

Notice is hereby given that a Meeting of the Regulatory and Consents Committee will be held on:

Date: Wednesday, 17 May 2017
Time: 9am
Meeting Room: Council Chambers
Venue: 15 Forth Street, Invercargill

Regulatory and Consents Committee Agenda

OPEN

MEMBERSHIP

Chairperson Gavin Macpherson
Mayor Gary Tong
Councillors Brian Dillon
Paul Duffy
Darren Frazer
Julie Keast
Neil Paterson

IN ATTENDANCE

Group Manager, Environmental Services	Bruce Halligan
Environmental Health Manager	Michael Sarfaiti
Team Leader, Resource Management	Marcus Roy
Team Leader, Building Solutions	Michael Marron
Senior Resource Management Planner-Policy	Courtney Ellison
Committee Advisor	Alyson Hamilton

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Full agendas are available on Council's Website
www.southlanddc.govt.nz

Terms of Reference – Regulatory and Consents Committee

The Regulatory and Consents Committee is responsible for overseeing the statutory functions of the Council under the following legislation (but not limited to the following):

- Resource Management Act 1991
- Health Act 1956
- Food Act 2014
- Dog Control Act 1996
- Sale and Supply of Alcohol Act 2012
- Heritage New Zealand Act Pouhere Taonga Act 2014
- Building Act 2004
- Freedom Camping Act 2011
- Psychoactive Substances Act 2013
- Impounding Act 1955

The Regulatory and Consents Committee is delegated the authority to undertake the following functions in accordance with the Council's approved delegations register:

- (a) Maintain an oversight of the delivery of regulatory services;
- (b) Conduct statutory hearings on regulatory matters and undertake and make decisions on those hearings (excluding matters it is legally unable to make decisions on as legislated by the Resource Management Act 1991);
- (c) Appoint panels for regulatory hearings;
- (d) Hear appeals on officer's decisions to decline permission for an activity that would breach the Southland District Council Control of Alcohol Bylaw 2015;
- (e) Approve Council's list of hearings commissioners (from whom a commissioner can be selected) at regular intervals and the Chief Executive Officer be authorised to appoint individual Commissioners for a particular hearing;
- (f) Make decisions on applications required under the Southland District Council's Development and Financial Contribution Policy for remissions, postponements, reconsiderations and objections;
- (g) Approve Commissioners and list members under the Sale and Supply of Alcohol Act 2012;
- (h) Exercise the Council's powers, duties and discretions under the Sale of Liquor Act 1989 and the Sale and Supply of Alcohol Act 2012;
- (i) Hear objections to officer decisions under the Dog Control Act 1996.

The Regulatory and Consents Committee shall be accountable to Council for the exercising of these powers.

The Regulatory and Consents Committee is responsible for considering and making recommendations to Council regarding:

- (a) Regulatory policies and bylaws for consultation;
- (b) Regulatory delegations;
- (c) Regulatory fees and charges (in accordance with the Revenue and Financial Policy)
- (d) Assisting with the review and monitoring of the District Plan.

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1 Apologies

At the close of the agenda no apologies had been received.

2 Leave of absence

At the close of the agenda no requests for leave of absence had been received.

3 Conflict of Interest

Committee Members are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as a member and any private or other external interest they might have.

4 Public Forum

Notification to speak is required by 5pm at least two days before the meeting. Further information is available on www.southlanddc.govt.nz or phoning 0800 732 732.

5 Extraordinary/Urgent Items

To consider, and if thought fit, to pass a resolution to permit the committee to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) the reason why the item was not on the Agenda, and
- (ii) the reason why the discussion of this item cannot be delayed until a subsequent meeting.

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) that item may be discussed at that meeting if-
 - (i) that item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

6 Confirmation of Minutes

6.1 Meeting minutes of Regulatory and Consents Committee, 06 April 2017

Regulatory and Consents Committee

OPEN MINUTES

Minutes of a meeting of Regulatory and Consents Committee held in the Council Chambers, 15 Forth Street, Invercargill on Thursday, 6 April 2017 at 9am.

PRESENT

Chairperson	Gavin Macpherson
Mayor	Gary Tong
Councillors	Brian Dillon
	Paul Duffy
	Darren Frazer
	Julie Keast
	Neil Paterson

IN ATTENDANCE

Group Manager, Environmental Services (Bruce Halligan), Team Leader, Resource Management (Marcus Roy), Team Leader, Building Solutions (Michael Marron), Environmental Health Manager (Michael Sarfaiti), Team Leader, Community Engineers (Ray Hamilton), Communications Manager (Louise Pagan), Governance and Democracy Manager, (Clare Sullivan) and Committee Advisor (Alyson Hamilton).

1 Apologies

There were no apologies received.

2 Leave of absence

There were no requests for leave of absence had been received.

3 Conflict of Interest

Mayor Tong declared an interest on item 7.4 relating to Freedom Camping.

Councillor Duffy wished it noted: that in relation to Item 7.4 (Freedom Camping) that his being a member of the Curio Bay Governance Group did not warrant his declaration of a conflict of interest.

4 Public Forum

There was no public forum.

5 Extraordinary/Urgent Items

There were no Extraordinary/Urgent items.

6 Confirmation of Minutes

Resolution

Moved Cr Paterson, seconded Cr Dillon **and resolved:**

That the minutes of Regulatory and Consents Committee meeting held on 23 February 2017 be confirmed as a true and correct record.

Reports

7.1 Methamphetamine Presentation

Record No: R/17/2/3514

Detective Constable Jeremy Dix (Invercargill CIB, Southern District Organised Crime Group) gave a presentation on methamphetamine with a focus on the local approved products policy, meth lab clean-ups, property implications and community liaison connections.

Detective Constable Dix summarised that methamphetamine is a highly addictive drug that destroys lives and its use comes with great personal cost and social cost. Detective Constable Dix added it is no longer a drug that is solely used by criminals and it is a problem that society faces and needs to be dealt with as such.

The Chair expressed appreciation to Detective Constable Jeremy Dix for his presentation to the Committee.

Bruce Halligan (Group Manager Environmental Services) and Michael Sarfaiti, (Environmental Health Manager) presented the supporting report.

Mr Sarfaiti advised the Local Approved Products Policy was adopted by the combined committee of the Gore District, Invercargill City and Southland District Councils on the 15 December 2014 and came into force 22 December 2014. Mr Sarfaiti added the policy is due to be renewed within five years.

The Committee noted the Policy restricts the location of retail outlets for psychoactive substances (eg herbal highs) to the Central Business Area of Invercargill within a specific boundary and that retail shops are to have their selling frontage facing the street.

Mr Sarfaiti advised such areas have high visibility and community presence. These, along with Police presence and CCTV (where available) are important characteristics of the environments within which the sale of psychoactive substances can be appropriate.

Mr Sarfaiti explained the Government has made provision for such premises within legislation intended to address holistically the problems arising from misuse of these substances, and that implies that provision must be made for these premises in Southland.

Mr Sarfaiti advised that Council has a role in ensuring that buildings that have been used as P Labs are suitable for habitation this includes information about P Labs being included in Land Information Memoranda under the Local Government Official Information and Meetings Act 1987.

Resolution

Moved Cr Frazer, seconded Cr Keast **and resolved:**

That the Regulatory and Consents Committee:

- a) **Receives the report titled “Methamphetamine Presentation” dated 29 March 2017 as information.**

7.2 Southland District Council 2017 IANZ Building Control Reaccreditation Audit

Record No: R/17/3/4184

Bruce Halligan (Group Manager Environmental Services) and Michael Marron (Team Leader, Building Solutions) presented the report.

Mr Halligan advised Council's Building Control section was subject to a recent reaccreditation audit by International Accreditation New Zealand (IANZ) from 27 February to 1 March 2017.

Mr Halligan explained IANZ undertakes an intensive audit process of all Building Control Authorities (BCAs) on a two yearly basis.

Mr Halligan added this audit process involves not only a thorough review of relevant documentation and processes, but also on-site inspections where IANZ assessors accompany staff to observe inspection processes.

Mr Halligan advised for Council to be able to continue to issue building consents and code compliance certificates under the Building Act 2004, it must be accredited by IANZ.

The Committee noted the IANZ lead assessor Carolyn Osborne has advised Council verbally at the conclusion of the audit that reaccreditation will be granted to the Southland District Council Building Control section for a further two years, however one Corrective Action Required (known as a CAR) is to be addressed to IANZ satisfaction prior to formal reaccreditation being received.

Mr Halligan advised Ms Osborne has also advised verbally that IANZ will also be making several strong recommendations for future improvement.

Mr Halligan explained strong recommendations need to be actioned or they are likely to turn to CARs at the next reassessment audit.

Mr Marron confirmed staff have already commenced work on the matters verbally highlighted by IANZ

The Committee was advised there had been some delay in the production of this written report by IANZ but that it should be forthcoming in the near future.

Mr Marron advised that once formal correspondence has been received from IANZ, it is intended that an action plan to address the matters raised in the IANZ audit will be presented for the Committee's information.

Resolution

Moved Mayor Tong, seconded Cr Dillon **and resolved:**

That the Regulatory and Consents Committee:

- a) **Receives the report titled "Southland District Council 2017 IANZ Building Control Reaccreditation Audit" dated 21 March 2017.**

7.3 Regulatory and Environmental Services Delivery Review Action Plan

Record No: R/17/3/4258

Bruce Halligan (Group Manager Environmental Services) presented the report.

Mr Halligan advised the purpose of the report is to provide a progress update and proposed Action Plan to the Committee on recommendations made in the Service Delivery Review report presented at the previous meeting of the Committee of 23 February 2017.

Mr Halligan referred to the Regulatory and Environmental Services Service Delivery Review presented at this meeting by Alicia McKay, external consultant, who provided external input to this process.

Mr Halligan informed the Committee that included in this Service Delivery Review were a number of recommendations made for current and future improvements.

Mr Halligan explained that whilst the undertaking of Service Delivery Reviews of this type is a statutory requirement under Section 17A of the Local Government Act 2002, it is also a very valuable continuous improvement opportunity for the Environmental Services Group.

The Committee was advised the Environmental Services Group Managers had met and considered the recommendations as presented by Alicia McKay.

Mr Halligan advised the Action Plan presented to the Committee outlines the various recommendations from the report and outlines the various actions proposed to be taken in relation to each of these. Mr Halligan added this Action Plan is provided for the Committee's information and any feedback is welcome.

Mr Halligan responded to a query regarding the enforcement and prosecution approach advising that whilst Council has previously approved a Prosecution and Enforcement Policy some years ago, this policy no longer represents best practice.

Mr Halligan added this policy will be reviewed in 2017 and a draft Policy presented for the Committee's consideration and feedback before this proceeds to Council.

The Committee noted that, as advised by Mr Halligan, if a new Prosecution and Enforcement Policy is adopted, this will need to be regularly reviewed to ensure it continues to reflect legislative changes and case law.

Resolution

Moved Cr Duffy, seconded Cr Keast **and resolved:**

That the Regulatory and Consents Committee:

- a) **Receives the report titled "Regulatory and Environmental Services Delivery Review Action Plan" dated 22 March 2017 and associated Action Plan.**
- b) **Approves the Action Plan as presented to the Committee.**

Mayor Tong declared an interest and took no part in voting or discussion on this item and proceeded to move away from the table.

7.4 Freedom Camping

Record No: R/17/3/4486

Bruce Halligan (Group Manager, Environmental Services), Michael Sarfaiti (Environmental Health Manager) and Ray Hamilton (Team Leader, Community Engineers) presented the report.

Mr Halligan advised at the previous meeting of the Committee a report regarding Freedom Camping and issues arising from this activity within the hotspots of Lumsden, Te Anau and Waikawa was presented for Members' information.

Members requested staff obtain further data on the number of freedom campers in the Southland District area to accurately monitor how the activity is growing and the location of further hotspots.

Members noted overnight freedom camping in the following areas;

- | | |
|---------------------|----|
| • Monkey Island | 30 |
| • Colac Bay | 4 |
| • Thornbury Reserve | 20 |
| • Mararoa Weir | 12 |
| • Clifden Bridge | 24 |
| • Monowai | 12 |
| • Blackmount | 6 |

Mr Sarfaiti updated the Committee on the Freedom Camping Act 2011 advising the Act permits freedom camping on Council controlled land except where a perceived problem exists. Mr Sarfaiti added Council has a network of Community Boards and CDAs, who can alert Council to perceived problems.

Mr Sarfaiti advised Council does not have a staff member who has overall responsibilities and direction of freedom camping in the district, rather a number of staff having an involvement, mainly the Community Engineers (infrastructure and community liaison), Community Partnership Leaders (community liaison and futures), Environmental Health (Regulatory) and Property Manager (Council property).

The Committee was advised there may be benefits in Council designating a staff member who is responsible for freedom camping. This would require resourcing, and associated budgetary and consultation processes would need to be followed.

Mr Sarfaiti advised litter clean-ups are currently funded from several sources - (Ward budgets, Roading budget, and Environmental Health budget).

Mr Sarfaiti explained patrols are currently being undertaken in the following areas;

- Te Anau shared service with Department of Conservation (DOC)
- A local warden in Lumsden
- Occasional patrols at Waikawa by one of Council's Dog Control Officers

Mr Sarfaiti suggested staff could organise patrols that would give Council a clearer picture of freedom camping in the District.

The Committee noted that this could be achieved for example by using an external contractor that would likely charge around \$300 for a 200 km patrol. Council could, for under \$5,000 commission a series of patrols over a number of nights at the height of the season that would give a series of snapshots of activity within the District.

Mr Sarfaiti advised that the Minister of Local Government approved a programme of work to address some freedom camping issues identified and to enable a more coordinated response to freedom camping management. Mr Sarfaiti added this programme of work includes establishing an online tool called the Freedom Camping Hub which enables the co-development of freedom camping guidance material for local government.

Mr Hamilton highlighted concerns about the resourcing needed to react to situations rather than trying to look at the issue more strategically.

Mr Hamilton advised that if Council wishes to continue to support freedom camping in the District he suggested that locations be identified that are fit for purpose and Council should decide on the level of service expected at these locations. Mr Hamilton added this will allow infrastructure providers to source funds and resources needed to meet these expectations, and thereby removing confusion over what needs to be done.

Mr Hamilton explained the Community Engineers team has spent some time seeking to ensure facilities at Clifden Bridge, Monkey Island, Colac Bay, Thornbury, Weirs Beach, Waikawa and Lumsden are meeting increased visitor/freedom camping numbers. The Committee was advised this involved managing toilet supplies, cleaning and maintenance as well as litter/rubbish/recycle materials.

At this point Mrs Taylor (Corporate Planner) advised of the Executive Leadership Team's intention to have discussions with councillors concerning the broader strategic approach to Tourism in the Southland District area which includes Freedom Camping.

The Committee acknowledged staff comments and noted that outcomes from these discussions will be communicated back to Council.

Further to this members discussed freedom camping issues at Weirs Beach, Waikawa and Fortrose areas.

It was agreed that Councillors Duffy and Keast would consult informally with their communities in regard to making changes to freedom camping rules at the designated sites in those areas.

Members discussed the bylaw amendment process noting that a bylaw amendment could take three or four months, and this did not leave much time until the next busy tourist season.

Mr Sarfaiti advised that a proposed amendment may first be considered by the Committee before being authorised by Council to proceed to notification.

Resolution

Moved Cr Dillon, seconded Cr Keast **and resolved:**

That the Regulatory and Consents Committee:

- a) **Receives the report titled "Freedom Camping" dated 28 March 2017.**

The meeting concluded at 10.25am

CONFIRMED AS A TRUE AND CORRECT
RECORD AT A MEETING OF THE
REGULATORY AND CONSENTS COMMITTEE
HELD ON THURSDAY 6 APRIL 2017.

DATE:.....

CHAIRPERSON:.....

District Plan Effectiveness Monitoring Report

Record No: R/17/4/7505
Author: Courtney Ellison, Senior Resource Management Planner - Policy
Approved by: Bruce Halligan, Group Manager Environmental Services

Decision Recommendation Information

Item 7.1

Purpose

- 1 To present the District Plan Effectiveness Monitoring Report and associated recommendations.

Executive Summary

- 2 Council is required to monitor the effectiveness of the District Plan and the 'State of the Environment' under Section 35 of the Resource Management Act 1991 (RMA). However plan monitoring is also useful in understanding what changes might be needed to the District Plan or how it is implemented, and to identify any key or emerging issues.
- 3 Staff have prepared a baseline District Plan Effectiveness Monitoring Report which is attached for the Committee's information. There are a number of recommendations in the report for consideration. Further development of these recommendations into a proposed work plan, is currently being undertaken and will be presented at a future meeting of the Regulatory and Consents Committee.

Recommendation

That the Regulatory and Consents Committee:

- a) **Receives the report titled "District Plan Effectiveness Monitoring Report" dated 8 May 2017.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Notes the recommendations from the District Plan Effectiveness Monitoring Report 2017.**

Content

Background

- 4 Council is required to monitor the effectiveness of the District Plan and the 'State of the Environment' under Section 35 of the Resource Management Act 1991 (RMA). However plan monitoring is also useful in understanding what changes might be needed to the District Plan or how it is implemented, and to identify any key or emerging issues.
- 5 The Proposed District Plan has, for the most part, been effectively operative since decisions were released in October 2014. It was therefore considered timely to set up a process for monitoring the effectiveness of the District Plan and develop a baseline report from which future data and analysis on the implementation of the District Plan could be compared.
- 6 Attached is a copy of this baseline report (Attachment A). The report focuses on those parts of the Proposed District Plan most used, those areas that have recently changed with the new Proposed District Plan or those areas where it is anticipated that Plan Changes may be required in the future.

Issues

- 7 A number of recommendations are made throughout the report, both in terms of further monitoring work required and other actions resulting from the monitoring. These recommendations are shown below, along with some projected timeframes and resources required.

Future Monitoring Work		
Recommendation	Timeframe	Resources required
Mapping of building consents for new dwellings against the Rural Settlement Area boundaries.	August 2017	Internal staff time - utilising upgrade to new Pathway system.
Mapping the spread of building consents for new dwellings, and the location of subdivision consents across the Rural Zone.	August 2017	Internal staff time - GIS and Pathway systems.
Review how building consent data is captured to enable further monitoring of landscapes rules and their impact.	August 2017	Internal staff time - utilising upgrade to new Pathway system.
Review Pathway resource consent module to improve data collection and extraction based on zones and overlays.	December 2017	Internal staff time - review of Pathway system.

Key Actions from Monitoring Results		
Investigate implications of climate change and sea level on the District and any necessary further work.	Indicative dates will be provided in a work plan presented at the next Regulatory and Consents Committee meeting.	A proposed work plan detailing what would be required as part of this is currently being developed and will be presented at the next Regulatory and Consents Committee meeting.
Investigate the implications of removing maximum height of accessory buildings and the need for a site coverage control.	Decisions on Variation 3, plan to be released by February 2018.	An assessment of options and some recommended changes to deal with accessory buildings are included in draft Variation 3.
Investigate a streamlined consent process for minor breaches of the residential amenity standards, and having regard to now-enacted RMA amendments relating to simple consents.	Report options / proposal back to Regulatory and Consents Committee by August 2017.	Internal staff time.
Investigate the approach taken in identifying 'Commercial Precincts' and the zoning approach where 'Commercial Precincts' are not identified in a township.	Decisions on Variation 3, plan to be released by February 2018.	An assessment of options and some recommended changes to deal with commercial activities are included in draft Variation 3.
Investigate alternative approaches to parking requirements.	Decisions on Variation 3, plan to be released by February 2018.	An assessment of options and some recommended changes to deal with parking requirements are included in draft Variation 3.
Develop a report scoping how the assessment of landscape values across the District could be progressed.	Indicative dates will be provided in a work plan presented at the next Regulatory and Consents Committee meeting.	A proposed work plan detailing what would be required as part of this is currently being developed and will be presented at the next Regulatory and Consents Committee meeting.
Investigate potential non-regulatory methods to support the District Plan historic heritage rules.	Indicative dates will be provided in a work plan presented at the next Regulatory and Consents Committee meeting.	A proposed work plan detailing what would be required as part of this is currently being developed and will be presented at the next Regulatory and Consents Committee meeting.
Review availability of public access along the coastline, and the esplanade mechanism provisions of the subdivision section of the plan.	Decisions on Variation 3, plan to be released by February 2018.	An assessment of options and some recommended changes to deal with esplanade mechanisms are included in draft Variation 3.

- 8 In summary, the recommendations relating to future monitoring work can be done through existing staff resources. The remainder of the recommendations either relate to changes being progressed through proposed Variation 3, or key future issues for which work plans are currently being developed. There is also one action that relates to the recent Resource Management Amendment Act which will require some staff time to implement.

Factors to Consider

Legal and Statutory Requirements

- 9 Section 35 of the Resource Management Act 1991, requires that councils monitor the effectiveness of the District Plan every five years. This reporting had been delayed while the Proposed District Plan was being prepared. As the framework for collecting data has now been set up, this could be reported on every year, with a more comprehensive review undertaken every five years in accordance with the requirements of the Act.

Community Views

- 10 Once the Plan Effectiveness Monitoring Report has been endorsed by the Committee it will be made publicly available. The views of the community will be sought through the various work streams identified above. Any changes to the District Plan have to go through a full public consultation process under the Resource Management Act.

Costs and Funding

- 11 Resourcing requirements have been outlined in the work plan table above. Most of the work can be undertaken with current staff resources / time and without any additional unbudgeted costs.
- 12 Potential funding required for the climate change, historic heritage and landscapes work will be covered in the work plans currently being prepared for the next Regulatory and Consents Committee meeting.

Policy Implications

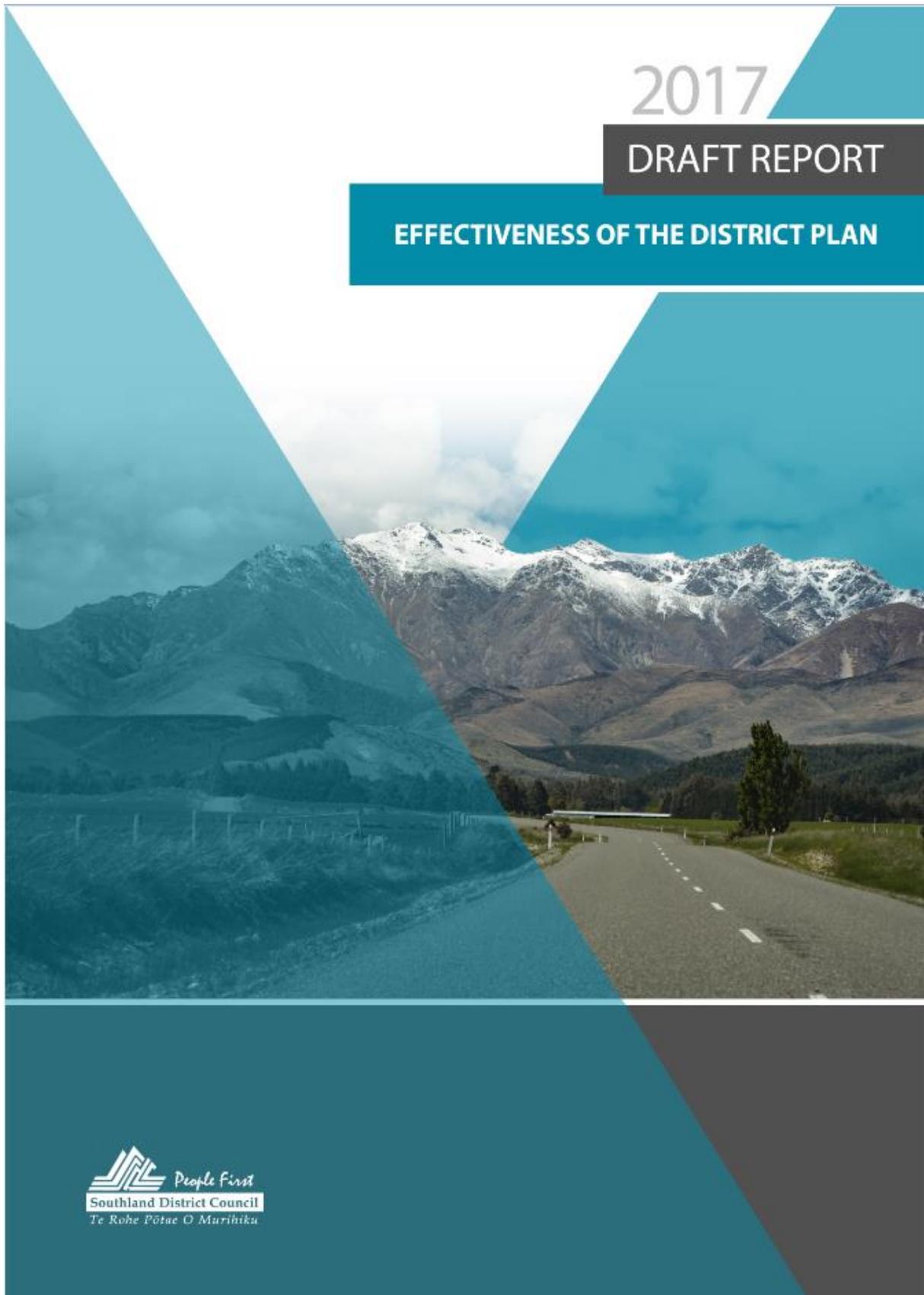
- 13 Monitoring and reviewing the effectiveness of the District Plan enables Council to ensure that it continues to meet the needs of the community and achieves the desired outcomes efficiently.

Next Steps

- 14 Staff will report back to the next Regulatory and Consents Committee meeting with a work plan for the suggested projects dealing with climate change, historic heritage and landscapes.
- 15 Progress with the preparation of Variation 3 is covered in a separate report on this agenda.

Attachments

- A District Plan Effectiveness Monitoring -Baseline Report - 2017 [↓](#)



Item 7.1 Attachment A

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Introduction/purpose/scope

Council is required to monitor the effectiveness of the District Plan and the State of the Environment under section 35 of the Resource Management Act. However plan monitoring is also useful in understanding what changes might be needed to the District Plan or how it is implemented, and to identify any key or emerging issues.

All of this monitoring feeds into the big picture of the Resource Management Activity. This report brings together all of this monitoring and makes some recommendations for future work or improvements.

The Proposed District Plan 2012

Decisions on the Proposed District Plan were released in October 2014, and nine appeals were received. Those aspects of the plan that had not been appealed, then had legal effect. Therefore most of the provisions of the new plan have now been applied for more than 2 years. This has already led to a variation being prepared and notified, to address some matters which have arisen since the plan has been implemented. Decisions on this variation were released 30 July 2016 and the changes are now in effect.

This report is the first monitoring report to be prepared following the introduction of the Proposed District Plan, therefore it acts as a baseline report against which future monitoring work may be compared, to see any changes over time.

Scope of this report

The first part of this report outlines the general resource management context in Southland and the general trends that can be observed across the district.

The second part of this report looks specifically at ten different topics. The topics are based around those parts of the plan most used or discussed, those areas that have recently changed with the new Proposed District Plan or those areas where it is anticipated plan changes may be required in the future. The topics broadly cover most (although not all) chapters of the District Plan but as outlined above, the following section of this report addresses the resource management activity generally.

The topics also cover a number of the matters of national significance identified in section 6 of the Resource Management Act: natural landscapes; significant biodiversity; coastal environments; and historic heritage. The analysis provided in those sections of this report, help build the picture of how the plan is giving effect to key provisions of the Resource Management Act.

For each topic the objectives outlined in the District Plan are considered, the results of the monitoring data analysed, and potential actions recommended. The data analysed is generally up to 30 June 2016.

Resource Management Context

Regional and National Context

RMA Amendment Act

The Government set about a two-phase reform programme in 2008. The second phase was initiated in 2015 with the Resource Management Amendment Bill and in April 2017 the Resource Legislation Amendment Act was passed. This Act provides for a lot more national direction, establishes national planning templates, provides for alternative planning processes and provides for streamlined consenting processes, such as 10 day fast track applications.

Case law

In 2014, the findings of the Supreme Court on the case between King Salmon and EDS, had significant implications for plan interpretation. Notably:

- The case applied a more 'environmental bottom line' approach, than the overall broad judgement approach usually applied in accordance with part 2 of the Act. However the case was dealing with plan changes so the approach may differ from that taken in resource consents where section 104 provides for the consideration of part 2 and the range of policy documents.
- The case took a strict interpretation of the term avoid (in the sense of 'not allow' and 'prevent the occurrence of'). Under the overall broad judgement approach this would have been only one of a number of factors to be considered but under the environmental bottom line approach it becomes more definitive.

In 2016, the Environment Court released a decision on the Around the Mountain Cycle Trail (ATMCT), an application from the Southland District Council that was appealed by Fish and Game. Again, this decision focused on the policies of the District Plan, rather than taking a broad judgement approach. This decision has been appealed. The approach used by the Court to assess the ATMCT application has also been challenged to the High Court in another case involving the Marlborough District Council. A decision on this is pending and could affect the ATMCT appeal.

Environment Southland Policies and Plans

Environment Southland notified their Proposed Regional Policy Statement (PSRPS) in 2012. Following the submissions and hearings process the decisions were released in June 2015. Staff have been involved in mediation on some aspects of the PSRPS primarily to ensure that the District Plan will not be inconsistent with the PSRPS.

In 2016, Environment Southland notified the Water & Land Plan. The Plan, in conjunction with the upcoming 'limit-setting' process will give effect to the National Policy Statement for Freshwater Management 2014. Both the plan and the limit-setting process will have potentially significant impacts on the development of the region through regulations on activities such as farming. There will also be impacts on the provision of Council's water and waste infrastructure with increasing requirements around the treatment of wastewater and stormwater.

Southland Regional Development Strategy (SoRDs)

The Southland Regional Development Strategy recognises that for Southland to reach its potential and build a stronger, brighter future it needs more people. The Southland Regional Development Strategy aims to achieve this goal by engaging key stakeholders in a collaborative effort across all of Southland. As part of the Strategy nine actions teams have been created, and of particular relevance to the District Plan and Council's resource management services is 'the ease of doing business' workstream. This action team is focusing on reducing barriers (including regulatory barriers) to commercial enterprise across the region.

Climate Change

The Ministry for the Environment has made some key predictions for the Southland Region. Compared to 1995, temperatures are likely to be 0.6°C to 0.9°C warmer by 2040 and 0.6°C to 2.8°C warmer by 2090. By 2090, Southland is projected to have up to 16 extra days per year where maximum temperatures exceed 25°C, with around 10 to 30 fewer frosts per year.

Southland is expected to become wetter, particularly in winter and spring. According to the most recent projections, extreme rainy days are likely to become more frequent in Southland by 2090 under the highest emissions scenario. The Southland region is likely to experience significant decreases in seasonal snow. By the end of the century, the number of snow days experienced annually could decrease by up to 30 days in some parts of the region. The duration of snow cover is also likely to decrease, particularly at lower elevations.

These changes could have implications in terms of increased risk of flooding, and coastal hazards, and impacts on our agriculture sector. The Resource Management Act requires councils to consider the effects of a changing climate on communities. This is an area where further work is required, and could benefit from a collaborative approach across the local authorities and communities. Environment Southland and Emergency Management Southland in particular, are likely to hold useful information that could contribute to this work, and therefore a collaborative approach with other agencies would be beneficial.

Recommendation 1: Investigate implications of climate change and sea level on the District and any necessary further work

District wide trends

Population

As at the 2013 Census, Southland District had 29,613 usual residents, which is less than 1% of New Zealand's population. This was an increase of 1,173 people (4.1%) since the 2006 Census. However, growth is predicted to slow and the population is expected to age significantly over the next 20 years. In 2013, 14% of Southland District residents were aged 65 and over; by 2043, this is expected to reach 24%

Growth experienced by the Southland District between the 2006 and 2013 Censuses was not evenly distributed. In 2013, just over half (51%) of the population lived in a rural environment, while the balance lived in a township. Recently, significant population growth in the Southland District has been restricted to areas around Winton, Te Anau and Roslyn Bush. Several of Southland District's township communities are likely to face population decline in the future while the surrounding rural areas grow slightly or remain static. This raises significant issues regarding how we plan for these communities as well as infrastructure and service provision, rating and funding.¹

Economic development

In the Southland region as a whole, manufacturing has been the only major sector in which both employment and GDP have fallen over the longer-term. By contrast, primary production employment and GDP have both grown significantly.

The decline in manufacturing has been largely the result of decline in meat processing, which has followed the decline in the number of sheep, beef cattle and deer in the Southland region.

Alongside primary production and primary processing, tourism is a key sector in the Southland District economy. Estimate visitor numbers to Southland and Fiordland in 2013 were approximately 2.2 million, making up 3% of New Zealand's total number of visits. This

¹ Data has come from Infometrics 2014 SDC data for long-term plan (r/14/4/5219) and DRAFT Environmental Scan (r/16/7/10345)

number is expected to almost double by 2043 to 4 million, across both domestic and international tourists. Within Southland, the majority (85%) are domestic tourists, however within Fiordland the opposite is true, with approximately 20% being domestic tourists.²

Resource Management Activity

Where are resource consents being triggered in the District? The following heat map shows the areas of consenting activity since the operative plan came into effect in the mid 1990's. While the map shows a concentration of activity around the District's main centres, the pie graph within Figure 1 below shows that more than half of the consents have been within the Rural Zone.

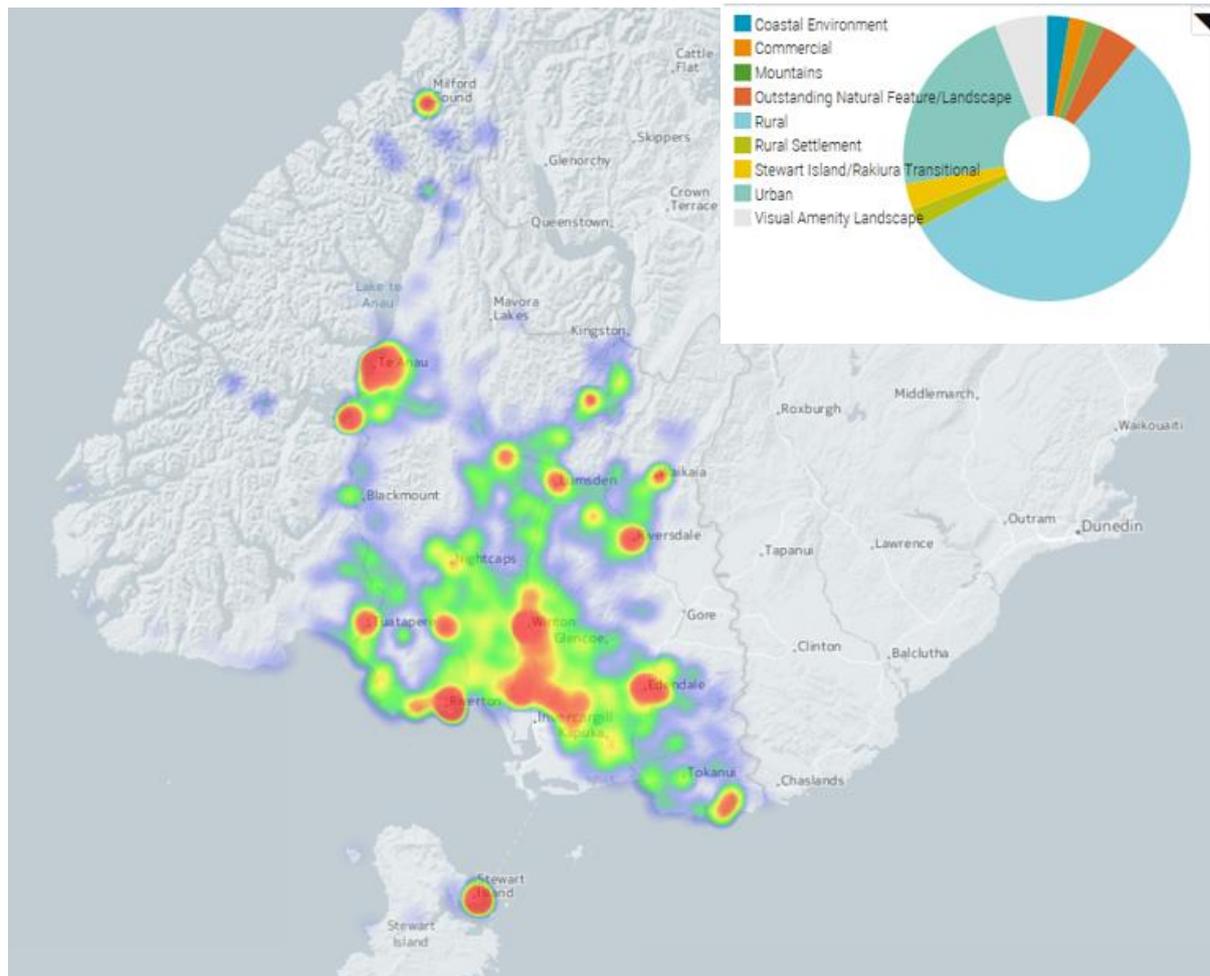


Figure 1: Distribution of Resource Consents - mid 1990s to 2016

The tables below provide a summary of the number of consents processed in the past three years, and what consents are most often required for. This provides an overview of the Resource Management activity generally before looking at the individual topics in the next part of this report.

² Data has come from Infometrics 2014 SDC data for long-term plan (r/14/4/5219)

Consent type	2013/14	2014/15	2015/16
Land use	200	195	176
Subdivision	87	68	86
Total	287	263	262

Table 2 below highlights the five most common land use consents applied for in the past three years.

2013/14		2014/15		2015/16	
Gravel extraction	45	Gravel extraction	27	Boundary infringement	26
Breach of height	22	Boundary infringement	16	Breach of 150m separation	15
Boundary infringement	15	Change of conditions	16	Gravel extraction	13
Change of conditions	12	Breach of height	13	Commercial activity	11
Certificate of compliance	11	Staff accommodation	11	Visitor accommodation	9

The number of gravel extraction consents has decreased considerably which is likely to be the result of a more permissive rule framework under the Proposed District Plan which came into effect half way through the 2014/15 year. This could also have been the result of the drop in dairy related farm development work as a result of the low dairy payout.

The number of boundary infringements has increased, which is likely to be due to the more restrictive side yard setbacks and the new approach to calculating height in relation to boundary requirements. Variation 2, which came into effect on 12 September 2016, reduced the side yard requirements back to 1 metre in the Urban and Rural Zones, and introduced an exemption for minor breaches of the recession plane. Monitoring over the next few years will assist in understanding the implications of these changes. Most (19) of the boundary infringements in the 2015/16 year were within the Urban Zone and all of the consents were granted.

Visitor accommodation consents have increased but the rules have become more permissive in the Proposed District Plan. This could be a signal of more awareness of rules or an increasing trend in tourism (as outlined earlier) and 'bookabach' style accommodation.

Table 3 below outlines the most common types of subdivision consents applied for, which has consistently over the past three years been two lot subdivisions in the Rural Zone, followed by boundary adjustments.

2013/14		2014/15		2015/16	
Rural – two lot	39	Rural – two lot	27	Rural – two lot	38
Boundary adjustment	15	Boundary adjustment	21	Boundary adjustment	16
Rural – three lots	10	Rural – three lots	7	Urban – two lot	13

A number of the rural two lot subdivisions and boundary adjustments are to subdivide off a house or a small section of land to provide for a house to be constructed and in many cases the remaining land amalgamated with the neighbouring property.

Satisfaction surveys

As part of Council's Annual Reporting, a biennial user survey is conducted. The survey considers the percentage of users satisfied with the service provided, based on both staff assistance and information provided. In the 2014/15 survey period 67% of users surveyed were satisfied with the service provided, which falls short of the 80% target Council has set. While the target was not reached, many respondents had a 'neutral' position with regard to the questions, and there were not large numbers of dissatisfied or strongly dissatisfied respondents. The questions that received the most negative responses were around the processing timeframes and the timeliness of guidance / assistance.

Monitoring results

RESIDENTIAL DEVELOPMENT IN THE RURAL ZONE

Summary

The Proposed District Plan sets up a framework for staff accommodation as a permitted activity in the Rural Zone, with the number of permitted dwellings increasing with the size of the property, to reflect the fact that a larger property is likely to require more staff to manage it.

The recent variation to the Proposed District Plan also introduces Rural Settlement Areas in 15 townships in the Rural Zone. These Rural Settlement Areas, have more permissive rules around building a dwelling, recognising that it is anticipated that houses would be built in those areas, and this consolidation of development in existing settlements is preferable to the spread of housing across the rural landscape or coastal environment.

Objectives

- Enabling the provision of accommodation for farm workers and family, while preventing the proliferation of housing across the rural landscape.
- Consolidation of development within existing rural settlements or Urban Zones.

Indicators

Number of resource consents for staff accommodation

Council issued 3 resource consents for staff accommodation in 2015/16 year, compared with 11 in 2014/15 and 8 in 2013/14.

Number of consents in and surrounding Rural Settlement Areas

The changes around Rural Settlement Areas did not come into effect until 12 September 2016, therefore it is too soon to determine what effect this change in the rules will have. Monitoring the number of building consents within the Rural Settlement Areas in the future will provide an indication of the number of resource consents avoided as a result of this change to the rules (refer to Recommendation 2).

Analysis

There was a change in approach to how staff accommodation is provided for in the Proposed District plan which came into effect late 2014 (part way through the 2014/15 financial year). The Proposed District Plan provides for more than two dwellings depending on the size of the property. However in the operative plan the number of dwellings on a property was limited to two, and they were required to share the same accessway. Therefore the change in approach in the Proposed District Plan is likely to have contributed to this reduction in consent numbers for staff accommodation along with the downturn in the dairy industry with the low dairy payout.

Further understanding of the pattern of development across the rural landscape will help in determining whether the objective of preventing the proliferation of housing across the landscape is being achieved (refer to Recommendation 3).

Response

Recommendation 2: Mapping of building consents for new dwellings against the Rural Settlement Area boundaries to improve understanding of the effect of this new, more enabling approach

Recommendation 3: Mapping the spread of building consents for new dwellings, and the location of subdivision consents across the Rural Zone.

RESIDENTIAL AMENITY

Summary

Residential amenity is controlled in the Proposed District Plan through a number of general standards including height, setbacks and height in relation to boundary. The Proposed District Plan takes a new approach to managing height in relation to boundaries, using a 'clock diagram' which alters the recession angle depending on the boundary being considered. This is intended to provide a rule that is based more on the effects generated, as a building is likely to have more of an effect in terms of shading on the neighbours to the south of their property than the north. It is also consistent with the approach taken in the Gore and Invercargill District Plans.

Objectives

- Maintain residential amenity, in particular managing privacy and shading effects

Indicators

The following table identifies the number of consents granted over the past three financial years, for boundary related infringements and a breach of the overall height standards.

Table 4: Residential Amenity Rules Breached

Activity	Number of consents granted		
	2013/14	2014/15	2015/16
Boundary infringement (breaching either height in relation to boundary or setbacks)	15	20	26
Breach of height	22	16	1

Analysis

A number of consents were processed in 2013/14 for a breach in height, and these were most often a breach of the height requirements for accessory buildings which was limited to 3.5 metres. The Proposed District Plan increased the maximum height for accessory buildings to 4.5 metres and this appears to have significantly decreased the number of consents required whilst still ensuring the height of accessory buildings is maintained at a moderate level.

The rules also changed substantially in relation to the height in relation to boundary with a new approach based more on the effects of shading with a different angle permitted depending on whether it is a northern, southern, eastern or western boundary. This approach is more stringent and this is evident in the increase in the number of consents that have triggered. It has also become apparent that a number of the breaches are very small in nature and the exemptions for minor breaches that was contained in the operative plan was not carried through the Proposed District Plan. Therefore the variation to the Proposed District Plan undertaken in 2016 (Variation 2) introduced an exemption to the height in relation to boundary requirements for minor breaches.

The other aspect of the boundary infringement activities is the setbacks from boundaries. The Proposed District Plan increased the setback requirements from side yards from 1m to 1.5m. This has since been changed back to 1 metre as part of Variation 2.

Response

Residential amenity is an aspect of environment that the District Plan actively manages with a number of rules. These rules have evolved over time and require constant monitoring to ensure that they are achieving the desired outcome without unduly regulating residential activity. A number of changes were made in the proposed District Plan and a subsequent variation (Variation 2) to these rules and the effects of those changes can be seen above.

When looking at the rules as a whole and the analysis above, some further options for consideration have been identified.

1. Maximum height for accessory buildings. These buildings are required to also meet setbacks from boundaries and height in relation to boundary rules which control dominance and shading of adjacent properties. Given this, is it necessary to retain a maximum height?
2. Site Coverage limitations. These are performance conditions that are often expressed as a maximum percentage e.g. 40% that buildings may cover in that zone. This is to manage residential amenity aspects such as the bulk or dominance of buildings and the character of the surrounding residential area. Currently the Proposed District Plan does not limit the size of buildings within the urban area. Does the current rule framework ensure the objective of the zone is achieved effectively?

Recommendation 4: Investigate the implications of removing maximum height of accessory buildings and the need for a site coverage control.

With regard to the efficient and effective implementation of the Proposed District Plan it is also recommended that a streamlined “instant consent” process is investigated for minor breaches of the residential amenity standards. This could include a template form for the planners to utilise as a decision and the ability for this to be processed within the building consent review process.

Recommendation 5: Investigate a streamlined consent process for minor breaches of the residential amenity standards.

USE OF COMMERCIAL BUILDINGS

Summary

Commercial Precincts are identified as an overlay in 9 of the 20 Urban Zones in the District Plan: Te Anau; Winton; Riverton/Aparima; Otautau; Edendale; Lumsden; Tuatapere; Riversdale and Wyndham. Within the Commercial Precincts, a commercial activity can be permitted provided the general standards such as hours of operation, signage and parking are all met. This is a new approach from the Operative District Plan where there were no commercial precincts identified, but commercial activities could be permitted in the Urban Zone provided specific standards were met.

The development of commercial activities outside of the commercial precincts has the potential to undermine the town centres and therefore the plan provides a more permissive framework for that development within the precinct to encourage development in those areas.

Looking at the wider context of Council activities, Southland District Council is one of several parties involved in the Southland Regional Development Strategy, and leading the “ease of doing business” work stream. This is one area where the impact of the regulatory framework on development needs to be monitored.

Objectives

- Viable Commercial Precincts

Indicators

Number of consents for ‘Commercial Activities’

In 2015/16, there were 11 consents for ‘Commercial Activities’ (one of which was withdrawn). This included

- 4 consents for commercial activities in the Urban Zone outside of the Commercial Precinct. Of these, three of the activities were located in Urban Zones that had no commercial precinct
- 5 consents for commercial activities in the Rural Zone
- 1 consent for a commercial activity in the Fiordland/Rakiura Zone.

In 2014/15, there were 9 consents for ‘Commercial Activities’, one breaching hours of operation and another breaching the parking requirements. Of the remaining 7, 1 was withdrawn, 4 were within the Rural Zone and 2 were in Urban Zones outside of the commercial precinct in their respective townships.

Type of development within the Commercial Precincts

The following pages contain a breakdown of the types of activities on sites within each of the Commercial Precincts. It is based on floor areas, however this information was not readily available for all building so is indicative only. The graphs also do not include dwellings or vacant land within the commercial precincts.

Analysis

Te Anau

The commercial precinct within Te Anau was largely well utilised with only 3 of the 53 buildings empty and one of these currently being redeveloped and tenants confirmed. The nature of the commercial activities, as expected, is heavily focused around the tourism industry with retail (often souvenir shops), accommodation and food services dominating the types of commercial activities.

There are some light industrial type activities however these are located in the smaller commercial precinct area further up Milford Road.

Winton

Winton had 8 vacant buildings within the Commercial Precinct. Of those eight, five have been identified as potentially earthquake prone from Councils initial assessments. Three of the eight vacant buildings are listed heritage buildings in the Proposed District Plan. In total there are 20 sites identified as potentially earthquake prone and 18 sites listed as heritage buildings within the Commercial Precinct. Therefore the potential challenges for Winton in the future are not just around those existing vacant buildings, but also the potential for greater levels of investment required to continue operating in those earthquake prone or heritage buildings.

Riverton

Riverton's Commercial Precinct has a diverse mix of community, retail and industrial activities located in the precinct. The development has included the reuse of existing buildings for new activities and a few new buildings built for community activities (RSA and the medical centre as examples). The town centre also has the Regional Museum and a Supervalu supermarket to support the residents and surrounding rural area. Riverton has a number of vacant and earthquake prone buildings which could impact on the nature of future development in the township.

Other commercial precincts

- Otautau
 - light industrial / rural service activity focused, followed by retail, essential services and community facilities
 - the nature of the existing development does not create a clearly defined commercial precinct or industrial zoning on the ground
- Edendale
 - The size and number of sites within the commercial precinct is very small
 - Large number of dwellings and reserve land within the precinct
- Lumsden
 - Predominantly retail and food services, probably a reflection of Lumsden being a thoroughfare on the journey north from Invercargill.
 - A large reserve area in the centre of town, with the museum, public toilets, playground and freedom campers, contributes to the vibrancy of the township
 - A number of vacant sites and buildings, but generally located in one area on the edge of the precinct, so doesn't affect the overall vibrancy of the township.
- Tuatapere
 - Large number of dwellings and vacant land / buildings. The railway reserve covers much of the eastern side of the main road.
 - Long narrow commercial precinct, separated in half by a waterway
- Riversdale
 - No vacant buildings
 - Large proportion of retail, followed by food services
- Wyndham
 - Large number of vacant sites and buildings, otherwise generally retail or light industrial activities.

Almost all of the townships already have vacant land or buildings within the Commercial Precincts and with projected declining populations in some places the number of vacant buildings could increase. The relationship between the vacant sites and the regulatory framework is not clear although the consent statistics for 'commercial activities' suggests that within the Commercial Precincts the regulatory framework is permissive, but outside of the precincts a number of consents are being triggered.



Figure 2: Type of activities within Commercial Precincts (based on floor area)

Response

The nature of each township is quite different which is evident from the graphs above which show the types of commercial activities present.

Therefore further consideration of whether a blanket 'activity based' rules regime is the best approach could be beneficial. It is considered this should be further monitored to determine whether alternatives such as an effects based approach that does not specifically identify our 'commercial' areas could be beneficial or whether different approaches are required in the three largest townships of Te Anau, Riverton and Winton, when compared with the rest of the townships.

Another issue that needs to be monitored, is the impact the rules framework has on development in those Urban Zones that do not have a Commercial Precinct identified. In those townships, any new commercial activity would require resource consent, and this may be a deterrent for people thinking of starting a business.

Recommendation 6: Investigate the approach taken in identifying 'Commercial Precincts' and having a regulatory framework tied to this zoning of land uses.

TRANSPORT STANDARDS: PARKING

Summary

The District Plan works alongside the Subdivision, Land Use and Development Bylaw 2012 which contains standards around water, wastewater, utilities and transportation. In particular the general zone standards refer to the transportation standards in the bylaw which include parking and access requirements.

The parking requirements vary depending on the type of development including residential, commercial, industrial, educational, community and outdoor recreation activities. The key consideration here is ensuring that the level of carparks required is appropriate for the type of activity and takes into account any existing infrastructure whether on-street or off-street, and whether the building or activity is existing or not.

At present, a new type of activity (for example a change from a shop to a takeaway food bar) in an existing building within a commercial precinct would have to ensure the parking requirements could be met.

Objectives

- Sufficient parking is provided to meet demands.
- Ensure the roading network can function efficiently, and is not affected by parking issues.

IndicatorsNumber of car parks in commercial precincts

A one off analysis of the commercial precincts was undertaken over October/November 2016. As part of this the available parking was assessed. The table below shows the number of parking spaces available. As noted in the table, some townships did not have marked spaces so a count was not available for those areas.

Table 5: Parking spaces in Commercial Precincts

Commercial precinct	Observations
Te Anau	214 marked parks within commercial precinct
Winton	183 marked parks within commercial precinct
Riverton	
Otautau	Unmarked on street parking - appeared ample
Edendale	Unmarked on street parking - appeared ample Parking provided within Council reserve at northern end of commercial precinct Nature of businesses generally required short stay parking
Lumsden	Unmarked on street parking - appeared ample Separate car parking lot for Four Square Supermarket Parking within Railway reserve including parking for freedom campers
Tuatapere	Unmarked on street parking - appeared ample Parking available in railway reserve
Riversdale	Unmarked on street parking - appeared ample Parking outside Recreation Centre and next to Supermarket
Wyndham	Unmarked on street parking - appeared ample

None of the townships appeared to have a parking shortfall, with sufficient parking available throughout the commercial precincts. The nature of the commercial precincts means there is often not sufficient space on the property for parking to be provided. This is particularly the case at the front of the shops where there is a continuity of frontages along the footpath, which is encouraged.

Analysis

There did not appear to be any parking shortfall yet the District Plan requirements can impose the requirement for new activities to provide parking. In many cases this would not be able to be provided on site and therefore financial contributions would be imposed. Such a cost could be a limiting factor in new businesses establishing and given the analysis regarding the vibrancy of commercial precincts in the previous section of this report and the number of vacant properties, it is considered that these parking requirements should be reviewed.

Response

It is recommended that the necessity of parking requirements are further investigated to see if the regulatory framework could be amended to reduce parking requirements while still ensuring adequate parking is provided where it is necessary. Alternatives to be considered could include limiting parking requirements to only new buildings, or limiting the parking requirements to only buildings over a certain floor area.

Recommendation 7: Investigate alternative approaches to the application of parking requirements.

SIGNAGE

Summary

Under the Operative District Plan 2001, off-site signage was generally captured within the definition of a 'hoarding' and was therefore a Prohibited Activity. There was a shift in the Proposed District Plan to accept that limited off-site signage could be acceptable where it provided directions to a nearby business, but that discretion was still required to ensure there was not a proliferation of billboards advertising generic national products. In particular there was a concern about the signage from a traffic safety perspective.

As this is a new approach to managing this type of signage, monitoring is considered appropriate to ensure the objectives are being achieved.

Objectives

- Limited development of off-site signage, only where providing directions to nearby businesses.
- Minimise adverse effects of off-site signage on traffic safety.

Indicators

Number of consents for off-site signage

There were two consents for off-site signage applied for and granted in 2015/16. No consents were processed in previous years although the ability to apply for off-site signage was only provided for half way through the 2014/15 year.

Analysis

This small number of consents suggests there has not been a proliferation of signage throughout the district from allowing some off-site signage. This could be because of a lack of awareness of the change in rules, or the lack of demand for those types of signage.

Those consents that were approved utilised the criteria of the rule and the associated policy framework to manage the effects of this signage as the location of the signage was carefully scrutinised.

Given the use of the policies and objectives in the decision making process on the resource consent applications, and the small number of consent applications that were received, it is considered that the objectives are being met.

Response

No changes to the plan or how it is implemented are considered necessary. Annual monitoring of the number of consents and level of consideration of the objectives and policies in the consents should continue through this plan effectiveness monitoring.

BIODIVERSITY

Summary

At the time this report has been prepared, the Operative District Plan rules relating to biodiversity continue to apply, as the appeals on the Proposed District Plan are yet to be resolved. Guidance on biodiversity matters through the Regional Policy Statement is also currently subject to appeal.

The Operative District Plan provides a regulatory framework that allows for some clearance of vegetation in limited circumstances, but requires discretionary resource consent in all other cases. The framework was created as an interim measure until a schedule of significant natural areas was developed and a plan change initiated. This work was not completed, but guidance around significance is now contained within the Proposed Regional Policy Statement (although as outlined above is still subject to appeal). The Proposed District Plan, while not having legal effect at this point, provides a similar framework with limited vegetation clearance allowed as a permitted activity and consent required for all other clearance activities.

Objectives

- Protection of significant indigenous biodiversity and maintenance of all other indigenous biodiversity

Indicators

Table 6: Biodiversity Indicators

Indicator	2013/14	2014/15	2015/16
Number of Consents applied for under rule HER.3	4	10	1
Area of vegetation permitted to be cleared through resource consents (ha)	557.701	2758.34	0.04
Area covenanted with QEII Trust	148 ha	83 ha	114 ha
Number of HVAs undertaken	38	25	37

Analysis

The clearance of vegetation has declined from 2014/15 to 2015/16 but it is too soon to tell if this is a one-off reduction or a sign of a longer term trend. However it is an improvement in terms of meeting the general objective of protecting indigenous biodiversity.

Non-regulatory methods including the High Value Area (HVA) programme, and Council's involvement in the Biodiversity Southland forum will continue to contribute to the public awareness of the importance of maintaining biodiversity.

The rules in the Proposed District Plan are still subject to appeal and mediation is expected to be held in 2017. Monitoring of the above numbers will need to continue once the appeals are resolved and any new rules take effect, to understand the impact the new rules are having.

Response

As the biodiversity section of the Proposed District Plan is still subject to appeal, it is not considered that a response is required at this stage.

LANDSCAPES

Summary

The Proposed District Plan provides a new approach to managing landscapes in the District identifying two tiers of landscapes: Outstanding Natural Features and Landscapes (ONFLs), and Visual Amenity Landscapes (VALs). ONFLs have been identified as the top tier of landscape under section 6 of the Resource Management Act and have primarily been identified along the coast and in the Fiordland/Rakiura Zone. VALs have been identified as the second tier of landscapes under section 7 of the RMA and have been identified along some parts of the coast and in the Te Anau Basin.

Within the ONFL overlay, careful scrutiny of new buildings will be required, and the rules framework provide for this as a non-complying activity. The VAL is characterised as a working rural landscape, and therefore it is anticipated that some buildings could be developed in that area, but the rules contain some controls around building materials, colours and bulk, to ensure the impact of those buildings on the landscape is managed.

Objectives

- Protection of Outstanding Natural Features and Landscapes
- Maintenance of Visual Amenity Landscapes

Indicators

The regulatory framework for the Visual Amenity Landscape is relatively permissive, and at this stage the data on permitted activities is not easily accessible. Future monitoring reports could address the number of buildings consents within the Visual Amenity Landscape to better understand the level of development occurring within the VAL without requiring a resource consent (refer to recommendation 9)

Number of resource consents in VAL or ONFL

Very few consents have been triggered for buildings within either the VAL or ONFL. A resource consent for an accessory building within the VAL that breached the setback standards was granted in 2014/15. In 2015/16 a consent was granted for earthworks within an ONFL (in the Fiordland / Rakiura Zone).

Analysis

There is little data available for analysis in this report, but is anticipated to be available for future monitoring reports.

Response

The Proposed District Plan only identifies specific landscapes along the coastline and in the Te Anau Basin. There are likely to be other areas with landscape values throughout the District, however to undertake a landscape assessment of the entire district would be a significant undertaking. A report is currently being developed to scope how this could be progressed.

Recommendation 8: Develop a report scoping how the assessment of landscape values across the District could be progressed.

Recommendation 9: Review how building consent data is captured to enable further monitoring of landscapes rules and their impact.

INTENSIVE FARM BUILDINGS

Summary

The nature of farming is evolving and dairy farming in particular is becoming more intensive although this has been influenced by factors such as the dairy pay out being significantly lower than recent years.

The Proposed District Plan introduced rules relating to intensive farming and wintering sheds. Variation 2 helped to clarify that intensive farming and associated buildings required discretionary consent as they are not specifically provided for. Wintering sheds housing stock for less than three months can be permitted provided criteria, particularly around setbacks, are met.

Objectives

- Effects from intensive farming activities or buildings adequately managed.

Indicators

Number of consents for wintering sheds & intensive farming

There were 4 and 3 resource consents for wintering sheds in 2014/15 and 2015/16 respectively. All of the resource consents were required because they breached the 1500m² maximum floor area, two only just breaching and the remainder between 5300 - 6800m². One of the consents was also required as an intensive farming activity and another was closer than 300 metres to the neighbouring dwellings.

Analysis

There has not been a large number of wintering or intensive farming sheds constructed over the past two years, however the dairy payout over the last few years is likely to have contributed to the lower levels of investment in intensive farming activities. The release of Environment Southland's proposed Water and Land Plan will also impact on the intensification of farming across different parts of Southland in the future.

The rules within the Proposed District Plan relating to the size of buildings in the Rural Zone are primarily to manage the visual impact of such developments. Where consents were being triggered they were usually for significantly larger buildings than the 1500m² permitted activity criteria, therefore it is considered appropriate the impacts of these be considered through the consent process. The buildings that required consent provided sufficient mitigation through things like setbacks from boundaries, plantings providing some screening, co-location with other farming infrastructure, and the colour of the building materials.

Response

No further response is considered necessary.

HISTORIC HERITAGE

Summary

The Proposed District Plan provides a schedule of historic heritage items, and identifies archaeological sites on the planning maps. Archaeological sites are primarily managed under the Heritage New Zealand Pouhere Taonga Act, which provides for archaeological authority process. Therefore the Proposed District Plan refers to the disturbance of an archaeological site as permitted provided that authority has been granted by Heritage New Zealand.

Scheduled heritage items however are protected through rules in the District Plan, which make it a non-complying activity to relocate and demolish a scheduled item. General maintenance or repairs (including earthquake strengthening) that retain the general design and form of the building and use the same or similar materials are permitted.

As the structures age, there are ongoing maintenance requirements for building owners and in particular the earthquake strengthening requirements can be a significant cost. Given the limited development pressures in the district, there is often not the rental returns on properties to warrant the upgrading of these buildings. This is a key issue which needs to be monitored to understand the extent of the issue and whether there is any potential further work required to address this.

Objectives

- Retention and utilisation of scheduled heritage sites
- Minimise risk of damage from earthquakes
- Maintain the state of our heritage resource

IndicatorsNumber & nature of consents for modification of heritage buildings

The table below highlights that only a small number of consents have been required for modifications of heritage items.

Table 7: Resource consents for demolition or modification of scheduled heritage items

Year	Number of consents	Nature of consent
2015/16	1	Demolition of heritage building – category 2 – woolshed
2014/15	1	Modification of heritage item – addition of a display box next to the heritage building
2013/14	2	Construction of a new dwelling to integrate with an existing scheduled building Modification of a heritage item – constructing an access ramp and related alterations

Number of heritage buildings that are earthquake prone

Within the Winton Historic Area there are 18 identified buildings, 14 of which are occupied (although two are only occupied in part). In the Historic Area, 12 of the 18 buildings are earthquake prone.

Analysis

The earthquake strengthening of heritage buildings is a permitted activity within the Proposed District Plan to try and enable and remove the barriers to getting this work done as it is recognised this will be a significant cost to property owners. The District Plan is only one factor contributing to the number of vacant earthquake prone buildings and as the new legislation relating to earthquake prone buildings comes into effect the impacts will need to continue to be monitored. Other non-regulatory methods to complement the District Plan rules could be considered.

There are already various agencies and funds available and opportunities to review or collaborate with these agencies could be considered.

- Various agencies (some of which are funded and resourced in part by Council)
 - Southland Regional Heritage Committee
 - Southland Coastal Heritage Inventory Programme
 - Southland Heritage Building and Preservation Trust
 - Southland Rural Heritage Trust
 - Heritage South
- Various funds
 - Southland District Heritage Fund
 - Southland Regional Heritage Fund (which goes to the Southland Regional Heritage Committee)

As outlined above, only a small number of consents have been applied for to modify heritage items which is a positive indication that the original heritage values are being retained. However as outlined in relation to Winton a number of these buildings could be vacant, and monitoring of the heritage items in the rural areas has not been undertaken. Therefore it is not known whether the values of those items are being retained or whether there is a gradual decline in the condition of those buildings.

Response

Recommendation 10: Investigate potential non-regulatory methods to support the District Plan historic heritage rules.

COASTAL ENVIRONMENT

Summary

The Proposed District Plan contains a coastal environment chapter, which provides some policy direction for activities or development within that area. The section does not contain any rules however there are some rules relating to coastal hazards within the Rural Zone sections of the plan. Where any activity triggers a consent and is within the coastal environment, the objectives and policies of the Coastal Environment chapter of the plan should be taken into account.

The planning maps identify a 'coastal environment' overlay which is generally influenced by exposure to coastal processes and is characterised by natural character, natural features and landscapes and visual qualities associated with the coast. The wider coastal environment extends to include the coastal marine area, but as this extends beyond Council's administrative boundaries, has not been included in the coastal environment overlay of the District Plan maps or the policy framework. However this does highlight the importance of a co-ordinated approach to the management of the coastal environment with other local authorities.

The planning maps also identify a coastal hazard line, which has associated rules that regulate residential development on the seaward side of the line. The coastal hazard line takes into account land elevation, shoreline types, erosion/accretion trends, inundation, land stability, and some sand / dune intrusion. The line is not definitive but provides an indication of where coastal hazards should be investigated further.

Objectives

- Preserve the natural character of the coastal environment
- Manage development within the coastal environment to minimise risk from coastal hazards
- Provide for the maintenance and enhancement of public access to the coastal environment

Indicators

Number of subdivisions within the coastal environment

This data is not currently easily obtainable, however it is proposed to collect this information for subsequent monitoring reports.

Number of consents for dwellings on the seaward side of the coastal hazard line -

- 1 in 2015/16.
- None recorded prior to this.

Extent of public land along the coastline

Parts of the coastline have public access either via, reserves, public road, or public conservation land held by the crown, however there are still a number of areas where this is not provided. In reviewing this section of the plan it became apparent that the subdivision section of the plan does not clearly provide for esplanade mechanisms to be taken along the coastline. This is something that may need to be reviewed to better give effect to the objective of maintaining and enhancing access to the coast.

With regard to where coastal development is occurring, the following heat map (Figure 3) shows resource consenting activity since the operative district plan came into effect in the mid 1990's. From this it is evident that most activity occurs around Riverton and Colac Bay areas.

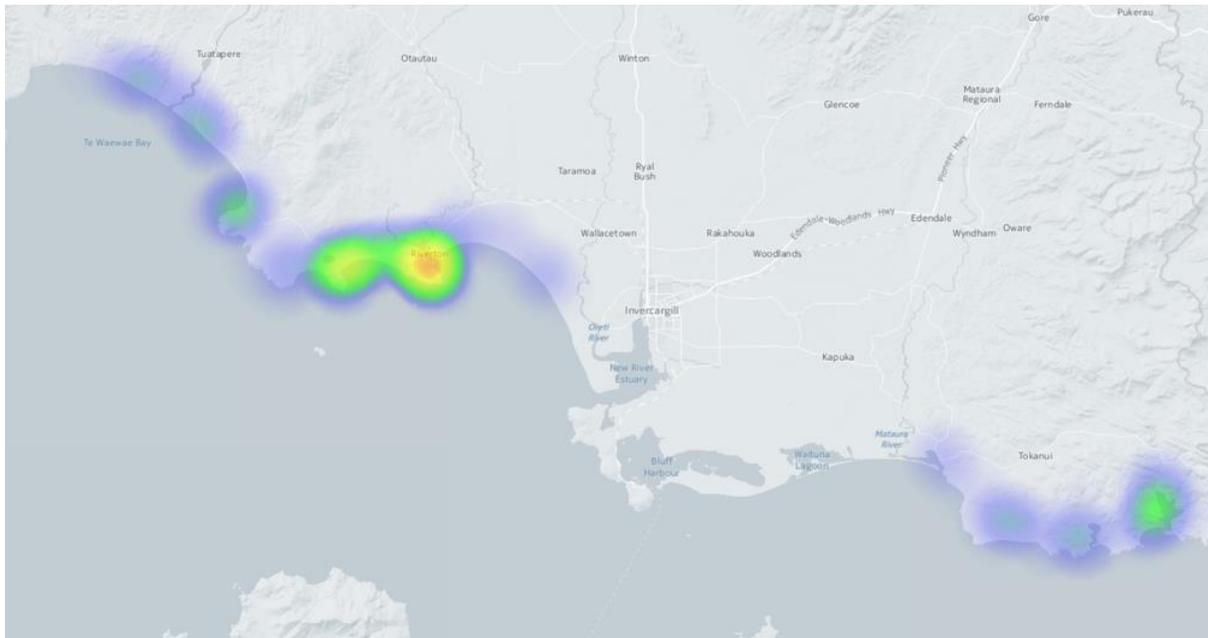


Figure 3: Resource consents along the coast from mid 1990s to 2016

Analysis

The indicators suggest development along the coastline is limited, thereby minimising the impact on natural character and also the number of properties at risk from coastal hazards. The data on subdivisions in the coastal environment, and ongoing monitoring on the number of land use consents will help to confirm if this is the case, or whether there are other trends appearing. As mentioned in the introduction / context section of this report, climate change will have an impact on coastal communities, the extent of which needs to be investigated and options for managing this impact explored with the relevant communities.

Response

Recommendation 11: Review Pathways resource consent module to improve data collection and extraction based on zones and overlays.

Recommendation 12: Review availability of public access along the coastline, and the esplanade mechanism provisions of the subdivision section of the plan.

Summary

A number of recommendations were made throughout this report. These have been summarised again below, grouped into two sections. The first highlights the work that would improve the data collected for monitoring and therefore the analysis in future District Plan Effectiveness Monitoring reports. The second highlights future work that could improve the effectiveness of the District Plan.

Future monitoring work

Recommendation 2: Mapping of building consents for new dwellings against the Rural Settlement Area boundaries to improve understanding of the effect of this new, more enabling approach

Recommendation 3: Mapping the spread of building consents for new dwellings, and the location of subdivision consents across the Rural Zone.

Recommendation 9: Review how building consent data is captured to enable further monitoring of landscapes rules and their impact.

Recommendation 11: Review Pathways resource consent module to improve data collection and extraction based on zones and overlays.

Key actions from the monitoring results

Recommendation 1: Investigate implications of climate change and sea level on the District and any necessary further work

Recommendation 4: Investigate the implications of removing maximum height of accessory buildings and the need for a site coverage control.

Recommendation 5: Investigate a streamlined consent process for minor breaches of the residential amenity standards.

Recommendation 6: Investigate the approach taken in identifying 'Commercial Precincts' and having a regulatory framework tied to this zoning of land uses.

Recommendation 7: Investigate alternative approaches to parking requirements.

Recommendation 8: Develop a report scoping how the assessment of landscape values across the District could be progressed.

Recommendation 10: Investigate potential non-regulatory methods to support the District Plan historic heritage rules.

Recommendation 12: Review availability of public access along the coastline, and the esplanade mechanism provisions of the subdivision section of the plan.

Draft Variation 3 for Preliminary Consultation

Record No: R/17/4/8680
Author: Courtney Ellison, Senior Resource Management Planner - Policy
Approved by: Bruce Halligan, Group Manager Environmental Services

Decision Recommendation Information

Purpose

- 1 To seek the Regulatory and Consents Committee's approval of the draft variation for consultation with key stakeholders.

Executive Summary

- 2 On 15 March, Council gave approval for staff to draft a variation to address various matters that have arisen through the implementation of the plan. Staff have prepared a draft variation which shows the proposed changes to the text of the Proposed District Plan 2012.
- 3 It is proposed to consult with the key stakeholders and relevant communities on the proposed changes prior to starting the formal process under the Resource Management Act (RMA) to provide more flexibility for the communities to shape the rules that will affect them.

Recommendation

That the Regulatory and Consents Committee:

- a) **Receives the report titled "Draft Variation 3 for Preliminary Consultation" dated 4 May 2017.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Approves the draft variation to the Proposed District Plan 2012 for informal consultation.**

Content

Background

- 4 On 15 March 2017, Council approved staff starting the preparation of a variation to the Proposed District Plan to address a variety of matters that have arisen through the implementation of the plan. The matters proposed to be covered by the variation are summarised in the issues section below.
- 5 Since that Council meeting, staff have been preparing options to consider for addressing the issues that have been raised and have prepared a draft document outlining these options and making recommendations on proposed changes to the Proposed District Plan (refer to Attachment A).
- 6 While the statutory process for undertaking changes to the District Plan does provide for community consultation, it is useful to consult with potentially affected parties early in the development of proposed changes to address any concerns, unforeseen implications or ensure the changes will be robust and clear for all plan users.
- 7 Therefore this report seeks approval to consult on the draft suggested changes as outlined in Attachment A.

Issues

- 8 Further details of the issues proposed to be covered by Variation 3 is provided in Attachment A. However in summary the proposed changes include:
 - Removal of rules relating to sandwich boards as these are now covered by the 'Signs and Objects on Roads and Footpaths Bylaw 2016'.
 - Inclusion of a rule to reduce the duplication for people having to go through both the resource consent process under the RMA and the concessions process under the Conservation Act.
 - Clarification and refinement of general standards relating to infrastructure.
 - Provision for esplanade reserves/strips to be created along the coastline through the subdivision process.
 - Changes to the earthworks provisions within the coastal environment.
 - Reduction in carparking requirements for commercial activities in existing buildings.
 - Provision for commercial activities in townships that do not have an identified 'Commercial Precinct'.
 - Clarification that administrative buildings are included in permitted scope of the Edendale Concept Plan.
 - Addressing the bulk of accessory buildings permitted.

Factors to Consider

Legal and Statutory Requirements

- 9 The process for undertaking a variation to the proposed District Plan is outlined in the RMA. Following the informal consultation outlined in this report, approval to notify the variation will be sought from Council.

Community Views

- 10 The purpose of this report is to seek approval to take the draft variation out for is it informal consultation with key stakeholders. Following this, the views of the stakeholders and any recommended changes to the variation will be reported back to the Regulatory and Consents Committee and Council.

Costs and Funding

- 11 The costs associated with the informal consultation will primarily be staff time. As indicated in previous reports, the work for the variation can be undertaken within current District Plan budgets, but as an indication the likely costs are approximately \$10,000 and 220 hours of staff time, up to the point of decisions being released. Any costs beyond the release of decisions depend on whether the decisions are appealed or not.

Policy Implications

- 12 The District Plan should always be reviewed to ensure it meets the requirements for the community and is achieving its intended outcomes. The proposed variation is intended to continue to ensure the District Plan remains relevant.

Analysis - Options Considered

- 13 The Committee can decide to progress the variation for the Rural Settlements with or without the preliminary consultation with communities.

Analysis of Options

Option 1 - Approve the draft variation for informal consultation

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> Key stakeholders would have the opportunity to contribute to the drafting of the variation ensuring the proposed amendments are practical and reflect the intended outcomes. Pre-consultation may reduce the time and likelihood of opposition to the proposal through the formal RMA process. 	<ul style="list-style-type: none"> The consultation will take time to enable key stakeholders to provide feedback and contributions (however this has been factored into the project timeframes).

Option 2 - Recommend the variation be progressed without informal consultation, and proceed with the formal process under the RMA

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> The variation could be notified sooner, reducing the overall timeframe for the project. 	<ul style="list-style-type: none"> Key stakeholders would not have the opportunity to contribute towards the development of the variation. Issues may arise through the formal submission process under the RMA, that would have been better resolved outside of that formal process where there may be less flexibility to achieve the desired outcomes.

Assessment of Significance

- 14 It is not considered that these potential changes to the Proposed District Plan are significant in terms of Council's Significance and Engagement Policy because most will, if they proceed, be likely to reduce the restrictions that already apply under the Proposed District Plan. The proposed changes will also be subject to a public consultation process under the RMA, giving the communities and the wider public the opportunity to have their say and affect the overall outcome of the variation.

Recommended Option

- 15 Option 1 to approve the draft variation for informal consultation is recommended as it allows the key stakeholders affected by the rules to be involved in developing them. The formal consultation process under the RMA is also likely to attract less opposition if people have already had the chance to share their views and contribute to the proposed changes.

Next Steps

- 16 Meetings will be held with key stakeholders for these proposed changes including, but not limited to:
- Relevant Community Boards and Community Development Area Subcommittees.
 - In relation to the proposed concessions rule: Department of Conservation, Forest & Bird, Fish & Game, major concessionaires.
 - In relation to the infrastructure changes: major infrastructure providers and Forest & Bird who currently have an appeal on some aspects of the infrastructure rules.
 - In relation to changes to accessory buildings rules: local surveyors / planning consultants.
- 17 Feedback from this consultation will be considered and any changes made to the variation made as appropriate. This will then be reported back to the Regulatory and Consents Committee, and Council for approval to start the formal notification process.

Attachments

- A Draft Variation 3 - analysis of options and recommended changes [↓](#)

Proposed Southland District Plan 2012 - Draft Variation 3 Document for discussion

AMENDMENT 1 Signage - Sandwich Boards

Issue:

The Signs and Objects on Roads and Footpaths Bylaw 2016, which takes effect from 1 July 2017, outlines the requirements in relation to sandwich boards. This bylaw was introduced with the intention that the corresponding rules within the District Plan would be removed once the bylaw comes into effect.

Options:

The sandwich board rules can be removed, leaving the management of sandwich boards to the bylaw. Alternatively the sandwich board rules could be retained and consent could continue to be triggered for more than one sandwich board.

Evaluation of options:

The intention of shifting the rules to the bylaw was to simplify the process for any breaches of the criteria around permitted sandwich boards and similar temporary signs. A permit can be granted under the bylaw and dealt with directly by the relevant community engineer. This is considered more efficient than requiring a resource consent through the resource management department who then consult with the relevant community engineer. Therefore it is considered the removal of the sandwich board rules from the District Plan is the preferable option.

Recommended changes:

~~“Rule SIGN.1 (C) – Sandwich Boards:~~

~~One sandwich board sign per premises shall be permitted provided it meets the following conditions:~~

- ~~1. Sandwich board signage shall only be displayed during the trading hours of the business to which the sandwich board relates.~~
- ~~2. The signage shall be located immediately adjacent to the street frontage of the premises to which it relates.~~
- ~~3. Such signage shall comply with the following dimensions:

 - ~~(i) Height – minimum of 0.5 metres; maximum of 0.9 metres.~~
 - ~~(ii) Width – maximum of 0.6 metres.~~
 - ~~(iii) Spread – maximum of 0.5 metres.~~~~
- ~~4. Sandwich board signage must be located a minimum of 300 mm back from the carriageway edge and in such a position that there is a minimum 2 metre clearance of footpath for pedestrian traffic.~~
- ~~5. Where the area has a grass verge or a gravel berm then the signage is to be placed on this at least 600 mm from the carriageway and not on the footpath.~~
- ~~6. Where there are no footpaths then the signage will be sited in the berm area.~~
- ~~7. Sandwich boards shall not be located on footpath extensions and traffic islands constructed to accommodate pedestrian crossing points or traffic control devices.~~
- ~~8. Sandwich boards shall comply with Conditions 2, 3, 5, 7, 8, 9, 11, and 12 of Rule SIGN.4~~

Rule SIGN.1 (DC) - Information and Warning Signage:

The following information and warning signage shall be Permitted provided...”

AMENDMENT 2 Concessions rule

Issue:

Currently, any person wanting to undertake a commercial activities on public conservation land, requires both a concession from the Department of Conservation (DOC) under the Conservation Act and a resource consent from Southland District Council, under the Resource Management Act. There is potentially a significant amount of overlap between these two processes that could be avoided if the rules in the District Plan were amended.

Work of the Crown on public conservation land that is consistent with their planning documents (such as a Conservation Management Strategy or National Park Management Plan) and does not have a significant adverse effect beyond the boundary of the land, can be undertaken without having to comply with the District Plan requirements. Whether an activity is being undertaken by the Crown or any other individual or organisation is of little significance when considering the effects of the activity on the environment.

The principles of the National Parks Act 1980 that guide the preparation of any Management Plan include:

- Preserving the natural state
- Preserving native plants and animals
- Preserving sites of archaeological and historical interest
- Maintaining values as soil, water and forest conservation areas
- Maintaining freedom of entry for the public subject to meeting the other preservation requirements.

These principles have many similarities to the principles that guide activities under Part 2 of the Resource Management Act. Where an activity is consistent with the requirements of the National Parks or Conservation Act planning documents and does not have an impact outside of the public conservation land, it is considered any resource management process would largely duplicate the processes under those Acts.

It is acknowledged that the opportunity for public comment on concessions is more limited than the resource consent process. However the planning documents that guide decision making on concessions, have to go through a full public consultation process. Therefore there is an opportunity through that process for the public to comment on the types of activities that are provided for on public conservation land and any effects of these.

Options:

1. Retain status quo
2. Permitted activity rule for activities on public conservation land where a concession has been granted, with criteria around waste collection and disposal and any other specific issues not covered by a concession. This would also include a note to clarify the relationship between that rule and biodiversity rules.
3. Permitted activity rule as above, but limited to certain types of concessions

For any of the above options a policy framework that supports the proposed new rule would be included.

Evaluation of options:

The benefits and costs of each options is described below:

Options	Benefits	Costs
Option 1: Retain status quo	<ul style="list-style-type: none"> No additional benefits would arise from maintaining the status quo. 	<ul style="list-style-type: none"> Additional time and costs for applicants to obtain resource consent, for potentially the same outcome as the concessions process.
Option 2: Permitted activity rule for concessions	<ul style="list-style-type: none"> Time and costs associated with duplicating processes will be avoided. Conditions of permitted activity provide scope to consider matters under RMA that are not covered by the concessions process 	<ul style="list-style-type: none"> Administrative costs of preparing and processing the Plan Variation. Limited opportunity for public input on proposals.
Option 3: Permitted activity rule for certain types of concessions	<ul style="list-style-type: none"> Time and costs associated with duplicating processes will be avoided. Conditions of permitted activity provide greater scope (than option 2) to consider matters under RMA that are not covered by the concessions process 	<ul style="list-style-type: none"> Administrative costs of preparing and processing the Plan Variation. Opportunity for public input may be limited.

Recommended changes:

Addition of new policies in the Rural and Fiordland /Rakiura Zones:

Policy RURAL.11

Recognise the role of the Department of Conservation in managing activities on public conservation land, and minimise the duplication of regulatory control within those areas.

Policy FRZ.10

Recognise the role of the Department of Conservation in managing activities on public conservation land, and minimise the duplication of regulatory control within those areas.

Addition of new rules in the Rural and Fiordland/Rakiura Zones and Surface Water Activities sections of the plan:

Rule RURAL.1...

22. Any activity (or part of an activity), on land managed under the Conservation Act or any enactment in the First Schedule of the Conservation Act provided that
(a) a concession has been granted from the Department of Conservation;
(b) adequate provision is made for waste collection and disposal; and
(c) carparking is provided in accordance with the Subdivision, Land Use and Development Bylaw.

Note: for certainty, if part of the activity also occurs outside of land managed under the Conservation Act or First Schedule, then the rules in this District plan for that zone will apply. The Biodiversity rules contained in Section 2.2 also apply to any vegetation clearance associated with an activity covered by this rule.

The same rule should also be included as Rule FRZ.1(7) and Rule SWA.1(6).

AMENDMENT 3 Infrastructure

Issue:

There are three discrete issues within the Infrastructure section. The first is how earthworks rules and other general standards are applied to infrastructure activities. In some cases these general standards can be quite restrictive which goes against the general philosophy of the section to enable infrastructure activities, whilst still ensuring effects are minimised.

The second matter is the relationship between the National Environmental Standard for Telecommunication Facilities (NESTF) and the Proposed District Plan and who these regulations apply to. The NESTF only applies to network utility operators but this may not be immediately apparent to plan users.

The final matter is the reference to dish antennae in Rule INF.1(8). The rule as currently worded is not clear whether the area limit applies to the cumulative area where there are multiple dishes or to individual dishes.

Options and Evaluation:**1. General infrastructure standards**

The only part of the infrastructure section that is subject to the general standards is Rule INF.1. There are only limited activities within that rule that would trigger these standards:

The noise provisions could be triggered by Rule INF.1(10) Generators, however the criteria of this rule limit the times at which the generators can be used and therefore the noise effects should only be temporary.

The height requirements could be triggered by Rule INF.1(7) - buildings housing network utilities and Rule INF.1(9) - extension of overhead lines. Wind monitoring masts have their own height requirements so these general standards would not apply.

The earthworks rules could be triggered by Rule INF.1(2) - underground network utilities and Rule INF.1(3) – Roads. It is anticipated that potentially large volumes of earthworks could be required as part of those activities but that consent should not necessarily be required for this as these are often essential services. Provided the earthworks were not impacting on adjoining waterways or historic heritage items then the activity could be undertaken without any effects on the environment that would warrant a resource consent being required.

The limited relevance of the general standards raises the query as to whether the general standards are necessary or whether they create unnecessary restriction on infrastructure activities to which the plan generally takes an enabling approach.

There are four options for addressing these matters:

- a. Remove general standard provisions completely
- b. Refine earthworks provisions to have standards such as setbacks from waterways or heritage items, but no volume limitations or criteria around the ONFL
- c. Retain general standards and shift roads to be dealt with in Rule INF.2 which isn't subject to general standards
- d. Retain status quo

Options	Benefits	Costs
Option 1: Remove earthworks provisions	<ul style="list-style-type: none"> Simple and clear rules framework 	<ul style="list-style-type: none"> Potential effects of activities may not be adequately considered or mitigated.
Option 2: Refine earthworks provisions	<ul style="list-style-type: none"> Effects of earthworks on waterways and heritage items managed through the consenting process. Reduced consenting costs and time delays for applicants in relation to roads, due to removal of some of the earthworks provisions. 	<ul style="list-style-type: none"> Ability to control earthworks is more limited.
Option 3: Retain general standards but shift roads to Rule INF.2	<ul style="list-style-type: none"> Reduced consenting costs and time delays for applicants in relation to roads. 	<ul style="list-style-type: none"> Other infrastructure activities such as underground network utilities may trigger consent unnecessarily, incurring additional costs and time delays. Effects of earthworks associated with roads on water bodies or heritage items not considered.
Option 4: Retain status quo	<ul style="list-style-type: none"> No additional benefits would arise from maintaining the status quo. 	<ul style="list-style-type: none"> Consents may be triggered unnecessarily for infrastructure activities, incurring additional costs and time delays.

Therefore the recommended option is Option 2 – to refine the existing earthworks provisions.

2. Telecommunication Facilities

- a. Either include a note as follows:

“The National Environmental Standards for Telecommunications Facilities provides standardised rules for certain low impact telecommunications equipment within legal road boundaries and radiofrequency exposures in accordance with New Zealand Standard NZS 2772.1:1999. The standard only applies to network utility operators. This standard establishes a baseline when considering the potential effects from the development of telecommunication facilities.”
- b. Or produce an internal guidance note that sits outside of the plan and clarifies this.

Options	Benefits	Costs
Option 1: Include a note clarifying scope of NESTF	<ul style="list-style-type: none"> Transparent for all plan users who the NESTF applies to 	<ul style="list-style-type: none"> Administrative costs of preparing and processing the Plan Variation (although these costs are shared by the other changes)
Option 2: Produce an internal guidance note, clarifying scope of NES	<ul style="list-style-type: none"> No change required to plan 	<ul style="list-style-type: none"> Potential for confusion for external plan users

Therefore the recommended option is Option 1 – to include a note clarifying the scope of the NESTF.

3. Dish antennae

- a. Amend Rule INF.1(8) to clarify that the area limitation applies per dish
“Dish antennae ~~antenna~~ not exceeding 5m² in area per dish”
- b. Amend Rule INF.1(8) to clarify that the area limitation applies to all dishes on the pole or building

Options	Benefits	Costs
Option 1: Apply area limit per dish	<ul style="list-style-type: none"> • Saved time and costs as consent not likely to trigger as often • Encourages the use of co-location of dishes on existing infrastructure 	<ul style="list-style-type: none"> • The rule allows for a greater area of dishes to be permitted which could cause shading issues, however this is likely to be limited by the number of dishes that can fit on the pole / building.
Option 2: Apply area limit per site	<ul style="list-style-type: none"> • Potential shading and amenity effects from dish antenna can be managed through the consent process 	<ul style="list-style-type: none"> • Consents may be triggered unnecessarily, incurring additional costs and time delays.

Therefore the recommended option is Option 1 to apply the area limit per dish.

Recommended changes:

General infrastructure standards

Option 2: Amend the earthworks provisions as follows:

“Rule INF.6 – General Infrastructure Standards

All Infrastructure Activities shall comply with the following General Standards: ...

3. ~~Earthworks that shall:~~
 - (a) ~~In any 12 month period, do not exceed, the disturbance of more than 1,000 m³ (volume) of land per property; and~~
 - (b) ~~(i) are greater than 20 metres from a waterbody that do not alter the existing ground level by more than 5 metres in depth or 2 metres in height;~~
 - ~~(ii) are within 20 metres of a waterbody that do not alter the existing ground level by more than 2 metres in depth or height; or~~

~~are permitted provided that the activity:~~

 - (i) ~~shall not be undertaken at an elevation greater than 700 metres above mean sea level, with the exception of earthworks ancillary to fencing activities;~~
 - (ii) ~~shall not be undertaken on slopes of more than 20° except cultivation; and/or cause slope instability;~~
 - (iii) ~~shall protect any stockpiles of material and all areas of bare ground created by the activity from soil erosion as soon as practicable;~~
 - (iv) ~~shall not be undertaken within 5 metres of any water body, including wetlands and coastal water, or flood protection works, except cultivation of a field or domestic gardening;~~
 - (v) ~~shall not be undertaken on a contaminated or potentially contaminated piece of land unless it is in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 contained in Schedule 5.8;~~
 - (vi) ~~does not affect the site of items listed in the Historic Heritage in Schedule 5.2;~~
 - (vii) ~~is not undertaken in an area of Outstanding Natural Features and Landscapes as shown on the District Plan Maps.~~

4. Earthworks within a Riparian Margin:
- (a) Shall not exceed 25m³ and must not include the cumulative disturbance of more than 20 linear metres in any 200 metre length of riparian margin
 - (b) Shall be carried out such that:
 - a. trenches for the purpose of installing pipes, lines or cables shall be backfilled and compacted within 48 hours of excavation
 - b. all areas of bare ground created by the activity are protected from soil erosion as soon as practicable

Telecommunication Facilities

Option 1: Amend the note at the start of the Infrastructure rules as follows:

“The National Environmental Standards for Telecommunications Facilities provides standardised rules for certain low impact telecommunications equipment within legal road boundaries and radiofrequency exposures in accordance with New Zealand Standard NZS 2772.1:1999. The standard only applies to network utility operators. This standard establishes a baseline when considering the potential effects from the development of telecommunication facilities.”

Dish antennae

Option 1: Amend Rule INF.1(8) as follows:

“Dish ~~antennae~~ antenna not exceeding 5m² in area per dish”

AMENDMENT 4 Esplanade Requirements - Coastal Environment

Issue:

Section 230 of the Resource Management Act provides for esplanade mechanisms to be taken along the mark of mean high water springs of the sea and along the bank of any river or along the margin or any lake. Rule SUB.6 of the Proposed District Plan outlines when esplanade mechanisms will be applied to subdivision consents. This rule links to Schedule 5.4 Rivers and Streams Requiring Esplanade Mechanisms. However there is no reference to any esplanade mechanisms applying to subdivisions adjacent to the coast.

Maintaining and enhancing public access to the coast is highlighted in Policy CE.6 of the Proposed District Plan and in the New Zealand Coastal Policy Statement (NZCPS). Policy SUB.10 also provides for esplanade mechanisms to and along the coastline. Therefore it is suggested that Rule SUB.6 be amended to provide for esplanade mechanisms to be applied, or at least considered as part of subdivisions adjoining the coast.

Options:

There are two options:

- Retain the rule as currently written or
- Amend the rule to include reference to subdivisions adjoining the coast.

Evaluation of options:

The benefits and costs of each options is described below:

Options	Benefits	Costs
Option 1: Retain status quo	<ul style="list-style-type: none"> • For applicants, there are more limited circumstances that land, or an interest in the land is taken through the subdivision process. 	<ul style="list-style-type: none"> • Potential to miss opportunities to provide connections / access to the coastal environment
Option 2: Include subdivisions adjoining the coast	<ul style="list-style-type: none"> • Council has the opportunity to consider creating access along the coast as part of any subdivision. • The rules would better give effect to the policies of both the Proposed District Plan and NZCPS 	<ul style="list-style-type: none"> • For applicants there is more potential for land or an interest in land to be taken through the subdivision process.

Recommended changes:

Option 2: Rule SUB.6 be amended as follows:

“Rule SUB.6 - Esplanade Mechanisms

Esplanade mechanisms shall apply to the following subdivision activities:

1. Where an allotment of less than 4 hectares is created when land is subdivided adjoining a lake or river identified in Schedule 5.4 - Rivers and Streams Requiring Esplanade Mechanisms, or adjoining the sea, an esplanade strip or reserve up to 20 metres in width shall be required within the allotment along the bank of the river or lake or the mark of mean high water springs of the sea.
2. Where an allotment greater than 4 hectares is created when land is subdivided adjoining a lake or river identified in Schedule 5.4 - Rivers and Streams Requiring Esplanade Mechanisms, or adjoining the sea, the Council may require an esplanade strip in the following circumstances:

- (a) Where strips/reserves already exist adjacent to or in the general vicinity of the subdivision and the creation of an esplanade strip would complement or increase the area of land available for public access
- (b) On land adjacent to any water body or coastal waters, where such a strip or reserve may be necessary to provide for the purposes set out in Section 229 of the Resource Management Act 1991.”

AMENDMENT 5 Earthworks - Coastal Environment

Issue:

There have been circumstances where landowners have undertaken earthworks on the coastal edge of their property, sometimes within sand dunes when these fall within their property boundary. While these circumstances are not common, the destruction of sand dunes can have a significant impact on the coastal ecosystem and processes.

Currently the Rural zone and FRZ both have a clause in earthworks rules trigger consent if earthworks are undertaken within 5 metres of water bodies (including coastal waters). The Urban and Industrial Zones have a similar clause but the setback is 20 metres from water bodies (including coastal waters).

Options:

1. Retain status quo
2. Amend Rural Zone and FRZ to have 20m setback only in relation to coastal waters (and retain current 5m setback for other water bodies)
3. Amend Rural and FRZ to include the coastal hazard line as the trigger for consent

Evaluation of options:

Options	Benefits	Costs
Option 1: Retain status quo	<ul style="list-style-type: none"> • No change required to the plan 	<ul style="list-style-type: none"> • Potential impacts on coastal ecosystems if there is further destruction of sand dunes, or general earthworks undertaken. • Potential to increase coastal hazard risk through removal of natural defences
Option 2: Increase setback from coastal waters to 20m in Rural Zone and FRZ	<ul style="list-style-type: none"> • Impacts of earthworks in close proximity to the coast can be managed through the consent process 	<ul style="list-style-type: none"> • Potential to trigger consents unnecessarily for activities that will not impact on coastal ecosystem, causing undue time delays and costs.
Option 3: Include a new permitted activity criteria to exclude earthworks on the seaward side of the coastal hazard line from being permitted in the Rural Zone and FRZ	<ul style="list-style-type: none"> • Impacts of earthworks in close proximity to the coast can be managed through the consent process • The regulatory framework is more strongly linked to the coastal hazard concerned 	<ul style="list-style-type: none"> • Potential to trigger consents unnecessarily for activities that will not impact on coastal ecosystem, causing undue time delays and costs.

Recommended changes:

Option 3: Include a new permitted activity criteria as follows:

“Rule RURAL.1...

8. **(1) Earthworks** that:
 - (a) In any 12 month period, do not exceed, the disturbance of more than 1,000 m³ (volume) of land per property.
 - (b)
 - (i) greater than 20 metres from a waterbody that do not alter the existing ground level by more than 5 metres in depth or 2 metres in height;
 - (ii) within 20 metres of a waterbody that do not alter the existing ground level by more than 2 metres in depth or height; or
 - (c) Are required for construction and maintenance of tracking under RURAL.1(1) Farming and 1.(15) Forestry.

- ... are permitted provided that the activity:
- (iv) shall not be undertaken within 5 metres of any water body, including wetlands ~~and coastal water~~, or flood protection works, except cultivation of a field or domestic gardening;
 - (v) shall not be undertaken on the seaward side of the Coastal Hazard Line as shown on the District Plan Maps
(and subsequential numbering)

AMENDMENT 6 Carparking requirements - Commercial activities

Issue:

Under the current rules, a change in activity, for example from a takeaways to a retail store, can trigger the requirement for parking to be provided, depending on what the site is being used for. Often the change in use can involve no external changes to the building itself but the change in the type of activity triggers the parking requirements to be considered. Particularly within the commercial precinct, there is often no space available on the site for car parking to be provided therefore the requirement either has to be waived through a resource consent process or cash provided in lieu of parking spaces. This could be a deterrent for people establishing businesses in the commercial areas, which is the opposite effect to that intended by the policy framework.

A manual survey of the commercial precincts was undertaken in late 2016, and as part of this, an assessment of the parking provided and available was completed (refer to **Table 1**). In general this survey found there was sufficient parking provided in all of the commercial precincts for the current level of development.

Table 1: Parking spaces in Commercial Precincts

Commercial precinct	Observations
Te Anau	214 marked parks on road reserve within commercial precinct
Winton	183 marked parks on road reserve within commercial precinct
Riverton	Combination of marked and unmarked on street parking – sufficient capacity at time of survey
Otautau	Unmarked on street parking – sufficient capacity at time of survey
Edendale	Unmarked on street parking - sufficient capacity at time of survey Parking provided within Council reserve at northern end of commercial precinct
Lumsden	Nature of businesses generally required short stay parking Unmarked on street parking - sufficient capacity at time of survey Separate car parking lot for Four Square Supermarket Parking within Railway reserve including parking for freedom campers
Tuatapere	Unmarked on street parking - sufficient capacity at time of survey Parking available in railway reserve
Riversdale	Unmarked on street parking - sufficient capacity at time of survey Parking outside Recreation Centre and next to Supermarket
Wyndham	Unmarked on street parking - sufficient capacity at time of survey

Given there is ample parking already provided on road reserve within the townships, the effect that is being managed by requiring additional parking for the reuse of an existing building is not clear. Therefore it is suggested the trigger for when parking requirements are applied should be reconsidered.

The parking requirements are currently contained within the Subdivision, Land Use and Development Bylaw 2012, but are referred to in the general standards of the zone rules.

Options:

There are three options available:

1. Status quo – require parking needs to be assessed with any change in activity in an existing building, or any new building or activity establishing.
2. Remove parking requirement for existing buildings – only require the parking requirements to be complied with where a new building is being constructed on a vacant site.
3. Limit parking requirements to activities over a specified size – only require the parking requirements to be complied with where a new building, over a certain threshold, is being constructed.

Evaluation of options:

The benefits and costs of each options is described below:

Options	Benefits	Costs
Option 1: Retain status quo	<ul style="list-style-type: none"> • No additional benefits would arise from retaining status quo 	<ul style="list-style-type: none"> • The parking requirements would impose additional costs on new or relocating businesses or activities (either through the consenting costs or cash provided in lieu of parks) • The parking requirements may deter some businesses or activities from establishing in the given location • If waivers are granted on an ad hoc basis this does not provide any certainty for plan users
Option 2: New buildings only	<ul style="list-style-type: none"> • Reduced consenting and implementation costs for new businesses or activities establishing particularly in commercial areas 	<ul style="list-style-type: none"> • Resource consent may still be triggered unnecessarily where new buildings are small in scale and do not provide adequate parks
Option 3: New buildings over size threshold	<ul style="list-style-type: none"> • Reduced consenting and implementation costs for new businesses or activities establishing particularly in commercial areas 	<ul style="list-style-type: none"> • There is potential for new activities to establish which create additional demand on parking that do not meet the criteria of the rule and therefore additional parks are not created, however this risk is considered small.

Recommended changes:

Option 2: Amend the general standards for transport and access as follows:

“Rule UBR.5...”

13. Transportation Standards including Access

All activities shall comply in all aspects with the provisions set out in the Southland District Council Subdivision, Land Use and Development Bylaw 2012 – relating to ~~car~~parking numbers, dimensions, access, loading and manoeuvring. Any new non-residential building shall comply with the carparking standards in the Subdivision, Land Use and Development Bylaw 2012...”

AMENDMENT 7 Commercial Activities outside of Commercial Precincts

Issue:

The Proposed District Plan introduced a new approach to providing for commercial activities by identifying Commercial Precincts on the planning maps and encouraging commercial development within those areas. The objective of this is to reduce the likelihood of land use conflicts and maintain the function and integrity of the commercial centre of townships. The rules framework has therefore been set up to permit commercial activities within the commercial precincts (provided certain criteria are met) and consent to be required for commercial activities outside of Commercial Precincts.

While the objective of retaining the integrity of the commercial areas remains, there have been some issues identified with the rules and the practical implications of these for our communities.

Firstly, only nine of the 20 Urban Zones in the district have an identified commercial precinct. That means in the remaining 11 Urban Zones, any commercial activity that is establishing will require a consent. Those 11 townships without a Commercial Precinct are: Balfour; Browns; Colac Bay; Manapouri; Mossburn; Nightcaps; Ohai; Oban; Tokanui; Waikaia; and Wallacetown.

Secondly, as part of Variation 2, Rural Settlement Areas were created in 15 of the District's rural townships, recognising there is a level of development already in those areas, and further residential development within the townships is preferable to the spread of residential activity across the general rural landscape. That variation focused on residential development, however some of those townships also have commercial activities, and some further commercial development within defined parameters could be enabled.

Options:

There are four options available:

1. Status quo – consent triggered for any commercial activity outside of the commercial precinct
2. Retain commercial precincts but include performance criteria for commercial activities in the Urban Zones that do not have a commercial precinct, and in Rural Settlement Areas (RSA).
3. Retain commercial precincts but include performance criteria for commercial activities in any Urban Zone outside of commercial precincts, and in Rural Settlement Areas (RSA).
4. Remove commercial precincts and include performance criteria for commercial activities, regardless of location.

Evaluation of options:

Options	Benefits	Costs
Option 1: Retain status quo	<ul style="list-style-type: none"> • No additional benefits would arise from maintaining the status quo 	<ul style="list-style-type: none"> • Commercial activities could unnecessarily trigger resource consent, incurring unnecessary costs and delays.
Option 2: Commercial precincts + permitted activity criteria where there is no precinct, or in RSAs	<ul style="list-style-type: none"> • Costs and resources for both Council and plan users will be saved by consents not being unnecessarily triggered. 	<ul style="list-style-type: none"> • Administrative costs of preparing and processing the plan variation.

Option 3: Commercial precincts + permitted activity criteria outside precincts and in RSAs	<ul style="list-style-type: none"> Costs and resources for both Council and plan users will be saved by consents not being unnecessarily triggered. 	<ul style="list-style-type: none"> Administrative costs of preparing and processing the plan variation. Some development is enabled outside of commercial centres, compromising the viability and vitality of the centres
Option 4: Remove commercial precincts and have permitted activity criteria regardless of location	<ul style="list-style-type: none"> Costs and resources for both Council and plan users will be saved by consents not being unnecessarily triggered. 	<ul style="list-style-type: none"> Administrative costs of preparing and processing the plan variation. More development could occur outside of the commercial centres, compromising the viability and vitality of the centres Potential conflicts between residential and commercial activities – disturbance of residential amenity

Recommended changes:

Option 2: retain commercial precincts but include performance criteria for commercial activities in the Urban Zone that do not have a Commercial Precinct, and in Rural Settlement Areas (RSA).

Addition of permitted activity rule in Rural Zone:

“Rule RURAL.1...

23. Commercial activities in Rural Settlement Areas, provided that:

(a) Hours of operation are limited to 7am to 10pm, every day

(b) Outdoor storage

Any area used for storage purposes that is not totally enclosed by a covered building shall be screened from public spaces and from residential activities and shall not exceed 50m² in area on any one property”

(Note: signage, noise, and transport / access are already covered in the General Rural Standards so have not been included as criteria of the specific rule).

Insert new subclause Rule URB.1(4) as follows (and subsequent renumbering of the remaining subclauses):

“Rule URB.1...

4. Commercial activity in an Urban Zone with no Commercial Precinct that complies in all aspects with the General Urban Standards”

Addition to General Urban Standards as follows:

Table 10: URB.5.9 - Hours of Operation

Activity	Hours of Operation
Commercial, Community, Educational, Rural Service and Entertainment Activities within the Commercial Precinct	Every day: 7.00 am - 1.00 am
<u>Commercial Activities outside of the Commercial Precinct</u>	<u>Every day: 7.00 am – 10.00 pm</u>

AMENDMENT 8 Fonterra Edendale Concept Plan - Administrative Buildings

Issue:

The Edendale Dairy Plant Industrial Development Concept Plan in Schedule 5.6 contains its own set of rules for that particular site. The description of the concept plan, and in particular section 1.3 regarding the 'Outer Building Envelope' includes reference to administration buildings. This implies that those kinds of buildings are anticipated within that area.

However the permitted activity rules in the concept plan, list activities buildings and structures that are permitted within the inner and outer building envelopes, but does not specifically identify administration buildings.

Subclause (g) of rule 2.1 (permitted activities), refers to "Buildings and structures associated with the processing of milk including cooling towers" which administration buildings could arguably be captured within. However it is considered that this link is not very clear, and to provide certainty in plan interpretation it would be useful to specifically reference administration buildings in that rule.

Options:

There are two options available:

- Status quo – no specific mention of administration buildings in the permitted activity rules
- The specific inclusion of administration buildings in the permitted activity rule, either as an addition to existing subclause (g) or a new standalone subclause, both options having the same effect. For simplicity it is suggested it be included as a new clause.

Evaluation of options:

Options	Benefits	Costs
Option 1: Retain status quo	<ul style="list-style-type: none"> • No change required to plan 	<ul style="list-style-type: none"> • Potential for confusion for external plan users
Option 2: Inclusion of administration buildings in permitted activity rule	<ul style="list-style-type: none"> • Clarity for all plan users 	<ul style="list-style-type: none"> • Administrative costs of preparing and processing the Plan Variation (although these costs are shared by the other changes)

Recommended changes:

Option two to include a new subclause as follows is recommended:

New subclause (j) of Rule 2.1:

"(j) Administration buildings"

AMENDMENT 9 Accessory Buildings

Issue:

There have recently been several large accessory buildings constructed within urban areas. While they have met the permitted activity criteria of the plan they have not necessarily achieved the objectives and policies of the plan in terms of maintaining residential amenity. The nature of accessory buildings also means they can impact on amenity values more than a dwelling of a similar size.

Options:

There are three ways the impact of accessory buildings on residential amenity could be managed (in addition to the status quo):

- Include a maximum site coverage standard to control the cover of all buildings on a property
- Include a maximum floor area for accessory buildings
- Amend the definition to clarify that accessory buildings should be incidental to the dwelling

Evaluation of options:

Options	Benefits	Costs
Option 1: Retain status quo	<ul style="list-style-type: none"> • No change required to plan 	<ul style="list-style-type: none"> • Ongoing lack of clarity around when an accessory building no longer becomes 'accessory' • Potential on going effects on amenity if large accessory building continue to be built
Option 2: Inclusion maximum site coverage	<ul style="list-style-type: none"> • Consistent with surrounding District Plans (ICC, GDC, Central Otago DC) • Deals with overall bulk of buildings on the site 	<ul style="list-style-type: none"> • Given the large section sizes in the District, large accessory buildings could still be constructed within the site coverage rule.
Option 3: Include a maximum floor area	<ul style="list-style-type: none"> • Specifically manages the effect of the size of accessory buildings 	<ul style="list-style-type: none"> • Providing an area threshold doesn't take into account how buildings can vary in nature and the impact on residential amenity can be affected by a number of factors other than the floor area • The area limitation could trigger consents unnecessarily if too small or could still allow some large accessory buildings if the trigger is too large.
Option 4: Amend the definition of accessory buildings	<ul style="list-style-type: none"> • Clarifies the intent of the rules and what is considered an accessory building 	<ul style="list-style-type: none"> • Still leaves some room for discretion or large accessory buildings to be constructed

Recommended changes:

Option 2: include a new site coverage rule in the Urban Zone General Standards:

Rule URB.5 General Urban Standards

All activities within the Urban Zone shall comply with the following General Urban Standards:

...16. **Site Coverage**

The maximum coverage of all buildings on a lot shall be

- (a) 40% on lots smaller than 500m²
- (b) 35% on lots 500m² or greater

Dog Attacks - Research and Recommendations

Record No: R/17/3/6549
Author: Michael Sarfaiti, Environmental Health Manager
Approved by: Bruce Halligan, Group Manager Environmental Services

Decision Recommendation Information

Introduction

- 1 The Dog Control team has completed a research exercise, looking at dog attack data over the last three years. This report is seeking feedback from the Committee concerning its recommendations.

Background

- 2 Historically there has been on average about one dog attack a week reported in the District. Most are attacks on dogs or other animals, with few attacks each year on people. Thankfully severe attacks on people are a rarity in the District, the worst by far being the attack on a lady in a wheelchair and her dog in Riverton, in 2014.
- 3 Attacks on animals on the other hand, particularly lambs, can be severely gruesome, and horrific for the owners of the injured or killed stock or dogs.
- 4 There are many more dog bites on humans that are not reported to the Council, with around 70 ACC claims a year on average over the last several years. In Southland according to the statistics are in **Attachment A**. Thankfully it can be concluded that the bites are of a relatively minor nature, with no surgical procedures needed (other than an incident in 2014).
- 5 Council's recent review of the Dog Control Bylaw was designed in part to reduce aggression incidents, by:
 - Introducing new dog registration discounts, that encourage neutering, containment, and responsible ownership.
 - Introducing multiple dogs licensing.
 - Mandatory neutering of menacing dogs.
- 6 The Government is also looking at amending the Dog Control Act, with the aim of reducing the number of dog attacks. The press release concerning the national action plan is in **Attachment B**.
- 7 Staff wished to analyse dog attacks over the last few years in order to identify any trends, or any actions that could prevent attacks from occurring. This work will not conflict with any Government proposals.

Issues

Findings

- 8 There were difficulties with gathering information for this research, and the accuracy of the data may contain some errors. The collation of the data was a manual exercise, and one of the recommendations below recommends accurate electronic data collection at the time of the attack.

- 9 The main findings of the analysis are:
- a) Most bites occur near to where the dog lives. Typically a person, or a person with a dog, walks/runs/bikes past a house and the dog escapes the property and bites the person or dog.
 - b) Incidents that occur on the dog's property usually involve a meter reader courier or postie, or another visitor to the property.
 - c) Non-registration history was a significant factor, just over 50%. Combined with other history such as wandering warnings or failure to control, the figure jumps to around two-thirds.
 - d) Most dogs were not neutered, however data is not clear enough to give a percentage.
 - e) The dogs being kept in rental properties was another factor of interest, with around two-thirds being on rental properties.

Views of the Dog Control Officers

- 10 The findings of the research are consistent with the general understanding of what SDC Dog Control Officers would consider to be the risk factors in attacks.
- 11 They also believe that the following are also risk factors:
- a) The size/breed of dog is a factor in the severity of an injury; and
 - b) The periphery of a township is also an area where attacks occur - where townsfolk walk their dogs in a rural environment and then are attacked by a pet dog that is not adequately contained on the property.

Amnesties

- 12 Some councils have had amnesties, where people with unregistered dogs are invited to register their dogs for free with no consequences. Another type of amnesty is where owners of menacing breeds are invited to register their dogs for free with cheap de-sexing.
- 13 Benefits of an amnesty are a safer community due to a number of unknown higher risk dogs becoming compliant through the amnesty.
- 14 Drawbacks are that some responsible dog owners may feel aggrieved that this rewards bad behaviour, and the same result could be achieved through door to door monitoring; and funded by the issuing of infringements for non-registration.

Recommendations

- 15 Council is already aware from previous public feedback that there is a low public tolerance for irresponsible dog owners and dog attacks.
- 16 The new fees that Council has introduced are certainly a step in the right direction, and reinforce important themes in the analysis (irresponsibility, containment, neutering).

- 17 The following are all operational recommendations and can be adopted now, there is no need to consult with the public.
- a) Education, awareness, intelligence:
 - Promote and provide signs for gates for free, eg “Please use back door”.
 - Run a workshop for posties, couriers and meter readers, to support the health and safety of these groups.
 - Gather a range of data post-attack, to allow more in-depth analysis.
 - b) Monitoring:
 - Identify higher risk properties, and frequently monitor them. Risk factors that may be used are compliance history, adequacy of containment, male dogs, size/breed of dog, town peripheries and rentals.
 - Systematically identifying unregistered dogs by going door to door every (say) three years. Benefits include a reduction in risk of attacks, and keeping fees down.
 - c) Default position of disqualification of repeat offenders who meet the criteria (three infringements within a two year period). As opposed to probationary owner classification, or no further action.
- 18 Some matters which staff would appreciate Committee feedback on are as follows:
- a) **Does the Committee believe that further actions with respect to dog attacks, as recommended in b) to f) below, are warranted?**
 - b) **Does the Committee support the provision of signs for gates for free, eg “Please use back door”?**
 - c) **Does the Committee support the Dog Control team organising a workshop for Posties and meter readers, to discuss health and safety?**
 - d) **Does the Committee support the Dog Control team identifying higher risk properties, for the purpose of smarter monitoring?**
 - e) **Does the Committee support the Dog Control team systematically identifying unregistered dogs on properties by District wide monitoring?**
 - f) **Does the Committee support the concept of an amnesty for either/both unregistered dogs and menacing dogs?**

Recommendation

That the Regulatory and Consents Committee:

- a) **Receives the report titled “Dog Attacks - Research and Recommendations” dated 1 May 2017.**
- b) **Provide feedback to staff on Items a) to f) above and any other feedback it wishes to provide on dog control.**

Attachments

- A Attachment - National Action Plan to reduce dog attacks [↓](#)
- B Attachment - ACC Data for the District [↓](#)

Louise Upston

22 SEPTEMBER, 2016

National action plan to reduce dog attacks

Today Louise Upston Associate Minister for Local Government, announced a new national action plan to reduce risk and prevent harm from dog attacks.

Under this action plan high risk dogs and their owners, rather than all dogs and owners, will be subject to stricter controls under changes to dog control laws. This will compliment a renewed focus on education, as well as new work with local government on best practice guidelines for councils.

"I know first-hand the joy that dogs bring to your life and that there are thousands of loved family pets in New Zealand. Unfortunately, the statistics clearly show that dog bite incidents are on the rise and children are overrepresented as victims of dog attacks" Ms Upston says.

"Today I am launching the first part of the new national action plan for dog control. The plan consists of 3 parts:

- Law changes and neutering programme.
- Best practice guide.
- A public education campaign.

"Today I am launching a programme over the summer months aimed at reducing the risk of attacks. This initiative involves Government funding of \$0.85 million (\$850,000) to subsidise the neutering of high risk dogs. Neutering has been proven to reduce aggression in dogs which is important as we move into summer months and the school holidays."

Law changes will require owners of dangerous and menacing dogs to:

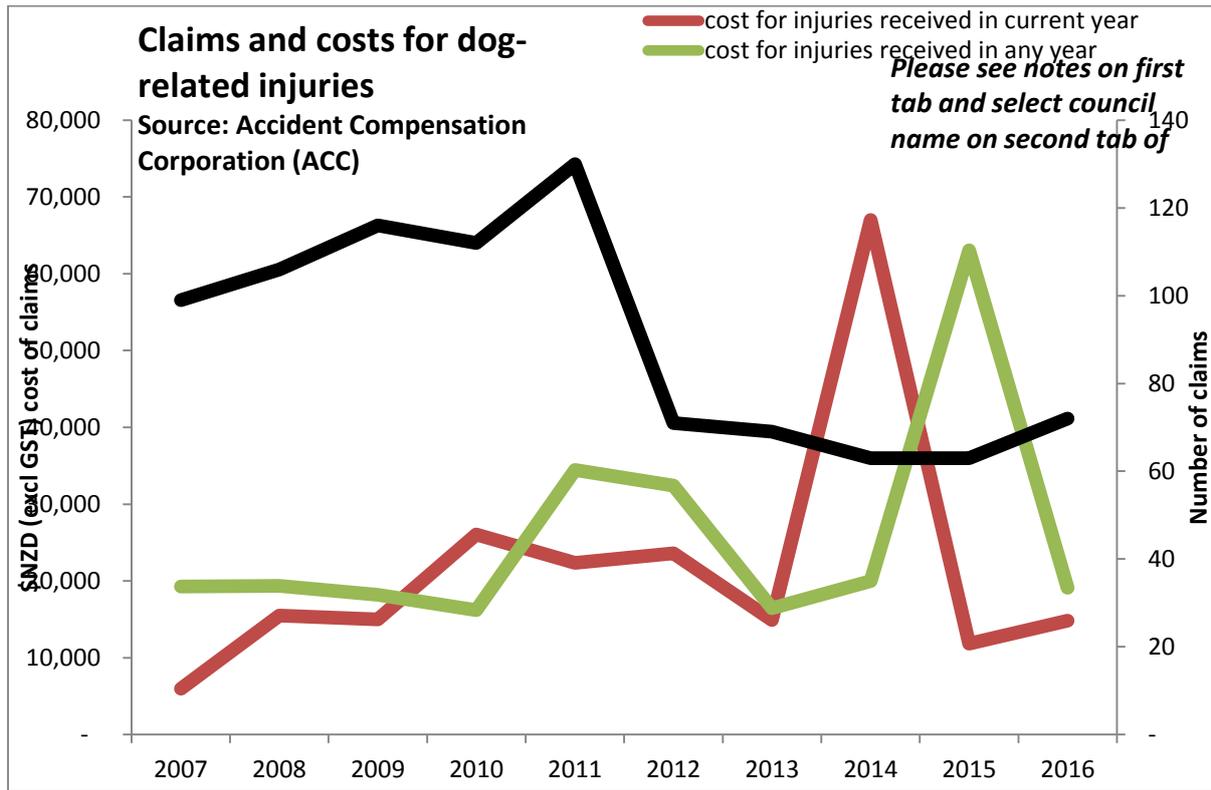
- Neuter all high-risk dogs.
- Keep high-risk dogs in a fenced in area at home that allows visitors dog-free access to at least one house entrance.
- Display signs at the front of their property alerting people of high-risk dogs.
- Ensure dangerous or menacing dogs wear collars identifying them as high-risk.
- Animal shelters will also be prevented from adopting out high-risk dogs to new owners.

Ms Upston is considering including additional restrictions on the owners of high-risk dogs and improving the quality of information about dog attacks.

Ms Upston intends to introduce legislation in February 2017. More information will be forthcoming as work on these legislative changes progresses. This action plan is being developed in partnership with the local government sector and other relevant stakeholders

Source: <https://www.beehive.govt.nz/release/national-action-plan-reduce-dog-attacks>

ACC Data for the District



Source: http://www.localcouncils.govt.nz/lqip.nsf/wpg_url/Profiles-Local-Government-Statistical-Overview-Dog-Control-Statistics