirable for Iwi to have input into this process. I am recommending that further reporting be done on this matter and that text be incorporated as part of future amendments to the Plan. Alternately, Te Ao Marama may have suggestions as to suitable text that they may wish to bring to the hearing.**

**Key Issue 3 - Whether additional areas of outstanding natural features and landscapes, and/or locally significant natural features and landscapes, and/or culturally significant landscapes and townscapes, should be added to the Planning Maps.**

Several submissions have suggested that the Planning Maps be amended to show:

- Additional areas as “outstanding natural features and landscapes”
- Areas recognised in the text of the Plan as locally distinctive and valued natural features and landscapes and “culturally significant landscapes and townscapes” be identified on the Planning Maps.

As discussed above (Key Issue 1), it is recommended that:

- Otatara be included as an Outstanding landscape, rather than as a locally significant one.
- The reserve areas at Sandy Point and the coastal dune margin to the north be included as an Outstanding Landscape.

- The Outstanding Natural Features/Landscapes identified by Boffa Miskell together with the Otatara Peninsula and the Sandy Point areas mentioned in (2) be the areas delineated in the Planning Maps as Outstanding Natural Features and Landscapes.
- Formal reference to the following reports be included in the Plan: Landscape Study. Sand Dunes, Otatara, Invercargill (Opus, 2009) and Otatara - Further Landscape Assessment and Recommendations (Opus, 2011).

**This results in the addition of areas delineated as Outstanding Landscapes and Natural Features to the Planning Maps.**

Policy 4 of the Proposed District Plan identifies locally significant natural features and landscapes. Most of these are Council-owned parks and reserves, with well-defined boundaries and with management plans prepared under the Reserves Act 1977. Murihiku Marae, and the lagoon west of Kew/Appleby, are the exceptions but are well-defined, discrete areas. I do not consider it is necessary to further identify these areas with extra information on the Planning Maps.

The Proposed District Plan also refers at Policy 5 to culturally significant landscapes and townscapes. The CBD and the suburban shopping and business areas are identified. These areas are catered for in the Plan with their own zonings. Residential character types based on various housing typologies are also recognised, with a view to promoting maintenance and enhancement of townscape and heritage values by non-regulatory means. In my view, a formal townscape/heritage precinct study and associated consultation would need to precede the formal identification of specific areas as “precincts” with their own regulatory regime. It is my opinion that the information available in the Plan and other documents is sufficient to help inform decision-making when the need for a resource consent is triggered by another provision in the Plan. However, with the exception of the CBD and suburban centres, I do not believe that regulatory provisions around townscape precincts are needed or wanted at this time.

**For these reasons, I am recommending against the delineation of additional areas of/locally significant natural features and landscapes, and/or culturally significant landscapes and townscapes on the Planning Maps in response to submissions.**

**Key issue 4 - Whether the criteria for identification (Policy 1) “have regard” to the Proposed Regional Policy Statement 2012.**

Submissions have been made to the effect that in the Proposed District Plan, criteria for landscape identification did not “line up” with the criteria set out in the relevant policy of the Proposed Regional Policy Statement.

There is an inconsistency in the Proposed District Plan, in that in the introduction to Section 2.10 (page 2-34) the Plan states that “*identification was based on the following criteria:*”

- *Heritage, cultural and recreational values*
- *Values to iwi*
- *Habitat values*
- *Natural science values – physical features – geographic/geomorphology*
- *Aesthetic/visual values*
- *Distinctiveness or uniqueness*
- *Biodiversity/eco local values*
- *Naturalness, isolation and remoteness.*

These criteria are the same as those listed on page 2-4 (Section 2.5) of the Operative District Plan.

However, in the Proposed District Plan, Policy 1 establishes the criteria for identification as follows:

- *Natural science factors*
- *Aesthetic values*
- *Expressiveness*
- *Transient values*
- *The extent to which the values are shared and recognised*
- *Value to tangata whenua*
- *Historical associations.*

This appears to be an error in drafting the Proposed District Plan.

In response to other submissions, I am recommending a change to the basis on which the outstanding natural features and landscapes are identified. I am recommending that formal reference be made to the following:

Regional Coastal Plan for Southland – July 2005 – Appendix 4  
Invercargill Coastal Landscape Study – Boffa Miskell for Environment Southland, 2013  
Landscape Study. Sand Dunes, Otatara, Invercargill (Opus, 2009) and  
Further Landscape Assessment and Recommendations (Opus, 2011).

If these recommendations are accepted, then the Introduction to Section 2.10 can be rewritten as follows:

- ***NATURAL FEATURES, LANDSCAPES AND TOWNSCAPES***

*The Invercargill City District contains a number of natural features and landscapes within the Invercargill City District that are either “outstanding” or “locally significant”.*

*Outstanding landscapes and natural features have been identified on the basis of the following publications:*

*Regional Coastal Plan for Southland – July 2005 – Appendix 4  
Invercargill Coastal Landscape Study – Boffa Miskell for Environment Southland, 2013  
Landscape Study. Sand Dunes, Otatara, Invercargill (Opus, 2009) and  
Further Landscape Assessment and Recommendations (Opus, 2011).*

*The areas of outstanding landscapes and natural features have been delineated on the Planning Maps. They occur in the following general areas:*

- *The Otatara Peninsula*
- *Sandy Point and Oreti Beach*
- *Bluff Hill*
- *The Greenhills-Omaui Peninsula, extending from Ocean Beach to the Mokomoko Inlet*
- *The Tiwai Peninsula and Awarua wetlands*

*Locally significant landscapes, natural features and townscapes have also been identified. Most are within the built-up area of Invercargill city and are council-owned parks and reserves.*

*Cultural significant townscapes have also been identified, being*

- The rich variety of built heritage in the CBD*
- The suburban shopping and business areas*
- Residential neighbourhood character types based on various housing typologies which reflect the long settlement history of the Invercargill city district.*

*Land use activities, development and redevelopment could significantly and adversely affect these features, landscapes and townscapes.*

There is a further, consequential, change to be considered for Policy 1. Although the areas shown on the Planning Maps as outstanding natural features and landscapes are now based on the conclusions of other publications which are referenced, it is useful to retain criteria at policy level. New areas may be suggested. Development may be proposed in areas already identified, and the basis for identification may be challenged. Listing criteria in Policy form gives Council a basis for evaluating any such suggestions or assertions. Further, it is necessary to align the District Plan with the parallel provisions in the Regional Policy Statement. I am recommending that Policy 1 be amended to read as follows:

### **2.10.3 Policies**

***Policy 1 Criteria for Identification:*** *To identify and assess Invercargill's outstanding landscapes and natural features, and locally significant landscapes and natural features, using the following criteria:*

- (A) Natural science factors.*
- (B) Aesthetic values.*
- (C) Expressiveness.*
- (D) Transient values.*
- (E) The extent to which the values are shared or recognised.*
- (F) Value to the tangata whenua.*
- (G) Historical associations.*
- (H) The presence of water including in seas, lakes, rivers and streams.*
- (I) Vegetation (indigenous and exotic).*
- (J) Wild or scenic values.*

*Explanation:*

*This Policy gives effect to Policies in the Proposed Regional Policy Statement which seek to achieve a consistent process for the identification and assessment of outstanding natural features and landscapes across the region.*

### **Key Issue 5 – Whether the performance standards in Rule 3.10.0 require a timeframe.**

A submission has been made suggesting that the performance standards set out in Rule 3.10.1 require a timeframe in order to be meaningful, and that without a timeframe they are unlikely to achieve the objectives of the Plan.

Rule 3.10.1 reads as follows:

*3.10.1 This rule applies only to the areas identified on the District Planning Maps as Outstanding Natural Features and Landscapes.*

*(A) Any land use activity, other than agriculture, is required to meet the following performance standards:*

- (a) Land use activities shall alter the contour of the land by no more than two metres over an area of 200 square metres.*
- (b) Structures shall have a footprint area of less than 200 square metres.*
- (c) Structures are to be no more than 10 metres in height.*
- (d) Structures shall not appear above the ridgelines in the Omaui Greenhills-Bluff area, when viewed from State Highway 1 or Bluff Road.*

This submission raises the whole issue of the efficacy of the regulatory framework in the Proposed District Plan pertaining to outstanding natural features and landscapes. Rule 3.10.1 is the only rule that applies generally to the outstanding natural features and landscapes in the coastal environment. (Rule 3.10.2 pertains specifically to Otatara and is derived from the 2013 Environment Court consent order.) The question must be asked – does this rule give effect to Policy 13 of the NZCPS – viz (To) “avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character”. The answer has to be – No.

### **Key Issue 6 – will the rules avoid adverse effects to outstanding natural landscapes and features?**

It has been questioned whether the rules give effect to the New Zealand Coastal Policy Statement in seeking to avoid effects in outstanding natural landscapes and features. In a similar vein, it can be questioned whether the proposed rules have had regard to the Proposed Regional Policy Statement, and particular regard to Section 6 (b) in avoiding inappropriate development, subdivision and use. As covered, I agree that there are some potential deficiencies in regard to the proposed rules and I consider they need amending.

I am recommending that Rule 3.10.1 be re-drafted, covering the following matters: (Please see Appendix 2 for the full text of insertions and deletions. I have used plain text here for ease of reading.)

- **NATURAL FEATURES, LANDSCAPES AND TOWNSCAPES**

*3.10.1. This rule applies only to the areas identified on the District Planning Maps as Outstanding Natural Features and Landscapes. Within these areas, this rule applies to all areas except:*

- *Within the Residential 2 Zone at Omaui*
- *Within the Otatara Zone.*

*This is a district-wide rule that applies in addition to and with precedence over the provisions of the relevant zone. For the avoidance of doubt, if an activity is not referred to in this rule, relevant zone specific or district-wide rules will apply.*

*3.10.1.1 The following are permitted activities:*

- *Use of land in a manner consistent with an approved Reserve Management Plan as provided for by the Reserves Act 1977.*

- *Conservation of indigenous biodiversity*
- *Agriculture other than the construction of associated buildings*

*Where earthworks associated with any activity are no greater than 2m in depth from the original surface of the land and no greater than 200 sq.m. in area (measured horizontally).*

*3.10.1.2 The erection of buildings associated with agriculture shall be a controlled activity where:*

- *Maximum height of any building does not exceed 10m.*
- *Maximum footprint area of any building is 200 square metres*
- *Buildings or structures do not appear above ridgelines in the OmauiGreenhills-Bluff area, when viewed from any place normally accessible to the public that is 0.5 kilometres or further from the site of the building*

*The matters over which the Council shall exercise control are*

- *the position, form and size of the proposed building*
- *the colour and reflectivity of its exterior structure and cladding, and*
- *associated landscaping*
- *associated earthworks*

*3.10.1.3 It is a discretionary activity to erect any building associated with agriculture that does not comply with Rule 3.10.1.2 above.*

*Applications shall address the following matters, which will be among those taken into account by the Council:*

- *The effect on the landscape of the location, form, height, scale, orientation and use of the building*
- *The effect of the building and its use on any significant indigenous biodiversity*
- *Landscaping or other methods intended to mitigate the visual intrusion of the building*
- *The colour and reflectivity of the exterior structure and cladding of the building*

- *Buildings not associated with agriculture are a discretionary activity*

*Applications shall address the following matters, which will be among those taken into account by the Council*

- *The reason for the proposed residence*
- *The effect on the landscape of the location, form, height, scale, orientation and use of the residence*
- *The effect of the residence on any significant indigenous biodiversity in the area*
- *Landscaping or other measures intended to mitigate the visual intrusion of the dwelling*
- *The colour and reflectivity of the exterior structure and cladding of the residence.*
- *Vehicle access, manoeuvring and parking*

- *The efficacy of the proposed on-site waste water and stormwater systems.*
- *The following are discretionary activities:*
  - (1) *Infrastructure and network utilities unless otherwise provided for in the National Environmental Standards for Electricity Transmission Activities 2010.*
  - (2) *Earthworks involving an excavation more than 2m in depth from the original surface of the land and 200 sq m or more in area (measured horizontally).*

*Applications shall address the following matters, which will be among those taken into account by the Council:*

- *The extent to which the landscape or natural; feature would be modified or damaged, including the duration, frequency, magnitude or scope of any effect*
- *The irreversibility of adverse effects on the landscape or natural feature to be modified*
- *The resilience of the landscape or natural feature to change*
- *Opportunities to remedy or mitigate previous adverse effects on the landscape or natural feature*
- *Whether the activity will lead to cumulative effects on the landscape or natural feature*
- *Locational and technical constraints of regionally significant infrastructure*
- *The suitability of the site, compared with alternative sites or locations,*
- *Benefits that any network utility or other infrastructure or activity may bring to the community*
- (i) *Any special technical requirements of, or constraints on, network utilities or other infrastructure*

**Because this constitutes a significant change in the regulatory regime from that published in the Proposed District Plan as notified, the Hearings Panel will need to consider how best to proceed. In my view the matter would be best introduced as a Plan Change in order that those affected are made aware of the proposal and have the opportunity to submit. However, in the event that the Hearings Panel decides otherwise, I have outlined (above) an option to replace the plan provision in response to submissions.**

### **Minor Amendments**

As noted in previous reports, I am coming to the view the use of the word “*appropriate*” is best avoided in policy documents in general and in District Plans in particular. The word “*appropriate*” has two meanings. One is as a verb and is *to take, acquire*, and this is not the meaning the word has when used in policy documents. The other meaning is as an adjective, meaning *suitable or fitting for a particular circumstance*. The use of that word in a policy document is bad practice because it implies that other matters will be taken into consideration, but nothing is said about these other matters. (What do we mean by *suitable* or *fitting*?)

In a few instances the objectives and policies about landscapes, natural features and townscapes in the Proposed District Plan use the word “*appropriate*”, the term has also been used by submitters, and I have chosen to run with it rather than suggest an alternative which may introduce a new element into the policy.

That does not change my opinion that the word should be avoided in policy documents.



## Otatara

There were no submissions on those parts of the Natural Features, Landscapes and Townscapes section, on the provisions from the Environment Court consent order that were carried over into the Proposed District Plan. The matter had, after all, been recently subject to considerable consultation over a long period.

## 6. DISCUSSION OF SECTION 32 MATTERS

### 6.1 Scope of Section 32

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 Committee recommends minor changes from what was in the Proposed Plan, a further evaluation can be relatively brief.

- **Relevant Section 32AA Matters**

The following is a summary of the recommended amendments to the Introduction and policies (listed in full as Appendix 2) and considered relevant for further evaluation under Section 32AA of the RMA.

- Change to the introductory text at Section 2.10 (page 2-34)
- Inclusion of additional criteria for identification of outstanding landscapes and natural features (Policy 1)
- Addition of text to more clearly acknowledge and articulate Maori values
- Inclusion of the Otatara Peninsula as an area of outstanding natural features and landscapes (Policy 2)
- Minor change to Policy 3 to include associated vegetation and habitats as part of the “Intrinsic value and identity” of outstanding landscapes and natural features.
- Deletion of Otatara from the list of what are now termed “locally distinctive and values natural features and landscapes”
- Withdrawal and re-drafting of Rule 3.10.1
- Changes to the areas identified on the Planning Maps as Outstanding Natural Features and Landscapes

- **Section 32AA Further Evaluation**

The “Natural Features, Landscapes and Townscapes” section of the original Section 32 report (pages 79 - 92) is relevant to this report. The changes proposed (summarised above) that are within the scope of the original evaluation findings and do not raise any additional matters for consideration are:

- Changes the introductory text (1 – above). (This text is not in itself a provision of the plan which has regulatory impact.)
- Inclusion of additional criteria for identification of outstanding natural features and landscapes (2 - above). (This aligns the District Plan with the Proposed Regional Policy Statement but the additional criteria are not, in themselves, likely to affect the extent of the areas identified.)
- Inclusion of text to more clearly articulate Maori values (3 – above).
- Inclusion of the Otatara Peninsula as an area of outstanding landscapes and natural features (4 - above). (The regulatory impact of the Plan is set mainly by the provisions of the Otatara Zone and Rule 3.10.2 – which remain unchanged.)
- Minor change to Policy 3 (5 – above).
- Deletion of Otatara as an area of locally distinctive and valued natural features and landscapes (6 – above).

With respect to items 1, 2, 3, 4, 5 and 6 above, the changes that are recommended are minor. It follows that the environmental, economic, social or cultural effects anticipated to arise as a consequence of the changes are minor. A detailed assessment or quantification of costs and benefits is neither practical nor necessary with respect to these plan provisions.

A detailed review is necessary with respect to items 7 and 8 (above).

**Re-definition of the areas of outstanding natural features and landscapes on the Planning Maps**

**And**

**New Rule 3.10.1**

**What is the main thrust of the policies, rules and methods in the Proposed District Plan as notified, and how would this change if the recommendation is adopted?**

In the Plan Review as notified:

- The outstanding natural features and landscapes are identified using criteria set out in Policy 1 which do not align with the NZCPS or the Proposed Southland Regional Policy Statement. There are further inconsistencies within the Plan.
- The outstanding natural features and landscapes are identified on the Planning Maps, with significant omissions.
- Rules set limits on the extent to which the natural contour of the land may be altered, and on the size and location of buildings, within areas identified as outstanding natural features and landscapes
- Rules set limits to change and development without requiring resource consent
- The protection of the aesthetic character and coherence of outstanding natural features and landscapes must be considered when assessing resource consents.
- Non-regulatory methods are favoured – education, including dissemination of information and environmental citations and awards for good examples of integration of development with landscape values and features

If the recommendation is adopted:

- The outstanding natural features and landscapes are identified on the basis of criteria aligned with the NZCPS and the Proposed Regional Landscape interpretation contained in Appendix 4 to the Regional Coastal Plan and on the basis of other publications cited in the introductory text.
- The outstanding features and landscapes are identified in the Planning Maps. The areas shown are greater than were shown in the Proposed District Plan as publicly notified.
- Rules set limits on
  - The nature of permitted activities (basically, confined to biodiversity conservation and agriculture).
  - The size of buildings that can be erected in association with agriculture.
  - The siting of buildings erected in association with agriculture.
- 4. Buildings other than those associated with an agriculture activity are a discretionary activity.
- 5. Other land uses would be non-complying.
- 6. Altering the “natural contour of the land” in the context of “agriculture” would be a permitted activity but in any other context it would be non-complying.

**What are the alternatives?**

| ALTERNATIVE   | CONSEQUENCES OF FOLLOWING THAT ALTERNATIVE   |
|---|--|
| <ul style="list-style-type: none"> <li>• Not changing the Plan from the version as publicly notified</li> </ul> | <ul style="list-style-type: none"> <li>• District Plan would not demonstrably give effect to the relevant provisions of the NZCPS or the Proposed Regional Policy Statement.</li> <li>• Areas of outstanding natural features and landscapes would be omitted from the Planning</li> </ul> |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>Maps and hence from the protection afforded by the Plan.</li> <li>Development permitted under the Plan could compromise the integrity of identified outstanding natural features and landscapes.</li> <li>The methods in the District Plan may not enable the Plan to achieve its objectives.</li> </ul>  |
| <ul style="list-style-type: none"> <li>Changing the Rule as proposed but not changing the areas identified on the Planning Maps</li> </ul> | <ul style="list-style-type: none"> <li>The areas of outstanding natural features and landscapes that are not identified on the Planning Maps would not receive the protection afforded by the Plan.</li> <li>For these unidentified areas, consequences 1 to 4 as listed for Alternative A above.</li> </ul>   |
| <ul style="list-style-type: none"> <li>A more stringent regulatory regime making all land uses discretionary or non-complying</li> </ul>   | <ul style="list-style-type: none"> <li>Lack of certainty for landowners that any use of their land is permissible.</li> <li>The imposition of unnecessary regulation, given that agriculture is an established land use in many of the identified areas and the landscape values have endured in spite of or even because of agricultural activities.</li> <li>This approach would strengthen Council's position in the event that it was claimed that the district plan did not give effect to national and regional policy.</li> </ul> |
| <ul style="list-style-type: none"> <li>Public purchase of all land identified as a significant landscape</li> </ul>                        | <ul style="list-style-type: none"> <li>Very significant public cost and fiscal implications.</li> <li>Would be seen as an over-reaction in view of the lack of significant development pressure in the area.</li> </ul>  |

### The costs and benefits of the recommended approach

|                | Environmental |  | Social   |   | Economic  |   |
|----------------|---------------|--|--|---|---|---|
|                | Cost          | Benefit  | Cost   | Benefit   | Cost  | Benefit   |
| <b>Council</b> |               | Recognition that the city district contains areas of outstanding landscape that are recognised nationally. | Perception in community that increased regulation is imposed without consultation leading to disharmony.<br><br>Loss of credibility and confidence | Avoids potential loss of credibility and confidence if plan change is not followed. | The proposed regime may affect development options and indirectly rating income.<br><br>Cost of managing compliance.<br><br>Opportunity cost of process | Avoidance of litigation on the basis that the Council is not giving effect to national or regional policy<br><br>Avoids cost of process if plan change. |

|                        |  |   |  |   |   |  |
|------------------------|--|---|--|---|---|--|
|                        |  |   | if plan change is not followed.                                      |   | (money that could be spent somewhere else).   |  |
| <b>Resource User</b>   |  | Decreases the risk that landscape values of one property are compromised by development on another. | Increased public interest in the way a property is used and managed. | Owner may choose to create a social benefit in the way access to an outstanding landscape is promoted and managed – e.g. interaction with people.   | Increased compliance costs – resource consent required for a greater range of activities.<br><br>Narrowing of development options.<br><br>Mitigation measures may have implications for land use (e.g. the way a farm is run, where buildings are sited). | Recognition that an area is within a recognised outstanding landscape may increase attractiveness and market value of property.<br><br>Social benefit may translate into economic benefit (e.g. tour operation). |
| <b>Wider community</b> |  | Increased protection given to areas that are valued by the community.                               |  | Owner may choose to create a social benefit in the way access to an outstanding landscape is promoted and managed – e.g. interaction with people.<br><br>Improves the city district's self-image. | Increased compliance costs – greater range of matters for which resource consent is required will increase the requirement to monitor and submit.   | Recognition that the city district contains outstanding landscapes may have an economic spin-off e.g. the creation of opportunities for tourism.   |

**The Risks of acting or not acting**

| <b>Risk of Acting</b>   | <b>Risk of not Acting</b>   |
|---|---|
| Possible divergence of views in the community on whether the regulatory powers are being used wisely.   | <p>Litigation. It has been acknowledged in this report that the Proposed District Plan as published may not give effect to national and regional policy. Submitters may wish to take this further.</p> <p>In the event that the Council does find itself in litigation, the regulatory framework may be shown not to be robust.</p> |
| Possible alienation of landowners   | Controversial development may be proposed that would compromise values of outstanding landscapes and the District Plan regulatory framework is not strong enough as a basis for refusing it.  |
| <p>Litigation – landowners may protest that their rights have been unreasonably affected and they have not had an opportunity to submit.</p> <p>(Note: This risk would be mitigated if the plan change process is followed.)</p>  |   |
| <p>Council may be seen to be spending money on unnecessary process.</p> <p>(The over-arching resource management issue for Invercargill has been identified in another area of the Proposed District Plan as maintenance of economic critical mass. Development pressure in the area generally is low and there is little pressure for development in the areas of outstanding landscapes. A Plan change addressing landscape issues may not be perceived by the community as justified use of public funds.)</p> | <p>Council may be seen to have failed to carry out its statutory duties.</p> <p>This could have long-term, significant, consequences for the community and for the Council itself.</p>  |

## Conclusion

- The approach proposed in the Proposed District Plan as notified addresses the issues of significant landscapes and natural features, but in a way that may not withstand challenge based on the hierarchy of national and regional policy to which a district plan must give effect.
- The changes in wording suggested in this report would help to address that deficiency.
- The Hearings Panel could justify introducing the re-worded rule on the basis that it is responding to a submission that the district plan needs to be aligned with national and regional policy. There is not significant pressure to develop these areas although a recent approval for a wind farm at Greenhills should be noted as evidence of some pressure. Retaining agriculture as a permitted activity (as indicated in the suggested wording) would mean that the additional regulatory impact on most private land would be limited to the need to obtain a resource consent for any farm building as a controlled activity.

- Alternately, the Hearings Panel could justify introducing a plan change on the democratic grounds that there should be consultation before a change in a regulatory regime is introduced.

• **CONCLUDING COMMENTS**

The natural features, landscapes and townscapes provisions of the Proposed District Plan attracted a small number of submissions. However, significant matters relating to the Council’s obligations under the RMA have been raised. Of particular concern is the legal obligation to give effect to the NZ Coastal Policy Statement. The Proposed District Plan also needs to “have regard to” the Proposed Regional Policy Statement (PSRPS) but to save unnecessary process should be drafted in such a way that it could “give effect” to it if the PSRPS is adopted more or less in its present form.

In particular, it was seen necessary to:

- Redefine the basis on which outstanding landscapes and natural features were identified.
- Redefine the areas identified on the Planning Maps as outstanding landscapes and natural features.
- Re-draft the rule regarding activity status in areas of outstanding landscapes and natural features, in essence to retain agriculture as a permitted activity but to make most other activities either discretionary or non-complying.

Other, more minor, wording changes are recommended. The most significant of these is to the introductory text to Section 2.20. The recommended revision clarifies the basis on which the outstanding landscapes and natural features were identified. It is also suggested that commentary on the iwi perspective on the landscapes of the Invercargill city district should be built into the Plan.

In my view it would be preferable to introduce these changes by way of plan change. However I have suggested options if the Hearings Panel is of the view that it can introduce any necessary changes in response to submissions.

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**APPENDIX 1 – RECOMMENDATIONS ON SUBMISSIONS**

| Submitter | Plan Provision | Submission | Recommendation |
|-----------|----------------|------------|----------------|
|-----------|----------------|------------|----------------|

| GENERAL   |   |  |  |
|---|---|--|--|
| <p><b>77.28</b><br/> <b>Te Runaka o Waihopai and Te Runaka o Awarua</b></p> | <p>General</p>  | <p>The submitter considers that the identification of outstanding natural features and landscapes is not complete as there is a number of sites that the submitter considers have particular cultural value that should be recognised. The submitter also refers to a landscape assessment that was carried out by Environment Southland.</p> <p><b>DECISION SOUGHT</b><br/> Amend maps to be more inclusive of areas considered cultural outstanding landscapes.</p> <p>Align with Environment Southland commissioned report and landscapes identified therein.</p> | <p><b>Accept</b><br/> It is being recommended in response to another submissions (18.53 – below) that a different basis be used for identifying the outstanding natural features and landscapes and the delineation of these areas on the Planning Maps.</p> <p>Consequently, the areas to be delineated have changed slightly.</p> <p>It is also recommended that text about specific areas and values should be drafted in consultation with Iwi and introduced into the District Plan. It would be desirable for Iwi to have input into this process.</p>             |
| <p><b>18.52</b><br/> <b>Environment Southland</b></p>                       | <p>References to “locally significant” natural features and landscapes.</p> | <p>The submitter points out that the Proposed Regional Policy Statement uses the term “locally distinctive and valued natural features and landscapes”. For consistency it is suggested both documents should utilise a common term for the second tier of landscapes.</p> <p><b>DECISION SOUGHT</b><br/> Review ONFLs identified within the proposed plan to ensure all ONFLs are identified.</p> <p>Show the second tier of landscapes on the planning maps within the Proposed District Plan.</p>   | <p><b>Accept in part</b><br/> <b>It is accepted</b> that the term <i>“locally distinctive and valued natural features and landscapes”</i> could appropriately be used in the Proposed District Plan in place of the term <i>“locally significant natural features and landscapes”</i>.</p> <p><b>It is not accepted</b> that it is necessary to identify locally distinctive and valued natural features and landscapes on the Planning Maps. All but a very few of those listed in the Plan are parks and reserves and as such are formally identified in the Plan.</p> |
| <b>Submitter</b>  | <b>Plan Provision</b>   | <b>Submission</b>  | <b>Recommendation</b>  |
| <p><b>18.53</b><br/> <b>Environment</b></p>                                 | <p>Identification of</p>  | <p>The submitter points out that Coastal ONFLs within the</p>  | <p><b>Accept in part</b><br/> It is recommended that</p>   |



|   |   |   |   |
|---|---|---|---|
| <p><b>Southland</b></p>                     | <p>“outstanding” and “locally significant”, natural features and landscapes</p> | <p>proposed plan do not align with those identified in the landscape assessment that Environment Southland commissioned for the Invercargill City Council’s coastal environment.</p> <p>The submitter also points out that the maps within the Proposed District Plan map do not currently delineate “locally significant” landscapes.</p> <p><b>DECISION SOUGHT</b><br/>Review ONFLs identified within the proposed plan to ensure all ONFLs are identified.</p> <p>Show the second tier of landscapes on the planning maps within the Proposed District Plan.</p> | <p>the following documents be formally referenced in the introduction to Section 2.10 of the Plan:</p> <p>Regional Coastal Plan for Southland – July 2005 – Appendix 4<br/>Invercargill Coastal Landscape Study – Boffa Miskell for Environment Southland, 2013<br/>Landscape Study. Sand Dunes, Otatara, Invercargill (Opus, 2009) and<br/>Further Landscape Assessment and Recommendations (Opus, 2011).</p> <p>These documents now form the basis for the areas of areas of outstanding landscapes and natural features delineated on the Planning Maps.</p> <p>(See Appendix 2 for full text of the recommendation for a re-written introduction.)</p> <p><b>It is not accepted</b> that the second tier of landscapes need be shown on the Planning Maps. None of these is in the coastal environment.</p> |
| <p><b>21.2 Susan and Alastair Stark</b></p> | <p>Omaui</p>  | <p>Omaui has very special features that need recognition.</p> <p><b>DECISION SOUGHT</b><br/>Not specifically stated – other than that in the context of the whole submission the submitter seeks an “Omaui Special Zone” covering the whole Omaui Peninsula.</p>  | <p><b>Accept</b><br/>The Three Sisters/Omaui area is recognised as being within an area of outstanding natural feature or landscapes.</p>   |
| <p><b>Submitter</b></p>                     | <p><b>Plan</b></p>  | <p><b>Submission</b></p>  | <p><b>Recommendation</b></p>  |

|  | Provision    |  |   |
|--|--------------|--|---|
| <b>SECTION 2.5 ISSUES, OBJECTIVES AND POLICIES</b>                   |              |  |   |
| <b>18.54<br/>Environment<br/>Southland</b>                           | Introduction | <p>The submitter believes that the introduction to this section should clarify that the harbours, beaches and estuaries listed are also within the city boundaries and administered in part by the City Council.</p> <p><b>DECISION SOUGHT</b><br/>Amend the second to last paragraph to read “Bluff Harbour ... and Waihopai Rivers are <b>also</b> within the CMA which, for Resource Management Act purpose, is administered by Environment Southland.”</p> | <p><b>Reject.</b><br/>In response to other submissions the basis for identifying the outstanding natural features and landscapes has been changed. A consequential change is a complete rewording recommended for the introduction to Section 2.10 on pages 2-34 and 2-35. Including reference to the publications cited in 18.53 (also Environment Southland – above).</p> |
| <b>FS7.29<br/>South Port<br/>New Zealand<br/>Ltd</b>                 | Introduction | <p><b>Support submission 18.54</b><br/>The further submitter agrees that the introductory material should clarify the role of the Regional and City Councils in regards to the CMA.</p>  | <p><b>Reject</b><br/>On the same basis and for the same reasons as 18.54.</p>   |
| <b>65.27<br/>ICC<br/>Environmental<br/>and Planning<br/>Services</b> | Introduction | <p>Support in part. The submitter considers that the descriptions of the Outstanding Natural Features and Landscapes do not reflect all relevant values.</p> <p><b>DECISION SOUGHT</b><br/>Develop descriptions of the Outstanding Natural Features and Landscapes to ensure that all values are detailed, giving particular reference to the criteria for identification as detailed in Policy 1.</p>   | <p><b>Reject</b><br/>On the same basis and for the same reasons as 18.54.</p>   |

| Submitter                                    | Plan Provision | Submission  | Recommendation   |
|--|----------------|---|--|
| <b>FS39.15<br/>Environment<br/>Southland</b> | Introduction   | <p><b>Support submission 65.27</b><br/>The further submitted has commented that detailed descriptions of the outstanding natural features and landscape</p> | <p><b>Reject</b><br/>In response to other submissions the basis for identifying the outstanding natural features and</p> |

|  |              |   |   |
|--|--------------|---|---|
|  |              | <p>within the ICC boundary will assist in the implementation of the plan. They further comment that the Invercargill Coastal Landscape Study commissioned by Environment Southland provides commentary on ICC's coastal landscapes that will assist with this.</p> <p><b>DECISION SOUGHT</b><br/>Allow decision sought.</p>   | <p>landscapes has been changed. A consequential change is complete rewording recommended for the introduction to Section 2.10 on pages 2-34 and 2-35.</p> <p>Formal reference to the study cited by the submitter is now included in the Plan.</p>  |
| <b>71.19<br/>NZAS Ltd</b>  | Introduction | <p>Support. The submitter refers specifically to the acknowledgement in the introduction of the aluminium smelters existence within the Bluff Harbour/Awarua Bay landscape and the fact that the landscape has already been modified.</p> <p><b>DECISION SOUGHT</b><br/>Retain reference to the aluminium smelter in the paragraph relating to the Bluff Harbour/Awarua Bay area.</p> | <p><b>Reject</b><br/>In response to other submissions the basis for identifying the outstanding natural features and landscapes has been changed. A consequential change is complete rewording recommended for the introduction to Section 2.10 on pages 2-34 and 2-35.</p>   |
| <b>77.29<br/>Te Runaka o<br/>Waihopai<br/>and Te<br/>Runaka o<br/>Awarua</b> | Introduction | <p>Support but with amendment giving more recognition of the importance of landscapes to Iwi.</p> <p><b>DECISION SOUGHT</b><br/>Amend introduction by including the following:</p> <p><i><u>"The spiritual values and stories of tangata whenua and the sense of belonging, and heritage values that flow from them are embedded in the landscape."</u></i></p>                       | <p><b>Accept in part</b><br/>It is recommended that further reporting be done on the incorporation of the spiritual values and stories of tangata whenua and the sense of belonging and heritage values that flow from them.</p> <p>It is also recommended that this new text be incorporated as part of future amendments to the Plan.</p> |

| Submitter           | Plan Provision | Submission | Recommendation |
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| <b>2.5.1 Issues</b> |                |            |                |
| <b>77.30</b>        | General        | Support.   | <b>Accept</b>  |

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| Te Runaka o Waihopai and Te Runaka o Awarua       |                       | <b>DECISION SOUGHT</b><br>Retain.  |  |
| <b>2.5.2 Objectives</b>                           |                       |  |  |
| 18.55 Environment Southland                       | Objectives            | Support.<br><b>DECISION SOUGHT</b><br>Retain.  | <b>Accept</b>  |
| 18.55 Environment Southland                       | Objectives            | Support.<br><b>DECISION SOUGHT</b><br>Retain.  | <b>Accept</b>  |
| 64.29 Department of Conservation                  | Objectives            | Support. The submitter considers this objective is consistent with Part 2 of the RMA and also recognises the existence of areas of outstanding natural features and landscapes within the Invercargill district.<br><b>DECISION SOUGHT</b><br>Retain.  | <b>Accept</b>  |
| 77.31 Te Runaka o Waihopai and Te Runaka o Awarua | Objectives            | Support.<br><b>DECISION SOUGHT</b><br>Retain the Objectives.   | <b>Accept</b>  |
| <b>Submitter</b>                                  | <b>Plan Provision</b> | <b>Submission</b>  | <b>Recommendation</b>  |
| 24.31 South Port NZ Ltd                           | Objective 1           | Support.<br><b>DECISION SOUGHT</b><br>Retain Objective 1.  | <b>Accept</b>  |
| 24.32 South Port NZ Ltd                           | Objective 2           | Oppose. The submitter considers that the RMA does not require the protection of section 7(c) landscapes from inappropriate subdivision, use and development and that there needs to be clear distinction between those section 6(a) landscapes and those visual amenity landscapes (section 7(c)). | <b>Reject</b><br>The Objective as it stands seeks to protect locally significant natural features and landscapes “ <i>from inappropriate subdivision, use and development</i> ”. The amendment sought by the submitter would exclude “subdivision” and “development” from the objective. Inappropriate |

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|   |                    | <p><b>DECISION SOUGHT</b><br/>Amend the objective as follows:</p> <p>“Invercargill’s locally significant natural features and landscapes are identified and <u>appropriately managed</u>.”</p>   | <p>subdivision and development have the potential to adversely affect the locally significant landscapes and natural features identified in Policy 4 (e.g. subdivision and development of Donovan Park).</p>  |
| <p><b>FS25.13</b><br/><b>Transpower</b><br/><b>NZ Ltd</b></p> | <p>Objective 2</p> | <p><b>Support submission 24.32</b><br/>The further submitter considers that landscapes under s7(c) should not be afforded the same protection as “outstanding natural landscapes and features” under s6(a).</p> <p><b>DECISION SOUGHT</b><br/>Amend the objective as follows:</p> <p>“Invercargill’s locally significant natural features and landscapes are identified and <u>appropriately managed</u>.”</p> | <p><b>Reject</b><br/>On the same basis and for the same reasons as 24.32.</p> <p>What is “appropriate” will be different in relation to a locally significant landscape compared with what is “appropriate” in an outstanding landscape. In this context “appropriate” means suitable or fitting for a particular circumstance.</p> |

| Submitter   | Plan Provision  | Submission   | Recommendation  |
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| <b>2.5.3 Policies</b>   |   |  |   |
| <p><b>64.30</b><br/><b>Department</b><br/><b>of</b><br/><b>Conservation</b></p> | <p>Policies</p>                                       | <p>Support. The submitter considers the identification of outstanding natural features and landscapes to be comprehensive and that protection of them is consistent with Part 2 of the RMA.</p> <p><b>DECISION SOUGHT</b><br/>Retain Policies 1-7.</p> | <p><b>Accept in part.</b><br/>In response to other submissions, some changes are recommended, but it is considered that these changes strengthen the policy framework of the Plan.</p>                  |
| <p><b>18.56</b><br/><b>Environment</b><br/><b>Southland</b></p>                 | <p>Policy 1 –<br/>Criteria for<br/>Identification</p> | <p>The submitter believes that this criterion does not align with the criteria within the Proposed Regional Policy Statement 2012.</p> <p><b>DECISION SOUGHT</b><br/>Ensure the criteria are</p>   | <p><b>Accept</b><br/>There is an inconsistency in the Proposed District Plan in that in the introduction to Section 2.10 the Plan sets out a list of criteria that are not the same as those listed</p> |

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|  |  | consistent with those identified in the Proposed Regional Policy Statement 2012. | <p>in Policy 1. This was a drafting error. However, in response to other submissions, the basis for delineating the areas of outstanding natural features and landscapes has been changed and this has led to a revision of the wording of that Introduction.</p> <p>Criteria (A) – (G) do align between the Proposed Regional Policy Statement (PSRPS) Policy LNF.1 and the Proposed District Plan 2.10.3 Policy 1. The PSRPS does however list three additional criteria. It is recommended in response to submission 77.32 (below) that further text be added to complete the alignment.</p> |
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| Submitter                              | Plan Provision                               | Submission  | Recommendation   |
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| <b>24.33<br/>South Port<br/>NZ Ltd</b> | Policy 1 –<br>Criteria for<br>Identification | <p>Support. The submitter considers the policy should also recognise the extent to which landscape values have already been modified by subdivision, use and/or development.</p> <p><b>DECISION SOUGHT</b><br/>Add a new (H) which reads:<br/><u><i>The extent to which landscape values have already been modified by subdivision, use and/or development.</i></u></p> | <p><b>Reject</b><br/>In response to other submissions, the basis for delineating the areas of outstanding natural features and landscapes has been changed and this has led to a revision of the wording of that Introduction.</p> |
| <b>FS2.31<br/>NZAS Ltd</b>             | Policy 1 –<br>Criteria for<br>Identification | <p><b>Support submission 24.33</b><br/>The further submitter supports the recognition of the extent to which an ONL has been modified by development.</p> <p><b>DECISION SOUGHT</b><br/>Amend Policy 1 as sought by submission 24.33.</p>   | <p><b>Reject</b><br/>On the same basis and for the same reasons as 24.33.</p>  |

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| Submitter   | Plan Provision                               | Submission   | Recommendation  |
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| 77.32<br>Te Runaka<br>o<br>Waihopai<br>and Te<br>Runaka o<br>Awarua | Policy 1 –<br>Criteria for<br>Identification | The submitter notes that the list of criteria is missing points from the proposed Southland Regional Policy Statement 2012.<br><br><b>DECISION SOUGHT</b><br>Align with the Proposed Regional Policy Statement for Southland 2010. | <b>Accept</b><br>It is recommended that Policy 1 be reworded:<br><b>Policy 1 Criteria for identification:</b> To identify and assess Invercargill's outstanding landscapes and natural features, and locally significant landscapes and natural features, using the following criteria:<br>(A) Natural science factors.<br>(B) Aesthetic values.<br>(C) Expressiveness.<br>(D) Transient values.<br>(E) The extent to which the values are shared or recognised.<br>(F) Value to the tangata whenua.<br>(G) Historical associations.<br>(H) <u>The presence of water including in seas, lakes, rivers, and streams</u><br>(I) <u>Vegetation (indigenous and exotic)</u><br>(J) <u>Wild or scenic values</u> |

| Submitter          | Plan Provision | Submission | Recommendation   |
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| 77.32<br>continued |                |            | <b>Explanation:</b><br>(A) "Natural science factors" include the geological, topographical, ecological and dynamic components of the landscape.<br>(B) "Aesthetic values" includes memorability and naturalness. |

|   |   |   | <p><del>(C) “Expressiveness” refers to how obviously the landscape demonstrates the formative processes which helped to create it.</del></p> <p><del>(D) “Transient values” includes such features as the occasional presence of wildlife, or its values, at certain times of the day or of the year.</del></p> <p><del>(E) “The extent to which the values are shared or recognised” refers to the relationship between people and “place” and acknowledges the strong affinity people sometimes have with places that have special significance to them.</del></p> <p><del>(F) “Value to tangata whenua” refers to the special relationship that the Māori people have with places, often featured in legend.</del></p> <p><del>(G) “Historical associations” refers to anything of historic significance to any cultural group.</del></p> <p><u><i>This Policy gives effect to Policies in the Proposed Regional Policy Statement which seek to achieve a consistent process for the identification and assessment of outstanding natural features and landscapes across the region.</i></u></p> |
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| Submitter   | Plan Provision  | Submission  | Recommendation  |
| 77.33<br>Te Runaka o<br>Waihopai and<br>Te Runaka o<br>Awarua | Policy 2 –<br>Identification<br>and<br>characterisation<br>of outstanding<br>natural features<br>and landscapes | The listed areas are supported but the submitter considers the mapping of them is not inclusive enough.<br><br><b>DECISION SOUGHT</b> | <b>Accept in part</b><br>It is recommended that Policy 2 be re-worded to read:<br><b><i>Policy 2 Identification and characterisation of outstanding natural</i></b>   |



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|  |   | Ensure that the identified areas are more inclusive to capture all outstanding landscapes and to ensure they represent Iwi opinions.  | <p><b>features and landscapes:</b> To identify the following as Invercargill's outstanding <u>natural landscapes and features</u> <del>features</del> and <del>landscapes</del>, as delineated on the Planning Maps:</p> <ul style="list-style-type: none"> <li>• The <del>Otatara Peninsula Areas of Significant Indigenous Biodiversity Within the Otatara Zone</del></li> <li>• – (J) No change</li> </ul> <p>A consequential change is that Otatara must be removed from Policy 4 - the list of <i>locally significant natural features and landscapes'</i> (see Appendix 1).</p> <p>It is recommended in response to another submission (77.28 – above) that that text about specific areas and values should be drafted in consultation with Iwi and introduced into the District Plan.</p> |
| <b>FS2.32<br/>NZAS Ltd</b>                 | Policy 2 – Identification and characterisation of outstanding natural features and landscapes | <p><b>Oppose in part</b><br/>The further submitter is not opposed to the identification of further areas of ONL, so long as land within the Smelter Zone is not affected.</p> <p><b>DECISION SOUGHT</b><br/>Retain the ONL identification in the Tiwai Peninsula as notified.</p> | <p><b>Accept</b><br/>The Planning Maps (and recommended revisions) do not show the smelter as being within an area of outstanding natural features or landscapes.</p>   |
| <b>Submitter</b>                           | <b>Plan Provision</b>   | <b>Submission</b>   | <b>Recommendation</b>   |
| <b>18.57<br/>Environment<br/>Southland</b> | Policy 3 – Protection for Outstanding Natural Features and                                    | The submitter is concerned that the inclusion of the words “associated vegetation and habitats” narrows the focus   | <b>Accept</b><br>It is accepted that vegetation is an attribute that contributes to the quality of a significant  |

|                                    | Landscapes  | <p>of the policy.</p> <p>The submitter agrees that vegetation and habitats are an important part of many of the district's ONFLs. However, it considers that vegetation and habitats are a part of the landscapes identity and intrinsic value.</p> <p><b>DECISION SOUGHT</b><br/>Reword policy to read:</p> <p><i>“To provide for the protection of Invercargill’s outstanding landscapes and natural features, from those activities that could adversely affect their intrinsic value and identity <u>which includes,–and their associated vegetation and habitats.</u>”</i></p> <p>Clarify within the explanation to the policy what intrinsic value and identity includes.</p> | <p>landscape. Habitats are normally associated with vegetation type, but it does probably contribute to the quality of a landscape if it is recognisable habitat, perhaps for an indigenous species. (For instance, it may add to a landscape’s overall value if it “reads” as the sort of place one might expect to see a blue penguin).</p> <p>It is recommended that Policy 3 be re-worded to read:</p> <p><b>Policy 3 Protection for outstanding natural features and landscapes.</b> <i>To provide for the protection of Invercargill’s outstanding landscapes and natural features, from those activities that could adversely affect their intrinsic value and identity <u>which includes, and their associated vegetation and habitats.</u>”</i></p> <p><b>Explanation:</b> <i>The values and character of these areas, <u>which include their associated vegetation and habitats,</u> are also important in defining the character of the Invercargill city district.</i></p> |
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| Submitter                          | Plan Provision  | Submission  | Recommendation   |
| <b>18.58 Environment Southland</b> | Policy 4 – Identification and Characterisation of Locally | The submitter notes that “locally significant” natural features and landscapes are not delineated on planning maps, as this   | <b>Accept in part.</b><br>It is accepted that the locally significant natural features and landscapes identified in Policy 4 are   |

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|  | Significant Natural Features and Landscapes   | <p>policy suggests.</p> <p><b>DECISION SOUGHT</b><br/>Identify second tier landscapes on Planning Maps.</p>  | <p>not in fact shown on the Planning Maps as locally significant natural features and landscapes.</p> <p>It is not accepted that they should be. Most are shown for another reason e.g. because they are a reserve.</p> <p>It is accepted that the wording of Policy 4 should be changed.</p> <p>It is recommended that Policy 4 be amended to read:</p> <p><b><i>Policy 4 Identification and characterisation of locally significant natural features and landscapes:</i></b> <i>To identify the following as Invercargill's locally significant natural features and landscapes as delineated in the Planning Maps."</i></p> |
| <b>FS2.33<br/>NZAS Ltd</b>   | Policy 4 – Identification and Characterisation of Locally Significant Natural Features and Landscapes | <p><b><i>Oppose in part submission 18.58</i></b></p> <p>The further submitter is not opposed to the identification of second tier landscapes, so long as the land within the Smelter Zone is not affected.</p> <p><b>DECISION SOUGHT</b><br/>Do not apply a second tier landscape overlay on the Smelter Zone.</p> | <p><b>Accept.</b></p> <p>No changes are recommended with respect to landscape identification within the Smelter Zone.</p>  |
| <b>Submitter</b>   | <b>Plan Provision</b>   | <b>Submission</b>  | <b>Recommendation</b>  |
| <b>65.28<br/>ICC<br/>Environmental<br/>and Planning<br/>Services</b> | Policy 4 – Identification and Characterisation of Locally Significant Natural Features and Landscapes | Support in part. The submitter considers that this policy incorrectly states that the locally significant natural features and landscapes will be delineated on the Planning Maps. Most of these are shown on the Maps as  | <b>Accept.</b><br>In response to submission 18.58 – above - it is being recommended that Policy 4 be amended so it does not say that the locally significant natural features and landscapes   |

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|  |   | reserves, but otherwise they are not identified for their characteristics as a landscape of local significance.<br><br><b>DECISION SOUGHT</b><br>Either show these sites on the Planning Maps, or amend the policy. | are identified on the Planning Maps, when in fact they are not identified on the Planning Maps.  |
| <b>77.34<br/>Te Runaka o<br/>Waihopai and<br/>Te Runaka o<br/>Awarua</b> | Policy 4 – Identification and Characterisation of Locally Significant Natural Features and Landscapes | Support.<br><br><b>DECISION SOUGHT</b><br>Retain.   | <b>Accept.</b><br>Note: In response to submission 18.58 – above - it is being recommended that Policy 4 be amended so it does not say that the locally significant natural features and landscapes are identified on the Planning Maps, when in fact they are not identified on the Planning Maps. |

| <b>Submitter</b>   | <b>Plan Provision</b>  | <b>Submission</b>  | <b>Recommendation</b>  |
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| <b>65.28<br/>ICC<br/>Environmental<br/>and Planning<br/>Services</b> | Policy 6 - Protection for locally significant landscapes and townscapes and culturally significant landscapes and townscapes | Support in part. The submitter considers that this policy should be redrafted to combine the two sub-policies into one.<br><br><b>DECISION SOUGHT</b><br>Join the two sub-policies into one by a linking sentence. | <b>Accept.</b><br>It is recommended that Policy 6 be reworded to read:<br><br><b><i>Policy 6 Protection for locally significant landscapes and townscapes and culturally significant landscapes and townscapes:</i></b><br><br><ul style="list-style-type: none"> <li><i>To recognise the visual importance of the CBD, the established neighbourhoods and the parks in defining the character of Invercargill, and</i></li> <li><i>To encourage new development to complement and build on existing character and heritage</i></li> </ul> |

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| <b>18.59<br/>Environment<br/>Southland</b>                               | Policy 7 –<br>Policies<br>Specific to<br>Otatarā | Support.<br><br><b>DECISION SOUGHT</b><br>Retain. | <b>Accept.</b> |
| <b>77.35<br/>Te Runaka o<br/>Waihopai and<br/>Te Runaka o<br/>Awarua</b> | Policy 7 –<br>Policies<br>Specific to<br>Otatarā | Support.<br><br><b>DECISION SOUGHT</b><br>Retain. | <b>Accept.</b> |

| Submitter                                  | Plan<br>Provision | Submission   | Recommendation  |
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| <b>SECTION 3.19 RULES</b>                  |                   |  |   |
| <b>18.95<br/>Environment<br/>Southland</b> | 3.10.1            | <p>The submitter considers that this rule will not meet the objectives of the plan as it could lead to adverse effects on outstanding natural features and landscapes.</p> <p>The submitter states that there is no guidance within the rule whether these performance standards are allowed once in the life time of the plan, once per year, once per activity.</p> <p>Further, the submitter notes that the rule does not require agriculture to meet performance standards. Agriculture means “the use of land or buildings for the rearing, breeding and keeping of animals ...” The rule therefore allows sheds to house animals to be established on ridgelines, with no standards on size except for the 10m height zone rule.</p> <p><b>DECISION SOUGHT</b><br/>Strengthen performance standards to ensure there are no adverse effects on outstanding natural features and landscapes from land use.</p> | <p><b>Accept</b><br/>Rule 3.10.1 was largely carried over from the operative District Plan into the Proposed Operative District Plan but is no longer sufficient to give effect to the New Zealand Coastal Policy Statement, the Proposed Regional Policy Statement and the strengthened objectives and policies in the Proposed District Plan.</p> <p>It is recommended that Rule 3.10.1 be redrafted.</p> <p>A possible text for the re-drafted Rule 3.10.1 is set out in Section 5 of this report.</p> <p>The Hearings Panel will need to consider options for the way the re-drafted rules could be introduced to the Plan. Those options include the possibility of a Plan Change.</p> |

| Submitter                                      | Plan Provision | Submission  | Recommendation   |
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| <p><b>FS4.29<br/>Federated<br/>Farmers</b></p> | <p>3.10.1</p>  | <p><b>Oppose submission 18.95</b><br/>The further submitter considers that the proposed 3.10.1 acknowledges the importance of enabling working rural environments to continue unimpeded.</p> <p>The further submission considers that farming landscapes and features change depending on the season and the systems and processes being used. The further submitter considers that it would be unrealistic and impractical to seek to constrain rural activities that impact on landscapes and features.</p> <p><b>DECISION SOUGHT</b><br/>Not stated.</p> | <p><b>Reject</b><br/>On the same basis and for the same reasons as 18.95 (above).</p> <p>Further, it is noted that the controls on the siting, size and appearance of buildings and structures ancillary to agriculture that have been suggested are considered necessary to give effect to national and regional policy.</p> <p>It is acknowledged that many of the areas identified on the Planning Maps as areas of outstanding natural features and landscapes have a history of agricultural occupation and use. This means that such activities have “existing use rights”. It also means that the landscape values have endured either in spite of or because of the scale and nature of past agricultural activity. This needs to be considered in the context of any further regulation.</p> <p>It is therefore recommended that the rules introduced be more enabling for agricultural activities than other activities.</p> |

| Submitter  | Plan Provision | Submission  | Recommendation  |
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| <p><b>64.31<br/>Department<br/>of<br/>Conservation</b></p> | <p>3.10.1</p>  | <p>Oppose in part. The submitter considers that the rules enable agricultural activities within outstanding natural features and landscapes. The submitter is concerned about the broad definition of agricultural activities and the potential</p> | <p><b>Accept in part</b><br/>It is recommended in response to another submission (18.95 – above) that Rule 3.10.1 be re-drafted. However, the proposed revision makes it clear that agriculture (other than associated buildings)</p> |

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|  |  | <p>effects of these types of activities.</p> <p>The submitter is concerned that if these activities do not require resource consent through this rule that there is no trigger to consider effects of these activities on the coastal environment either.</p> <p><b>DECISION SOUGHT</b><br/>Amend 3.10.1 to remove the exemption for agricultural activities from the performance standards in Rule 3.10.1 and that the standards are to be applied to all land uses.</p> <p>OR</p> <p>Amend the definition of agriculture to narrow the definition to activities typically understood as farming activities but not to include ancillary buildings or related earthworks.</p> | <p>is a permitted activity.</p> <p>Additional controls on the siting, size and appearance of buildings and structures ancillary to agriculture have been suggested and are considered necessary to give effect to national and regional policy.</p> <p>It is noted that many of the areas identified on the Planning Maps as areas of outstanding natural features and landscapes have a history of agricultural occupation and use. This means that such activities have “existing use rights”. It also means that the landscape values have endured either in spite of or because of the scale and nature of past agricultural activity. This needs to be considered in the context of any further regulation.</p> |
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| Submitter                   | Plan Provision | Submission  | Recommendation  |
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| FS2.34<br>NZAS Ltd          | 3.10.1         | <p><b>Oppose submissions 18.95 and 64.31</b></p> <p>The further submitter currently uses land identified as ONL for agricultural purposes. The further submitter supports retention of the Rule 3.10.1 as notified and considers that restricting agricultural activities as proposed by either submission 18.95 or 64.31 has the potential to unduly restrict the further submitter’s farming operation.</p> <p><b>DECISION SOUGHT</b><br/>Retain Rule 3.10.1 as notified.</p> | <p><b>Accept in part</b></p> <p>It is accepted that agriculture should continue to be a permitted activity.</p> <p>It is not accepted that the additional restrictions concerning buildings associated with agriculture are likely to be unreasonably onerous in the context of agricultural land on the Tiwai Peninsula.</p> |
| FS4.30<br>Federated Farmers | 3.10.1         | <p><b>Oppose submission 64.31</b></p> <p>The further submitter considers that the proposed 3.10.1</p>   | <p><b>Accept in part</b></p> <p>It is accepted that agriculture should continue</p>   |

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|  |  | <p>acknowledges the importance of enabling working rural environments to continue unimpeded.</p> <p>The further submission considers that farming landscapes and features change depending on the season and the systems and processes being used. The further submitter considers that it would be unrealistic and impractical to seek to constrain rural activities that impact on landscapes and features</p> <p><b>DECISION SOUGHT</b></p> <p>Not stated.</p> | <p>to be a permitted activity.</p> <p>However it is considered that some changes to rules are necessary to give effect to national policy and to have appropriate regard of regional policy and Section 6B of the Act.</p> |
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| Submitter                     | Plan Provision | Submission   | Recommendation   |
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| 87.49<br>Transpower<br>NZ Ltd | 3.10.1         | <p>Support in part. The submitter seeks that the assessment matters are broadened to ensure that all relevant matters required by the NPSET are considered.</p> <p><b>DECISION SOUGHT</b></p> <ul style="list-style-type: none"> <li>Amend Rule 3.10.1(c) as follows:</li> </ul> <p>...</p> <p>(C) Applications under Rule 3.10.1(B) above shall address the following matters which will be among those taken into account by the Council:</p> <p>.....</p> <ul style="list-style-type: none"> <li><u>(g) Recognises the location and technical constraints of regionally significant infrastructure;</u></li> <li><u>(h) Consider the suitability of the site, and alternative sites or locations in order to minimise adverse effects.</u></li> <li><u>(i) Consider the benefits</u></li> </ul> | <p><b>Accept in part.</b></p> <p>It is accepted that a district plan is required to give effect to a National Policy Statement. However the wording suggested by the submitter requires slight modification to fit the vernacular of the Plan.</p> <p>It is recommended that the following additions be made to 3.10.1.</p> <p><u>(g) Locational and technical constraints of regionally significant infrastructure</u></p> <p><u>(h) The suitability of the site, compared with alternative sites or locations,</u></p> <p><u>(i) Benefits that any network utility or other infrastructure may</u></p> |



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|--------------------------------|------------------------------|--|---|
|                                |                              | <p><u>any proposed Network Utility may bring to the community.</u></p> <p>(i) <u>Consider any special technical requirements and constraints of Network Utilities including those associated with their scale, location, design or operation.</u></p> <p>(ii) And any consequential amendments.</p>        | <p><u>bring to the community</u></p> <p>(i) <u>Any special technical requirements of, or constraints on, network utilities or other infrastructure.</u></p>   |
| <b>88.82 Federated Farmers</b> | 3.10.1                       | <p>Support. The submitter considers it would be unrealistic to seek to constrain rural activities that impact on landscapes and features.</p> <p><b>DECISION SOUGHT</b><br/>Not stated.</p>  | <p><b>Accept in part.</b><br/>A re-wording of Rule 3.10.1 has been recommended in response to submission 18.95 above. With respect to agriculture, the revised wording seeks only to place controls on buildings – their size, location and appearance.</p> |
| <b>Submitter</b>               | <b>Plan Provision</b>        | <b>Submission</b>  | <b>Recommendation</b>   |
| <b>PLANNING MAPS</b>           |                              |  |   |
| <b>71.71 NZAS LTD</b>          | Planning Maps<br>27,29,30,31 | <p>Support. The submitter considers it would be inappropriate to identify the Smelter Zone as an “outstanding natural landscape” given the highly modified nature of it.</p> <p><b>DECISION SOUGHT</b><br/>The Outstanding Natural Features and Landscapes overlay not be applied to the Smelter Zone.</p> | <b>Accept.</b>  |

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

(Underline indicates recommended additions, strikethrough indicate recommended deletions.)

- **NATURAL FEATURES, LANDSCAPES AND TOWNSCAPES**

The Invercargill City District contains a number of natural features and landscapes within the Invercargill City District that are either 'outstanding' or 'locally significant.'

Outstanding landscapes and natural features have been identified on the basis of information in the following publications:

Regional Coastal Plan for Southland – July 2005 – Appendix 4  
Invercargill Coastal Landscape Study – Boffa Miskell for Environment Southland, 2013  
Landscape Study. Sand Dunes, Otatara, Invercargill (Opus, 2009) and  
Further Landscape Assessment and Recommendations (Opus, 2011).

The areas of outstanding landscapes and natural features have been delineated on the Planning Maps They occur in the following general areas:

- The Otatara Peninsula
- Sandy Point and Oreti Beach
- Bluff Hill
- The Greenhills-Omaui Peninsula, extending from Ocean Beach to the Mokomoko Inlet
- The Tiwai Peninsula and Awarua wetlands

Locally significant landscapes, natural features and townscapes have also been identified. Most are within the built-up area of Invercargill city and are council-owned parks and reserves.

Cultural significant townscapes have also been identified, being

- The rich variety of built heritage in the CBD
- The suburban shopping and business areas
- Residential neighbourhood character types based on various housing typologies which reflect the long settlement history of the Invercargill city district.

Land use activities, development and redevelopment could significantly and adversely affect these features, landscapes and townscapes.

The Invercargill city district contains a number of natural features and landscapes within the Invercargill district that are either “outstanding” or “locally significant”.

Identification was based on the following criteria:

- (A) Heritage, cultural and recreational values.
- (B) Values to iwi.
- (C) Habitat values.
- (D) Natural science values – physical features – geographic/geomorphology.
- (E) Aesthetic/visual values.
- (F) Distinctiveness or uniqueness.
- (G) Biodiversity/ecological values.
- (H) Naturalness, isolation and remoteness.

These identified features and landscapes have been modified by humans but retain natural character and attributes which require protection.

Outstanding landscapes and natural features have been identified as follows:

#### *Areas of Significant Indigenous Biodiversity Within the Otatara Zone*

Contains relatively intact totara-matai forest remnants on the ancient sand dunes. This type of forest is of national significance.

#### *Bluff Hill (Motupohue)*

The lookout point on top of Bluff Hill offers panoramic views of the islands of Foveaux Strait, Stewart Island and the Southland Plains to Fiordland. Bluff Hill is 265m above sea level, and is an important landform as it provides a marked contrast with the low relief of the remainder of the district. The seaward side of this area provides the most rugged stretch of coastline in the district. The Foveaux Walkway and Glory Track provide foot access on and around Bluff Hill. This area contains nationally significant remnant kamahi, matai, miro, rimu, rata and totara as well as threatened coastal turf communities.

#### *Three Sisters – Omaui*

The “Three Sisters” comprise three distinctive and prominent peaks in the Omaui area, and are volcanic in origin. There, vegetation is indigenous.

#### *The Bluff Dune System*

The Bluff Dune system comprises large and unusual windblown sand dunes with sequence of red tussock to shrub land then podocarp forest. This area is the best and most diverse dune system in southern Southland. There are nationally significant forest remnants at this location.

#### *Awarua Wetlands*

This wetland complex (which extends into the Southland district) is of international significance, and is part of a larger complex, not only for its ecological and habitat values, but also for its sense of isolation and wilderness reflecting the open and natural character of the landscape.

#### *New River Estuary*

This area is 4044.4 hectares in size and is part of a chain of five estuaries along the Southland coast. The estuary is a main spawning ground for a variety of fish species

~~and supports a large number of bird species, with up to 74 different species having been observed. A variety of native plant species grow in and around the estuary. The waters of the estuary are a dominant landscape feature. Recreational activities mainly take place in the Oreti arm of the estuary. Modification has been made to the estuary by major reclamation of the Waihopai arm of the estuary. The reclaimed land contains the Invercargill airport and Invercargill's service/industrial sector.~~

~~————— *Bluff Harbour/Awarua Bay*~~

~~This area is 5593.5 hectares and is less modified than the New River Estuary. Major developments in the Bluff Harbour/Awarua Bay include the port, Ocean Beach, the town of Bluff and the Tiwai Point Aluminium Smelter. However, away from these developments, the harbour's scenic values and sense of remoteness and isolation are especially significant.~~

~~————— *Sandy Point Reserve*~~

~~Good examples of nationally significant totara and matai dominated forests on sand dune and sand plain ecosystems are present. Silver Lagoon provides a valuable wetland habitat in this area, with waterfowl and wading birds being plentiful. The sea, estuarine and river margins, along with Sandy Point Reserve, are major recreational resources.~~

~~————— *Oreti Beach*~~

~~This area lies between the north-western extremity of the Invercargill city district and the entrance to the New River Estuary. It comprises a wild, open beach and seascape with significant natural science and recreational significance.~~

~~*Lake Murihiku*~~

~~This lowland lake is an uncommon feature within the Invercargill city district, and the wider Southland region. Those, like Lake Murihiku, that retain a fringe of indigenous vegetation and that are buffered from surrounding land use are likely to be more intact and so are of greater significance. Lake Murihiku also has important conservation values.~~

~~————— All these sites are delineated on the District Planning Maps.~~

~~————— Bluff Harbour, Awarua Bay, the New River Estuary, Oreti Beach and parts of the Oreti and Waihopai Rivers are within the coastal marine area which is administered by Environment Southland.~~

~~————— Locally significant landscapes, natural features and townscapes have also been identified. These are significant in the local context, as opposed to "outstanding" in the national context.~~

~~————— Land use activities could significantly and adversely affect these features and landscapes.~~

**2.10.1 Issues**

No change

**2.10.2 Objectives**

No change

**2.10.3 Policies**

**Policy 1 Criteria for identification:** To identify and assess Invercargill's outstanding landscapes and natural features, and locally significant landscapes and natural features, using the following criteria:

- (A) Natural science factors.
- (B) Aesthetic values.
- (C) Expressiveness.
- (D) Transient values.
- (E) The extent to which the values are shared or recognised.
- (F) Value to the tangata whenua.
- (G) Historical associations.
- (H) The presence of water including in seas, lakes, rivers, and streams
- (I) Vegetation (indigenous and exotic)
- (J) Wild or scenic values

**Explanation:**

- ~~(A) "Natural science factors" include the geological, topographical, ecological and dynamic components of the landscape.~~
- ~~(B) "Aesthetic values" includes memorability and naturalness.~~
- ~~(C) "Expressiveness" refers to how obviously the landscape demonstrates the formative processes which helped to create it.~~
- ~~(D) "Transient values" includes such features as the occasional presence of wildlife, or its values, at certain times of the day or of the year.~~
- ~~(E) "The extent to which the values are shared or recognised" refers to the relationship between people and "place" and acknowledges the strong affinity people sometimes have with places that have special significance to them.~~
- ~~(F) "Value to tangata whenua" refers to the special relationship that the Māori people have with places, often featured in legend.~~
- ~~(G) "Historical associations" refers to anything of historic significance to any cultural group.~~

This Policy gives effect to Policies in the Proposed Regional Policy Statement which seek to achieve a consistent process for the identification and assessment of outstanding natural features and landscapes across the region.

**Policy 2 Identification and characterisation of outstanding natural features and landscapes:** To identify the following as Invercargill's outstanding natural features and landscapes, as delineated on the Planning Maps:

- (A) The Otatara peninsula. Areas of Significant Indigenous Biodiversity Within The Otatara Zone.
  - (B) Bluff Hill (Motupohue).
  - (C) The Three Sisters/Omaui area.
  - (D) Bluff Dune System.
  - (E) The Awarua Wetlands.
  - (F) The New River Estuary.
  - (G) Bluff Harbour/Awarua Bay.
  - (H) Sandy Point.
  - (I) Oreti Beach.
  - (J) Lake Murihiku.
-

**Explanation:** These areas have been identified to be outstanding natural features and landscapes on the basis of an analysis using the criteria set out in Policy 1.

**Policy 3 Protection for outstanding natural features and landscapes:** To provide for the protection of Invercargill's outstanding landscapes and natural features, from those activities that could adversely affect their intrinsic value and identity, which include and their associated vegetation and habitats.

**Explanation:** The values and character of these areas , which include their associated vegetation and habitats, are also important in defining the character of the Invercargill city district.

**Policy 4 Identification and characterisation of 'locally distinctive and valued natural features and landscapes ~~locally significant natural features and landscapes:~~**  
To identify the following as Invercargill's 'locally distinctive and valued natural features and landscapes ~~locally significant natural features and landscapes as delineated in the Planning Maps:~~

- (A) Anderson Park.
- (B) Donovan Park.
- (C) Thomsons Bush and the Waihopai River.
- (D) Queens Park.
- (E) The Town Belt.
- (F) The Otepunu Creek and associated reserves and playing fields.
- (G) Kew Bush.
- (H) The Murihiku Marae and its landscape context.
- (I) Elizabeth Park.
- (J) The lagoon west of Kew/Appleby and its associated walkways/cycleways.
- ~~(K) The Otatara Peninsula.~~

**Explanation:** These areas have been identified as locally significant natural features and landscapes on the basis of an analysis using the criteria set out in Policy 1. Some but not all of these areas are reserves and have reserve management plans under the Reserves Act 1977.

**Policy 5 Identification and characterisation of Invercargill's culturally significant landscapes and townscape:**

No change.

**Policy 6 Protection for locally distinctive and valued natural features and landscapes ~~locally significant landscapes and townscape and culturally significant landscapes and townscape:~~**

- (A) To recognise the visual importance of the CBD, the established neighbourhoods and the parks in defining the character of Invercargill, and
- (B) To encourage new development to complement and build on existing character and heritage.

**Explanation:** Invercargill has those increasingly rare attributes of character and authenticity in its built environment. Its grid street pattern and layout of parks within that grid contribute significantly to defining the character of the city in spatial terms. The city will be a better place to live if future development complements and builds on existing character.

## **Policy 7 Policies specific to Otatara:**

No change

### **2.10.4 Methods of Implementation**

No change

## **3.10 NATURAL FEATURES, LANDSCAPES AND TOWNSCAPES**

- ~~• This rule applies only to the areas identified on the District Planning Maps as Outstanding Natural Features and Landscapes.~~
- ~~• Any land use activity, other than agriculture, is required to meet the following performance standards:
  - ~~(a) Land use activities shall alter the contour of the land by no more than two metres over an area of 200 square metres.~~
  - ~~(b) Structures shall have a footprint area of less than 200 square metres.~~
  - ~~(c) Structures are to be no more than 10 metres in height.~~
  - ~~(d) Structures shall not appear above ridgelines in the Omaui – Greenhills – Bluff area, when viewed from State Highway 1 or Omaui Road.~~~~
- ~~• Where an activity cannot meet the standards above, the activity is a discretionary activity.~~
- ~~• Where an activity cannot meet the standards above, the activity is a discretionary activity.
  - ~~(C) Applications under Rule 3.10.1(B) above shall address the following matters which will be among those taken into account by the Council:
    - ~~(a) The extent to which the landscape or natural feature would be modified or damaged, including the duration, frequency, magnitude or scope of any effect.~~
    - ~~(b) The irreversibility of adverse effects on the landscape or natural feature to be modified.~~
    - ~~(c) The resilience of the landscape or natural feature to change.~~
    - ~~(d) Opportunities to remedy or mitigate previous adverse effects on the landscape or natural feature.~~
    - ~~(e) Whether the activity will lead to cumulative adverse effects on the landscape or natural feature.~~
    - ~~(f) The relationship of the landscape to the surrounding environment.~~~~~~

**3.10.1.** *This rule applies only to the areas identified on the District Planning Maps as Outstanding Natural Features and Landscapes. Within these areas, this rule applies to all areas except:*

- Within the Residential 2 Zone at Omaui
- Within the Otatara Zone.

This is a district-wide rule that applies in addition to and with precedence over the provisions of the relevant zone.

- The following are permitted activities:
  - Use of land set aside under the Conservation Act 1987 or the Reserves Act 1977 for the purposes enabled by those Acts.
  - Conservation of indigenous biodiversity
  - Agriculture other than the construction of associated buildings

3.10.1.2 The erection of buildings associated with agriculture shall be a controlled activity where:

- Maximum height of any building does not exceed 10m.
- Maximum footprint area of any building is 200 square metres
- Buildings or structures do not appear above ridgelines in the Omaui-Greenhills- Bluff area, when viewed from any place normally accessible to the public that is 0.5 kilometres or further from the site of the building

The matters over which the Council shall exercise control are

- the position, form and size of the proposed building
- the colour and reflectivity of its exterior structure and cladding.,
- associated landscaping and
- associated earthworks

3.10.1.3 It is a discretionary activity to erect any building associated with agriculture that does not comply with Rule 3.10.1.2 above.

Applications shall address the following matters, which will be among those taken into account by the Council:

- The effect on the landscape of the location, form, height, scale, orientation and use of the building
- The effect of the building and its use on any significant indigenous biodiversity
- Landscaping or other methods intended to mitigate the visual intrusion of the building
- The colour and reflectivity of the exterior structure and cladding of the building

3.10.1.4 Buildings not associated with agriculture are a discretionary activity

Applications shall address the following matters, which will be among those taken into account by the Council

- The reason for the proposed residence
- The effect on the landscape of the location, form, height, scale, orientation and use of the residence
- The effect of the residence on any significant indigenous biodiversity in the area
- Landscaping or other measures intended to mitigate the visual intrusion of the dwelling
- The colour and reflectivity of the exterior structure and cladding of the residence.
- Vehicle access, manoeuvring and parking
- The efficacy of the proposed on-site waste water and stormwater systems.
- 

3.10.1.5 The following are discretionary activities: The following are discretionary activities:



- (1) Infrastructure and network utilities unless otherwise provided for in the National Environmental Standards for Electricity Transmission Activities 2010.
- (2) Earthworks involving an excavation more than 2m in depth from the original surface of the land and 200 sq m or more in area (measured horizontally).

Applications shall address the following matters, which will be among those taken into account by the Council:

- *The extent to which the landscape or natural; feature would be modified or damaged, including the duration, frequency, magnitude or scope of any effect*
- *The irreversibility of adverse effects on the landscape or natural feature to be modified*
- *The resilience of the landscape or natural feature to change*
- *Opportunities to remedy or mitigate previous adverse effects on the landscape or natural feature*
- *Whether the activity will lead to cumulative effects on the landscape or natural feature*
- ~~*The relationship of the landscape to the surrounding environment*~~
- *Locational and technical constraints of regionally significant infrastructure*
- *The suitability of the site, compared with alternative sites or locations.*
- *Benefits that any network utility or other infrastructure or activity may bring to the community*
- *Any special technical requirements of, or constraints on, network utilities or other infrastructure*
  
- **No change**

## **MAPS**

Change the areas identified on the Planning Maps as Outstanding Natural Features and Landscapes as shown in Appendix 3.

## **APPENDIX 3 – OUTSTANDING NATURAL FEATURES AND LANDSCAPES MAPS**