



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

Date: Wednesday, 14 July 2021
Time: 9am
Meeting room: Council Chamber
Venue: Level 2, 20 Don Street, Invercargill

Regulatory and Consents Committee Agenda OPEN

MEMBERSHIP

Chairperson	Paul Duffy Mayor Gary Tong
Councillors	Darren Frazer Julie Keast Christine Menzies Margie Ruddenklau

IN ATTENDANCE

Group manager environmental services	Fran Mikulicic
Committee advisor	Alyson Hamilton

Contact telephone: 0800 732 732
Postal address: PO Box 903, Invercargill 9840
Email: emailsdc@southlanddc.govt.nz
Website: www.southlanddc.govt.nz

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

Health and safety – emergency procedures

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Earthquake – Drop, cover and hold applies in this situation and, if necessary, once the shaking has stopped we will evacuate down the stairwell without using the lift, meeting again in the carpark on Spey Street.

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Terms of Reference – Regulatory and Consents Committee

TYPE OF COMMITTEE	Council committee
RESPONSIBLE TO	Council
SUBCOMMITTEES	None
LEGISLATIVE BASIS	Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002.
MEMBERSHIP	The Regulatory and Consents Committee will comprise of six members.
FREQUENCY OF MEETINGS	Six weekly or as required
QUORUM	Three
SCOPE OF ACTIVITIES	<p>The Regulatory and Consents Committee is responsible for overseeing the delivery of regulatory services and statutory functions that fall with the scope of, but limited to, the following legislation:</p> <ul style="list-style-type: none"> • 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. <p>The committee is responsible for hearing and determining regulatory matters including but not limited to:</p> <ul style="list-style-type: none"> • resource consents • public work requirements • objections against the construction of public works on private land • objections to decisions made by the committee and/or delegated staff • administration of Council bylaws • proposed variations to the District Plan.
DELEGATIONS	<p>Council delegates to the Regulatory and Consents Committee the following functions:</p> <p>Power to Act</p>

	<ul style="list-style-type: none"> 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 ie - pursuant to the RMA) 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 resource management hearing commissioners (from whom a commissioner can be selected) at regular intervals and the chief executive be authorised to appoint individual commissioners for a particular hearing f) make decisions on applications required under Southland District Council's Development and Financial Contribution Policy for remissions, postponements, reconsiderations and objections i) receive and approve Council's Annual Reports on dog control and alcohol licensing j) hear and determine objections to officer decisions under the Dog Control Act 1996 k) hear objections and decide on matters under the Southland Land Drainage Act 1935 and Southland Land Drainage Amendment Act 1938. <p>The Regulatory and Consents Committee shall be accountable to Council for the exercising of these powers (Local Government Act 2002, Schedule 7, Clause 32).</p> <p>Power to Recommend</p> <p>The Regulatory and Consents Committee is responsible for considering and making recommendations to Council regarding:</p> <ul style="list-style-type: none"> 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.
FINANCIAL DELEGATIONS	<p>Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction.</p> <p>Contract Acceptance:</p> <ul style="list-style-type: none"> • accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Finance and Assurance Committee • accept or decline any contract for the disposal of goods, plant or other assets other than property or land as provided for in the Long Term Plan

		<p>Budget Reallocation.</p> <p>The committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> • funded by way of savings on existing budget items • within the jurisdiction of the committee • consistent with the Revenue and Financing Policy.
LIMITS DELEGATIONS	TO	<p>Matters that must be processed by way of recommendation to Council include:</p> <ul style="list-style-type: none"> • making operative District Plan changes • decision to notify the reviewed District Plan and make operative amendments to fees and charges relating to all activities. <p>Powers that cannot be delegated to committees as per the Local Government Act 2002 and sections 2.4 and 2.5 of this manual.</p> <p>Delegated authority is within the financial limits in section 9 of this manual.</p>
STAKEHOLDER RELATIONSHIPS		<p>This committee shall maintain relationships including, but not limited to the following organisations:</p> <ul style="list-style-type: none"> • Each of the nine community boards • Southland Museum and Art Gallery • Southland Heritage Building Preservation Trust • Emergency Management Southland • Southland Regional Heritage Committee • Public Health South • New Zealand Police • Ministry of Business, Innovation and Employment • Alcohol Regulatory and Licensing Authority. <p>The committee will also hear and receive updates to Council from these organisations, as required.</p>
CONTACT WITH MEDIA		<p>The committee chairperson is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest.</p> <p>Committee members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the committee's delegations.</p> <p>The group manager, environmental services will manage the formal communications between the committee and its constituents and for the committee in the exercise of its business. Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff and will be undertaken under the name of Southland District Council.</p>

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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 12noon at least one clear day before the meeting. Further information is available at www.southlanddc.govt.nz or by 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, 02 June 2021



Regulatory and Consents Committee

OPEN MINUTES

UNCONFIRMED

Minutes of a meeting of Regulatory and Consents Committee held in the Council Chamber, 20 Don Street, Level 2, Invercargill on Wednesday, 2 June 2021 at 9am.

PRESENT

Chairperson	Paul Duffy Mayor Gary Tong
Councillors	Darren Frazer Julie Keast Christine Menzies Margie Ruddenklau

IN ATTENDANCE

Group Manager, Environmental Services	Fran Mikulicic
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 Ruddenklau, seconded Cr Frazer and resolved:

That the minutes of Regulatory and Consents Committee meeting held on 25 March 2021 be confirmed as a true and correct record of that meeting.

Reports

7.1 Regulatory and Consents Committee to be appointed to a hearings panel

Record No: R/21/5/23903

Manager environmental planning - Marcus Roy was in attendance for this item.

Mr Roy advised the purpose of the report is to identify a member of the Regulatory and Consents Committee who would be appointed to a hearings panel for a resource consent under the Operative Southland District Plan 2018.

The committee noted Fulton Hogan have applied for a resource consent to extract gravel from a site near Fairlight. This application was limited notified by Southland District Council (SDC) staff and two submissions were received in opposition.

The committee was advised that resource consent was also sought from Environment Southland (ES) for air discharge and cleanfill. This application was also limited notified with

two submissions received in opposition (one common submitter between the two notifications).

Officers advised that in order to effectively manage the hearings and minimise costs, it has been determined that a joint hearing combining the consents for SDC and ES would be beneficial to all parties.

During discussion the committee agreed to appoint Councillor Menzies and as an alternate Chairperson Duffy to sit on a hearings panel.

Resolution

Moved Cr Ruddenklau, seconded Cr Keast recommendations a to c, d with changes (as indicated with underline and ~~striketrough~~) and resolved:

That the Regulatory and Consents Committee:

- a) **Receives the report titled “Regulatory and Consents Committee to be appointed to a hearings panel” dated 24 May 2021.**
- 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) Appoints ~~one member~~ Councillor Menzies and as an alternate Chairperson Duffy of the Regulatory and Consents Committee who ~~is are an~~ are an accredited decision ~~maker makers~~ to sit on a hearings panel for this application.

7.2 Resource consent RMA/2020/53219 - N J Hogg - Objection pursuant to Section 357b of the Resource Management Act 1991

Record No: R/21/5/22436

Manager environmental planning - Marcus Roy and resource management planner – Scott Dickson were in attendance for this item.

Mr Hogg addressed the committee in support of his application for the waiver of the processing costs associated with his resource consent.

Mr Dickson advised the purpose of this report is for the Regulatory and Consents Committee to determine an objection pursuant to Section 357b of the Resource Management Act 1991 (RMA).

The committee noted the objection was received from N J Hogg (the applicant) and relates to costs associated with Resource consent RMA/2020/53219 (Resource consent 20/219).

Resolution

Moved Cr Menzies, seconded Mayor Tong and resolved:

That the Regulatory and Consents Committee:

- a) **Receives the report titled “Resource consent RMA/2020/53219 - N J Hogg - Objection pursuant to Section 357b of the Resource Management Act 1991”** dated 17 May 2021.
- 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) Declines the request for a deduction of costs associated with Resource Consent 20/219.

The meeting concluded at 9.35am

CONFIRMED AS A TRUE AND CORRECT RECORD AT A
MEETING OF THE REGULATORY AND CONSENTS
COMMITTEE HELD ON WEDNESDAY, 2 JUNE 2021

DATE:.....

CHAIRPERSON:.....

District Plan Effectiveness Report - 2021

Record no: R/21/6/36672

Author: Margaret Ferguson, Resource management planner

Approved by: Fran Mikulicic, Group manager environmental services

☒ Decision

☐ Recommendation

☐ Information

Purpose of Report

- 1 To present the findings of the District Plan Effectiveness Monitoring 2021 and proposed recommendations for adoption.

Executive Summary

- 2 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 monitoring report covers the time period of 1 July 2018 – 30 June 2020.
- 4 Recommendations are made in response to the findings and discussion on each topic contained within the report.
- 5 This report forms the basis for a sound overview of the general performance of the Southland District Plan 2018.

Recommendation

That the Regulatory and Consents Committee:

- a) **Receives the report titled “District Plan Effectiveness Report - 2021” dated 7 July 2021.**
- 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) Adopts recommendations outlined in Appendix 2 of the District Plan Effectiveness Report – 2021 which are as follows:

APPENDIX 2 RECOMMENDATIONS

Coastal environment overlay

Data needs to be collected that relates to permitted activities within areas subject to the coastal environment overlay, coastal hazard line, visual amenity landscape overlay

Natural features and landscapes

A review of the natural features and landscapes section of the District Plan undertaken to address gap in policy to manage landscapes of significance

Biodiversity

Data collected on the amount of indigenous vegetation cover in Southland

Council needs to monitor the permitted baseline to understand significant adverse trends and to understand if policy direction is adequate

Council needs to incorporate incoming national regulation eg the proposed National Policy Statement for Indigenous Biodiversity (NPSIB) which is under development.

Historic heritage

The planning department will need to work with the building department to better understand the metrics and the issues associated with buildings now subject to earthquake prone processes

Natural hazards

Council needs to review and re-evaluate the natural hazards section of the District Plan to understand if it aligns with the Regional Policy Statement

Rural zone

A dataset developed in collaboration with the building team to understand the status of permitted activities

Intensive farm buildings

A dataset developed in collaboration with the building team to understand the status of permitted activities

Urban zone

Council needs to record and monitor the number of permitted boundary breaches; and the usability of the 6m² exemption to the Height in Relation to Boundary recession plane

Council needs to understand the number and location of complaints received regarding permitted building projects to understand what the community considers as urban amenity

Commercial precincts

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

Council needs to further analyse the existing commercial building stock within Southland District to better understand barriers to development, and to identify opportunities for development in order to meet the objectives of District Plan.

Attachments

A District Plan effectiveness monitoring report 2021 [↗](#)

District Plan Effectiveness Report - 2021

Results of biannual monitoring

1 July 2018 – 30 June 2020

Authors: Rebecca Blyth, Howard Alchin, Margaret Ferguson and Marcus Roy

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Document revision

DATE	AMENDMENT	AMENDED BY	APPROVED BY	APPROVAL DATE
24/6/2021	First Draft to Marcus Roy	Margaret Ferguson and Howard Alchin		
28/6/2021	First Draft completed	Margaret Ferguson and Howard Alchin	Marcus Roy	28/6/2021
29/6/2021	Final draft completed	Margaret Ferguson and Howard Alchin	Fran Mikulicic	29/6/2021

Executive summary

Council is required under 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 District Plan. The results of this monitoring are to be compiled in the form of the District Plan Effectiveness Report and made available to the public every five years at a minimum. The current report is a review as compared to the fuller monitoring report.

KPI (key performance indicator) 10.1 in the Long Term Plan requires that Council reports every two years with the last District Plan Effectiveness Report being adopted by Council in 2019. The current reporting period is 1 July 2018 through to 30 June 2020 and is compiled as a review.

The previous report (2019) capitalised on information gathered across the well beings (social, economic, environmental and cultural) as part of other Council work streams. This enabled a forward-looking stance to be taken with regard to positioning the environmental policy work streams and the Southland District to be responsive rather than reactive.

This current report provides an update to the substantial monitoring report adopted by Council in 2019. Both reports provide information on how well the District Plan is functioning and provides an avenue to highlight emergent and known issues.

It is noted that monitoring closes the policy development cycle. In essence Council can determine whether the policy framework in place is meeting resource management legislation requirements and the aspirations of the local community. It is acknowledged that an effective monitoring framework is still under development as monitoring relies heavily on resource consent data. At the time of the preparation of this report the dataset is not yet completely reliable with process improvement underway to refine its collection.

Since the last effectiveness review the Covid-19 pandemic has disrupted the world as we knew it. How this will play out, long term, across our communities on the ground will take some time to become evident. Any forward-looking policy framework will need to build in adaptability, scenario-based planning processes and time sensitive data analysis.

The resource management system was undergoing an extensive legislative review during the reporting period. The Resource Management Act 1991 had been widely accepted as being no longer being fit for purpose. The Randerson Report set the stage for the substantial changes by way of the three new acts which are: The Natural and Built Environments Act, Strategic Planning Act, and the Managed Retreat and Climate Change Adaptation Act.

Steady development has continued across the district during the reporting period with the real estate market showing few signs of slow down during the period with prices for land, buildings and dwellings continuing to trend up. Anecdotally there has been an inward movement of population across the main centres in the district due to the relative affordability of property in Southland. Urban zone boundary subdivisions are showing a clear trend upwards over the reporting period.

Subdivision of rural land has continued in order to meet housing demand and within the urban context, Riverton has become a property hot-spot. Many of the rural subdivisions are lifestyle sized blocks nearer to the urban areas. During the reporting period there has been a marked increase in the number of proposed dwellings that breach the 150m setback rule between dwellings held in separate ownership. This trend is not expected to slow down.

Commercial activity across the District has continued with a steady increase over the reporting period.

We have assumed that activity on the seaward side of the coastal hazard line has dropped off as awareness of the risks in these locations has become more evident to Council and community.

There has been an increase in recorded complaints, due to better reporting and additional staff resources.

The District's landscapes are under potential threat from inappropriate development. A review of the Natural Features and Landscapes section of the District Plan will seek to address the issue.

Resource management context

State of the environment

The Ministry for the Environment and Stats NZ released a comprehensive report in 2019 titled *'Environment Aotearoa 2019'*. This was a synthesis of previous reports and is a legislative requirement under the Environmental Reporting Act 2015. Since the last monitoring report two additional environmental reports have been issued:

- Our freshwater 2020
- Our atmosphere and climate 2020

The freshwater report identifies four priority issues:

1. Our native freshwater species and ecosystems are under threat
2. Water is polluted in urban, farming and forestry areas
3. Changing water flows affect our freshwater
4. Climate change is affecting freshwater in Aotearoa, New Zealand

The atmosphere and climate report covers in five chapters how, why and what is happening to our climate and how the changing climate is beginning to affect the things we care about. These chapters cover:

1. Our climate, our future
2. Our activities are driving emissions
3. Changes in our climate and environment are being observed
4. Climate change and our well being
5. Looking ahead: future emissions and climate

In addition, the Climate Change Commission has released a report titled *'Ināia tonu nei: A low emissions future for Aotearoa'*.

These work streams remain relevant in the changing context of the reform of the Resource Management Act and will build a sound foundation for the future. This reporting will also support the Long Term Plan key performance indicator as far as climate change is concerned.

Southland District Council has not undertaken any additional state of the environment monitoring since the last monitoring report in 2019.

Resource Management System Reform

The Randerson Report dated June 2020 has been adopted in its entirety by the government as the basis for the current legislative reforms. These are now going through the drafting and consultation process. The full

adoption of the Randerson Report as the basis for the current legislative change did occur after the reporting period – however, it is of relevance in this report given the huge contextual change in the planning landscape.

The key high-level findings/key recommendations of the Randerson Report are:

- repeal the Resource Management Act, replacing it with three new acts
- replace the Resource Management Act substantially with a **Natural Built Environments Act** with a revised purpose and principles
- a major shift from managing environmental effects to achieving positive outcomes
- create a new **Strategic Planning Act**, requiring preparation of regional spatial strategies which encompass both land and the coastal marine area. These strategies would align functions across other statutes, including the new Natural and Built Environments Act, the Local Government Act, the Land Transport Management Act and the Climate Change Response Act;
- enact a dedicated **Managed Retreat and Climate Change Adaptation Act**, which would provide for managed retreat and for the establishment of a climate change adaptation fund
- require decision makers to give effect to the principles of Te Tiriti o Waitangi, and incorporate the overarching concept of Te Mana O Te Taiao in the purpose statement of the new Natural and Built Environments Act
- establish a National Advisory Board to monitor performance of central and local government, giving effect to Te Tiriti and provide for an integrated partnership process between mana whenua and councils
- require national direction to be made on a range of core matters and combine this into a coherent suite of instruments that clearly resolve conflicts and relationships between them
- require the establishment of environmental bottom lines and targets
- reform the existing Resource Management Act plans into combined regional plans, reducing the 100 or so plans we have now to just 14
- reform the planning process, including the establishment of joint planning committees comprising regional council, territorial authority and mana whenua representatives
- require an audit of district/regional plans by the Ministry for the Environment before they are notified
- alter how the notification framework operates, including removing the “no more than minor” threshold for notification of consents
- remove the non-complying status
- Provide an alternative dispute resolution pathway for minor matters
- strengthen the overall role of the environment court
- strengthen the framework for water conservation orders
- provide more flexibility to review existing resource consents
- provide for greater use of economic instruments to drive behaviour change
- establish a nationally coordinated environmental monitoring system
- expand the role of the Parliamentary Commissioner for the Environment to provide a stronger auditing and over sight role of the resource management system

- establish regional hubs for compliance, monitoring and enforcement
- strengthen offenses and penalties for non-compliance.

The timetable is to have the three acts fully operational by the end of the current parliamentary term in approximately two and a half years' time. Transitional arrangements are still anticipated and how this will affect the Planning Department directly (and indirectly other departments within Council) remains to be seen. Southland District Council's response to the Randerson Report and the repeal of the Resource Management Act is to consolidate workstreams into policy, ecology and consenting, each with a team leader.

National legislation changes, direction and policy development

As well as the Randerson report and subsequent RMA reforms post the reporting period, two amendments to the Resource Management Act 1991 have been made during the 2018 – 2020 monitoring period.

The Resource Management Amendment Act 2020 received royal ascent on 30 June 2020 and made a number of amendments throughout the RMA. In summary:

- resource consents: changes to administration matters, restore public participation opportunities
- introduced new compliance, monitoring and enforcement provisions
- incorporated a new freshwater planning process.

These amendments have an impact on the Southland District Plan and planning processes.

Two new National Policy Statements have come into effect in 2020, both outside of the monitoring time period. For completeness these are the:

- National Policy Statement on Urban Development 2020 (20 August 2020).
- National Policy Statement for Freshwater Management 2020 (September 2020).

The National Policy Statement on Urban Development does not apply to the Southland District Council given the 'Urban' environment is defined as being an area that is providing for housing and employment for 10,000 people or greater.

The National Policy Statement for Freshwater Management, while predominately focused on regional councils, does have a direction regarding integrated management. This will require district councils to collaborate with regional councils to review provisions that have the potential to impact on water quality.

Two National Environmental Standards came into effect more recently just outside of the monitoring period relating to:

- freshwater as part of the essential freshwater package. The package also included a new regulation relating to stock inclusion.
- marine aquaculture.

These are the responsibility of the regional council to administer.

Partnership with Ngāi Tahu and Te Tangi a Taurira

At the time of reporting there was no confirmed timeframe for a review of the Charter of Understanding – Te Roopu Taiao. Council maintains a strong commitment to working in partnership with Ngāi Tahu.

Regional plans and policy development

The Regional Coastal Plan has been under review during the monitoring period with pre-notification policy development being undertaken. The formal consultation process has not yet been initiated.

Substantial work has been undertaken on resolving the appeals to the Proposed Regional Water and Land Plan. Four interim decisions have been issued by the environment court and relate to:

- the higher order provisions of the plan including most of its objectives and certain key policies
- the architecture (structure) of the proposed plan and the interpretation and implementation of Te Mana o te Wai and Ki uta ki tai by the plan
- addressing four discrete wording amendments
- confirmation of specific objectives within the proposed plan

The hearing of appeals will continue into 2021.

Department of Conservation plan development / projects

The Fiordland National Park Management Plan is now due for review and at this point in time the review has not been scheduled.

Recent District plan changes

One plan change has been undertaken to the Operative Plan. Plan Change 1 – Dark Skies was notified 9 September 2019 and became operative on 18 December 2020.

Resource management activity

Southland District covers a significant land area (30,000km²) which constitutes approximately 11% of the total land area of New Zealand. Below are three tables showing the most common type of consent that the Council processes.

TABLE 1: TOTAL NUMBER OF CONSENTS					
Consent type	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Land use	176	101	137	148	152
Subdivision	86	54	123	104	107
Total	262	155	260	252	258

Table 2: Five most common land use consents applied for in the last four years (across all zones):

TABLE 2: MOST COMMON LAND USE CONSENTS							
2016/2017		2017/2018		2018/2019		2019/2020	
Breach of 150m separation rule	17	Breach 150m separation rule	15	Breach of 150m separation rule	6	Breach of 150m separation rule	22
Commercial activity	16	Commercial activity	18	Commercial activity	26	Commercial activity	29
Urban amenity bulk and location	14	Urban amenity bulk and location	21	Urban amenity bulk and location	11	Urban amenity bulk and location	10
Gravel extraction	8	Gravel extraction	6	Gravel extraction	7	Gravel extraction	6
Rural – accessory buildings	4	Rural – accessory buildings	6	Rural accessory buildings	3	Rural accessory buildings	3

Table 3: The most common types of subdivision consents applied for:

TABLE 3: MOST COMMON SUBDIVISION CONSENT

2016/2017		2017/2018		2018/2019		2019/2020	
Rural – two lot	18	Rural – two lot	32	Rural – two lot	42	Rural – two lot	38
Boundary adjustment	11	Urban zone subdivisions	17	Urban – two lot	18	Boundary adjustment	4
Urban zone subdivisions	10	Boundary adjustment	12	Rural – three lot	33	Urban zone	43

Complaints

Table 4: Number of complaints

TABLE 4: COMPLAINTS	NO.
2018/2019	29
2019/2020	61

The reporting and recording of complaints has improved and is now considered to be a more accurate reflection than previously. Planners routinely lodge complaints in the RFS (request for service) database that have been made directly to them, rather than address the complaint themselves unrecorded.

Complaints are being lodged in the RFS database as the default location. In future years a better trend analysis should emerge from the data.

At the time of this report Council has invested in human resources to address compliance and monitoring. Late in the reporting period the compliance and consents officer role became vacant. A business case was prepared and one new full time monitoring and enforcement officer role was established with a vehicle which has significantly increased the capacity of in the monitoring and enforcement space. The next district plan effectiveness report will be able to look more closely at any trends associated with additional capacity in this role and how it may be achieving the intent of the District Plan.

Monitoring results

Coastal environment

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.

Key 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 to and along the coast.

Indicators

Table 5: number and type of resource consents within Coastal Environment Overlay

TABLE 5: TYPE OF CONSENT	2018 /2019	2019 /2020	SUMMARY OF ACTIVITIES
Subdivision	11	2	Two lot – Six lots rural subdivision predominately
Land use	4	4	Earthworks, vegetation clearance, trail – run operation (commercial activity), building platform, dwelling within 150m

Table 6: number and type of resource consents on the seaward side of the coastal hazard line

TABLE 6: TYPE OF CONSENT	2018 /2019	2019 / 2020	SUMMARY OF ACTIVITIES
Subdivision	2	1	Boundary Adjustment
Land use	6	0	Dwelling within 150m and in coastal hazard line, intensive farming operation, trail – run operation (commercial activity), building extension.

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

Data must be gathered as part of further work to understand the extent of existing dwellings located seaward of the coastal hazard line and their associated risk. This will provide a base line for understanding the total exposure of dwellings subject to coastal hazards and coastal processes.

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, being the number of new access easements created to enable coastal access is proposed to provide ongoing observation of the progress made towards meeting the objective of providing for the maintenance and enhancement of public access to the coastal environment. It's acknowledged that the esplanade mechanism section of the District Plan should be broadened when next reviewed to also include esplanade mechanisms along the coast as this is currently missing in the current wording.

Discussion

There is an overall decline in consents granted that are subject to the coastal environment overlay. The reasons for this decline are uncertain as we do not have a metric due to the unmeasured permitted building consent activity. It is therefore unclear whether District Plan objectives are being met.

Response

Data needs to be collected relating to permitted activities that occur within areas subject to the coastal environment overlay. We note that the potential change in the legislative framework to address climate change has the potential to further affect future activity within the coastal environment overlay. Council needs to understand the impacts of this legislative framework to make sure the District Plan reflects the new requirements.

Natural features and landscapes

District Plan objectives

- protection of Outstanding natural features and landscapes
- maintenance of visual amenity landscapes.

Key Issues

- inappropriate development can adversely affect the values and 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?
- increased forestry activity.

Indicators

Table 7: number of land use consents within the outstanding natural features and landscapes overlay

TABLE 7: DATE RANGE	NO.	SUMMARY OF ACTIVITIES
1 July 2018 – 30 June 2019	13	Visitor centre, commercial activity, earthworks, vegetation removal
1 July 2019 – 30 June 2020	1	Disturbance of soil under the NES

Table 8: number of land use consents in the visual amenity landscape overlay.

TABLE 8: DATE RANGE	NO:	SUMMARY OF TYPE OF ACTIVITIES
1 July 2018 – 30 June 2019	16	Vegetation clearance, building platform, dwellings, second dwelling, visitor accommodation, garage, intensive farming operation.
1 July 2019 – 30 June 2020	3	Building platforms

Table 9: number of subdivision consents within the outstanding natural features and landscapes overlay

TABLE 9: DATE RANGE	NO:	SUMMARY OF TYPE OF ACTIVITIES
2019	1	Boundary adjustment

Discussion

Outstanding natural features and landscapes

There is less activity in this area, although the effects of forestry are not adequately measured.

Visual amenity landscapes

There is a range of authorised resource consent activity occurring within the visual amenity landscape overlay. However, data needs to be collected that details the type of permitted activities occurring so as to fully understand the effectiveness of District Plan objectives and policies and where there are policy gaps.

More specifically indigenous vegetation clearance is occurring within this overlay. It is noted that the National Environmental Standard for Plantation Forestry (NES-PF), which came into force just prior to

the start of this reporting period, has the potential to facilitate forestry activity within the Visual Amenity Landscape Overlay because the NES overrides the operative District Plan. Currently there are only rules associated with Forestry within Outstanding Natural Features and Landscapes. There is a risk to our other landscapes of both increased indigenous vegetation clearance with inappropriate resultant activity.

Response

At the time of this report only some parts of the district's landscapes have been assessed as required by Section 6 and 7 of the RMA. This presents a risk if development occurs, as a permitted activity, in areas that should otherwise be classified as outstanding and/or as visual amenity landscapes. A review of the Natural Features and Landscapes Section of the District Plan has subsequently commenced within this reporting period to address the policy gap. This workstream will culminate in a plan change.

Biodiversity

District Plan objectives

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

Key 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

Table 10: biodiversity indicators

TABLE 10: INDICATOR	1 JULY 2014 – 30 JUNE 2016	1 JULY 2016 – 30 JUNE 2018	1 JULY 2018 – 30 JUNE 2020
Area of vegetation authorised to be cleared through resource consent.	2758.38ha	4.2920ha	10.45ha
Number of resource consents applied for to undertake clearance of indigenous vegetation.	11	5	6
Summary of activities	Pastoral farming, building platforms and access.	Walking tracks, roading, access to sites and building platforms.	Build dwelling, plant in radiata pine, gravel extraction, commercial activity, walking track
Area covenanted through Queen Elizabeth Trust (QEII) covenants.	197ha	2,180ha	699.72
Number of High Value Area reports undertaken.	62	73** (covering 3,286ha)	51

**The information for the reporting period was unable to be sourced.*

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

Discussion

There is an evident increase in vegetation clearance which could be attributed to, but not limited to, the National Environmental Standard for Plantation Forestry (NES-PF) which came into force just prior to the start of the reporting period; and the government's 'One Billion Trees Programme'. In essence there are incentives for land diversification into forestry. The NES-PF currently overrides parts of the Southland District Plan.

At this stage Council has not completed a stock take of all the indigenous vegetation cover within the District to form a reliable data set. Therefore, we do not know the impact and / or level of significance of any clearance to date as we do not understand what exists in totality.

At the time of reporting there are known unconsented vegetation clearance activities with a significant loss of indigenous vegetation alongside known pressures on our landscapes attributed to forestry activity.

Overall, we do not consider that the objectives of the District Plan are being met

Response

Council needs to know the amount of indigenous vegetation cover in Southland and the impact of clearance activities. This can only be achieved with a significant investment in compliance and monitoring resources.

At the time of writing this report the proposed National Policy Statement for Indigenous Biodiversity (NPSIB) is under development. The proposed NPSIB will require councils to survey and map significant indigenous biodiversity within their region and include associated policy response(s). This process, whilst currently controversial, has the potential to assist better policy development.

Historic heritage

District Plan objectives

- retention and utilisation of scheduled heritage sites and buildings
- minimise risk of damage from earthquakes to heritage buildings and structures
- maintain the state of our heritage resources

Key Issues

- listed heritage items are lost or damaged as a result of inappropriate development
- the regulatory framework is potentially creating barriers to the use retention and upgrading of buildings.

Indicators

Table 11: heritage items

TABLE 11: INDICATOR	1 JULY 2014 – 30 JUNE 2016	1 JULY 2016 – 30 JUNE 2018	1 JULY 2018 – 30 JUNE 2020
Number of consents granted for modification of heritage items.	1 – Additions to a commercial building.	0	0
Number of consents granted for demolitions / removal	1 - Demolition of woolshed	0	Unknown at reporting
Number of heritage buildings that have been identified as earthquake prone.	12 – all in Winton historic area	12 – Winton historic area*	12 – Winton historic area***
Number of new entries to HNZ listings (100/30/5/20)	N/A	2** – Dwelling in rural Riverton area and gold workings in Nokomai area	1 – Ohai Railway Board Office and Depot (former), Wairio.

**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.*

**** carried over from previous period*

Archaeological authorities granted.

Two authorities were granted during the reporting time period. The first was for works affecting gold workings in the Waikaia area and the second for works affecting a historic culvert.

Discussion

There are no resource consents for modification of heritage listed items or buildings. The assumption is made that there are no new resource consents due to the impact that the earthquake prone buildings upgrade processes, regulations and associated costs may be having on demand.

It is also noted that in Table 15 there are 19 resource consents for commercial activity outside of the commercial precinct overlay. There may be a correlation between the location of commercial activity and the demand for suitable commercial buildings, some of which may be subject to earthquake prone upgrade requirements.

Council has identified 149 buildings as earthquake prone and undertaken the process required to work with owners to manage the associated risk. This is an ongoing project.

Overall, it appears that the District Plan objectives are being met.

Response

The planning department will need to work with the building department to understand the metrics and the issues associated with buildings now subject to earthquake prone processes. The Building Team are also working on behalf of building owners to identify grants and funding to support earthquake strengthening of heritage buildings.

Natural hazards

District Plan objective

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

Key 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 Regional Policy Statement, therefore has the District Plan appropriately given effect to the policy direction contained within the policy statement?

Indicators

Table 12: number of subdivisions granted and lots created within the natural hazard overlay

YEAR RANGE	NO OF SUBDIVISION CONSENTS:	TOTAL LOTS CREATED
1 July 2018 – 30 June 2019	21	53 Lots
1 July 2019 – 30 June 2020	7	16 Lots

Table 13: number of land use consents granted within the natural hazard overlay

YEAR RANGE	NO OF LAND USE CONSENTS :
1 July 2018 – 30 June 2019	22
1 July 2019 – 30 June 2020	8

Discussion

The reason for declining trend of subdivision and land use consents within the natural hazard overlay is unclear given there was no policy change within the reporting period at a regional council and district council level.

The declining trend could be due to increased public awareness of development within areas subject to a natural hazard overlay. Furthermore, associated insurance costs may now make construction within areas subject to hazards as becoming price prohibitive.

We still need to develop an understanding of the permitted baseline i.e. what development is occurring that does not require resource consent. In analysing the permitted baseline, Council can determine more accurately if District Plan objectives are being met. This dataset can be achieved by collaboration with the building team alongside refined use of pathways to capture the relevant data.

Response

Council needs to ensure that the Natural Hazards section of the District Plan remains current and meeting best practice across the rest of New Zealand. In the last reporting period section 6 (matters of national importance) was updated to include “managing the risks of natural hazards” and accordingly at a national level more emphasis is being given to restricting activities in areas prone to natural hazard events.

Council needs to create and monitor the permitted baseline activity for both building consents and resource consents to highlight any gaps in policy.

Rural zone

Residential development in the rural zone

District Plan objectives

- subdivision, land use 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.

Key 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
- Proposed National Policy Statement for Highly Productive Land will have an impact on the District Plan.

Indicators

Number of resource consents for staff accommodation.

No resource consents were granted for staff accommodation within this time period.

Number of resource consents for residential activity

Table 14: number of resource consents for residential associated activity

YEAR RANGE	NUMBER OF CONSENTS
2018-2019	19
2019-2020	25

See also Table 2. Note the number of resource consents for dwellings that breach the 150m rule within the rural zone. See also Table 3.

Discussion

Insufficient data available to confirm permitted baseline i.e. we do not know what development has occurred as of right.

There is an increase in residential and associated activity occurring within this zone with more work required to understand the exact volume of buildings constructed. Assumptions can be made by reviewing Table 2 which shows an increase in dwellings constructed that breach the 150m requirement and Table 3 which shows an increase in the number of two lot rural subdivisions. Overall, residential activity within the rural zone is increasing but we are unable to understand the effect this is having on the productive use of land and rural amenity because of insufficient metrics.

Response

Dataset development by collaboration with the building team is required to better understand patterns of development in the Rural Zone.

Intensive farm buildings

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

Table 15: number of consents for wintering sheds, intensive farming activity

TABLE 15: INDICATOR	1 JULY 2014 – 30 JUNE 2016	1 JULY 2016 – 30 JUNE 2018	1 JULY 2018 – 30 JUNE 2020
Number of consents granted for wintering sheds over 1500m²	6	7	3
Number of consents granted for intensive farm buildings /activity	1 –over 1500m ²	1 –over 1500m ²	1 – Poultry farm

TABLE 15: INDICATOR	1 JULY 2014 – 30 JUNE 2016	1 JULY 2016 – 30 JUNE 2018	1 JULY 2018 – 30 JUNE 2020
Confining stock longer than 3 months			

Discussion

The trend suggests there are few wintering sheds breaching the district plan. However, we do not know the impact of intensive farming buildings because we do not monitor the permitted baseline.

Since the reporting period we are aware of the increase in wintering sheds that breach the District Plan requirements. We anticipate that this trend will continue.

Response

Council needs to understand and monitor the permitted baseline to identify policy gaps and to understand if objectives are met. This dataset/analysis can be achieved by collaboration with the building team in regards to permitted activity.

Urban zone

Residential amenity

Objectives

- subdivision, land use, and development in the Urban Zone shall maintain or enhance residential amenity.

Key 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

Table 16: number of consents breaching height restrictions

TABLE 16: INDICATOR	1 JULY 2014 – 30 JUNE 2016	1 JULY 2016 – 30 JUNE 2018	1 JULY 2018 – 30 JUNE 2020
Number of consents granted height in relation to boundary / setback	46	30*	5*
Number of consents granted for over height buildings	17	7	7

**RMA amendments came into effect during this time period, therefore 1 July 2018 – 30 June 2020 figures only relate to those matters that required land use consent. A new alternative process is provided for “Permitted Boundary Breaches” and that has not been reported here.*

Discussion

The declining trend, whilst unrecorded within our dataset, can be attributed to the RMA amendments.

We cannot conclude as to whether the objectives of the plan are met in regards to amenity because we do not have permitted baseline data and we do not adequately monitor resource consents on completion.

We anticipate the proposed RMA reform which is focused on outcomes rather than effects will have a positive impact on measuring amenity.

Response

Council needs to record and monitor the number of permitted boundary breaches.

Council requires feedback from district plan users regarding the usability of the 6m² exemption to height in relation to boundary rule. Additionally, feedback on our urban amenity and expectations/observable changes should be obtained before any further work is undertaken on the Urban section of the District Plan.

Council needs to understand the number and location of complaints received regarding permitted building projects in order to fully understand what the community considers as urban amenity.

Commercial precincts

Objective

- where they are identified, commercial precincts shall accommodate the principal retail and services functions of the urban zone.

Key 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

Table 17: Number of consents issued for commercial activities by zone and precinct.

TABLE 17: ZONE	1 JULY 2018 – 30 JUNE 2020 NO:
Rural zone	5
Urban zone	8
Commercial precinct	0
Industrial zone	1
Fiordland Rakiura zone	5

Discussion

The trend shows that no development within the Commercial Precinct triggered resource consent which can mean the rules were enabling enough to facilitate this development or the rules are too restrictive and commercial development was put into other zones. It is noted that the commercial activity ranges between water surface activity to commercial activity from a building. The assumption is made that the availability of suitable commercial buildings may have an impact on demand. See discussion in respect of heritage buildings.

Given the number of commercial activities that are occurring outside of the designated retail area it can be concluded that the objectives of the District Plan are not being met.

Response

Analysis of the commercial building consent dataset, and related warrant of fitness information is required to better understand the level of permitted activity not requiring consent.

Council needs to further analyse the existing commercial building stock within Southland District, understand the barriers to development, and identify opportunities for development in order to meet objectives of District Plan.

Appendix 1 Progress on 2016-2018 recommendations

RECOMMENDATIONS	PROGRESS
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	On hold until additional policy resource secured.
Recommendation 2: Work associated with the climate change work stream continues as planned.	Current workstream
Recommendation 3: Review status of public access along the coastline, and the esplanade reserve mechanism provisions of the subdivision section of the plan	Current workstream
Recommendation 4: Undertake work to enable building consent data to be extracted from pathways against zones and overlays to show exposure to coastal processes	Current workstream
Recommendation 5: continue to progress work on enabling data gathered within the Pathways system and the GIS system to be integrated and spatially interrogated	Current workstream
Recommendation 6: Develop guidance material to support the implementation of the permitted activity framework for the visual amenity landscape overlay	Current workstream
Recommendation 7: continue to progress the development of a project plan to scope progressing the district wide landscape values assessment (including geological sites)	Done
Recommendation 8: Continue to have a watching brief on the development of the National Policy Statement for Indigenous Biodiversity	Current workstream
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	Current workstream
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	Current workstream
Recommendation 11: scope project plan to spatially display building consent information, refined to show dwellings and other buildings within hazard prone areas	Current workstream
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	Current workstream
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	Current workstream
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	Incomplete
Recommendation 15: Review the urban amenity standards as part of the rolling District Plan review and future urban development work	Incomplete

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	Incomplete
Recommendation 17: That a project plan be developed to assess current and future development trends across the district	Current workstream
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	Incomplete
Recommendation 19: Approach key parties to ascertain interest in undertaking such a process with regard to the Milford Sound Township	Ongoing
Recommendation 20: Source and analyse relevant data, potentially as part of the future development capacity project work and report back to Council on findings	Incomplete

Appendix 2: Recommendations 2018-2020

The following is a list of recommendations for 2018 - 2020

RECOMMENDATIONS

Coastal environment overlay

Data needs to be collected that relates to permitted activities within areas subject to the coastal environment overlay, coastal hazard line, visual amenity landscape overlay

Natural features and landscapes

A review of the natural features and landscapes section of the District Plan undertaken to address gap in policy to manage landscapes of significance

Biodiversity

Data collected on the amount of indigenous vegetation cover in Southland

Council needs to monitor the permitted baseline to understand significant adverse trends and to understand if policy direction is adequate

Council needs to incorporate incoming national regulation eg the proposed National Policy Statement for Indigenous Biodiversity (NPSIB) which is under development.

Historic heritage

The planning department will need to work with the building department to better understand the metrics and the issues associated with buildings now subject to earthquake prone processes

Natural hazards

Council needs to review and re-evaluate the natural hazards section of the District Plan to understand if it aligns with the Regional Policy Statement

Rural zone

A dataset developed in collaboration with the building team to understand the status of permitted activities

Intensive farm buildings

A dataset developed in collaboration with the building team to understand the status of permitted activities

Urban zone

Council needs to record and monitor the number of permitted boundary breaches; and the usability of the 6m² exemption to the Height in Relation to Boundary recession plane

Council needs to understand the number and location of complaints received regarding permitted building projects to understand what the community considers as urban amenity

Commercial precincts

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

Council needs to further analyse the existing commercial building stock within Southland District to better understand barriers to development, and to identify opportunities for development in order to meet the objectives of District Plan.

Freedom camping report 2020/2021

Record no: R/21/5/25519
Author: Michael Sarfai, Environmental health manager
Approved by: Fran Mikulicic, Group manager environmental services

☐ Decision ☐ Recommendation ☒ Information

Purpose

- 1 The purpose of the report is to provide information to the committee about the 2020/2021 freedom camping season.

Recommendation

That the Regulatory and Consents Committee:

- a) **receives the report titled “Freedom camping report 2020/2021” dated 7 July 2021.**
- 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.

Attachments

- A Freedom camping report 20 21 [↓](#)

Freedom camping report

2020/2021 season

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What we did

Here is a summary of what activities occurred during the 2020/2021 freedom camping this season:

1. Applied and received funding from the TIF fund, for ambassadors, signs in the Catlins, and a survey on self-contained camping. Two fulltime fixed term ambassadors employed by Council– both of whom were employed as a shared service with DOC; one based in Te Anau, one in the Catlins. Council provided vehicles for both these positions. Environmental health manager time allocated to coordinate services.
2. Completed a self-containment survey.
3. Erect new signs where required, and worked with Catlins Coast Inc. to replace existing sign panels
4. Working with partner agencies – DOC and Catlins Coast Inc.
5. Responding to public queries and complaints.

Ambassadors

Council coordinated the following ambassadors using the TIF funding, all three being a shared service with DOC:

A full-time fixed-term ambassador based in Niagara, employed by Council, covering the Catlins and Eastern Southland. Her day-to-day work included areas of interest to DOC, such as their campsites at Papatowai, Waipohatu, and Waipapa Point. Council provided her with a vehicle for this service.

A part-time (64 hours per fortnight minimum) fixed-term ambassador based in Te Anau, covering the Te Anau basin, along with Northern, Western, and Central Southland. He was employed by Council. His focus was areas of interest to the Council, in particular Council's responsible camping designated areas, and hot spots. Council provided him with a vehicle for this service.

A part-time (40 hours per fortnight) fixed-term ambassador based in Te Anau, covering areas of interest to DOC, such as the Milford Road. She was employed by DOC. DOC invoiced Council for her hours, and DOC provided a vehicle for her. She resigned from this position, last day 12 February 2021. After consulting with DOC, it was decided to increase the other Te Anau ambassador to fulltime to replace this position.

Feedback from campers

Key themes from campers:

- freedom camping in the District is well managed and popular
- there is a lot of information available
- “clean and green” is what everyone says

There was positive feedback about the Catlins map, a tear off map produced by Catlins Coast Inc, that includes information about freedom camping.

Compliance

Commentary from the ambassadors for specific sites is in **Attachment A**.

The ambassadors found 99% of campers' co-operative.

Overseas people very aware of camping apps, and so were North Islanders. Southland and Otago residents had a lower awareness of apps. The main apps used are Wikicamp, Campermate, Rankers. Campers tend to have just one, Campermate being the most popular.

Overall compliance has been excellent this year, due to reduced numbers of tourists as a result of Covid, and the comprehensive ambassador services this year enabled by the TIF funding. No infringements have been issued for the season.

In the Catlins part of the District, there are designated sites available. Because of a designated site option for all campers in this area, all campers readily complied with any instructions of the ambassador to relocate.

Historically there has been a need to issue infringements in the Te Anau area, as freedom camping is largely prohibited there, and there are no Council designated sites. However, this year due to Covid, numbers are down and compliance has been high. This year there has been no need to issue infringements in that area.

The ambassadors have flyers and maps that they distribute as required, but education is mainly direct with interaction between the ambassadors and campers.

Covid resulted in far fewer campers this year, with the Catlins ambassador suggesting that numbers are about a third of what they were the previous year. Still a lot of campers, especially kiwis.

Working smarter

Near the end of the season, each ambassador met with Council's GIS team leader, to record their data into Council's Geomedia system. This system is mapping software that captures layers of data (eg District Plan data and water and waste water data).

The ambassadors advised of their hotspots and routes, and other relevant data. Going forward, this will be a great training resource for new ambassadors, as well as being valuable for management purposes.

The value of ambassadors

The ambassadors proved their value this year. They:

- ensure that campers are located where Council wants them to be
- educate campers directly
- manage capacity at sites
- pick up small rubbish deposits, that prevents further deposits. Tourists advise that if they see it they are more likely to dump it
- other education such as dogs on lead, no open fires, and overstay at designated sites
- promoting the area and assisting with queries.
- manage inconsiderate campers, for example those that spread out longways rather than side-by-side
- noise control –talking to rowdy campers near residential areas

It is clear that should Council not provide ambassador services, then a key problem that would arise is a large increase in camping in areas that are not permitted/suitable for camping, eg sides of roads, and word-of-mouth hot spots such as by a golf course or pockets by water.

Health and safety

There were no reported health and safety incidents.

The ambassadors were provided with Council vehicles, and the full set of pertinent PPE relevant to their positions, including fluorescent vests, cell phones, and ERoad installed in vehicles.

Training included a clear expectation to not enter any situation that may pose a risk to their safety, and to exit any situation that was felt to pose a risk to their safety.

Signage project

Revising the Catlins freedom camping signage has been a great opportunity to get stakeholders to agree on consistent messaging, including removing the Weirs Beach site from public awareness to reduce problems there.

Council consulted with Catlins Coast Inc, <https://www.catlins.org.nz/>, in this project; a major stakeholder.

It was agreed that the best solution was to update existing responsible camping signage, rather than the proposed signs in the funding application. These panels contain more information than what was proposed in the funding application, for example locations of dump stations and public toilets.

An example of the panels that were funded from the TIF application is in **Attachment B**. The panels are sized 1500mm x 1000mm and are located as follows:

- Waikawa toilets – new ‘you are here’ panel. Replacing an older Council information sign.
- Stirling Hill near Fortrose – replaced existing “you are here” and “care panel”.
- Fortrose toilets - replaced existing “you are here” and “care panel”.

This project was been completed in late January 2021, and the costs relate to design, production, and installation.

Survey of self-contained vehicle compliance

The Catlins based ambassador completed this survey. We sought advice from the NZMCA in preparing this survey. They advised that there are a number of issuing authorities in addition to the NZMCA certifying vehicles under NZS 5465, including businesses, non-profit organisations and individual plumbers. Their view is that NZMCA would do the bulk of inspections each year, followed by NZ Lifestyle Camping who also have an online register - <https://www.nzlifestylecamping.com/vehicleregister>.

The NZMCA warned us that the Responsible Campers Association (RCAi) are issuing cards that look very similar to the self-containment warrants issued under NZS 5465, but are not legitimate NZS 5465 warrants:



There was no additional cost with this survey, it is incorporated into the funded ambassador hours.

Key lessons from the self-containment survey

- all comply with water and grey water
- almost all have toilets, but have to set them up
- most don't use their toilets regularly, because they use public toilets available. Space, privacy, cleaning, and disposal are reasons not to use them
- most smaller vans surveyed were privately owned
- all warrants that could be verified were legit
- some feedback that there were not enough dump points.

The raw data for this survey is attached to the email.

Costs of the project

In September 2020 MBIE advised Council that it approved its application for responsible camping funding, for the following initiatives:

- Ambassador programme
- Survey of self-contained vehicle compliance
- Signage

Council received a grant for \$81K from MBIE.

The costs of the project were:

Salaries	73,486
DOC invoice for ambassador salary	5,124
Signs	2,390
Total	81,000

All figures exclude GST.

Submission to MBIE

In May 2021 the government consulting on how to make freedom camping in New Zealand more sustainable. Council approved a submission; the key points being:

1. Supporting the proposal to make it mandatory for freedom campers to stay in vehicles which are certified self-contained, unless they are staying at a site with toilet facilities.
2. Supporting the proposals to improve the regulatory tools for government land managers.
3. Agreeing that the requirements for self-containment should be strengthened.

Number of complaints

Council historically does not receive many freedom camping complaints each year. From 1 Nov 2020 to 30 April 2021, Council received 17 freedom camping complaints. In the same period last year, there were 21 complaints.

Attachment A – commentary from the ambassadors

Northern, Central, Western Southland

Lumsden	<p>Small numbers generally. Around Christmas there were 10 vehicles a day on average. Dropping down to 3 or 4 a day. Mostly not self-contained, small vans.</p> <p>About half advise that they will buy coffee and breakfast, and other items.</p> <p>They all say it's a brilliant site, some say the best in NZ, 10 out of 10 - the layout, it is tar sealed, facilities, tables, hot plate area.</p> <p>Campers pass through from Queenstown to Milford and vice versa, or down South. Around 60% of campers were north islanders.</p> <p>The main problem was parking in wrong places, mainly non-self-contained in self-contained parks. No tents at all.</p> <p>The site was clean, no rubbish - there is a skip there.</p>
Monkey Island	<p>Popular. Up to 50 regularly during busy periods, around 50:50 self-contained, a lot members of the NZMCA. About 90% NZers, 10% overseas tourists stuck in NZ.</p> <p>No problems. Campers were in the boundaries.</p> <p>Some light fires, the ambassador advised them to burn them out.</p> <p>Site is clean, no rubbish, there is a skip there.</p> <p>A few tents at times.</p> <p>Almost everyone complaints about the toilets smell, but if they close the lid it doesn't smell. Caused by drafts from the vents up through the toilet.</p>
Colac Bay	<p>Some non-self-contained were moved on to Monkey Island, tents and some caravans. Happy to move on and apologetic.</p> <p>Site is clean, no rubbish, there is a skip there.</p> <p>A few tents at times.</p> <p>North Islanders love the spot, scenic, sound at night of the sea. Some walked up to the tavern to have dinner.</p>
Clifden	<p>Max 8 or 10 during busy periods, around 2-4 a day. Most are self-contained, the larger camper vans, motorhomes and buses. More recently retired people. There is a rubbish bin.</p> <p>Great spot, peaceful, quiet, tidy.</p> <p>Campers were passing through.</p>
Riverton	No campers seen at all.
Thornbury	<p>Christmas/NY – site was full, no more room. Later down to 2-3 a day.</p> <p>When full, there were complaints about kids riding motorbikes (noise).</p> <p>No complaints about there being just the one toilet.</p> <p>Tents on the west side of the road. No queues at toilets.</p> <p>Mostly Invercargill residents at Christmas/ New Year.</p> <p>Estimate 80% self-contained, except at Christmas 70% non-self-contained, particularly rows of tents. No fires. Skip bin there.</p>
Mossburn	No issues at all, including by the river. Previous years it is believed that it was overseas tourists staying there.
Fairlight	A couple of campers, they were moved on to Lumsden. Happy to move, thought they could stay there. It is private property "Absolutely no camping sign".



Drummond, Manapouri, Tuatapere, Otautau, Athol, Garston, Nightcaps and Ohai	No camping seen in these areas, other than one at Tinkertown.
Te Anau	No campers at all in the town. One a fortnight on the Milford Road.
Dipton	Two self-contained vehicles, in the designated area
Waituna Lagoon (DOC site)	Two a week, usually self-contained. They were there fishing, no problems.

Eastern, Catlins

Dunsdale	<p>A hotspot for Southlanders</p> <p>This site is a bush reserve with 3 acres grass to camp on -there are toilets available.</p> <p>This site is mainly used by locals which return annually.</p> <p>Issues include are, Dogs of leads, Staying over 3-day period, open fires.</p> <p>Up to 17 groups during peak holiday periods.</p> <p>Weekends are busy with 4-5 groups, weekdays are steady with 1-2 groups - more than one vehicle per groups, friends and family</p>
Waipahatu and Waipapa (DOC sites)	<p>These are becoming more popular solely due to the ambassador's education. Feedback is that these sites are lovely and quiet.</p> <p>About one a night at each site.</p>
Edendale, Wyndham	No campers seen.
Fortrose	<p>Issues included are high winds, flooding, over-crowding, dogs off leads.</p> <p>Average of 19 vehicles per night.</p>
Weirs Beach	<p>This site was very popular</p> <p>Issues, over-crowding and dogs off leads.</p> <p>This site has an average of vehicles per night is 12. This has halved from last season.</p>
Waikawa	<p>This site has toilet's, rubbish bins. Also, in Waikawa is the museum and Fish & chip van.</p> <p>Waikawa is very popular and has an average of per night is 10 vehicles</p>
Winton	Low use, often no one, or one or two campers.

Attachment B – example of front and rear sign panels



WILDLIFE & NATURE

For more information visit www.doc.govt.nz


- Talk quietly and move slowly when near sea lions / whakahao or fur seals / kekeno – do not disturb them, give them space, stay at least 20m away
- Yellow-eyed Penguins / Hoiho are shy and easily stressed – do not disturb them, give them space, stay at least 50m away
- Do not remove plants, animals or fossils from the environment – treat New Zealand / Aotearoa forest and birds with respect, they are unique and often rare
- Respect our cultural heritage, treat these places with consideration and care
- Dogs can disturb and even kill wildlife, please respect signage regarding dogs
- No drones at Nugget Point / Tokatā, Roaring Bay / Hakaparāoa, Curio Bay / Tumu Toka, Slope Point / Waipapapa and Waipapa Point / Ōtara



Use of drones is restricted – for further information on use of drones in public places, private land, around livestock, wildlife and wildlife habitats visit www.doc.govt.nz or www.airshare.co.nz


CAMPING

For more information visit www.camping.org.nz



- Please use official camping sites as they have toilets and waste disposals
- No Roadside, Lookout or Beachside Camping
- Permission must be obtained for camping, parking or walking on private land
- Please leave areas clean and tidy
- Check it is all right to light fires – permits are required www.fireandemergency.nz

Fires can destroy the bush

DRIVING

Visit www.nzta.govt.nz/safety/driving-safely/visiting-drivers/ and www.nzta.govt.nz/resources/driving-in-nz





- Keep left, observe all road signs. Pass school bus at less than 20km/hr
- Reduce speed when driving on 'unsealed' roads
- Limit vehicle use on beaches, respect other beach users, the road rules apply
- Indicate and pull over to the left-hand side of the road to take photographs, read road signs and to allow vehicles behind you to pass safely
- If you see sheep and cattle on the roads, drive slowly and stay in your vehicle



WASTE DISPOSAL




- Please take all rubbish away with you, carry out what you carry in. Rubbish disposal points are at Kaka Point, Owaka, Papatowai and Tokanui. Recycling is also available at Owaka and Tokanui
- Use public toilets provided, please do not pollute the environment
- Use Campervan waste disposals – Inn Street Owaka, Thomas's Lodge Owaka, Kaka Point, Tokanui, Whistling Frog Resort and Pounawea Holiday Park

The Catlins Care Code revised by Catlins Coast Inc for The Catlins Community 2020

www.catlins.org.nz



THE Catlins

Te Akau Tai Toka

NEW ZEALAND - AOTEAROA

Please help us to protect the nature and wildlife of The Catlins – Only leave your footprints; only take photographs and memories...

Check out the Tiaki Promise – www.tiakinewzealand.com

For fire or accident emergency - ph. **111**

For conservation/wildlife emergency - ph. 0800 362 468

NOTE: There is minimal cell phone coverage in much of The Catlins. Public phones are located at Owaka, Papatowai, Kaka Point and Tokanui.

Chairperson's report

Record no: R/21/6/36755
Author: Alyson Hamilton, Committee advisor
Approved by: Fran Mikulicic, Group manager environmental services

☐ Decision ☐ Recommendation ☒ Information

Purpose of report

- 1 The purpose of the report is to provide an update to the Regulatory and Consents Committee on activities that the chairperson has been involved with and to present an overview of these issues.
- 2 Items of interest Chair Duffy is reporting on are as follows:
- 3 Along with councillors Menzies and Harpur and SDC staff, I attended the Future Farming Expo hosted by the Aparima Catchment Groups in Otautau on June 11th as part of Thriving Southland. There were over 160 people in attendance but disappointingly, from what I observed, very few farmers, which could have been because of the covid postponement from March to June.
- 4 Rural banking, consultancy and fertiliser companies were well represented so information may get filtered back through their contacts with farming clients. A range of experts spoke on research and innovative actions towards environmentally sustainable outcomes particularly regarding soil and water. I found the topics covered to be highly relevant but some presentations more academic than a practical minded audience would have required.
- 5 On May 28 I attended the opening of the Janet de Wagt Coastal Southland Exhibition at He Waka Tuia which featured paintings by Janet of Southland coastal scenes from Milford Sound/Piopirotaha to Waikawa. The exhibition highlighted the value of this important feature of our land and seascapes.
- 6 Cr Keast and I represent Southland District Council (SDC) on the Whakamana te Waituna Trust. An issue at the forefront there is the renewal of the consent for opening the lagoon to the sea. I can see a need for SDC to be involved in the dialogue to find a workable solution.
- 7 On 22 June I was driving in the Waimahaka/fortification area and was very disappointed with the condition of gravel roads where they are completely shaded by plantation forestry. I feel for the local people that must drive these roads in winter. They are certainly affected by the rules that allow planting so close to particularly the north side of gravel roads.

Recommendation

That the Regulatory and Consents Committee:

receives the report titled "Chairperson's report" dated 5 July 2021.

Attachments

There are no attachments for this report.