



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

Date: Thursday, 11 July 2019
Time: 9am
Meeting Room: Council Chamber
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
Committee Advisor Alyson Hamilton

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

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.

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
- Southland Land Drainage Act 1935
- Southland Land Drainage Amendment Act 1938

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.
- (j) Hear objections and decide on matters under the Southland Land Drainage Act 1935 and Southland Land Drainage Amendment Act 1938.

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, 27 March 2019



Regulatory and Consents Committee

OPEN MINUTES

UNCONFIRMED

Minutes of a meeting of Regulatory and Consents Committee held in the Council Chamber, 15 Forth Street, Invercargill on Wednesday, 27 March 2019 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

Publications Specialist Chris Chilton

Committee Advisor Alyson Hamilton

1 Apologies

There were no apologies.

2 Leave of absence

There were no requests for leave of absence.

3 Conflict of Interest

There were no conflicts of interest declared.

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 Dillon, seconded Cr Frazer **and resolved:**

That the Regulatory and Consents Committee confirms the minutes of the meeting, held on 28 November 2018 as a true and correct record of that meeting.

Reports for Recommendation

7.1 Plan Change Dark Skies

Record No: R/19/1/73

Team Leader -Resource Management - Marcus Roy and Resource Management Planner – Margaret Ferguson were in attendance for this item.

Ms Ferguson advised the purpose of the report is to seek approval from the Regulatory and Consents Committee to proceed to preliminary public consultation with key stakeholders within the Stewart Island / Rakiura Community relating to the proposed new lighting provisions being initiated via a Plan Change to the Southland District Plan 2018.

Resolution

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

That the Regulatory and Consents Committee:

- a) **Receives the report titled “Plan Change Dark Skies” dated 13 March 2019.**
- 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 progressing the Draft plan change to preliminary public consultation with relevant stakeholders.**

Reports

8.1 Building Reaccreditation Audit February 2019 - Outcome

Record No: R/19/2/3874

Group Manager, Environmental Services – Bruce Halligan, Team Leader-Building Solutions – Michael Marron and Quality Assurance Lead – Jodi Conradi were in attendance for this item.

Mr Halligan advised the purpose of this report is to inform the committee of the outcome from the recent audit of Council’s building solutions team by International Accreditation New Zealand (IANZ).

Mr Halligan expressed appreciation for the effort and work put in by the project team, building solutions and others to this audit process.

The Committee noted the report summarises the recent IANZ audit process, the outcome from this, and the additional post-audit work underway to address matters highlighted through the audit process.

Resolution

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

That the Regulatory and Consents Committee:

- a) **Receives the report titled “Building Reaccreditation Audit February 2019 - Outcome” dated 13 March 2019.**
- 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 report and associated clearance action plan as information.**

8.2 Freedom Camping Update

Record No: R/19/2/3863

Environmental Health Manager – Michael Sarfaiti was in attendance for this item.

Mr Sarfaiti advised the purpose of the report is to provide an update to the Committee on monthly reports being received from CamperMate on freedom camping hotspots around the district.

Resolution

Moved Chairperson Macpherson, seconded Cr Duffy **and resolved:**

That the Regulatory and Consents Committee:

- a) **Receives the report titled “Freedom Camping Update” dated 13 March 2019.**

Public Excluded

Exclusion of the Public: Local Government Official Information and Meetings Act 1987

Resolution

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

That the public be excluded from the following part(s) of the proceedings of this meeting.

C9.1 Greenbriar Limited - Resource Consent - Land use consent to undertake an extension to the Ohai Coal Mine, Gorge Road, Ohai

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Greenbriar Limited - Resource Consent - Land use consent to undertake an extension to the Ohai Coal Mine, Gorge Road, Ohai	s48(1)(b) - Check to make report confidential. This is deliberations for a resource consent decision..	That the public conduct of the part of the meeting would be likely to result in the disclosure of information which would be contrary to a specified enactment or constitute contempt of court or contempt of the House of Representatives.

That the Group Manager, Environmental Services, Team Leader-Resource Management, Publications Specialist, Committee Advisor and Resource Management Planner – Margaret Ferguson be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the items C9.1 Greenbriar Limited - Resource Consent - Land use consent to undertake an extension to the Ohai Coal Mine, Gorge Road, Ohai. This knowledge, which will be of assistance in relation to the matters to be discussed, is relevant to those matters because of their knowledge on the issues discussed and meeting procedure.

The public were excluded at 10.08am

The meeting adjourned for morning tea at 10.08am and reconvened at 10.30am

Mayor Tong, Councillors Macpherson, Paterson, Dillon, Keast and Duffy were present when the meeting reconvened.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available unless released here.

The meeting concluded at 12.07pm

CONFIRMED AS A TRUE AND CORRECT RECORD AT A
MEETING OF THE REGULATORY AND CONSENTS
COMMITTEE HELD ON WEDNESDAY 27 MARCH 2019

DATE:.....

CHAIRPERSON:.....

Dark Skies - Plan Change

Record No: R/19/6/11355

Author: Margaret Ferguson, Resource Management Planner

Approved by: Bruce Halligan, Group Manager Environmental Services

☐ Decision

☒ Recommendation

☐ Information

Purpose

- 1 To seek approval from the Regulatory and Consents Committee (the Committee) to; endorse the recommendations in the attached Section 32A Report; and recommend public notification of the Council initiated Plan Change Dark Skies.

Executive Summary

- 2 A plan change is proposed by the Southland District Council (SDC) under section 73(1A) of the Resource Management Act 1991 (the Act) to introduce additional lighting provisions to the Southland District Plan 2018 which relate to Stewart Island / Rakiura only. For clarification, the proposed plan change does not apply to all surrounding offshore Islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island.
- 3 The purpose of the plan change is to maintain and protect the dark night sky on Stewart Island / Rakiura from any adverse lighting effects associated with development. Stewart Island / Rakiura is currently accredited as a Dark Sky Sanctuary.
- 4 Proposed changes to the District Plan (see Attachment 1) have been drafted and preliminary consultation on those changes has been undertaken with key stakeholders on Stewart Island / Rakiura. The proposed changes were supported in principle by the stakeholders.
- 5 A Section 32A Report has been prepared (see Attachment 2) and this document provides a detailed evaluation of the proposed provisions (objectives, policies and rules) as required by the Resource Management Act 1991 prior to notification.
- 6 The next step is to commence the formal process of public notification of the plan change.

Recommendation

That the Regulatory and Consents Committee:

- a) **Receives the attached Section 32A Report - Resource Management Act 1991 Analysis Report – Proposed Plan Change – Southland District Plan 2018 – ‘Dark Skies’.**
- 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) **Recommends to Council that the proposed Plan Change is publicly notified.**

Background

- 7 On 7 November 2018 Council resolved to undertake a plan change to the Southland District Plan 2018 that relates to lighting provisions on Stewart Island / Rakiura only. Council resolved to include all properties, both private and public, within the scope of the plan change.
- 8 Since that Council meeting, staff have prepared a set of draft provisions and a Section 32A Report which presents an analysis of the proposed provisions (see Attachments 1 and 2).
- 9 On 13th and 14th of May 2019 staff undertook preliminary consultation with key stakeholders on Stewart Island / Rakiura and presented the draft provisions for comment. In principle the key stakeholders supported the proposed draft provisions.
- 10 The next step in the plan change process is to initiate full public consultation of the proposed provisions. Therefore, this report seeks the endorsement from the Regulatory and Consents Committee to recommend to Council that the attached Section 32A Report and proposed changes to the District Plan 2018 text are adopted and publicly notified.

Issues

- 11 The proposed changes to the Southland District Plan 2018 are outlined in detailed in Attachment 2. However, in summary the proposed changes include:
 - POLICY URB.8 Urban Zone – to manage subdivision, land use and development in a manner that maintains or enhances the dark quality of the Stewart Island / Rakiura night sky (excludes offshore Islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island.)
 - Rule SIGN.2 – Restricted Discretionary Activities – the requirement that any illuminated signage on Stewart Island / Rakiura (excludes offshore Islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island) is a restricted discretionary activity and requires a resource consent. At present illuminated signs in the

Industrial Zone and commercial precincts are permitted subject to meeting performance standards.

- General Signage Standard Rule SIGN.4(5) Illumination – amendment to existing words within the rule to reflect technical accuracy.
- General Urban Standard URB.5(8) Lighting and Glare – the separation of this rule into two parts to provide for a Stewart Island/ Rakiura specific rule. Note, this rule excludes offshore Islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island.
- General Industrial Standard IND.4(6) Lighting and Glare - the separation of this rule into two parts to provide for a Stewart Island/ Rakiura specific rule. Note, this rule excludes offshore Islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island.
- General Standard FRZ.5(4) – the addition of a general standard to assess lighting effects on the Stewart Island / Rakiura night sky. Note, this rule excludes offshore Islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island.
- Rule FRZ.2 Controlled Activities – the addition of a matter of control to enable assessment of lighting effects on the Stewart Island / Rakiura night sky. Note, this rule excludes offshore Islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island.
- Section 4 Definitions – a new definition for ‘fully shielded lights’.
- Section 5.10 Guidelines for Buildings on Stewart Island / Rakiura – the inclusion of an additional ‘material’ item which directs customers to utilise Council’s Lighting Guidance Document when considering the installation of lighting ie what type of lights to install.

Factors to Consider

Legal and Statutory Requirements

- 12 The process for undertaking a plan change to the District Plan 2018 is outlined in the Resource Management Act 1991.

Community Views

- 13 The views of the community will be considered as part of the public notification process.

Costs and Funding

- 14 The costs associated with the public notification of the proposed Plan Change will be borne by Council. This project is entirely funded by the Council via the District Plan budget.

Policy Implications

- 15 The public notification of the proposed plan change will potentially lead to a change of the District Plan lighting controls on Stewart Island / Rakiura. Note, this plan change does not apply to offshore Islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island. The offshore Islands are either subject to the Outstanding Natural Landscape Overlay and /or are part of the National Park of which there is already a level of protection on the environment that could include assessing lighting effects.

Analysis

Options Considered

- 16 There are two options to consider. The first is to undertake public notification of the proposed plan change. The second is to not undertake the public notification of the proposed plan change and to stop the work stream.
- 17 Note, a detailed assessment of the environmental, cultural, social and economic costs and benefits of undertaking a plan change are found in the section 32A report attached to this report. However, in summary, the key advantages and disadvantages of both options are as follows:

Analysis of Options

Option 1 – Proceed to public notification

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> Managing lighting provides for the maintenance of natural circadian rhythms with associated benefits to flora, fauna and human health and wellbeing. Astro-tourism and other tourism opportunities associated with an increase in visitors to the island via the DSS status. Achieves the purpose of the Resource Management Act 1991. The rules are easily met through good lighting design. Lights can be purchased at local retail outlets. Ensures that the Dark Sky Sanctuary accreditation will remain ie business as usual. 	<ul style="list-style-type: none"> Cost of public notification process, associated hearing(s) and the potential for appeals. Estimated cost \$10,000 - \$20,000. This may be more depending upon if submissions received, number of days required for hearing(s) and following a decision, if any appeals received. Monitoring costs associated with enforcing new rules. Costs to property owners to install lighting that meets the new rules. Adverse effects on flora and fauna from future development.

Option 2 – To NOT proceed to public notification of the proposed Plan Change

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> No costs incurred by Council or public as status quo of the District Plan in terms of lighting provisions would be maintained. 	<ul style="list-style-type: none"> Potential for the Dark Sky Sanctuary accreditation to be compromised and / or revoked. Environmental effects – the potential for the unique quality of the night sky to be eroded by future development.

Assessment of Significance

- 18 The piece of work is not significant in terms of the Local Government Act 2002.

Recommended Option

- 19 Option 1 – to proceed to full public notification of the proposed Plan Change.

Next Steps

- 20 That if the Committee is supportive of this recommendation that this report is then taken to full Council for approval to publicly notify the plan change.

Attachments

- A Attachment 1 - proposed changes to District Plan text [↓](#)
B Attachment 2 - Section 32A Report - Dark Skies [↓](#)

APPENDIX 2**CHANGE 1 Signage rule – Section 2.12****RULE SIGN.2 – Restricted Discretionary Activities****Description of proposed change:**

It is proposed to change the activity status of illuminated signage on Stewart Island / Rakiura to a restricted discretionary activity. Note, this proposed change does not apply to offshore islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island.

Reason for proposed changes:

The proposed change will result in any illuminated signage on Stewart Island / Rakiura (excludes offshore islands) requiring a restricted discretionary resource consent at a minimum. Council is able to then assess the illumination of the signage and the effects of the light spill and impose conditions of consent accordingly.

Wording of proposed change (change is in red and underscored):**RULE SIGN.2 – RESTRICTED DISCRETIONARY ACTIVITIES**

1. Off-site signage that does not exceed 3 m² in area.
2. Any illuminated signage on Stewart Island / Rakiura (excludes offshore islands)
3. Any other signage that does not comply with Rule SIGN.1, SIGN 4, or is not subject to Rule SIGN.3 is a **Restricted Discretionary Activity**.

The matters to which Council will restrict its discretion are:

1. The effects of signage on the safety and visibility on transportation networks.
2. The content, size, colour and character of the signage, lettering size and style.
3. The illumination of the signage and the effects of light spill.
4. The siting of the signage with respect to sight lines pertaining to any road or rail intersection, or accessway on to a road.
5. Effects on the visual amenity and aesthetic coherence of the surrounding environment.
6. Effects on outstanding natural features and landscapes and Visual Amenity Landscapes.
7. Effects on historic or cultural heritage values of sites, structures, places and areas.
8. Cumulative effects of signage.
9. The location of the business premises or activity in relation to the signage.
10. The level of non-compliance with the maximum signage height and area limits for the relevant Zone or Precinct.

CHANGE 2 | Signage rules – Section 2.12**RULE SIGN.4(5) – General Signage Standard - Illumination**

Description of proposed changes:

It is proposed to change 'luminance' with illuminance.

Reason for proposed changes:

The change from luminance to illuminance will reflect technical accuracy. Illuminance is the amount of light falling onto a surface whilst luminance is the amount of light coming out from a source when viewed at a certain angle. Rule SIGN.4(5) seeks to control the amount of light that is falling onto a surface.

Wording of proposed changes (changes are in red and underscored):**RULE SIGN.4(5) GENERAL SIGNAGE STANDARD**

5. Illumination - Illuminated signage shall only be permitted within the Industrial Zone or Commercial Precincts and excludes any signage attached to an item of historic heritage or located within the site of an item listed in schedule 5.2 - historic heritage items. Any illuminated signage shall ensure that artificial light spill shall not exceed the following illuminance levels, within the boundary of any other site not zoned industrial or not within the commercial precinct overlay:

(a) day time 25 lux

(b) night time 10 lux

Illuminance levels shall be measured vertically or horizontally anywhere along the affected site boundary in accordance with professional engineering practice.

CHANGE 3 | Urban Zone rules – Section 3.2**Description of proposed change:**

It is proposed to add a policy to manage the adverse effects of lighting associated with subdivision, land use and development on the Stewart Island / Rakiura night sky. Note that this policy does not apply to offshore Islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island.

It is proposed to separate general urban standard Rule URB.5(8) Lighting and Glare into two parts.

Reason for proposed changes:

The proposed change will result in lighting controls that will specifically relate to the Urban Zone on Stewart Island / Rakiura only (excludes offshore islands).

Wording of proposed changes (changes are in red and underscored):**POLICY URB.8**

Manage subdivision, land use and development in a manner that maintains or enhances the dark quality of the Stewart Island / Rakiura night sky (excludes offshore islands)

Explanation: The Stewart Island / Rakiura night sky is considered to be of an exceptional dark quality and this is formally recognised via the Island's Dark Sky Sanctuary accreditation status. It is considered that any subdivision, land use and development has the ability to erode this unique quality if not carefully managed through the application of appropriate lighting design. In this instance the offshore islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island are excluded because it is considered the majority of development that is likely to adversely affect the night sky will occur on the mainland of Stewart Island / Rakiura.

RULE URB.5(8) GENERAL URBAN STANDARD**8(1). Lighting and Glare (with the exception of Stewart Island / Rakiura)**

- (a) The spill of light from artificial lighting (excluding street lights and traffic signals) on to any other site (except as provided for by (b) below) shall not exceed 8 lux (horizontal and vertical) when measured at or within the boundary of any other site.
- (b) The spill of light from artificial lighting (excluding street lights and traffic signals) on to any other site within the commercial precinct shall not exceed 12 lux (horizontal and vertical) when measured at or within the boundary of that site.
- (c) All outdoor lighting shall be directed away from adjoining properties.

8(2). Lighting and Glare within the Stewart Island / Rakiura Urban Zone

- (a) The spill of light from artificial lighting (excluding street lights and traffic signals) on to any other site (except as provided for by (b) below) shall not exceed 3 lux (horizontal and vertical) when measured at or within the boundary of any other site.
- (b) All outdoor lighting shall be directed away from adjoining properties.
- (c) All fixtures shall be fully shielded with no lightspill being permitted above the horizontal plane.
- (d) Artificial lighting colour is to be 'warm white' (being equal to or less than 3000K correlated colour temperature only).

Note: for clarification, outdoor garden solar lights are exempt from this rule.

CHANGE 4 Industrial Zone rules – Section 3.4

Description of proposed change:

It is proposed to separate general industrial standard Rule IND.4(6) Lighting and Glare into two parts.

Reason for proposed change:

The proposed change will result in lighting controls that specifically relate to the Industrial Zone on Stewart Island / Rakiura (excludes offshore islands).

Wording of proposed change (changes are in red and underscored):

RULE IND.4(6) GENERAL INDUSTRIAL STANDARDS

6(a). Lighting and Glare (with the exclusion of Stewart Island / Rakiura

All exterior lighting shall be designed, located and at all times directed, screened, adjusted and maintained to ensure that:

- (i) The spill of light from artificial lighting (excluding street lights and traffic signals) on to any other site shall not exceed 10 lux (horizontal and vertical) when measured at or within the boundary of any other site.
- (ii) All outdoor lighting is directed away from adjoining properties.

6(b). Lighting and Glare within the Industrial Zone on Stewart Island/Rakiura

All exterior lighting shall be designed, located and at all times directed, screened, adjusted and maintained to ensure that:

- (i) The spill of light from artificial lighting (excluding street lights and traffic signals) shall not exceed 10 lux (horizontal and vertical) when measured at or within the boundary of any other site.
- (ii) All outdoor lighting is directed away from adjoining properties.
- (iii) All fixtures shall be fully shielded with no lightspill being permitted above the horizontal plane.
- (iv) Artificial lighting colour is to be 'warm white' (being equal to or less than 3000K correlated colour temperature only).

CHANGE 5 | Fiordland / Rakiura Zone rules – Section 3.5**Description of proposed changes:**

It is proposed to add an additional matter for control as it relates to Rule FRZ.2 - Controlled Activities.

It is proposed to add a new general standard to Rule FRZ.5 in the Fiordland / Rakiura Zone as it relates to Stewart Island / Rakiura (excludes offshore islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island.) only.

Reason for proposed changes:

The inclusion of an additional matter for control in Rule FRZ.2 will mean that lighting is assessed as part of any resource consent application for a controlled activity. Whilst a controlled activity is not a resource consent that council can decline it does enable Council to impose conditions of consent which potentially can include lighting specifications as required.

The specific reference to the matter for control only relating to Stewart Island / Rakiura (excluding offshore islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island) will ensure that the status quo is maintained within the wider FRZ zone ie the rule does not apply to Fiordland.

There is currently no general standard within the Fiordland/Rakiura Zone that regulates lighting. An additional lighting general standard will enable lighting associated with development on Stewart Island / Rakiura (excludes offshore islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island) to be regulated and subsequently assessed as part of a resource consent application if required.

Wording of proposed changes (changes are in red and underscored):**RULE FRZ.2 – CONTROLLED ACTIVITIES**

The matters over which Council reserves its control are:

1. The location and visual impact of any building, structure or dwelling on Outstanding Natural Features and Landscapes.
2. The material and external finishing to be used in the construction of the dwelling or building.
3. The effects of artificial lighting on the Stewart Island / Rakiura (excludes offshore islands) night sky.
4. The setbacks of any building, structure or dwelling from surrounding water bodies.
5. The impacts of any building, structure or dwelling on significant indigenous biodiversity.
6. Effects of associated earthworks.
7. The risk of natural hazards.

RULE FRZ.5 – GENERAL STANDARD

FRZ.5(4). Lighting on Stewart Island/Rakiura (excludes offshore islands), with the exception of lights for maritime and aviation navigational aids, shall meet the following:

- (a) All fixtures shall be fully shielded with no lightspill being permitted above the horizontal plane.

- (b) Artificial lighting colour that is 'warm white' (being equal to or less than 3000 correlated colour temperature only).

Note: lights for navigation aids are to comply with Maritime and Civil Aviation regulations and bylaws and are not required to comply with this rule.

CHANGE 6 **Schedule 5 – building guidelines in Stewart Island/Rakiura – Section 5.10**

Description of proposed change:

It is proposed to add an additional point at the ‘materials’ section of the building guidelines for Stewart Island / Rakiura.

Reason for proposed change:

The additional ‘material’ is to provide guidance to anyone developing on Stewart Island / Rakiura (excludes offshore Islands) that they must consider the design and installation of lighting as part of their proposal.

Wording of proposed change (change is in red and underscored):

SECTION 5.10 GUIDELINES FOR BUILDINGS IN THE STEWART ISLAND / RAKIURA URBAN ZONE

....

‘Materials

1. Avoid highly reflective materials.
2. Employ materials that are natural in character and visually compliment the Stewart Island / Rakiura landscape.
3. Utilise the Lighting Guidance Document when considering installation of external artificial lighting.

CHANGE 7**Schedule 5 – building guidelines in Stewart
Island/Rakiura – Section 5.10****Description of proposed change:**

It is proposed to include a definition of ‘fully shielded light fixture’.

Reason for proposed change:

A definition of ‘fully shielded’ light fixtures is required to clarify to District Plan users what type of lighting is required by the proposed plan change rules. This is to be used in conjunction with the Council produced Lighting Guidance Document, which will have pictures of preferred lighting fixtures.

Wording of proposed change (change is in red and underscored):

Fully shielded light fixture – a fully shielded (full cut-off) light fixture has a solid barrier (cap) at the top of the fixture in which the bulb is located. The fixture is angled so that the bulb is not visible below the barrier

Section 32A Report

Resource Management Act 1991 Analysis Report –Proposed Plan Change - Southland District Plan 2018 – ‘Dark Skies’

1 Introduction

1.1 Purpose of the Report

This report provides an evaluation of the proposed plan change objectives, policies and rules to regulate lighting on Stewart Island/Rakiura. For clarification the proposed plan change does not apply to offshore Islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou /Codfish Island.

This plan change is initiated by the Southland District Council (SDC) under Section 73(1A) of the Resource Management Act 1991 (the Act) which states that a territorial authority may change a district plan in a manner set out in Schedule 1 of the Act.

1.2 Structure of the Report

This report is prepared in accordance with Section 32 of the Resource Management Act 1991. Section 32 requires Council to demonstrate that the objectives, policies and methods (rules) of a proposed plan change have been thoroughly tested against the purpose of the Act. It is expected that the benefits of a proposed plan change and the associated introduction of any new provisions are to outweigh the anticipated costs and risks. Accordingly, this report is set out as follows:

- Section 1 - Introduction and structure of the report.
- Section 2 - Background, context and scope of the proposed plan change and an outline of the resource management issue.
- Section 3 - Proposed changes to the objectives, policies and rules.
- Section 4 - Consultation
- Section 5 – Policy context: the statutory requirements and an assessment of the proposed plan change in relation to other relevant documents, including national policy statements, national environmental standard(s), regional policy document(s) and iwi management plan(s).
- Section 6 – An evaluation of the proposed provisions and alternative planning options.

2 Background to the proposed Plan Change

2.1 Dark Skies Sanctuary Status

Stewart Island/Rakiura was formally accredited on January 4th 2019 with a Dark Sky Sanctuary (DSS) status. A DSS is public or private land that has an exceptional or distinguished quality of starry nights and a nocturnal environment that is protected for its scientific, natural, or educational value, its cultural heritage and / or public enjoyment.

The accreditation is presented by the International Dark Sky Association (IDA) following a formal application process and the overall purpose of the accreditation is to identify and assist communities in the protection of their night sky environment.

A component of the application is the requirement to have lighting controls that are legally binding and enforceable on the land subject to the accreditation. The purpose of lighting controls is to ensure that any subsequent development or activity thereafter will not compromise the existing quality of the night sky.

The Stewart Island Promotion Association (SIPA) is the group responsible for managing the DSS. As part of its scoping exercise before applying for accreditation, SIPA reviewed the existing lighting controls in the Southland District Plan 2018 (District Plan) and considered that in their current form they did not ensure the long term protection of the quality of the existing night sky. Consequently, SIPA requested of Council a change to the existing lighting controls within the District Plan to be line with the DSS requirements. This Plan Change is the result of that request.

2.2 Resource Management Issue

The resource management issue to be addressed is the protection, maintenance and enhancement of the dark night sky on Stewart Island / Rakiura from the adverse effects of lighting associated with development. Currently, the District Plan lighting provisions do not provide categorically for this outcome.

2.2.1 Existing environment

The night sky on Stewart Island / Rakiura is typically characteristic of low level lighting and limited light pollution. As part of the accreditation process a technical assessment of the dark night sky quality on Stewart Island / Rakiura was undertaken. Night sky quality was determined by measuring ‘surface brightness’; in magnitudes per square arcsecond*. In summary a measurement of 17.0 was considered to be a poor urban sky quality and 22.0 was deemed to be a night sky quality with limited to no light pollution.

The following quality sky readings were recorded (*‘Southland Dark Skies Framework, November 2017 prepared by Xyst Sustainable Existence’*):

Sky quality readings undertaken by Xyst at Rakiura showed sky quality compared to an ideal dark sky site.

Table 3 Sky Quality Readings Rakiura-Stewart Island

Location	Average SQM
Lee Bay	21.66
Horseshoe Bay	21.52
Butterfield Beach	21.85
Mill Creek	21.80
Traill Park	21.81
Observation Rock	21.79
Evening Cove	21.83
Deep Bay	21.79

*Arcsecond – a unit of angular measurement used in astronomy to describe an objects location in space.

In essence, at identified vista points on Stewart Island / Rakiura the night sky is considered to be of an exceptional dark sky quality.

3 Explanation of the Specific Proposed Changes to the District Plan

3.1 Summary of what is changing?

The proposed plan change seeks to address the identified resource management issue as discussed in Section 2.2 above. The Plan Change will affect the following sections and policy framework of the District Plan:

- Section 2.12 - Signage
- Section 3.2 - Urban Zone
- Section 3.4 - Industrial Zone
- Section 3.5 - Fiordland / Rakiura Zone
- Section 4 - Definitions
- Section 5 - Schedules
 - Schedule 5.10 Guidelines for Buildings in the Stewart Island / Rakiura Urban Zone

3.1.1 Plan Change Area

The proposed plan change will affect the mainland of Stewart Island / Rakiura only and will exclude any offshore Islands for example the Titi / Muttonbird Islands, Ruapuke Island and Whenuahou / Codfish Island.

It is duly noted that the proposed plan change only applies to the management of development on land. There is the opportunity as part of the Regional Coastal Plan review process that the effects of lightspill from ocean activities can be managed in this capacity for example the lighting effects associated with aquaculture.

3.1.2 Objectives

There are no proposed changes to the overall objectives of the District Plan as these are considered to already facilitate the necessary policy framework for the control of lighting.

3.1.3 Policies

A new policy is proposed within Section 3.2 Urban Zone requiring subdivision, landuse and development to be undertaken in a manner that maintains or enhances the Stewart Island / Rakiura night sky.

3.1.4 Rules

The plan change document attached at Appendix 1 outlines the proposed rule changes in detail however, they are summarised below:

- Rule SIGN.2 – Restricted Discretionary Activities – the requirement that any illuminated signage on Stewart Island / Rakiura (to exclude offshore Islands) is a restricted discretionary activity and

requires a resource consent. At present illuminated signs in the Industrial Zone and Commercial Precincts are permitted subject to meeting performance standards.

- General Signage Standard Rule SIGN.4(5) Illumination – amendment to existing words within the rule to reflect technical accuracy.
- General Urban Standard URB.5(8) Lighting and Glare – the separation of this rule into two parts to provide for a Stewart Island/ Rakiura specific rule.
- General Industrial Standard IND.4(6) Lighting and Glare - the separation of this rule into two parts to provide for a Stewart Island/ Rakiura specific rule.
- General Standard FRZ.5(4) – the addition of a general standard to assess lighting effects on the Stewart Island / Rakiura night sky. Note, this rule excludes offshore Islands.
- Rule FRZ.2 Controlled Activities – the addition of a matter of control to assess lighting effects on the Stewart Island / Rakiura night sky. Note, this rule excludes offshore Islands.
- Section 5.10 Guidelines for Buildings on Stewart Island / Rakiura – the inclusion of an additional ‘material’ item which directs customers to utilise Council’s Lighting Guidance Document when considering the installation of lighting ie what type of lights to install.

4 Consultation

4.1 Statutory Consultation

In accordance with the provisions of the First Schedule of the Act 1991, Council undertook consultation by forwarding a copy of the proposed plan change to the agencies listed below and via preliminary consultation workshops with key stakeholders held at Stewart Island / Rakiura on 13th and 14th May 2019.

The Council have consulted with the agencies specified in Clause 3 of the First Schedule, to include:

- The Minister for the Environment
- The Minister of Conservation
- The Tangata whenua of the area, through Te Runanga o Ngai Tahu (iwi authority) and Te Ao Marama Inc (the agency authorised to represent Te Runaka o Awarua, Hokonui Runanga, Oraka/Aparima Runaka and Waihopai Runaka).

The key stakeholders that Council has consulted with include:

- Stewart Island Promotions Association
- Department of Conservation
- Venture Southland
- Stewart Island / Rakiura Community Board
- General Stewart Island Community, including parties with fishing interests
- Southport
- Owners and operators of Salmon Farms
- Te Ao Marama Incorporated

- Environment Southland
- Stewart Island Airport owner and operator

4.1.1 Preliminary Consultation Workshop

Overall, the preliminary consultation was positive. All attendees expressed support in principle for the proposed changes to the District Plan and provided feedback in terms of the clarity of the proposed changes along with ways in which Council could better actively engage with the community to interpret the proposed provisions. A clear requirement for Council is to provide a guidance document that will be used by the public and industry to assist in the interpretation and implementation of the provisions.

Council has determined that a guidance document will be prepared, but it is not included as part of this Plan Change because it is an evolving document that needs to be updated readily as and when required. All feedback and proposed amendments to what has been initially proposed are now incorporated into this report and attached proposed Plan Change document.

4.2 Non-Statutory Consultation

Non-statutory consultation with members of the Stewart Island / Rakiura community has been undertaken as part of the Dark Sky Sanctuary application process by Venture Southland, Stewart Island Promotions Association and the Stewart Island Community Board.

This consultation related specifically to whether a DSS application should be lodged in the first instance. It was identified at the time of consultation that an aspect of the application involved regulation on land owners and this was raised as an issue of concern by some respondents.

There have been articles within the media in respect to the DSS during the application process and therefore it is considered to be within the public arena. Whilst this is not considered to be consultation for the purposes of this report, it does provide a level of awareness of the proposal and the associated outcomes from having the sanctuary status ie the requirement to control or regulate lighting for any future development.

5 Policy Context

The statutory framework for preparing a plan change and assessing the merits of the proposed provisions is set out in Part 2, Sections 31, 32, 72 and 76 of the Act. Each relevant section is considered below.

5.1 Resource Management Act 1991 ('the Act')

5.1.1 Part 2 – Purpose and Principles of the Act

Section 5 of the Act sets out the purpose of the Act, which requires an integrated planning approach and direction to promote the sustainable management of natural and physical resources. Guidance as to how the overall sustainable management purpose is to be achieved is provided in the other sections, including sections 6, 7 and 8 of the Act:

Section 6 of the Act sets out a number of matters of national importance when making decisions.

Section 7 lists 'other matters' that Council shall have particular regard to when making decisions.

Section 8 requires that the Council takes into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

In summary the proposed control of lighting on Stewart Island / Rakiura promotes the sustainable management of natural and physical resources as required by section 5; provides for the following matters of national importance as outlined in sections 6(a), (b), (c), and (e); has particular regard to the other matters detailed in 7(aa), (c), (d), (f); and takes into consideration the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) as required by Section 8.

5.1.2 Section 31 of the RMA

The proposed Plan Change has been prepared having regard to Section 31(1) of the Act. Section 31(1) outlines the functions of Council as they relate to the contents and purpose of a District Plan.

5.1.3 Section 32 of the RMA

Section 32 of the Act sets out the requirements for preparing this evaluation report. An evaluation prepared under Section 32 requires the objectives in a plan change proposal to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of a proposal to be examined for their costs, benefits, efficiency, effectiveness and risk in achieving the objectives.

Section 32 was amended in 2017 to include Changes to Māori participation, requiring Councils to engage with iwi authorities on draft plans and policy statements prior to notification. Councils must consider iwi authority advice in section 32 evaluation reports and give sufficient time and opportunity to Iwi authorities to respond.

For completeness, this plan change has been prepared having regard to the above.

5.1.4 Section 72 of the RMA

Section 72 of the Act confirms that the purpose of a District Plan is to assist the Council to carry out their functions to achieve the purpose of the Act.

5.1.5 Section 76 of the RMA

Section 76 of the Act provides for Council to include rules within its District Plan for the purpose of carrying out its functions under the Act.

Overall, the proposed Plan Change meets the requirements as outlined in Part 2, Sections 31, 32, 77 and 76 of the Act.

5.2 Other Relevant National Legislation or Policy Statements

5.2.1 Section 14 of the Local Government Act 2002

Section 14 of the Local Government Act 2002 (LGA) sets out the principles that territorial authorities must follow whilst performing their role. These principles are of relevance in terms of policy development and decision making in this instance because it ensures fairness, robustness, and sustainable management of natural resources and the environment which is also a prerequisite of the Act.

5.2.2 Regional Policy Statements

Section 74 of the Act requires that a District Plan prepared by a territorial authority must “give effect to” any operative Regional Policy Statement. In this instance the proposed plan change will give effect to the relevant provisions as detailed within Chapter 5: Rural Land / Soils, Chapter 6: Biodiversity, Chapter 17: Urban of the Southland Regional Policy Statement 2017.

5.2.3 Iwi Management Plans

Section 74(2A) of the Act states that Council’s must take into account any relevant planning document recognised by an Iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

The relevant Iwi management plan in this instance is ‘The Cry of the People, Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource and Environmental *Iwi Management Plan 2008 (MNRMP 2008)*’.

Overall the control of lighting will give effect to Kaitiakitanga (Guardianship) of the natural environment which is at the core of the aforementioned iwi management plan as well as the Outstanding Natural Landscape of Stewart Island / Rakiura as identified in the Regional Policy Statement.

6 Evaluation of Proposed Plan Change Objectives and Provisions – pursuant to Sections 32(1)(a) and 32(1)(b) of the Act:

The following is an evaluation of the proposed Plan Change objectives, policies and rules as required by the Act.

6.1 Section 32(1)

6.1.1 Section 32(1)(a) - Are the objectives the most appropriate way to achieve the purpose of the Act?

As detailed above in Section 3.2 no additional new objectives are proposed in this instance. This is because the existing relevant objectives of the District Plan are deemed to facilitate the desired outcome of the proposed plan change being the protection, maintenance and enhancement of the night sky quality from the adverse effects of development.

The existing objectives are therefore considered to be the most appropriate way in which to achieve the purpose of the Act because the objectives recognise the potential for development to adversely affect the natural environment. Subdivision, land use and development is required to be undertaken in a manner that maintains the life supporting capacity and productive value of the land resource; maintains or enhances residential amenity; and protects outstanding natural landscapes and wilderness qualities.

6.1.2 Section 32(1)(b) – Are the proposed provisions the most appropriate way to achieve the objective?

Section 32(1)(b) requires Council to examine and assess whether the provisions in the proposal are the most appropriate way in which to achieve the overall objective of the proposal by identifying other practicable options. In this instance, the other practicable options for achieving the objective are as follows:

- Do nothing (maintain the status quo)
- Non regulatory measure
- Impose provisions on public land only and exclude private land

6.1.2.1 Do nothing (maintain the status quo)

The existing quality of the night sky on Stewart Island / Rakiura is considered exceptional. By opting to 'do nothing', as long as no future development occurs on Stewart Island / Rakiura with large scale external artificial lighting, the current night sky quality may be maintained. However, this is not considered an appropriate option as it does not categorically ensure that the night sky quality will be protected, maintained and/or enhanced.

Moreover, research undertaken by the Royal Society Te Aparangi into the adverse effects of artificial light on human, animal and plant health surmises that the control of lighting is the best practice for the overall health and wellbeing of a community*. Subsequently, from a community health and wellbeing perspective to do nothing is not considered an appropriate option in this instance.

Finally to 'do nothing' risks losing the DSS accreditation altogether as future development could have the potential to erode the existing dark quality of the night sky.

6.1.2.2 Non regulatory measure

The objective of the plan change could be met via voluntary agreements with private and public property owners that set lighting controls. However a non-regulatory approach cannot guarantee that the objective of the plan change will be met because should a party opt out of the voluntary agreement process, then any subsequent development thereafter could erode the existing night sky environment.

6.1.2.3 Regulate on Public Land only

Stewart Island / Rakiura is made up of 85% public land, being predominantly the DOC administered Rakiura National Park and SDC administered reserve land. It may be possible to meet the objective of the plan change via adherence to existing relevant District Plan zone rules and / or by seeking non-regulatory voluntary agreements with the Department of Conservation and SDC to implement lighting controls. However, it is expected that the majority of development will occur within the privately owned urbanised areas on Stewart Island / Rakiura and it is this level of development that could compromise the existing quality of the night sky. The regulation of public land only cannot guarantee the objective of the plan change being achieved.

6.1.2.4 Conclusion of alternatives

Whilst there are a total of three alternative non-regulatory planning options to protect, maintain and enhance the existing quality of the night sky on Stewart Island / Rakiura, there is the risk that, development which is not subject to the proposed lighting controls will adversely affect the night sky quality. It is considered therefore that the only way to categorically achieve the objective of this plan change is to amend existing District Plan lighting provisions to be applicable to all property on Stewart Island / Rakiura.

*Blue Light Aotearoa – Impacts of artificial blue light on health and the environment, Royal Society Te Aparangi

6.2 Section 32(2)

6.2.1 Section 32(2)(a) – Assessment of Benefits and Costs of implementing the proposed provisions

Section 32(2)(a) of the Act requires consideration of the benefits and costs of the provisions when assessing the efficiency and effectiveness of the proposed plan change. Consideration has been given to the potential environmental, social, cultural, benefits and costs and is detailed in the following table.

6.2.1.2 Environmental, Cultural, Social and Economic Benefits and Costs of proposed plan change

AFFECTED GROUPS	BENEFITS	COSTS
RESIDENTS WHO LIVE IN PRIVATELY OWNED DWELLINGS ON STEWART ISLAND BEING EITHER OWNER OCCUPIER OR OCCUPIER (TENANT).	<ul style="list-style-type: none"> • Health benefits associated with the maintenance of natural circadian rhythms eg hormone production, sleep/wake quality, blood pressure, digestive functions, immunity and mood. • Reduction in health related costs associated with imbalance of natural circadian rhythms. • Increase in visual amenity of night sky. • Better astronomical observation opportunities. • Opportunities for participation in leisure, recreation and astro-tourism activities. • Benefits from attracting new residents to Stewart Island as business start-ups and community members. • Employment opportunities. • Energy efficient lighting with associated cost savings. • Achieves purpose of the Resource Management Act 1991 by promoting the sustainable 	<ul style="list-style-type: none"> • Cost to property owner(s) for the installation and maintenance of lighting that is compliant with the District Plan. • Consenting costs if resource consent required. • May be difficult to locate 'places' in the dark if signs are not well lit ie traffic safety issue. • Owners needing to be familiar with regulations and processes and if not the consequences of non-compliance ie required to obtain resource consent retrospectively and having to exchange existing lighting for alternatives at their cost. • Monitoring costs associated with a resource consent.

	<p>management of the natural and physical environment.</p> <ul style="list-style-type: none"> Proposed provisions easily met with good lighting design, lights can be purchased at local retailers. 	
BUSINESS OWNERS ON STEWART ISLAND	<ul style="list-style-type: none"> Opportunities for astro-tourism. Increased visitors / residents to the Stewart Island / Rakiura. General employment opportunities for residents as a result in the increase in visitor/resident numbers. Energy efficient lighting with associated cost savings. Promotion of Stewart Island / Rakiura to wider New Zealand. 	<ul style="list-style-type: none"> Cost to property owner(s) for the installation and maintenance of lighting that is compliant with the District Plan. Costs of consenting if required. Traffic safety issue as it may be difficult to locate 'places' in the dark if signs are not well lit for example. Business owners need to be familiar with regulations and processes and if not the consequences of non-compliance ie the burden of additional regulation. Monitoring costs associated with a resource consent if held. Ongoing maintenance costs associated with the prescribed lighting. Potential costs to upgrade airport if an increase of visitors to the Island results.
FAUNA AND FLORA	<ul style="list-style-type: none"> Maintenance of natural circadian rhythms aiding the reproductive processes of flora and fauna. Achieves purpose of the Resource Management Act 1991 by promoting the sustainable management of the natural and physical environment. 	<ul style="list-style-type: none"> Costs associated with additional pest management which will be required as pests flourish alongside an increase in flora fauna populations (food source).

IWI	<ul style="list-style-type: none"> Meets objectives and policies of Iwi Management Plan being <i>'The Cry of the People – Te Tangi a Tanira'</i> 	<ul style="list-style-type: none"> Additional resourcing costs for Te Ao Marama Inc on behalf of the Iwi to participate in any resource consenting process.
SOUTHLAND DISTRICT COUNCIL	<ul style="list-style-type: none"> Goes towards implementing the Territorial Authorities (TA) responsibility under the Resource Management Act 1991 to protect the natural and physical environment. Potential for the administering body of the DSS to take ownership of community education around lighting. This would support Council's strategic vision for community involvement and working together with Council for a better Southland. 	<ul style="list-style-type: none"> Additional monitoring and enforcement burden and associated costs which may not be fully recovered by the Territorial Authority. Human resources ie the time spent providing information to public. Pressure placed upon public infrastructure from additional capacity ie tourists or new residents going to Stewart Island / Rakiura.
INTERNATIONAL DARK SKY ASSOCIATION	<ul style="list-style-type: none"> Enables the status (accreditation) to be maintained. 	<ul style="list-style-type: none"> Costs to Council and Community associated with upkeep of Sanctuary Status if ongoing.
STEWART ISLAND PROMOTIONS ASSOCIATION	<ul style="list-style-type: none"> Encouraging and facilitating community ownership of a project being the DSS. 	<ul style="list-style-type: none"> Costs and human resources required to manage the DSS accreditation now and in the future.

6.2.2 Section 32(2)(c) – Assessment of risk of acting or not acting if there is insufficient information about the subject matter of the provisions

The Act requires Council to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter. It is considered that there is sufficient information available to develop these proposed District Plan provisions. Moreover, given the provisions will only affect the Stewart Island / Rakiura area and that the proposed provisions are deemed to be achievable through careful lighting design it is considered that there is little risk in progressing this plan change.

The risk in not acting is that any future development has the potential to adversely affect the existing quality of the night sky environment.

District Plan Monitoring Report 2016-2018

Record No: R/19/4/6104

Author: Rebecca Blyth, Senior Resource Planner - Policy, Resource Management

Approved by: Bruce Halligan, Group Manager Environmental Services

☐ Decision

☒ Recommendation

☐ Information

Purpose

- 1 To present the findings of the latest District Plan Effectiveness Monitoring and proposed recommendations for endorsement.

Executive Summary

- 2 The Council is required under Section 35 of the Resource Management Act 1991 to monitor the efficiency and effectiveness of policies, rules and other methods within its plan. The results of this monitoring are to be compiled and made available to the public at a minimum of every five years.
- 3 This is the second monitoring report produced by Council and covers the time period of 1 July 2016 – 30 June 2018.
- 4 The report seeks to take a proactive forward looking stance to the framework within which data has been gathered and considered. This acknowledges that the District Plan and the resource management system fits within a wider context.
- 5 Recommendations are made in response to the findings and discussion on each topic contained within the report. These generally relate to:
 - Endorsement of work to prepare project plans for key strategic policy work areas including a state of the environment report.
 - Systems improvements to enable better data analysis to inform future monitoring work.
 - Continuation of existing policy projects such as climate change.
 - Endorsement of future development capacity research and analysis
- 6 The 2019 Monitoring Report forms the basis for a sound overview of the general performance of the District Plan 2018. This will also provide a useful strategic snapshot for the incoming 2019 Council and relevant committees.

Recommendation

That the Regulatory and Consents Committee:

- a) **Receives the report titled “District Plan Monitoring Report 2016-2018” dated 27 June 2019.**
- 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) **Endorses the recommendations contained within the District Plan Effectiveness Report attached and refers recommendations 1, 10, 14, 15 and 16 of that report to the incoming Council for the new triennium for consideration.**
- e) **Recommends to Council that the recommendations contained within the District Plan Effectiveness Report attached are adopted and refers recommendations 1, 10, 14, 15 and 16 of that report to the incoming Council for the new triennium for consideration.**

Discussion

- 7 The attached monitoring report has taken a slightly different approach to the previous 2017 report intentionally taking a proactive forward looking stance. The report is essentially in two parts, with the first part looking at the wider social, environmental and economic context within which the District Plan sits. The second part focuses on the specific chapters or topics within the District Plan in a cascading approach – starting with matters of national importance through to areas of the plan most used.

Findings

- 8 The findings from monitoring indicate that the majority of the plan is functioning appropriately. This is to be expected for a plan that has had the majority of its provisions in place for four years (the close of appeal timeframe on decisions was approximately December 2014).
- 9 There is a significant level of change to policy direction being signalled at a national and regional level, which has the potential to fundamentally shift the level of intervention that the District Plan has currently in subdivision, landuse and development. Currently the areas that are likely to be affected by this work relate to biodiversity, coastal environment, climate change and associated natural hazards. The scope of this change is yet to be understood and therefore it is difficult to estimate the effect on resources.
- 10 There are aspects of the most frequently used District Plan rules that would benefit from adjustment. These are likely to be incorporated into a rolling review process once that has been scoped and endorsed by the incoming Council.

- 11 Better visibility of the existing information on subdivision, land use and development collected through consent processes and other sources could assist in providing a clearer understanding of what is happening throughout the district. This will be necessary to be responsive to future development trends.
- 12 There are key areas within the District that are experiencing growth and development challenges. Increased urban development in Winton and Te Anau, tourism development in Milford Sound and the potential for cross boundary development in Northern Southland are all areas that are known to Council as experiencing growth. To enable Council to respond in a considered and strategic manner further work into understanding what is happening and the drivers for this change is recommended.

Recommendations

- 13 For each topic the objectives within the District Plan are considered against the issues and results of indicator data. A range of recommended responses are proposed where considered necessary and ordered as to their priority. These recommendations are detailed below, alongside discussion as to timing and resourcing of this work.
- 14 The majority of these recommendations are work currently underway and are accommodated within the existing activity management plan for this long term plan cycle. No additional resourcing is being requested through this report.
- 15 Those recommendations that relate to future new work streams have been identified as being referred to the incoming Council for consideration.

Priority Recommendations:

- 16 Priority Recommendations relate to projects associated with responding to requirements in the RMA or from national direction, work to improve data and system processes and project to be strategic about future development in the District. This is work that is already programmed and budgeted for and will be undertaken in the 2019/2020 financial year. These recommendations are outlined below, being Recommendations 2, 4, 5,7,9,11 and 13 in the report attached in Appendix 1:
 - 17 Existing projects already committed too:
 - Recommendation 2: Work associated with the climate change work stream continues as planned.
 - Recommendation 7: Continue to progress the development of a project plan to scope progressing the district wide landscape values assessment (including geological sites).
 - Recommendation 9: Continue to progress the background work to inform a review of this section of the plan including consideration of alignment with the National Policy Statement for Indigenous Biodiversity

18 System / Data collection improvements:

- Recommendation 4, 5, 11, and 13: These recommendations all relate to accessing data and enabling existing systems to display data spatially. This relates to coastal, natural hazards, and rural zone development.

19 Future Development

20 This work would be reported back for consideration as a project plan first to the newly elected committee responsible for strategic resource management policy and planning work, including detail of resourcing requirements if such work is to proceed. The project plan will outline any additional resourcing required if necessary.

- Recommendation 17: That a project plan be developed to assess current and future development trends across the district.
- Recommendation 18: Data be gathered regarding demand and supply of residential, commercial and industrial zoned land within the 3 largest urban settlements of the district. That this data be integrated with GIS systems and spatially displayed.
- Recommendation 20: Source and analyse relevant data, potentially as part of the future development capacity project work and report back to Council on findings.

Watching Brief – Important but dependant on other actions

21 These recommendations relate to those areas of work that are important but are unable to be progressed at this stage given the pending release of national and regional direction. Council will be required to respond to the results of these projects but at this stage it is unknown when this will be initiated.

- Recommendation 8: Continue to have a watching brief on the development of the National Policy Statement for Indigenous Biodiversity.
- Recommendation 12: Continue to work collaboratively with Environment Southland on information gathering and analysis relating to hazards. Initiate discussions with Environment Southland regarding a review partnership.

As Resources are available

22 The third grouping of recommendations are those that have a longer timeframe to completion. These are able to be focused on in between priority projects and will be accommodated within existing staff resource and budget parameters:

- Recommendation 3: Review status of public access along the coastline, and the esplanade reserve mechanism provisions of the subdivision section of the plan.
- Recommendation 6: Develop guidance material to support the implementation of the permitted activity framework for the Visual Amenity Landscape overlay.

Recommendations to be referred to incoming Council for consideration

23 These recommendations relate to projects that are not to be undertaken in this triennium.

24 Compliance with National Direction / Legislation

- Recommendation 1: That the preparation of a State of the Environment Report be endorsed and provided for within the 2020/2021 Resource Management Policy Work Plan.

Future District Plan Review areas:

- Recommendation 10: Scope and develop a project plan to undertake further work as part of the future district plan review process into the state of heritage and earthquake prone buildings within the district and the potential mechanisms to address the situation.
 - Recommendation 14: Review the effectiveness of current rural density controls on achieving the desired outcomes of the rural zone as part of the rolling district plan review process.
 - Recommendation 15: Review the urban amenity standards as part of the rolling district plan review and future urban development work.
 - Recommendation 16: The necessity of the accessory building maximum height rule be reviewed as part of the omnibus technical plan change work during the 2019/2020 year
- 25 This report asks the committee to endorse the findings of the monitoring report and associated recommendations.

Factors to Consider

Legal and Statutory Requirements

26 Section 35 of the Resource Management Act 1991 (RMA) sets out monitoring requirements for the range of functions that local government performs under the RMA including:

- State of the environment monitoring
- Efficiency and effectiveness of the policies, rules or other methods
- Efficiency and effectiveness of processes (timeliness, cost and overall satisfaction)
- Exercise of resource consents

27 Every 5 years a review of the results of monitoring the efficiency and effectiveness of the policies, rules or other methods is required to be complied and made public.

28 The first monitoring report was completed in December 2017 and covered the first two financial years that the majority of the proposed District Plan was treated as operative July 2014 – June 2016. The reason that the majority of the plan could be treated as operative was because most provisions did not get appealed and can be considered legally operative. This means that they superseded the 2001 District Plan.

- 29 The Resource Management Team is required under the Long Term Plan to produce a bi-annual monitoring report as part of its Key Performance Indicators. This report is fulfilment of that requirement.

Community Views

- 30 As discussed above the results of the monitoring process are to be made available publically. Given the size and scope of the 2019 monitoring report a short graphically designed summary will be prepared for the council website, with the full document available for those who would like more information.
- 31 This process does not involve feedback or collation of community views.

Costs and Funding

- 32 The preparation and production of the 2019 monitoring report was undertaken within the existing resource management policy budget.

Policy Implications

- 33 There are a range of important findings from this monitoring cycle that will have wider policy implications. These are the subject of specific project planning processes and will be brought back to the relevant committee as appropriate for discussion and approval.

Analysis

Options Considered

- 34 Given the RMA and the Long Term Plan require the monitoring and reporting on the District Plan it is considered that there are only two options available. Firstly, that the monitoring report is endorsed and adopted by full Council, or secondly that the report is not endorsed.

Analysis of Options

Option 1 – Endorse recommendations and adopt the monitoring report

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Compliance with the RMA and the LTP requirements are met.• Work to understand and address strategic planning matters is initiated in a timely manner.	<ul style="list-style-type: none">• Additional work may require additional ongoing resourcing to be committed in the future.

Option 2 – Do not endorse the findings of the monitoring report

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Resources are not committed to future work streams.	<ul style="list-style-type: none">• Legal compliance with the RMA and the LTP requirements is not achieved.• Work to understand and address strategic planning matters is delayed.

Assessment of Significance

- 35 The work outlined in some of the recommendations of the report has the potential to impact the current and future social, economic, environmental and cultural wellbeing of the Southland Region. Appropriate engagement with Te Ao Marama and community will be undertaken through each specific project. It is not considered that the endorsement or adoption of the recommendations in the monitoring report is a matter of significance under the Local Government Act 2002.

Recommended Option

- 36 Option one is the recommended option to ensure legal compliance and transparent work flow planning. The recommendations also reflect the desirability of the new Regulatory and Consents Committee and Council having input into future focused work in the Resource Management area.

Next Steps

- 37 If the report is adopted staff will continue to progress development of project plans and background information gathering in preparation for working with the incoming council on key strategic planning and resource management matters.

Attachments

- A District Plan Monitoring Report - 2019 [↓](#)

District Plan Effectiveness Report

Results of biannual monitoring

1 July 2016 – 30 June 2018

Author: Rebecca Blyth

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Document Revision

Date	Amendment	Amended by	Approved by	Approval date

Date	Amendment	Amended by	Approved by	Approval date

Executive Summary

This report has been produced in part to fulfil the Council's legal requirements, but also provides valuable information on how the District Plan is functioning and what potential amendments or emerging issues need to be progressed. Monitoring closes the feedback loop within the policy development cycle ensuring that the purposes of the resource management legislation and the aspirations of the local community are addressed in a timely and informed manner.

An intentional decision was made in compiling this second monitoring report to take a proactive forward looking stance. How we live and make decisions on resource use and development is significantly influenced by what is happening around us. How our environment is responding to the decisions that have been made in the past will affect where we want to live, how we develop our land and the services that we will require to support the way we live in the future. These are matters that require consideration in our planning decisions as we move forward within a rapidly changing world.

Findings

Overall the District Plan is functioning well

The District plan was made operative in January 2018, with the majority of the plan having been treated as operative since December 2014. The majority of the plan is functioning appropriately as is expected given the recent nature of its development. There are several adjustments that could be made to the most frequently used parts of the plan (Rural and Urban) and recommendations are made to consider this as part of future review work.

There is a lot of National and Regional policy development occurring

There is a significant level of change to policy direction being signalled at a national and regional level, which has the potential to fundamentally shift the level of intervention that the District Plan has currently in subdivision, landuse and development. Currently the areas that are likely to be affected by this work relate to biodiversity, coastal environment, climate change and associated natural hazards. The scope of this change is yet to be understood and therefore it is difficult to estimate the effect on resources.

Better visibility of development trends is needed

Better visibility of the existing information on subdivision, land use and development collected through consent processes and other sources could assist in providing a clearer understanding of what is happening throughout the district. This will be necessary to be responsive to future development trends.

There are some emerging issues that need to be looked into

There are key areas within the District that are experiencing growth and development challenges. Increased urban development in Winton and Te Anau, tourism development in Milford Sound and the potential for cross boundary development in Northern Southland are all areas that are known to Council as experiencing growth. To enable Council to respond in a considered and strategic manner further work into understanding what is happening and the drivers for this change is recommended.

Recommendations

A range of recommendation are made to address the findings of the monitoring, these are contained at the end of this report. The recommendations are ordered by topic and colour coded to enable identification of an order of priority.

Introduction

Purpose of this report

The Council is required by Section 35 of the Resource Management Act 1991 to monitor the state of its environment (or specific parts) and the efficiency and effectiveness of policies, rules and other methods within its plan. The results of this monitoring are to be compiled and made available to the public at a minimum every 5 years.

This report has been produced in part to fulfil the Council's legal requirements, but also provides valuable information on how the District Plan is functioning and what potential amendments or emerging issues need to be progressed. Monitoring closes the feedback loop within the policy development cycle ensuring that the purposes of the resource management legislation and the aspirations of the local community are addressed in a timely and informed manner.

A proactive forward looking stance – rather than backward and reactive

An intentional decision was made in compiling this second monitoring report to take a proactive forward looking stance to the framework within which data has been gathered and considered. This acknowledges that the District Plan and the resource management system fits within a wider societal and environmental context. How we live and make decisions on resource use and development is significantly influenced by what is happening around us. How our environment is responding to the decisions that have been made in the past will affect where we want to live, how we develop our land and the services that we will require to support the way we live in the future. These are matters that require consideration in our planning decisions as we move forward within a rapidly changing world.

This report takes a broad context view first, starting with the national state of our environment and how this flows into the district level. The national state of the environment report will be informing decision making at a national level and influencing the resource management system within which planning currently occurs. Wider district trends are identified and discussed as they influence the manner in which the resource management process is responding.

The second part of this report reviews the monitoring results of specific district plan topics. The topics are addressed in a cascading manner – starting with the matters of national importance under the Resource Management Act 1991 and then working through the areas of the plan most used or known to provide useful information regarding development trends or pressure that may require response from Council.

For each topic the objectives within the District Plan are considered against the issues, and results of indicator data. Recommendations for responses including further work are also made and will inform a future rolling district plan review programme.

The data analysed is for the period covering 1 July 2016 – 30 June 2018.

This report also informs other planning and policy work undertaken by the Council and fits within the overarching strategic framework of the organisation. This framework is expressed through the Organisation's Vision, Mission and Community Outcomes:

The Vision **“Southland - one community offering endless opportunities”** describes Council's overall direction and the aspirational future state of Southland. This underpins the manner in which Council will go about its work.

The Mission **“Working together for a better southland”** describes what the Council wants to achieve and how it will do that.

The end result of achieving the vision for the Southland community is described as Community Outcomes. These are described as:

- Proud connected communities that have an attractive and affordable lifestyle;
- Resilient communities that leave a legacy for tomorrow.

The District Plan Effectiveness monitoring reports provide a snap shot of how progress is being made towards aspects of this vision and outcomes that relate to resource management. For example, for communities to feel connected and have an attractive lifestyle it is important to have environments with high amenity and that are designed well. For communities to be resilient they will require hazards to be appropriately identified and managed. The results of this report will inform the development of the next long term plan to help shape and inform on progress towards the overall vision for Southland District.

Strategic Context

State of the Environment

Nationally

In April 2019 the Ministry for the Environment and Stats NZ released the *Environment Aotearoa 2019* report – a synthesis of previous reports on specific aspects of New Zealand’s environment. This is a legislative requirement under the Environmental Reporting Act 2015.

Every six months a report is produced that focuses on a different ‘domain’ – air, freshwater, marine, atmosphere and climate, and land. Every three years a synthesis report is produced which brings together data and findings from across all the reports. These reports monitor the state of the environment, identify pressures and consider the impacts that may occur as a result of those pressures on the state of the environment.

The report identifies nine specific issues as a result of looking across all five domains.

1. Our native plants, animals and ecosystems are under threat.
2. Changes to the vegetation on our land are degrading the soil and water.
3. Urban growth is reducing versatile land and native biodiversity.
4. Our water ways are polluted in farming areas.
5. Our environment is polluted in urban areas.
6. Taking water changes flows which affect our freshwater ecosystems.
7. The way we fish is affecting the health of our ocean environment.
8. New Zealand has high greenhouse gas emissions per person.
9. Climate change is already affecting Aotearoa New Zealand.

While many of these issues could be seen to be outside of the jurisdiction of a District Council or District Plan to influence or consider, it is important to note that the District Plan sits within a wider planning and policy framework for resource management. Any changes that will occur to legislation, national direction and regional plans as a result of the findings of these reports and the Regional Council’s own environmental monitoring (much of the data in the national report is sourced from regional councils) will flow down into changes to the District Plan in the future. There is potential for amendments to occur to the manner in which activities may establish under the District Plan and the way land may be developed. Likewise, land use activities influence water quality, both inland and coastal.

With regard to local data gathering on the state of the environment the Council is required to monitor the state of the environment under the same section of the Resource Management Act 1991 that requires the effectiveness of the District Plan to be reported on every five years. A specific state of the environment report has not been produced since the District Plan was made operative in 2018.

However there are aspects of this monitoring report that can be considered to provide information on the state of, and pressure on the district’s environment, from a district council perspective:

- **Land use change:** this is covered at a high level below
- **Population change** this is covered at a high level below

- **Demographic composition and change** covered at a high level below
- **Indigenous Vegetation clearance** discussed in the monitoring section under biodiversity
- **Areas of urban and rural residential expansion** discussed in the monitoring section under future development capacity.
- **Increased access to coastal margins, lakes and rivers** this is covered in the monitoring section under coastal environment and has links to esplanade reserves matters.
- **Increased tourist attractions or services associated with the tourism industry** this could be ascertained to some extent by a review of the types of commercial resource consents and consents within the Fiordland Rakiura Zone. Some discussion of this is provided within the future development capacity section of the monitoring section of this report.
- **Development occurring in hazard prone areas** as climate change will impact more severely in areas already vulnerable to flooding and coastal inundation. There is a level of information provided in this monitoring report under the coastal environment section and the natural hazards section.

A further source of information could be drawn from:

- **Demand for new or increased water supply services** this is not covered in this report, however information could be sourced regarding where our water supplies are located and what the volumes per consenting / allocation round are showing.

Recommendation 1: That the preparation of a State of the Environment Report be endorsed and provided for within the 2020/2021 Resource Management Policy Work Plan.

Southland District Context

Land Use Change

A regional council report regarding land use change in the Southland Region was produced in 2013 (Land Change in the Southland Region by G Legard). This showed that the majority of the rural area land is used for sheep/beef/deer farming (26%). Dairying accounted at that time for 6% of land area. It is probable that additional land was converted to dairying for several years after the report was completed although this trend will be likely to have slowed in the last couple of years given the volatility of the pay out and uncertainty within the regulatory environment. Overall, 57% of the region was covered in indigenous forest, indigenous shrubland and tussock. The District's land use patterns have remained similar to those reported in 2013. It has been suggested that future rural land use change may be from pastoral to forestry, given a shift in focus to creating a low carbon economy and associated incentives. The likelihood of this happening in Southland will need to be monitored carefully.

Population, Demographics and Southland Economy

As part of the preparation for the 2021 Long Term Plan, work has been commissioned into understanding where Southland District is now, where the district is heading and where the district actually wants to be. This work will, alongside the development of the assumptions that sit behind the Long Term Plan, assist the Council in making informed decisions about planning for the future of the District and its communities.

The report reader is directed to these reports for the forecasting assumptions of population, demographics, the Southland economy and related matters, so these are not duplicated in this document.

From a strategic planning and resource management perspective the following aspects of the reports are relevant:

Population growth is not consistent across the district – this raises affordability, equity and equality challenges

While the district's population is projected to continue to grow at a medium rate this is not spread evenly across the townships of the district. This is seen in the continued growth of Te Anau and Winton and an increasing need to consider 'where to next' for these townships and their development. The converse of this trend is that there are townships that are projected to have population decline. From a planning perspective this creates challenges around levels of service, ability to replace or retain infrastructure and maintain amenity within townships.

With an aging population the work force dynamics change

The proportion of people over 65 is projected to increase significantly while the working age group does not. With the economy and employment projected to grow, Southland is projected to experience a labour shortage. This may limit further development or establishment of business and industrial activities. This may also lead to the continued pattern of people travelling from one part of the District (potentially a township) to their place of employment. This could have an impact on the level of support local businesses receive from their township population as they are absent during business hours.

The type of businesses and industries shape the manner in which land is used

Southland's pattern of commercial and industrial activity means that we have smaller offices, but bigger factories and warehouses, the dairy industry being an example. These have the potential to require large land areas, be separate from urban settlements and have concentrations of effects that need to be carefully managed. How likely it is to have additional large factories constructed from a green field site is unknown, however continued expansion and aggregation is likely over time from existing industries.

Small businesses make up the majority of the businesses in Southland with an average business employing 2.4 Full Time Equivalent staff. The new census figures will be useful to understand where these businesses are located, whether they are within the urban areas, rural townships or rural areas across the district.

The main industry in southland is primary sector based or dependent on primary sector activity. This means that any change to the world markets for our primary sector products results in changes to development and spending, from rural based activities or service industries. This means there can be unpredictable levels of development, even within different types of primary sector activity.

Southland has a strong tourism industry and this places additional demands on our natural resources and the locations of our tourist attractions. Careful planning and management of growth will be needed to ensure the areas that attract visitors continue to maintain their unique amenity and environmental qualities in the face of increasing tourist numbers.

Climate change also has the potential to affect future tourism trends as the environmental impacts of travel continue to be understood. This may increase the cost of travel and decrease the number of visitors to the district.

Home ownership is declining rapidly – where are the first homes?

Southland has had a high level of home ownership, this is however declining and at a faster rate than the rest of New Zealand. This is interesting given Southland has been rated as the most affordable place to buy a house in New Zealand. There is a need to understand the reasoning behind this and what aspects are influenced by the Council's policy settings for land development.

Climate change will present opportunities and challenges

Changes to the climate are predicted to accelerate over the next 100 years. The potential ramifications of these changes will provide opportunities and challenges that will need to be addressed through collaboration and partnership between individuals, whanau, community and government.

A Southland Planning Working Group has initiated background work into the likely implications of projected climate change for the Southland Region and a preliminary report was produced and reported to Council in May 2019. Further work to understand the implications for specific activities and locations is scheduled by the Regional Council and there is potential for a joint LiDAR project to be initiated to provide accurate ground level readings across Southland.

Once these accurate levels are known finer grained modelling can be undertaken to demonstrate likely floodplain mapping, sea level rise, and storm surge coastal erosion effects of climate change. This enables forward planning and investment decisions to be well informed.

While the specifics of the climate change are yet unknown, it is known that the extremes of weather cycles are projected to increase. To enable a responsive approach to these changes, greater connectivity and flow of information to all parties will be necessary. The resilience of Southland as a whole can be strengthened as sharing of ideas and knowledge increases.

Resource Management Context

National Legislation Changes, Direction and Policy Development

Since the 2017 District Plan Monitoring Report was released a number of changes in the national planning framework have occurred.

The Resource Management Amendment Act 2017 was passed into law in April 2017 and contained close to 40 amendments to the RMA 1991 and a range of other related legislation. Of note the amendment act brought into effect a framework to establish a National Planning Standard to improve the consistency of RMA plans and policy statements. The first set of standards came into effect on 5 April 2019 and Southland District Council has five years to adhere to the requirements set out in those standards.

The amendment act also brought into effect new resource consent exemption and fast track processes. This has affected the overall number of land use consents for certain types of activities under the District Plan.

Several national direction instruments were released during the reporting period of this monitoring report. National Policy Statements on Urban Development and Freshwater Management (amendments) came into force, and while creating additional requirements for resource management plans will have minimal effect on Southland District Council's resource management context. More significantly a draft National Policy Statement on Indigenous Biodiversity has been released with a proposed statement due to be notified in mid-2019. The purpose of this statement is to improve the way regional and territorial local government provide for indigenous biodiversity within their resource management plans. Depending on the shape of the final National Policy Statement this could have very significant implications for the Southland District Plan. For example if detailed significant natural area identification is required.

National Environmental Standards for Telecommunication Facilities and Plantation Forestry were released which set national level regulations that override aspects of the District Plan rule framework. In particular the National Environmental Standard for Plantation Forestry regulations required that, those rules that duplicated or were more stringent in district plans than the National Environmental Standard be removed as soon as practicable. This change to the Southland District Plan was undertaken in October 2018.

Southland District Council made a number of submissions on the regulations related to Plantation Forestry. A review is currently about to be initiated into the effectiveness of aspects of that national standard given it will have been in effect for one year in May 2019. The full effect of the plantation forestry regulation will not be seen in this reporting period, but will become more evident in the next couple of monitoring reports in terms of the environmental outcomes of the national approach.

Partnership with Ngai Tahu and Te Tangi a Taurira

The Southland District Council, alongside other local government in this regional area, are active participants in a partnership relationship with Te Ao Marama Incorporated (on behalf of the Runanga Paptipu of Murihiku) embodied with a Charter of Understanding "*He Haurahi mo Hga Uri Whakatipu*" (A pathway for generations coming through). The charter is endorsed by Te Runanga o Ngai Tahu, as the iwi authority on behalf of the Ngai Tahu tribal collective.

The Charter sets out the basis and conduct of all the parties within the context of both the Resource Management Act 1991 and the Local Government Act 2002, providing for the following matters:

- A basis for ongoing relationship between the relevant local authorities and the tangata whenua of Murihiku to assist in developing the capacity of Maori to contribute to decision making processes.
- A foundation for consultation on a wide range of local government issues.
- For the recognition and willingness of Te Ao Marama Inc to assist all Councils in consultation with Nga Matawaka (other Maori, who are not Ngai Tahu) living in Murihiku.

Te Tangi a Tauira (The Cry of the People) is an Iwi Management Plan, developed by Ngai Tahu ki Murihiku and is an expression of kaitiakitanga, being the exercise of guardianship / stewardship by the tangata whenua of the area and resources in accordance with tikanga Maori. This management plan documents values, knowledge and perspectives on resource management and broader environmental issues. It identifies the primary issues, policies and management guidelines for resource management, wahi tapu and wahi taonga.

The Southland District Plan 2018 was developed giving recognition to Te Tangi a Tauira, with tangata whenua interests woven throughout. This was intentional to reinforce the Ngai Tahu philosophy of '*kei uta kei tai*' (from the mountains to the sea) holistic resource management. This report does not assess the effectiveness of the district plan framework with regard to Tangata Whenua matters as this will be the subject of future monitoring. Council maintains regular face to face meetings and discussions on resource management matters and enjoys an open working relationship with Te Ao Marama. This provides the opportunity for any matters that require review or consideration to be incorporated into the specific work stream or day to day work of the resource management team. There has been some recent preliminary discussion on the opportunity to undertake a review of Te Tangi a Tauira.

Regional plans and policy development

The Southland Regional Council (Environment Southland) is currently undertaking the development or review of the following plans and policies:

Water and Land Regional Plan – this plan sets the overall framework for the management of fresh water within the region and includes activities such as discharges to water, taking and using water, structures and activities within the bed of a river. This plan is currently in the appeal phase with dates for Environment Court hearings set down to begin in May 2019. An assessment of the regional plans implications on the District Plan was undertaken during the development of both plans and any relevant matters addressed at that time.

In addition to the Water and Land Plan process the second phase of requirements under the National Policy Statement for Freshwater Management relating to catchment limit setting has been initiated. This will result in a proposed plan change being recommended by the recently established regional forum to the Regional Council by mid-2021. The Regional Council will notify a proposed plan change by mid-2022.

Regional Coastal Plan – This plan is currently under review and the likely notification of a proposed new plan by mid-2020. This will have implications for the policy direction contained within the District Plan with regard to coastal activities and subdivisions where activities occur both on land and within the coastal margin. In addition the Regional Council has not determined whether they wish to prepare a traditional Coastal Plan that focuses on matters below Mean High Water Springs or a more encompassing "Coastal Environment" Regional Plan which would extend inland over land considered to be affected by coastal processes.

Regional Biodiversity Strategy – A draft Regional Biodiversity Strategy has been developed through a collaborative community process with representatives from Biodiversity Southland. Biodiversity

Southland includes representatives from all the Southland local government agencies alongside other groups involved or interested in biodiversity.

The development of a regional strategy is in accordance with the requirements set out under the Regional Policy Statement and a range of non-regulatory methods will be established. As a partner to the achievement of the strategies objectives, the District Council will need to consider the implications alongside the directive under the RMA to maintain and protect indigenous biodiversity.

Department Of Conservation plan development / projects

The Southland region has 53% of its land area managed as public conservation land, most of which is contained within the two national parks, being Fiordland National Park and Rakiura National Park. The Department of Conservation has developed a Southland Murihiku Conservation Management Strategy and National Park Management Plan for both national parks within the district. The Fiordland National Park Management Plan is now due for review and at this point in time the review has not yet been scheduled. This review will have implications for the District Plan policy and rule framework where it applies to national park land.

Changes to the District Plan since last report

The District Plan was still in a proposed state until formally made operative on 22 January 2018. During the two year monitoring period of this report 1 July 2016 – 30 June 2018 two separate amendments were made to the District Plan.

The first amendment was undertaken while the plan was still in a proposed state as a Variation. Variation 2 created the Rural Settlement overlay (over 16 settlements) on the planning maps and an additional rule framework for dwellings within this overlay. This affected 15 different planning maps. The variation also addressed several implementation matters that had arisen over the first two years of implementation of those parts of the plan that had legal effect. Variation 2 came into effect on 12 September 2016.

The second change was to remove the duplicative or more stringent Forestry Activity rules as directed under the National Environmental Standard for Plantation Forestry. These came into force on 1 May 2018 and were removed in October 2018.

Resource Management Activity

The Southland District covers a significant land area (30,000km²) which constitutes approximately 11% of the total land area of New Zealand. It is difficult to determine patterns of different types of development across the district beyond a generalised comment that most of the District's resource consents are for activities within the rural zone, with rural subdivision being the predominant type of activity. Below are tables showing the most common type of consent that the Council processes.

Table 1: Total consents by type					
Consent type	2013/14	2014/15	2015/16	2016/17	2017/18
Land use	200	195	176	101	137
Subdivision	87	68	86	54	123
Total	287	263	262	155	260

Consents have remained at fairly constant total numbers over the last five years. There was a dip in 2016/17 financial year, this is likely due to the effect of the variation to the District Plan to amend the side yard requirement and provide for a minor height encroachment to be exempt (Variation 2).

There has been a shift in the type of consent in the most recent year to an almost even split between land use and subdivision consents. This potentially can be attributed to the wider influences of district trends such as increased residential development, rural residential development, primary sector performance and tourism growth for example, driving a greater number of subdivision consents. Also likely to be influencing the number of land use consents that Council receives is the amendments to the Resource Management Act 1991 which introduced permitted boundary encroachment processes for side yard setbacks and height encroachments. These are still required to be processed by Council but are not longer considered land use consents.

Declined consents:

Council declined two consents over the reporting period. These were both subdivision consents, one to create five lots in the rural zone, and the other to create 12 lots in the Stewart Island Urban Zone.

The Rural Zone application was located in the vicinity of Te Anau and was declined as it was considered the proposal would generate adverse effects that were significant and unable to be avoided, remedied or mitigated. These effects related predominately to the intensity of the development and its effects including cumulative effects on rural character and amenity.

The Urban Zone subdivision was declined due to insufficient information being supplied to enable Council to assess the effects of what was proposed.

Table 2 shows the five most common land use consents applied for in the last four years (across all zones).

Table 2: Most common land use consent							
2014/15		2015/16		2016/17		2017/18	
Gravel extraction	27	Boundary infringement	26	Breach of 150m / establish rural building platform	17	Urban amenity (bulk & location)	21
Boundary infringement	16	Breach of 150m separation	15	Commercial activity	16	Commercial activity	18
Change of conditions	16	Gravel extraction	13	Urban amenity (bulk & location)	14	Breach of 150m / establish rural building platform	15
Breach of height	13	Commercial activity	11	Gravel extraction	8	Gravel extraction	6
Staff accommodation	11	Visitor accommodation	9	Rural – accessory buildings	4	Rural – other buildings	6

As noted in the comments above, various influences are seen in the reduction of boundary activity and gravel extraction consents and the increase of commercial activities and urban amenity breaches. Gravel extraction limits were increased in the 2018 District Plan thus reducing the number of consents for smaller amounts of gravel.

Table 3 below shows the most common types of subdivision consent applied for, which has consistently been two lot subdivisions within the Rural Zone over the last four years.

Table 3: Most common subdivision consent							
2014/15		2015/16		2016/17		2017/18	
Rural – two lot	39	Rural – two lot	27	Rural – two lot	18	Rural – two lot	32
Boundary adjustment	15	Boundary adjustment	21	Boundary adjustment	11	Urban Zone subdivisions	17
Rural – three lot	10	Rural – three lot	7	Urban zone subdivisions	10	Boundary adjustment	12

This subdivision trend is understandable given the large rural nature of the District. The predominant reasons for rural subdivisions are to enable the subdividing off of an existing dwelling, or to provide a separate title on a smaller piece of land to enable a new dwelling to be constructed. Often the remaining lot is amalgamated with a neighbouring property. Boundary adjustments provide for the reconfiguration of land ownership and the transferring of parts of a property to an adjacent property.

At a high level it can be ascertained that the majority of consents are located in the vicinity of the Te Anau basin, other tourist areas and the main urban areas of the district. Generally there is very limited development activity in the traditional rural service towns across the district.

Complaints

A review of the complaints, loaded into the Council's system as 'Requests for Service' (RFS), indicate that there have been approximately 10 complaints registered mainly related to consented activities compliance with their conditions of consent. Given the low number of complaints received over this time period a trend or 'pressure' on the environment is difficult to determine. Work is being undertaken by the Customer Delivery Group to ensure that all sources of complaints are consolidated as sometimes complaints come directly to staff via email. Therefore the number of complaints through the RFS system is unlikely to represent a full snap shot of complaint driven activity. It will be important to have a full picture of those when assessing district plan effectiveness.

Monitoring Results

Coastal Environment

The coastal environment is identified on the District Planning Maps as an overlay and generally has identified areas that are influenced by exposure to coastal processes. The coastal environment is characterised by natural character, natural features and landscapes and visual qualities associated with the coast. The Regional Council has responsibility for managing the coastal environment within the Coastal Marine Area (the area below mean high water springs).

The Coastal Environment Chapter in the District Plan contains objectives and policies which set policy direction for activities and development in the coast. Matters related to the coastal environment are interlinked and as such there are also objectives and policies in other parts of the District Plan that form part of this policy direction. For example within Sections: 2.6 Subdivision, 2.3 Landscapes, 2.2 Biodiversity, 2.5 Heritage, and 2.7 Natural Hazards.

The rules relating to activities within the coastal environment are contained within the relevant zone in which the coastal environment is located. Therefore there are rules in the Fiordland/Rakiura Zone, Rural Zone and Subdivision Sections of the District Plan.

The Regional Coastal Plan 2013 is currently in the initial stages of being reviewed by the Regional Council. Southland District Council will be involved in providing feedback on the respective policy formulation documents to ensure any relevant district matters are raised. The District Plan is required to be consistent with the Regional Coastal Plan where relevant, therefore an assessment of alignment will need to be undertaken and any plan changes undertaken at the conclusion of that regional plan process.

District Plan 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.

Issues

Potential for coastal development to impact on the natural character values of the coastal environment.

Increased risk of being affected by coastal inundation or coastal processes.

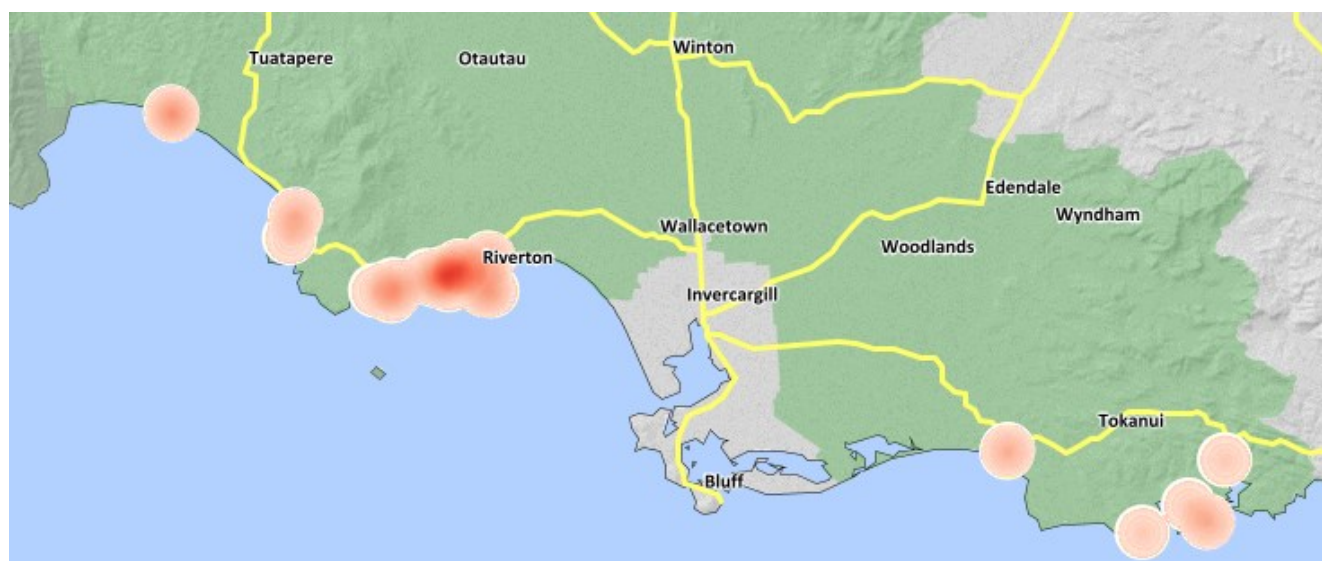
Loss or lack of public access along the coast.

Indicators

Number and nature of resource consents within the coastal environment overlay

Type of consent	No:	Summary of type of activities
Subdivision	6	Majority of these were for two lot subdivisions
Land use	5	Tourism activities and facilities

Heat Map showing locations of consents along the coast for this time period.



Number and nature of resource consents on the seaward side of the coastal hazard line

Type of consent	No:	Summary of type of activities
Subdivision	2	A two lot subdivision and the creation of a leasehold section.
Land use	6	4 Dwellings or extensions to dwellings
		2 Businesses – the Rakiura Heritage Centre and a tourism activity

As part of further work to understand the extent of existing dwellings located within the coastal hazard area it is suggested that work to gather data for the above indicator (in grey) is undertaken: This will provide a base line for understanding the total exposure of dwellings in the coastal area to coastal processes.

Total number of existing dwellings located within the coastal hazard area.

Extent of public land along the coast line

Baseline data is yet to be captured showing where access is provided to the Coastal Marine Area along with identification of any locations that are a priority for access to be achieved. A new indicator is proposed to enable ongoing observation of how progress is being made towards meeting the objective of providing for the maintenance and enhancement of public access to the coastal environment.. The indicator is shown in grey below.

Number of new access easements created to enable coastal access

Discussion

The results of the indicators show that currently coastal development is occurring at low levels along specific areas of the coast line. This was also the conclusion from the 2017 Report, along with recommendations to develop methods to collect meaningful development data and information going forward.

Given the low level of coastal development at this time it is likely that the existing natural character of the coastal environment has been maintained. It will continue to be important to develop ways of capturing information on development within the coastal environment including building consents as ongoing monitoring will help inform future decision making. This also indicates that there continues to be low development within the coastal hazard area, although the total exposure of people to a coastal hazard (ie number of existing dwellings over the coastal hazard line on the planning maps) is not known at this time.

Climate change will have a significant impact on the coastal settlements within Southland District. It is known that areas of Colac Bay, Orepuki, Fortrose and Stewart Island/Rakiura are subject to coastal processes that are causing erosion resulting in loss of land and council roading infrastructure. As part of a joint regional project, work into understanding the implications of climate change on Southland has been initiated and will continue to be ongoing. This work will provide valuable information that will inform the next review of the Regional and District Planning documents. This monitoring report will continue to incorporate specific findings from those further studies that are currently being scoped and recommend amendments as necessary.

The review of the Regional Coastal Plan will provide background research into the pressures on the coastal environment and the potential effects on its natural character. This will provide valuable information that the district council is unable to gather from consent data alone. This will also result in the need to review the coastal environment policy framework within the District Plan to ensure that the provisions are consistent with those developed at a regional level. This will also affect other parts of the plan and a watching brief with active input is being maintained by policy staff. The Regional Council has indicated that the likely timeframe for public notification of the proposed plan is sometime around mid-2020.

Current Policy and rule framework. It is noted that the Council made a deliberate decision in the development of the District Plan to not have rules in the urban area that required resource consent for dwellings constructed on existing titles within the coastal hazard overlay. Currently Council utilises a referral process for building consents that are for buildings within the flood hazard overlay. This involves the building consent application being sent to the Southland Regional Council for comment and advice on minimum floor levels. The appropriateness of this approach will be reconsidered in any work resulting from the coastal plan and the climate change work stream and would be incorporated into the rolling review of the District Plan. The current approach that the District Plan takes towards development within the coastal hazard area is likely to be realigned to be more proactive in protecting development from increased exposure to hazards.

Access to the Coastal Marine Area

As the 2017 Report indicated the Southland coast has portions of public access provided through a range of mechanisms such as reserves, public road, or public conservation land held by the crown. The District Plan objective indicates that the coastal environment is to be managed in a way that provides for continued access to the coastal marine area and where appropriate enhances this access. This does not mean that, access to the entire coastline is the desired outcome rather that, at the time of development processes under the District Plan give consideration to whether access should be provided or maintained.

The Council does not currently have a strategy that highlights priority areas where access to the coast is to be pursued. It is likely that work will be undertaken as part of a review of the Reserve Management Plans and Open Spaces Strategy.

The 2017 Report highlighted that the Subdivision Section of the District Plan does not clearly provide for esplanade mechanisms to be implemented along the coastline. Given esplanade mechanisms are a tool to achieve the coastal access objective a review is recommended in conjunction with the Community Facilities and Property Sections of the Council.

Response

Recommendation#: Work associated with the climate change work stream continues as planned.

Recommendation #: Review status of public access along the coastline, and the esplanade reserve mechanism provisions of the subdivision section of the plan.

Recommendation#: Undertake work to enable Building Consent data to be extracted from pathways against zones and overlays to show exposure of buildings to coastal processes.

Natural Features and Landscapes

This District Plan sought to incorporate additional regulation relating to the management of activities within more sensitive parts of the Southland landscape. Objectives and policies were included in a separate section of the District Plan thus creating a distinction between different types of landscapes. The areas that hold the highest landscape values are called Outstanding Natural Features and Landscapes (Section 6(b) of the Resource Management Act 1991). The second tier landscapes are called Visual Amenity Landscapes, have high aesthetic value and are predominately rural working landscapes. In summary parts of the District have been assessed for their landscape values and these are shown as overlays on the district planning maps.

Rules relating to activities within these landscapes are contained in the Rural and Fiordland / Rakiura Zones.

The District Plan has also listed in Schedule 5.9 the sites that are considered to be significant Geological Sites and Landforms. These sites are also identified on the district planning maps. The detailed list of sites was sourced from the Geoscience Society of New Zealand 'New Zealand Geopreservation Inventory'. There are no specific rules relating to the management of activities on the listed sites however, any discretionary activity would be required to consider whether or not there is likely to be an effect from the activity on the feature or landform listed.

A joint Southland councils' project has been initiated to undertake a region wide landscape assessment to identify those landscapes across the region that are considered to have outstanding values and amenity value. The assessment will include geological site information as part of the layers of information used to determine whether a landscape is outstanding or not. This project will also include community engagement to identify the values that our communities place on their landscapes.

District Plan Objectives

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

Issues

Inappropriate development can adversely affect the attributes of a landscape that make it special.

Are the rules set at the right level of intervention to achieve the objectives?

Are there areas of development pressure within landscapes that have not yet been classified?

Indicators

Number of land use consents within the Outstanding Natural Features and Landscapes overlay.

Date range	No:	Summary of type of activities
1 July 2014 – 30 June 2016	1	Earthworks within the Fiordland National Park Zone
1 July 2016 – 30 June 2018	18	10 – Fiordland National Park development and establishment of tourism associated activities and facilities
		5 – in the Fiordland Rakiura Zone and outside a National Park.

Date range	No:	Summary of type of activities
		3 – in the coastal area

Number of resource consents for building in the Visual Amenity Landscape overlay.

Date range	No:	Summary of type of activities
1 July 2014 – 30 June 2016	1	Accessory building not meeting setbacks
1 July 2016 – 30 June 2018	19	10 – Activities already requiring consent (commercial, visitor accommodation, recreational activities in the rural zone)
		5 – Subdivisions
		3 – Specific VAL rule breaches (accessory buildings and dwellings)

Number of subdivisions within the Outstanding Natural Features and Landscapes overlay.

No subdivision consents were approved during the time period of this report.

Proposed for next report:

Number of building consents granted within the Mountains Overlay.

Number of building consents granted in the Visual Amenity Landscape overlay.

Discussion

Outstanding Natural Features and Landscapes

The number of land use consents in the Outstanding Natural Features and Landscapes overlay (ONFL) has significantly increased between the two reporting cycles. The results of the monitoring show that the majority of the consents are related to activities and developments within the Fiordland/Rakiura Zone and within the Fiordland National Park area itself. This development is likely to be related to an increase in visitor numbers that the Fiordland National Park has been experiencing in recent years.

The majority of the consents for activities in the Fiordland National Park are for activities and development within the Milford Township area which is encompassed within the wider Fiordland/Rakiura Zone and is subject to the ONFL. There are no specific development area rules for the Milford township area and as such any development will trigger a Non-Complying activity resource consent.

The high number of consents for activities within the township area indicates that potentially this area may benefit from a specific development area concept plan supported by specific landscape advice. This could also encompass wider spatial planning matters and would require a partnership approach given the number of stakeholders involved. Matters regarding Milford Sound are discussed specifically under the Future Development Capacity Section later on this report.

Outside of the Fiordland/Rakiura Zone the majority of the ONFL layer is located along the Southland Coast line. There has been few consents within this part of the ONFL layer and these relate to extensions of existing buildings as well as the Catlins Alternative Coastal Route roading project.

The ONFL provisions also work together with the other sections of the plan (ie Section 2.4 Coastal Environment and Section 2.2 Biodiversity) to protect natural character.

It is considered that the District Plan approach is meeting the objectives for those areas that have been identified and incorporated as ONFL into the Plan.

Visual Amenity Landscape

The Visual Amenity Landscape (VAL) layer has permitted activity rules associated with it. These rules provide a permitted envelope within which development can occur without requiring resource consent. This also applies the Mountains Overlay which is supported by a policy framework and is incorporated into discretionary activity considerations where relevant. The permitted activity status is difficult to monitor through the resource consent system as data on permitted activities is not easily accessible. It is recommended that work continue on building data that can be spatially displayed or correlated to GIS planning layers.

A review of the consent data shows that the majority of consents within the VAL overlay were not as a result of the VAL specific rules for example, 15 of the resource consents would have been required even if the VAL layer was not in place.

What the VAL layer does facilitate is a wider policy framework to guide resource consent decision making of a discretionary nature. This is particularly important for subdivisions as they are the first point of development which is often proceeded by buildings and dwellings. Consideration of the appropriateness of those subdivisions, their design and layout is important within the VAL overlay.

The permitted activity framework for buildings and dwellings within the VAL requires certain measures to be undertaken to assist in mitigating the potential adverse effects of development within the landscape. In order to understand the outcomes of these rules a review of permitted buildings would be useful. This is something that could be included in a 'district rolling review' as part of a review of the existing landscape provisions.

Given the permitted activity status of dwellings and buildings in the VAL it is also recommended that clear guidance material be developed to show how compliance with the rules is achieved in practice.

The District Plan identifies that only part of the district has been assessed for its landscape values. It is recommended that work towards assessing the remaining part of the district continues as budget and work planning provides. This includes the review of the manner in which geological sites are managed within the District Plan.

This area also crosses over into the discussion relating to the Milford Sound village area and the Fiordland/Rakiura Zone. The entire Fiordland/Rakiura Zone is classified as an outstanding landscape.

Response

Recommendation #: continue to progress work on enabling data gathered within the Pathways system and the GIS system to be integrated and spatially interrogated.

Recommendation #: Develop guidance material to support the implementation of the permitted activity framework for the Visual Amenity Landscape overlay.

Recommendation #: continue to progress the development of a project plan to scope progressing the district wide landscape values assessment (including geological sites).

Biodiversity

The District Plan rules regarding the protection and management of indigenous vegetation took legal effect once the plan was made operative – on 22 January 2018. (Operative date for District Plan).

The plan provides a regulatory framework allowing for some clearance of vegetation in limited circumstances. The main approach in this rule framework is the use of a ‘blanket rule’ regarding clearance. Council has yet to assess the significance of all the remaining areas of indigenous vegetation and habitats of indigenous fauna within the Southland District.

Over the last two years a collaborative national working group has drafted a National Policy Statement on Indigenous Biodiversity (NPSIB). This draft policy statement was released in 2018 by the working group and has been adopted by the Ministry for the Environment to proceed through refinement and notification. It is likely that the Proposed NPSIB will be notified for a public submissions process late-2019. Indications are that this national direction will require a number of fundamental changes to the way that Southland, as a region, manages and protects its indigenous biodiversity.

A region wide desk top study has been initiated to collate all known information regarding terrestrial and aquatic biodiversity in Southland. This will facilitate the identification of Significant Natural Areas (SNA's) and wider directions likely to be in effect under the NPSIB. Any such work will take a significant period of time and it is likely that any amendments to the District Plan, as a result of the findings of this work, will form part of the new cycle of District Plan Reviews. The final form of the NPSIB will dictate the scope and content of future work in this area.

District Plan Objectives

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

Issues

Is the current district wide ‘blanket rule’ approach achieving the purpose of Section 6 of the Resource Management Act 1991?

Where are the pressures for clearance across the district?

Does the consent process achieve the desired outcomes?

Indicators

Indicator	1 July 2014 – 30 June 2016	1 July 2016 – 30 June 2018
Area of vegetation authorised to be cleared through resource consent.	2758.38ha	4.2920ha
Number of resource consents applied for to undertake clearance of indigenous vegetation.	11	5
Summary of activities	Pastoral farming, building platforms and access.	Walking tracks, roading, access to sites and building platforms.

Indicator	1 July 2014 – 30 June 2016	1 July 2016 – 30 June 2018
Area covenanted through Queen Elizabeth Trust (QEII) covenants.	197ha	2,180ha*
Number of High Value Area reports undertaken.	62	73** (covering 3,286ha)

*These are the total registration statistics and are not linked to whether a covenant was required as part of resource consent or not. A large area of the Mt Hamilton Pamu Farms (Landcorp) was covenanted in 2017, accounting for the large area during this reporting time period.

**This means that over the last five years an average of 34 reports have been completed per year.

Discussion

The number of consents to clear indigenous vegetation and the area cleared has dropped significantly from the previous reporting period. The types of activities involving vegetation clearance has also changed to be more associated with development of recreational activities. This can be seen as a general improvement in terms of meeting the overall objective of protecting indigenous biodiversity.

The biodiversity rules in the District Plan did not come into effect until the plan was made operative on 22 January 2018. It is likely that the effect of the new rules is yet to be seen, therefore it is difficult to comment on the effectiveness or efficiency of the approach.

The non-regulatory methods including the High Value Area programme which Council supports financially have shown an associated increase in coverage as well. This is a positive step and part of an overall approach to encouraging the identification and retention of biodiversity in the Region.

Implementation feedback from staff

Discussions have raised the following matters for consideration from an implementation perspective:

- Clearance under the Forest Act needs to be reviewed within today's development context.
- Average cost of an ecological report to support an application is around \$7,000, there is the potential this is deterring people from applying and possibly results in unauthorised clearance.
- Difficulty in determining what age, species and mix of species was present prior to any clearance being undertaken.
- Difficulty in proving that clearance breached the District Plan rules if it is brought to the District Council's attention.

As outlined above the Council has already identified that this part of the plan will be reviewed. The Council has joined in with the other Southland councils initiated background research into understanding what biodiversity the region has. The council will be required to shift from a blanket rule approach to a Significant Natural Area (SNA) approach under the future National Policy Statement for Indigenous Biodiversity as currently drafted. This draft national direction is likely to be out for public consultation as a proposed policy statement from approximately October 2019.

Given the high level of change likely to be happening to the planning framework within which the biodiversity section of the district plan fits, it is likely that any specific review of the existing rule framework will be instead refocused into preparing for the significant work that will be required to gather site specific information, and any likely new rule framework.

There is potential for many of the implementation challenges faced by Staff to be refined and clarified, through work to bring the District Plan into alignment with the national direction once it has been completed and is operative.

Response

Recommendation #: Continue to have a watching brief on the development of the National Policy Statement for Indigenous Biodiversity.

Recommendation #: Continue to progress the background work to inform a review of this section of the plan including consideration of alignment with the National Policy Statement for Indigenous Biodiversity

Historic Heritage

The 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 an archaeological authority process.

In compiling the district lists and schedules the Council has relied on the listings of Heritage New Zealand and the New Zealand Archaeological Association inventory. A district wide assessment of heritage items that may potentially hold heritage values has not yet been undertaken.

Given the age of most of Southlands settlements there are a number of townships that contain buildings constructed from the turn of the century. As these structures age there are ongoing maintenance requirements for building owners, including recently introduced earthquake strengthening requirements. These requirements have the potential to cost a significant amount depending on the type of building and its construction. The district has little development pressure and market rentals for commercial buildings are such that there is often not sufficient return to warrant bringing the buildings up to the building code requirements.

This is potentially a significant challenge to the ability of southland communities to have a vibrant commercial area that retains a sense of its heritage and identity.

District Plan Objectives

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

Issues

Listed heritage items are lost or damaged.

The rule framework is potentially creating barriers to the use, retention and upgrade of heritage listed buildings.

Indicators

Indicator	1 July 2014 – 30 June 2016	1 July 2016 – 30 June 2018
Number of consents granted for modification of heritage items.	1 – Additions to a commercial building.	0
Number of consents granted for demolitions / removal	1 - Demolition of woolshed	0
Number of heritage buildings that have been identified as earthquake prone.	12 – all in Winton Historic Area	12 – Winton Historic Area*
Number of new entries to HNZ listings	N/A	2** – Dwelling in rural Riverton area and Gold Workings in Nokomai area

*Given there are no new commercial buildings listed there will have been no increase in the number of listed buildings identified as earthquake prone.

**These listings and any subsequent to this reporting period will be considered for inclusion on the District Plan Schedule in future updating processes.

Archaeological authorities granted.

Over this reporting period 2 Archaeological authorities were granted to modify an Archaeological site. Both of these applications were from the Department of Conservation and were associated with improvements to the functioning of the sites.

Proposed for next report:

Number of vacant heritage listed buildings

Number of heritage buildings strengthened to meet building code requirements.

Identification and understanding of Cultural Heritage Sites across Southland

Discussion

The 2017 report identified that investigation into whether non-regulatory methods would assist in encouraging the active management of heritage values should be considered. Given other work and priorities this has not yet been undertaken.

The results of monitoring show that there has been minimal investment in upgrading any listed buildings and limited development of archaeological sites or heritage sites. The findings of the previous report remain relevant for this time period also.

The resource management team advise that they have received very few enquiries regarding demolition or modification of heritage listed buildings. It is likely that building owners are waiting to see how the Building Act requirements will affect them when they come into effect and tenants are unlikely to want to invest in or commit to leases if a building is not up to the requirements of the building code. Anecdotally the costs of assessing a building have been indicated to be up to \$20,000. To fund that specialist report for a private individual commercial building owner with no rental income would possibly be insurmountable.

It is recommended that further work is undertaken to understand the magnitude of risk of heritage listed, and earthquake prone buildings with heritage value (but not listed) being left to create a 'demolition by neglect' situation. This is a threat to not only the heritage values of those buildings but also the vitality and identity of the townships they are located within. This should be scheduled to be part of the future rolling district plan review process.

Response

Recommendation #: Scope and develop a project plan to undertake further work as part of the future district plan review process into the state of heritage and earthquake prone buildings within the district and the potential mechanisms to address the situation.

Natural Hazards

The District is prone to a range of natural hazards that can pose risks to people, property, communities, businesses and infrastructure. The intensity, frequency and risk of natural hazards varies and some will be exacerbated by climate change over time.

Areas identified within the District as being subject to flooding or coastal hazard risks are shown on the planning maps through the Natural Hazard Overlay. This Overlay was established from flood inundation and coastal hazard information provided to the District Council by Environment Southland (Southland Regional Council). The high level nature of the information supplied means that generally the significance and level of risk can only be identified following a site specific assessment of the area.

It is acknowledged that this topic also has links with those matters discussed within the coastal environment section of this report and as such should be read together for a full picture regarding hazards.

District Plan Objective

- Reduce the risk of natural hazards to people, communities, businesses and infrastructure.

Issues

Understanding the extent of natural hazards in Southland and the number of buildings developed on hazard prone land.

The District Plan was completed prior to the completion of the Regional Policy Statement, has the District Plan appropriately given effect to the policy direction contained within the Policy Statement.

Indicators

Number of subdivisions granted and lots created within the Natural Hazard Overlay.

26 Subdivisions creating 31 additional allotments were approved during this monitoring period.

12 additional lots were created in the Rural Zone

11 additional lots were created in the Urban Zone (all in Winton)

8 additional lots were created in the Industrial Zone (Winton)

Number of land use consents granted within the Natural Hazard Overlay

50 land use consents for various activities were approved within the Natural Hazard Overlay. Given the manner in which the District Plan provisions are constructed these were not required as a result of the activity or building being located within the overlay, but for other matters.

Proposed indicators for future report:

Number of building consents granted for new buildings to be constructed within the Natural Hazard Overlay.

Number of building consents granted for dwellings within the Natural Hazard Overlay.

Discussion

This is a topic that has previously been identified as requiring additional information to enable an assessment of the full magnitude of risk. Given the structure of the plan rules, land use resource consent data is unable to provide useful trend data overtime, however this is something that the building consent data could provide.

This base line data would provide Council with an understanding of the extent of properties at risk. An understanding of how different natural hazard events could affect different parts of Southland also requires more detailed mapping of the different ground levels and conditions across the district. A LiDAR (Light Detection and Ranging) project is currently being scoped and funding sought to undertake this. This work would provide invaluable information to inform not only hazard land use planning but also infrastructure investment and community planning.

As previously discussed this area has strong linkages to the work being undertaken in the climate change area. Climate change will have effects on the magnitude and frequency of natural hazard events so any planning for the future needs to acknowledge and provide for change over time.

With regard to the effectiveness of the district plan's approach to natural hazards it is recommended that priority is given to completing data gathering from Council's own information sources, continued commitment and resources allocated to regional collaborative projects and consideration given to developing a review partnership with Environment Southland. It has been sometime since the approach to hazard planning was developed within the district plan and timely to consider whether the approach is still best practice.

It is noted that Council made a deliberate decision to permit the construction of dwellings on existing titles in flood hazard overlay areas (i.e. not require a resource consent via a rule). Currently Council refers building consents to the Regional Council for advice and input on minimum floor levels. The current approach that the District Plan takes towards development within the flood hazard area is likely to be realigned to be more proactive in protecting development from increased exposure to hazards.

There is increased development occurring within the Milford Sound Township. This is an area that has been identified as having a high natural hazard risk profile, and a nationally significant tsunami hazard has been identified under the Civil Defence and Emergency Management Act 2002. As with the general policy approach to natural hazards within the district plan, it is considered timely that this be reviewed and consideration be given to whether there is a specific response required such as a spatial plan process or acknowledgement in the district plan framework at a policy level. Currently every development proceeds through a consent process, which has set the approach to date with a limited strategic direction to guide it. This and other matters related to Milford are discussed later in this report.

Response

Recommendation #: Scope project plan to spatially display building consent information, refined to show dwellings and other buildings within hazard prone areas.

Recommendation#: Continue to work collaboratively with Environment Southland on information gathering and analysis relating to hazards. Initiate discussions with Environment Southland regarding a review partnership.

Off Site Signage

Under the previous District Plan off site signage was generally captured within the definition of a 'hoarding' and was therefore a Prohibited Activity. This meant that no off site signage was able to be erected and no application for a resource consent could be made. This was changed through the District Plan review process and now there are provisions to enable limited off site signage under certain conditions and authorised through a resource consent process.

This topic was monitored individually given the change in the policy framework.

District Plan Objectives

- Policy SIGN.4 – Avoid inappropriate off-site signage where:
 - It adversely affects pedestrian and/or traffic safety.
 - Its content does not directly relate to providing directions, locations and the name of the business.
 - It detracts from the amenity and character of the area.

Issue

The potential for increased inappropriate signage across the district under the new rules.

Indicators

Number of granted resource consents for off -site signage.

2014-2016 report – 2 consents granted

2016-2018 report – 3 consents granted

Number of complaints regarding off-site signage.

No complaints received in this monitoring period.

Discussion

It is considered that the policy and rule framework provided in the operative plan is achieving the desired result. There has not been a significant number of applications made to Council under the more permissive approach established in 2014 and those received were not considered to be inappropriate under Policy SIGN.4. However it is important to acknowledge that there is an existing compliance challenge for this activity as the existing environment has a number of signs that have been established without appropriate approval.

Council does not actively monitor all properties across the district for compliance with all the district plan rules as this would require significant resources. Compliance officers rely on complaints or safety concerns raised from the general public or council staff to follow up on these matters. It is suggested that this continue.

Response

It is considered given the low level of consent numbers that monitoring of offsite signage be undertaken on a 5 yearly timeframe.

RURAL ZONE

Residential development within the Rural Zone

When the District Plan was reviewed additional flexibility to provide for staff accommodation associated with a permitted rural activity was provided. The Plan now provides for one dwelling per title (provided performance conditions are met) and additional staff dwellings with the total number dependent on the overall size of the property. In essence, the larger the property the greater the need for staff, therefore the more dwellings allowed for.

Prior to the plan becoming operative it was varied to provide “Rural Settlement Areas” in 15 townships across the rural zoned part of the district. This was to remove the anomaly the new plan rules had created whereby the 150m separation distance requirement between dwellings in the rural zone also affected historic village settlements with an underlying rural zoning. The objective of the variation was to identify boundaries of a rural settlement and enable the existing surveyed pattern of township development to continue.

The plan also permits visitor accommodation up to and including 5 paying guests.

Subdivision in the rural zone has no minimum lot size, with the only density controls being achieved through the requirement for separation between dwellings as mentioned above.

District Plan Objectives

- Subdivision, Landuse and Development is undertaken in a manner that maintains the productive value of the land resource and maintains amenity values including rural character.
- Subdivision is integrated and well planned and gives particular consideration to anticipated future land use and development.

Issues

There is the potential for the following issues to arise as unintended outcomes from the current plan approach:

Proliferation of dwellings in the rural zone and resulting loss of productive land.

Reverse sensitivity effects on permitted and anticipated rural activities.

Subdivision in the rural zone with no minimum lot size density controls can create situations where lots are created and building platforms are ‘booked’ for future development – without consideration of rural amenity or character of the site and surrounding area.

Construction of accessory buildings in rural settlement areas may be precluding efficient future intensive development of these areas.

Indicators

Number of resource consents for staff accommodation.

2014-2016 - 3 consents granted

2016-2018 - 2 consents granted

New – Number of new dwelling building consents issued in a rural zone (outside of rural settlement areas).

New – Number of new dwelling building consents issued within a rural settlement area

New – number of building consents issued within a 50m radius of rural settlement areas.

New - Heat map showing new dwellings across the district.

New - Heat map showing location of subdivisions greater than 2 lots across the rural zone

New - Review recently granted building consents for accessory buildings located in Rural Settlement Areas

New – Number of additional lots created in the Rural Zone under 4ha and under 2.5ha

Discussion

There continues to be a low number of resource consents for staff accommodation. This could be because of the change in approach between the previous plan and the current operative plan which provides for a greater number of dwellings as of right for farming properties. In addition the number of dairy conversions, which often require additional staff and associated accommodation, has continued to decrease. The Regional Council reported that in 2014 there were 35 conversions and in 2017 there were two. As referred to in the previous report resource consent data needs to be coupled with spatially displayed building consent data to gain a more comprehensive understanding of development patterns across the extensive area zoned rural in southland.

A number of indicators are proposed to enable a more comprehensive understanding of the nature of residential and rural residential development occurring within the district. There is a level of work involved in accessing and displaying this information that will require staff time. It is proposed that a specific project be developed to investigate and progress this work in order to inform future reporting.

There have been a number of resource consents granted within the rural settlement overlay areas, however these are for matters unrelated to the performance conditions of the settlement area rules. It appears that the more permissive approach to encourage more consolidation around existing rural settlement areas has been successful. However mapping of development in and adjacent to those settlement areas will assist in confirming this.

With regard to the rural settlement areas it is noted that there are several that are located adjacent to coastal hazard areas, areas of landscape value and within flood hazard overlays. Further consideration regarding the appropriateness of the rules in acknowledging area specific characteristics should be undertaken through the hazard, coastal and landscape section reviews.

While not the subject of this monitoring report it is recommended that the rolling district plan review considers the effectiveness of using a 150m separation distance requirement between dwellings as the sole tool for managing density through subdivision, and achieving maintenance of rural character and rural amenity across the rural zone of Southland.

Response

Recommendation #: scope project plan to spatially display building consent information, refined to show dwellings and other buildings across the rural zone and within the rural settlement areas.

Recommendation #: Review the effectiveness of current rural density controls on achieving the desired outcomes of the rural zone as part of the rolling district plan review process.

Intensive Farm Buildings

The District Plan provided a permitted scope of intensive farm building, outside of which resource consent would be required. The framework was established to manage dominance and bulk of these types of buildings in the rural environment.

Objective

- Maintain amenity, including rural character.

Issues

Is the permitted threshold set at the right level to achieve the outcome desired?

Are the performance conditions functioning as intended? Currently the rule triggers on size only, not activity, therefore is the Restricted Discretionary rule drafted to sufficiently manage effects? (materials, bulk, night time lights?).

Indicators

Indicator	1 July 2014 – 30 June 2016	1 July 2016 – 30 June 2018
Number of consents granted for wintering sheds (breach of performance condition)	6	7
Number of consents granted for intensive farm buildings /activity	1 – also over 1500m ²	1 – also over 1500m ²
Confining stock longer than 3 months		

Indicators for future reports:

Number of building consents issued for intensive farm buildings

Discussion

The numbers of consents have remained fairly consistent between the reporting time periods. There has not been a large number of buildings breaching the 1500m² floor area and where the limit is exceeded there are a mix of sizes from only just exceeding 1500m² to the largest at 8,900m².

As with the previous report the buildings and intensive farming activities are considered for their potential adverse effects and appropriate conditions and reasons provided as to their acceptability. It is considered that this is an area to continue to monitor as the effects of the Proposed Regional Water and Land Plan and catchment limit setting continues to become more apparent.

As with other topics within the plan, it will be essential to access relevant building consent data with regard to permitted buildings being established. This will require additional resource and focus over the next 12 months but can be accommodated within the existing district plan team work plan.

Response

No response required, continued monitoring over the next 5 years as standard.

URBAN ZONE

Residential Amenity

The District Plan manages the effects of residential buildings on residential amenity through a number of general standards including height, building setbacks and height in relation to boundary. A new rule for managing shading effects was introduced in this District Plan including the provision of a permissible breach through the height recession plane.

Activities and buildings that are not associated with residential activities are very carefully managed through the Urban Zone rules to further protect the amenity expected within urban areas.

The Resource Management Act 1991 was amended in 2017 to provide for permitted boundary breaches rather than require resource consents. This will have had an effect on the manner in which the rules in the District Plan function and potentially on overall residential amenity.

Objectives

- Subdivision, landuse and development in the Urban Zone shall maintain or enhance residential amenity.

Issues

Is the level of intervention set appropriately to achieve the objective?

What has the effect been of the Resource Management Act 1991 amendments to provide for minor breaches as permitted activities?

Has there been privacy and amenity concerns raised over the reports time period.

Are there any other aspects of building bulk and location that are not currently being managed sufficiently?

Is there a clear link between the definition of Urban Amenity, the existing policy framework and rules?

Indicators

Indicator	1 July 2014 – 30 June 2016	1 July 2016 – 30 June 2018
Number of consents granted height in relation to boundary / setback	46	30*
Number of consents granted for overheight buildings	17	7

*RMA amendments came into effect during this time period.

Indicators proposed for future reports:

Number of permitted boundary breaches

Feedback from plan users regarding the usability of the 6m² exemption to Height in Relation to Boundary recession planes.

Number and location of complaints received regarding permitted building projects

Discussion

The district plan contains a number of provisions to manage urban amenity in relation to new buildings and dwelling. A breach of these provisions is the most common type of consent for this zone. It is important to continue to monitor these provisions against the design and layout choices of new buildings in the more urbanised settlements across the district. These factors change over time as does acceptance of living alongside different intensity of development.

Amenity is a difficult matter to define and as building style and layout choices change overtime so will people's perception of amenity. The district plan provides provisions to maintain foundational amenity factors such as privacy, sunlight, open space connected to living areas, lack of intrusion of large and overbearing buildings. It has been sometime since the amenity standards within the district plan have been reviewed against what is currently being designed or how urban sections are being laid out. It is recommended that a review of amenity standards this be undertaken in conjunction with work on future urban development capacity which is discussed below.

The Resource Management Act amendments which came into effect during this reporting period will have reduced the overall numbers of consents for height in relation to boundary and boundary setbacks. This is in acknowledgement that generally the only parties affected by these common activities are those who live right next door. Therefore if that party does not consider their amenity affected then an agreement can be reached.

A review of the consent data shows that the most common over height consent is for an accessory building and this is often accompanied by a boundary encroachment. It is suggested that the need for an overall height limit on accessory buildings in the urban zone be reviewed. Given the additional height in relation to boundary provisions it is possible that the effects of the over height garage would be managed by compliance with the height recession plane. This is recommended to be included in the future omnibus technical plan change work.

Response

Recommendation#: Review the urban amenity standards as part of the rolling district plan review and future urban development work.

Recommendation#: The necessity of the accessory building maximum height rule be reviewed as part of the omnibus technical plan change work during the 2019/2020 year

Commercial Precincts

Commercial precincts are identified as an overlay in 9 of the 20 Urban Zoned settlements 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 are met. This was a change from the previous district plan approach which did not identify a commercial area but provided for mixed uses within the urban zone.

Generally it is useful to review the level of development within the commercial precinct to identify whether there are any additional and unnecessary barriers to appropriate use and development of sites for commercial purposes.

Objective

- Where they are identified, Commercial Precincts shall accommodate the principal retail and services functions of the Urban Zone.

Issues

Is it appropriate to require re-use of existing commercial buildings in the commercial precinct to comply with all the same general standards as a new building?

Are there additional unnecessary regulatory barriers to appropriate use and development of sites for commercial purposes?

Are there sufficient brown field and green field sites available for future development in townships experiencing growth currently?

Is new commercial activity being directed to establish in the commercial areas?

Indicators

Number of consents issued for commercial activities by zone and precinct.

Rural Zone – 15

Urban Zone – 6

Commercial Precinct – 0

Industrial Zone – 1

Fiordland Rakiura Zone - 0

Future reports:

Analysis of commercial building consent data, and related warrant of fitness information to understand permitted activity not requiring consent.

Redo manual survey of Number of vacant properties in commercial precincts

Number of commercial precinct buildings identified as Earthquake Prone

Number of commercial precinct buildings identified as Earthquake Prone that have been strengthened

Discussion

A review of the consent data shows that the majority of commercial business consents were granted for activities within the Rural Zone. These figures exclude consents for visitor accommodation for over 5 people given the focus on purely commercial activity. The Rural Zone does not provide for commercial activities generally so it is reasonable to see this zone as having the highest number of consents.

Response

Given the matters raised under the issues section of this topic it is valuable to continue to take a watching brief on the level of commercial activity happening across urban and rural areas of the district. It is recommended that as part of the work undertaken relating to future development capacity of the urban zone that demand and supply of commercial land also be considered.

FUTURE DEVELOPMENT CAPACITY

Urban Development

Discussion

Council did not rezone any additional urban zoned land when it reviewed the district plan over the 2008 – 2018 time period. Given the length of time since this matter was last considered it will be important to develop on going monitoring processes to ensure that Council has an understanding of what is happening in specific townships. Winton and Te Anau Community Boards have raised questions as to whether the townships of Winton and Te Anau have sufficiently zoned urban land to accommodate current and future levels of development. It is understood that the two Boards will be recommending to Council that staff be instructed to undertake research and analysis on this topic.

This is a topic that has been added to the monitoring report to ensure that further analysis and work planning is undertaken in a resourced and coordinated manner. It is recommended that baseline data and further analysis be undertaken.

As mentioned earlier within the Urban Zone, consideration of the manner in which development occurs (design and layout) should also be incorporated into any review of current and future development trends. Urban amenity and matters such as density controls contribute to the efficient and effective management of the land resource.

Issue

Uncertainty as to whether there is sufficient land to provide for the development of existing urban areas.

Is there sufficient flexibility within the Urban Zone and Subdivision Section rules to provide for varying levels of density?

Are we directing growth to most appropriate locations e.g. sufficient infrastructure capacity, presence of natural hazards, areas of outstanding natural character or landscape values?

Objective

While the District Plan has no explicit policy framework about ensuring sufficient supply of appropriately zoned land is maintained, it is inherent in the nature of settlements that things will change and grow overtime. It is prudent and appropriate that Council maintains a watching brief on the nature of development and changes in land use to ensure that the District Plan is effectively providing for the needs of its community whilst making sure that the environmental effects of such changes are addressed and managed.

Therefore the objective behind this aspect of monitoring is:

- To ensure that sufficient appropriately zoned land is provided for the development and changing needs of the communities within Southland District.

Indicators

Suggested future indicators:

Total additional lots created in the Urban Zone

Number of properties rated 'residential dwelling' in the Urban Zone

Number of properties rated as 'residential vacant section' in the Urban Zone

Number of industrial zoned properties rated as 'vacant section'.

And Mapped for the following townships:

- Winton
- Te Anau
- Riverton

Response

Recommendation#: That a project plan be developed to assess current and future development trends across the district.

Recommendation#: Data be gathered regarding demand and supply of residential, commercial and industrial zoned land within the 3 largest urban settlements of the district. That this data be integrated with GIS systems and spatially displayed.

Milford Sound – Fiordland National Park

Milford Sound is located within the Fiordland/Rakiura Zone in the District Plan. The entire Fiordland Rakiura Zone has been classified as an Outstanding Natural Landscape and the policy framework within the Zone rules calibrated to achieve protection from inappropriate development, land use and subdivision. Milford Sound is also part of the Fiordland National Park which is administered by the Department of Conservation and any development within the Park managed by the Fiordland National Park Management Plan.

Milford Sound has attracted visitors for decades due to its outstanding natural and wilderness qualities. As part of the long association with being a tourist attraction, the area has progressively provided amenities for those who visit and work within the Milford Sound village area. Currently the entire developed Milford Township area is within the Outstanding Natural Features and Landscapes overlay.

As noted earlier the Milford Sound Township where much of the developed area of the Fiordland National Park is located is identified as having a high natural hazard risk profile. Any further development of this area will need to be carefully balanced against its risk profile.

Issues

Are the values within this specific part of the Fiordland Rakiura Zone able to be considered outstanding given the extent of existing development and activity?

What District Planning matters will be required to be considered as part of the future planning for the Milford Sound Area?

Discussion

Nine of the 19 consents within the Fiordland Rakiura Zone were for activities within the Fiordland National Park (Milford) area. These related to infrastructure and building development to support the tourism activities located within that site.

It is recommended that consideration of whether a mapped “village area” within the District Plan would be appropriate. This could provide for development within a certain scope as opposed to the consent process which has provided this to date. Any such proposal would involve careful consideration of a partnership with the Department of Conservation (regarding any strategic / overall spatial development plan for Milford (buildings, parking, associated earthworks / vegetation clearance) and the work being undertaken by the Milford Opportunities Project to understand any resource management and future planning implications.

Response

Recommendation#: Approach key parties to ascertain interest in undertaking such a process with regard to the Milford Sound Township.

Northern Southland – overspill development pressure?

It is well documented that Southland district’s neighbour Queenstown Lakes District Council is experiencing significant and sustained residential growth. Most recently a 1200 lot residential development has been announced for the Kingston township area. This brings development right to the District Council’s physical boundary. In particular Council is interested in understanding what effect this has on the nearby townships of Athol, Garston, Mossburn and Lumsden. There may also be increased rural residential subdivision and development within the rural zoned land immediately adjacent to the Kingston development.

Issue

Uncertainty regarding the impact this development pressure is having on adjacent areas (rural residential) and townships that are within the Southland District Council boundary.

Uncertainty as to what demands additional development will place on existing services and infrastructure currently supplied within Northern Southland.

Indicators

Proposed indicators:

Number of building consents for new dwellings issued in “northern southland” area to be defined.

Number of new lots created through subdivision consents in “northern southland” area to be defined.

Number and type of resource consents granted in “northern southland” area to be defined.

Number and type of building consents issued in “northern southland” area to be defined.

Number and type of properties on the market in “northern southland” area to be defined.

Average “residential” property value in “northern southland” area to be defined as at last QV process.

Response

Recommendation#: Source and analyse relevant data, potentially as part of the future development capacity project work and report back to Council on findings.

General Monitoring of townships

As part of a wider monitoring process of what is happening in the District’s townships it is proposed to also collect the following information and report on the trends in the bi-annual monitoring report:

- Number of new (additional) lots created by township

Recommendations

There are a number of recommendations made in response to the findings in the report. These recommendations are related to the following matters:

- Continuation of work planned already
- Data analysis and visibility of data regarding development across the district
- Discrete project work as a result of the findings of this report
- Future review work to be considered by the incoming Council

Given the volume of work it would be logical to take a rolling review approach to undertaking the work over time. This will enable the District Plan to remain relevant and forward focused, being responsive to both the national context and community needs.

There are a number of collaborative projects underway that will influence the timing of the work schedule for the District Plan. This is because national direction and regional planning direct and influence what the District Plan may cover and respond to.

The recommendations have been prioritised into the following categories:

Red: Priority

Orange: Important work stream but awaiting national / regional direction

Green: As resources are available work will be initiated and progressed

Grey: Recommendations to be referred to the incoming Council for consideration

General

Recommendation 1: That the preparation of a State of the Environment Report be endorsed and provided for within the 2020/2021 Resource Management Policy Work Plan.

Coastal Environment

Recommendation 2: Work associated with the climate change work stream continues as planned.

Recommendation 3: Review status of public access along the coastline, and the esplanade reserve mechanism provisions of the subdivision section of the plan.

Recommendation 4: Undertake work to enable Building Consent data to be extracted from pathways against zones and overlays to show exposure to coastal processes.

Landscapes

Recommendation 5: continue to progress work on enabling data gathered within the Pathways system and the GIS system to be integrated and spatially interrogated.

Recommendation 6: Develop guidance material to support the implementation of the permitted activity framework for the Visual Amenity Landscape overlay.

Recommendation 7: continue to progress the development of a project plan to scope progressing the district wide landscape values assessment (including geological sites).

Biodiversity

Recommendation 8: Continue to have a watching brief on the development of the National Policy Statement for Indigenous Biodiversity.

Recommendation 9: Continue to progress the background work to inform a review of this section of the plan including consideration of alignment with the National Policy Statement for Indigenous Biodiversity

Historic Heritage

Recommendation 10: Scope and develop a project plan to undertake further work as part of the future district plan review process into the state of heritage and earthquake prone buildings within the district and the potential mechanisms to address the situation.

Natural Hazards

Recommendation 11: scope project plan to spatially display building consent information, refined to show dwellings and other buildings within hazard prone areas.

Recommendation 12: Continue to work collaboratively with Environment Southland on information gathering and analysis relating to hazards. Initiate discussions with Environment Southland regarding a review partnership.

Rural Zone

Recommendation 13: scope project plan to spatially display building consent information, refined to show dwellings and other buildings across the rural zone and within the rural settlement areas.

Recommendation 14: Review the effectiveness of current rural density controls on achieving the desired outcomes of the rural zone as part of the rolling district plan review process.

Urban Zone

Recommendation 15: Review the urban amenity standards as part of the rolling district plan review and future urban development work.

Recommendation 16: The necessity of the accessory building maximum height rule be reviewed as part of the omnibus technical plan change work during the 2019/2020 year

Future Development Capacity

Recommendation 17: That a project plan be developed to assess current and future development trends across the district.

Recommendation 18: Data be gathered regarding demand and supply of residential, commercial and industrial zoned land within the 3 largest urban settlements of the district. That this data be integrated with GIS systems and spatially displayed.

Recommendation 19: Approach key parties to ascertain interest in undertaking such a process with regard to the Milford Sound Township.

Recommendation 20: Source and analyse relevant data, potentially as part of the future development capacity project work and report back to Council on findings.

National Planning Standards - Implications

Record No: R/19/6/10868

Author: Rebecca Blyth, Senior Resource Planner - Policy, Resource Management

Approved by: Bruce Halligan, Group Manager Environmental Services

☐ Decision

☐ Recommendation

☒ Information

National Planning Standards

- 1 The National Planning Standards (referred to as the Planning Standards) were gazetted in April 2019 and are the first set of standards to be developed under the Resource Management Act 1991(RMA). The Planning Standards can be found at www.mfe.govt.nz. Their purpose is to improve the efficiency and effectiveness of the planning system by providing nationally consistent standards for Resource Management Plans specifically:
 - Structure (the way the chapters are ordered and titled, what they should cover)
 - Format (the layout, cross referencing and abbreviations of each chapter, the names of each zone and colour on the planning maps)
 - Definitions, Noise and vibration metrics
 - Electronic functionality and accessibility (provision of an eplan – online interactive form)
- 2 The Planning Standards set required timeframes for plans to be compliant with the relevant mandatory standards that relate to those plans. In Summary:
 - Regional Policy Statement – three years (April 2022)
 - Regional Plans – 10 years (April 2029)
 - District Plans – ranges from five – 10 years depending on the age of the plan and the population size of the district.
- 3 Southland District Council has to amend the southland district plan within five years (by 2024) of the Planning Standards having come into force. There is a longer timeframe to implement the definitions of seven years (2026) given they may have wider reaching effects on the intent of plan provisions.
- 4 The Standards provide that the mandatory changes required can be undertaken without the formal and public 1st schedule RMA process. Public notice is required to be given that the changes have been made.
- 5 The electronic functionality and accessibility of the planning documents including zoning maps is required to meet a minimum standard within one year (2020) and the complete planning standard by 2024 (five years).
- 6 The Planning Standards will have implications for timing of the district plan review cycle and the level of resourcing currently allocated to eplanning processes.
- 7 **Timing of District Plan Review cycle**
- 8 The District Plan was made fully operative on 22 January 2018 and to meet the requirements of the RMA would have to have been reviewed and replaced by 22 January 2028. It is likely that this will be undertaken through a rolling review process (topic by topic or section by section).

- 9 The realignment of the district plan (excluding definitions) to the Planning Standards will be required to have been completed by 2024.
- 10 The Standards timeframe will mean that sections of the plan will need to be realigned prior to the review of that section being completed. This has the potential to reallocate existing resource to the planning standards realignment and away from priority policy planning work.
- 11 To further complicate matters the District Plan is required to give effect to the higher order policy documents such as the Regional Policy Statement. Aspects of the work on the District Plan would therefore need to be timed to coincide the completion of the Regional Policy Statement realignment.
- 12 Staff will continue to liaise with the Regional Council to remain informed as to the policy review work and its implications for the District Plan.
- 13 **ePlanning**
- 14 The Planning Standards set a minimum standard to be achieved by April 2020 relating to accessibility, functionality and data standards. Council's GIS analyst has advised that this is achievable within that timeframe. Resource will need to be specifically dedicated from the relevant areas of Council to ensure that this occurs.
- 15 Plans are required to meet online interactive format standards (ePlan) within five years (2024) which will require substantial investment. The ePlan is required to be able to provide an ability for people to be able to see:
- Planning information spatially via GIS viewer
 - The relevant plan provisions that apply to a specific property or activity they want to undertake
 - Any version of the plan from the time it was initially publicly notified
 - Linkages between different plan provisions and sections and move between those parts of the plan.
 - Proposed plan provisions as they are developed, including being able submit electronically on plan development processes through the ePlan system or an online submission tool linked to the ePlan.
- 16 Council staff are considering the options to achieve compliance with the Planning Standard requirements. This may involve the purchase of a specifically designed software cloud based package that is being utilised by a range of other local authorities across New Zealand and Australia.
- 17 Discussions as to a Southland approach have been initiated with the other three local authorities in Southland via the Southland Planning Working Group. Opportunities to manage the costs associated with establishing ePlans for all of Southland's resource management plans are being explored by this group. The aim is to also create a user friendly and consistent platform for ePlans to be delivered from, this aligns with the aspirations of the Southland Regional Development Strategy and the Shared Services for IT delivery group.
- 18 It is difficult to determine the likely extent of that additional funding required at this stage, as this will be depend on whether Council progresses an in-house solution or purchases an 'off the shelf' specially designed software package that has been developed specifically to meet the Planning Standards requirements. Staff have attended a presentation on such a product with the other local authorities in Southland.

- 19 If Council progressed with an in-house solution to the ePlan requirements dedicated specialist GIS and resource management staff would be required in an ongoing manner. This would be considerable and additional to existing levels of resource. Alternatively, if Council decides to purchase the specialised software package, then this would provide for plan drafting, streamlined consultation processes and linked submission process.
- 20 Staff will report to Council once further consideration has been undertaken. Any additional funding required to meet the requirements of the Planning Standards will be progressed through the Long Term Plan 2021 process.

21

Recommendation

That the Regulatory and Consents Committee:

- a) **Receives the report titled “National Planning Standards - Implications ” dated 25 June 2019.**

Attachments

There are no attachments for this report.

Presentation by Roving Museum Officer - Rakiura Museum Progress

Record No: R/19/6/11564

Author: Bruce Halligan, Group Manager Environmental Services

Approved by: Bruce Halligan, Group Manager Environmental Services

☐ Decision

☐ Recommendation

☒ Information

Roving Museum Officer Johannah Massey has been working very closely with community representatives in the progression of the development of the Rakiura Museum Centre in recent months.

Ms Massey will present a Powerpoint presentation on Committee day to update Committee members on progress. This will be presented for the Committee's information only, no decisions are required.

Recommendation

That the Regulatory and Consents Committee:

- a) **Receives the report and associated presentation titled "Presentation by Roving Museum Officer - Rakiura Museum Progress" dated 25 June 2019.**

Attachments

There are no attachments for this report.

Update on Building Solutions matters - June 2019

Record No: R/19/6/11822

Author: Bruce Halligan, Group Manager Environmental Services

Approved by: Bruce Halligan, Group Manager Environmental Services

☐ Decision

☐ Recommendation

☒ Information

- 1 The purpose of this report is to update the committee on various matters relevant to the building solutions team and the delivery of Councils statutory functions under the Building Act 2004.

IANZ Reaccreditation

- 2 Council has now received its accreditation confirmation from International Accreditation New Zealand (IANZ), which is attached as Appendix 1. This has been a very valuable process in terms of highlighting improvement opportunities. A significant body of really good work was undertaken by an internal project team to improve documentation of processes in advance of this audit, and the audit team was generally complimentary of this and also provided positive feedback of in-field inspection audits undertaken with staff.
- 3 Some key ongoing matters for Council to focus on flowing from this audit are:
 - **Building Consent and Code Compliance Certificate processing times** - this is an ongoing pressure point, as the building solutions team seeks to meet statutory processing times specified under the act.
 - **Manual processes** - a lot of processes within the building solutions team remain in hard copy, and this also requires customers to lodge applications in hard copy, which is a pain point for both customers and staff. Moving to electronic lodgement and processing is a key element of improving the customer experience and also creating efficiencies for the team. This is referred to in more detail below.
 - **Staff training and development** – there is a very strong focus in the audit process on ensuring training is suitably undertaken and recorded , so as to ensure that staff do not undertake work outside of their technical competency levels. This is a very valid area of focus, and some good pre-audit work was undertaken on ensuring adequate recording of this. It is imperative that Council continues to suitably invest in staff training in this area in order to continue to have the required competency levels to deliver its statutory functions. Like other parts of the construction sector, experienced building compliance staff are scarce, so it is important that councils across New Zealand seek to continue to build competencies within their teams rather than always seeking to recruit from each other. Another southern council, for example, has recently recruited three new cadets in the building area.
 - **Code Compliance Schedules** – these are complex documents, which in a nutshell ensure that buildings which have public access elements have suitable safety systems and an associated maintenance schedule. While generally Council's processes in this area stood up well during the audit (with some minor required alterations), this is an area where knowledge sits largely with a single experienced staff member in the team and it will be important to build further competency in the team moving forward to mitigate this potential “ single point of failure”.

Leadership Changes

- 3 As committee members will be aware, Michael Marron has resigned from Council with his last day to be Friday 28 June.
- 4 Julie Conradi has been appointed manager of building solutions to replace him, commencing on 1 July 2019. Julie has an extensive professional background in quality assurance and process management, is a certified practicing process manager and organisational change practitioner, and has a Diploma in Project Management from her career in Australia. She has previously been employed by the Queensland Building and Construction Commission, so also has experience from the building regulatory environment. Julie was also a key element of the successful IANZ process referred to above in her current (at time of writing) quality assurance lead role, where her organisational and project management skills really shone through. It is exciting to see Julie stepping up to this new professional challenge and advancing her career with Southland District Council.
- 5 At the time of writing, Council is also recruiting for a technical leader within the building solutions team - a decision is yet to be made as yet in relation to this role.
- 6 Tony Osborne joined the building solutions team in January 2019 as a senior building solutions officer. Tony had previously been working for a local building firm, and before that was a senior inspector for the Gore District Council for a number of years. Tony has assimilated well into the team and it has been positive to be able to recruit at the senior end of the competency and experience spectrum, where there is a skills shortage nationally. Tony is currently mainly inspecting in the northern and eastern part of the District.

Electronic Lodgement and Processing

- 7 As referred to above, with the bulk of the work now complete from the IANZ audit, a key focus is seeking to progress electronic lodgement and processing; with detailed investigations having been undertaken of systems over the last couple of months, along with detailed discussions with other councils already using such systems on relative merits. An important focus of these investigations has also been to seek if possible to create systems synergies with the other Southland councils, consistent with the Southland Regional Development Strategy (SoRDS), which would assist with the ease of doing business for customers who lodge consents with all of these councils.

Potential Legislative Changes to the Building Act 2004

- 8 As has been previously reported through the Management Report to Council, the government has been consulting on a series of possible changes to the Building Act. A key thrust on several of these changes has been to seek to manage liabilities within the sector, so that responsibilities are clearer and consumers have greater protection. It will be interesting to observe how these changes progress through the house. The bulk of them seem generally positive. Councils across New Zealand have often proven to be the “last man standing” for building-related liabilities under the current legislative regime.

Recommendation:

That the Regulatory and Consents Committee:

- a) **Receives the report titled “Update on Building Solutions matters - June 2019” dated 26 June 2019.**

Attachments

A IANZ Certificate of Accreditation of Building Consent Authorities - February 2019 [↓](#)

10 June 2019



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Ellerslie, Auckland 1051
New Zealand

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Remuera, Auckland 1541

P 64 9 525 6655
F 64 9 525 2266
W www.ianz.govt.nz

Mr Michael Marron
Acting Manager Building Control
Building Consent Authority
Southland District Council
PO Box 903
Invercargill 9840

Dear Michael

Confirmation of Continued Accreditation

Following the Routine Reassessment of your Building Consent Authority from 19-22 February 2019, I am pleased to confirm that your BCA continues to comply with Regulations 4 – 18 of the Building (Accreditation of Building Consent Authorities) Regulations 2006. Your accreditation will continue subject to your continued acceptance of the arrangements and conditions set out below.

1. Conditions of Accreditation

You are reminded of your previous commitment to meeting the requirements for accreditation.

2. Next Assessment

Your next reassessment has been provisionally scheduled for February 2021. You will be contacted again nearer that date so that arrangements for the assessment can be made.

I would like to thank you for your continuing participation in our Building Consent Authority Accreditation Programme. We look forward to working with your organisation again in the future. If I, or any of my staff, can be of any further assistance to you, please do not hesitate to contact me.

Yours sincerely

Phil Barnes
General Manager - Accreditation Services



Building Consent Authority Accreditation Programme

Schedule to

CERTIFICATE OF ACCREDITATION

Telephone	Southland District Council Building Consent Authority PO Box 903, Invercargill, 9840 15 Forth Street, Invercargill, 9810 0800 732732
URL	www.southlanddc.govt.nz
Authorised Representative	Mr Michael Marron Acting Manager Building Control
Client Number	7426
Programme	Building Consent Authority
Accreditation Number	6
Initial Accreditation Date	18 October 2007
Conformance Standard	Building (Accreditation of Building Consent Authorities) Regulations 2006
Services Summary	Regulations 4 - 18 inclusive (not including dams or appurtenant structures) Processing of building consent applications. Inspection of buildings during construction. Certification of building work. Issue of Compliance Schedules.

Authorised:
General Manager

Issue 6

Date: 10/06/19

Page 1 of 2

International Accreditation New Zealand - Private Bag 28908 - Remuera - Auckland
Telephone 09-525 6655 - Facsimile 09-525 2266
www.ianz.govt.nz

Building Consent Authority Accreditation Programme



Schedule to

CERTIFICATE OF ACCREDITATION
 Southland District Council
 Building Consent Authority

Accreditation No 6

SCOPE OF ACCREDITATION**Building Consent Authority Accreditation Programme**

Regulations 4 - 18 inclusive (not including dams or appurtenant structures)

Processing of building consent applications to verify compliance with the NZ Building Code.

Inspection of building work to verify construction in accordance with consented plans.

Certification of building work in accordance with Section 95 of the Building Act.

Issue of Compliance Schedules in accordance with Section 103 of the Building Act.

 Authorised:
 General Manager

A handwritten signature in black ink, appearing to read 'P. Barn'.

Issue 6

Date: 10/06/19

Page 2 of 2

 International Accreditation New Zealand - Private Bag 28908 - Remuera - Auckland
 Telephone 09-525 6655 - Facsimile 09-525 2266
www.ianz.govt.nz



This is to certify that

**Southland District Council
Building Consent Authority**

Has been assessed in February 2019 by IANZ, on behalf of MBIE, as a
Building Consent Authority under the

**Building (Accreditation of Building Consent Authorities)
Regulations 2006**

Accreditation Number **6**

Initial Accreditation Date **18 October 2007**

A handwritten signature in black ink, appearing to read "M. L. Richards", is positioned above the title of the Chief Executive.

Chief Executive
International Accreditation New Zealand

A handwritten signature in black ink, appearing to be a stylized "R", is positioned above the title of the Chair.

Chair
Accreditation Council

