

REPORT TO RESOURCE MANAGEMENT COMMITTEE

Meeting Date: 1 - 3 JUNE 2010

Subject: DECISIONS ON PROVISIONS AND MATTERS RAISED IN SUBMISSIONS IN ACCORDANCE WITH CLAUSE 10 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991 - **TE ANAU URBAN RESOURCE AREA EXPANSION - PROPOSED PLAN CHANGE NO. 6 TO THE OPERATIVE SOUTHLAND DISTRICT PLAN 2001**

File No.: 360/35/4/15

Report by Jennifer Green, Senior Resource Management Planner - Consents dated 5 May 2010.

1. **SUMMARY OF REPORT**

This report has been prepared by the Southland District Council (SDC) in accordance with Clause 10 of the First Schedule; and Section 42A of the Resource Management Act 1991 (RMA) to consider all submissions received following the public notification of proposed Plan Change 6 and to make recommendations on those submissions and further submissions.

The background information to this Plan Change is contained within the Section 32 report prepared for the Southland District Council at the time this Plan Change was notified. For reference purposes, the Section 32 report is attached to this report in Appendix 1.

There has been considerable residential development on the periphery of the existing Urban Resource Area of Te Anau, therefore some of the large consented residential developments approved in recent years e.g. the 115 lot Riverside development and the 240 lot Delta development, are currently located outside of the existing area zoned "Urban Resource Area" under the Operative District Plan. Plan Change 6 seeks to incorporate the consented developments, whilst also providing some land for further future expansion.

Signature

Author

Executive Staff

1. **SUMMARY OF REPORT Continued**

The Section 32 report evaluated a range of options to achieve an effective planning regime with respect to providing for urban expansion, including retaining the status quo - i.e. make no change to the District Plan, only including those areas already consented for development, expanding the Urban Resource Area but excluding the area south of SH 94 and SH 95 and expanding the Urban Resource Area and including the area south of SH 94 and SH 95.

This report:

- outlines the statutory provisions relevant to the plan change process;
- discusses general issues;
- discusses both the original and further submissions received following the public notification of this plan change;
- makes recommendations as to whether or not those submissions should be accepted or rejected; and
- concludes with an overall recommendation based on the preceding discussion in the report.

A total of 32 submissions and one further submission were received on proposed Plan Change 6. Submissions received sought a range of outcomes and the submissions and further submission are discussed in more detail later in this report.

This report concludes that the most appropriate option available is an expansion of the existing Te Anau Urban Resource Area to include the existing consented developments and to rezone some additional land currently zoned Plains Rural Resource Area and Transitional Resource Area to Urban Resource Area, so as to provide further scope for future urban growth. Providing an expanded area for residential activity will ensure that there is capacity for current demand while also providing a suitable area for future residential growth in Te Anau.

2. **RECOMMENDATION**

- (a) THAT THE REPORT ON SUBMISSIONS ON THE PROPOSED TE ANAU URBAN RESOURCE AREA EXPANSION - PLAN CHANGE 6 BE RECEIVED BY THE COMMITTEE.
- (b) THAT THE COMMITTEE CONSIDERS PROVISIONS AND MATTERS RAISED IN SUBMISSIONS ON PROPOSED PLAN CHANGE 6.
- (c) THAT THE COMMITTEE CONSIDERS THE STAFF COMMENT AND RECOMMENDATIONS FOR DECISIONS ON SUBMISSIONS AS DETAILED IN THIS REPORT AND ANY FURTHER POINTS AS INDICATED AT THE MEETING.
- (d) THAT THE COMMITTEE MAKES DECISIONS ON PROVISIONS AND MATTERS RAISED IN SUBMISSIONS.

3. **REPORT**

3.1 **Background**

The Council is seeking to provide a more coordinated approach to emerging environmental issues and growth pressures in the Te Anau Basin.

There has been considerable residential development in Te Anau since 2002. Whilst there is some existing urban zoned land that can be developed to accommodate this demand, it is also appropriate to provide further scope for future urban growth.

Some of the recent residential development has been occurring outside of the existing "Urban Resource Area" as identified in the Operative District Plan 2001. Several large scale residential developments approved in recent years are currently located outside of the existing zoned Urban Resource Area such as the Delta, Riverside and Fiordland Lifestyle Properties (Alpine Terrace) developments. This has, to some extent, created a situation of "Urban sprawl" as this land is not currently zoned "Urban".

There is still on-going pressure for land located on the periphery of the existing "Urban Resource Area", which is currently zoned Transitional or Plains Resource Areas, to be subdivided and developed for residential activities.

Further, there are increasing cost effects from the current and projected development pressure on the services of the Te Anau township. Defining an expanded Urban Resource Area to take account of existing development and make provision for potential growth in locations which can be readily serviced will assist in allowing Council's Water and Waste Services team to plan for future maintenance and growth in the area.

3.2 **Options Considered**

The following options have been considered under Section 32 of the Resource Management Act 1991 (the Act):

- Retain status quo - make no change to the provisions of the Southland District Plan 2001.
- Only include those areas already consented for development.
- Expand Te Anau's existing Urban Resource Area but exclude the area south of SH 94 and SH 95.
- Expand the Urban Resource Area but include the area south of SH 94 and SH 95.

3.3 **Policy and Plan Considerations**

This section of the report briefly sets out the statutory framework within which the Committee must consider submissions. Section 4 of the Section 32 report for proposed Plan Change 6 details further the key provisions of the Resource Management Act relevant to the proposed plan change (see Appendix 1).

Regional Policy Statement for Southland 1997

The Regional Policy Statement for Southland provides an overview of the resource management issues of the Southland region. It also states the objectives, policies and methods to achieve integrated management of the region's natural and physical resources. Southland District Council is required to give effect to the matters set out in the Regional Policy Statement under the Resource Management Act 1991. Section 5.10 'Built Environment' of the Regional Policy Statement details a number of provisions that are considered relevant to the proposed Te Anau Plan Changes including the following objectives and policies;

5.10.3 OBJECTIVES

Objective 10.1

To achieve the sustainable management of the built environment in such a way that the needs of future generations are met.

Objective 10.2

To maintain and enhance the environmental quality of the Region's built environment.

Objective 10.5

To minimise the adverse effects of the built environment on natural and physical resources.

5.10.4 POLICIES

Policy 10.1

Encourage development and use of the built environment that provides for the efficient use of existing facilities and infrastructure while simultaneously avoiding the development of unnecessary additional infrastructure.

Policy 10.7

Recognise that changes to one component of the built environment can have adverse effects on other components of the built environment.

Preparation, implementation and administration of District Plans is recognised in this section as a key method for achieving the built environment objectives outlined above.

5.10.5 METHODS OF IMPLEMENTATION

Method 10.5

*Prepare, implement and administer Regional and District Plans
In preparing Regional and District Plans, regard is required to be given to the integrated management of the effects of the use, development and protection of land and associated resources.*

Proposed Plan Change 6 is considered to be an appropriate method to achieve the built environment objectives outlined above. The Southland District Council will be able to give effect to the Regional Policy Statement 1997 if Proposed Plan Change 6 is approved.

Te Tangi a Tauira 2008

Iwi Management Plans must be taken into account when changing district plans. Te Tangi a Tauira - The Cry of the People is the relevant Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan. The following policy from this document is considered relevant to proposed Plan Change 6;

3.5.7 Subdivision and Development

1. *Require iwi involvement in local authority planning processes that establish zoning provisions, including decisions pertaining to where subdivision and development is considered appropriate or inappropriate.*

The Southland District Council has formally consulted with the tāngata whenua of the area, through Te Rūnanga o Ngāi Tahu (iwi authority) and Te Ao Mārama Inc (the agency authorised to represent Te Rūnaka o Awarua, Hokonui Rūnanga, Ōraka/Aparima Rūnaka, Waihōpai Rūnaka. A submission in support of Plan Change 6 was received from Te Ao Mārama Inc.

3.4 **Consideration of Community Views**

The Te Anau Community Board and the Southland District Council have been discussing for some time a number of possible changes to the Southland District Plan 2001. The proposed Plan Changes seek to provide a more proactive response to growth management issues within the Te Anau Basin, rather than “planning by consent application”.

This Plan Change process began in 2007, with a series of workshops in Te Anau focussed on growth issues. Te Anau Community Board members and Southland District Council staff were involved in the initial workshops which were then followed by two public meetings in May and September 2007. A series of key concepts were presented as possible Plan Changes at these two public meetings.

The next step in the process involved the release of a discussion document entitled “Possible Te Anau Plan Changes” in June 2008. This document outlined six possible Plan Changes relating to Te Anau and the Council received 244 feedback responses. The community feedback received in response to the discussion document was reported back to the Te Anau Community Board in September 2008. This report included a summary of the feedback received and included staff recommendations on each of the six possible Plan Changes. The Te Anau Community Board recommended that the Council proceed with three Plan Change proposals relating to an expanded Industrial Resource Area, expanded Urban Resource Area and a new Lakeside Protection Area.

Southland District Council publicly notified the Te Anau Urban Resource Area Expansion Proposed Plan Change 6 on the 17 October 2009. All Te Anau Ward ratepayers were notified of the proposed Plan Changes and a Proposed Te Anau Plan Changes Summary document dated October 2009 was sent with the public notice.

Two question and answer sessions were held in Te Anau on 3 and 4 November 2009 and members of Council’s Resource Management staff were available at these sessions to answer any questions from the public.

The submission period closed on Monday, 23 November 2009 and a total of 32 submissions were received in relation to Plan Change 6. On 5 December 2009 the Southland District Council publicly notified the availability of the summary of submissions and called for further submissions. Further submissions on the Proposed Plan Changes had to be received by the Southland District Council no later than 22 January 2010. A total of two further submissions were received, however, one of these further submissions did not meet the requirements of the Resource Management Act 1991 and is considered invalid as Schedule 1, Part 1[6(5) requires a submission to be in the prescribed form.

3.5 **Financial Considerations**

The proposed Te Anau Plan Changes have been provided for in the Resource Planning Policy budget for the 2009 / 2010 financial year.

3.6 **Legal Considerations**

Section 73 (1A) of the Resource Management Act 1991 states that a District Plan may be changed by a territorial authority in the manner set out in Schedule 1 of the Act.

4.0 **STAFF COMMENT AND RECOMMENDATIONS ON SUBMISSIONS**

This section of the report discusses the matters raised and decisions requested in submissions and makes recommendations as to how the Committee can respond to these. The submissions have been grouped into support, partial support, opposition, partial opposition and neutral categories. An analysis of the issues raised in these submissions has then been undertaken under these category headings.

A full list of submissions and further submissions received on proposed Plan Change 6 is contained in Appendix 2. The summary of the decisions requested by the submissions is contained in Section 8 of this report.

Submissions in Support:

4. Gary Andrew Barnes
7. Mark Deaker/Fjordland Lifestyle Properties Limited
8. Te Ao Mārama Incorporated
9. Margaret Alison Northmore
22. Arthur John Henderson
30. Glenys Kay Dickson

Decisions Requested by Submitters in Support

Submitters 4, 7, 8, 9, 22 and 30 have all submitted in support of proposed Plan Change 6.

Submitters 4, 7, 8, and 9 support proposed Plan Change 6 and do not elaborate further in their submissions as to the reasons for their support. A further submission was received from submitter 9 but contained no comments.

Submitter 22 supports that proposed Plan Change 6 integrates recent urban expansion into Te Anau.

Submitter 30 submits that developers should pay the full cost of new development, not other ratepayers and that there should be careful management of any stormwater run-off from any new development into Lake Te Anau.

Recommendation:

It is recommended that submissions 4, 7, 8, 9, 22 and 30 are accepted.

Reasons:

Submissions 4, 7, 8, 9, 22 and 30 all support proposed Plan Change 6. In regard to submission 22, it is noted that the Section 32 report concluded that it is appropriate to expand the existing Urban Resource Area to include the existing consented developments and to rezone some additional land currently zoned Plains Rural Resource Area to Urban Resource Area so as to provide further scope for future urban growth. In regard to submission 30 and new development, it is noted that the District Plan and Subdivision and Land Development Bylaw do require developers to pay the cost of new development rather than other ratepayers via provision of infrastructure and payment of financial contributions. At present Southland District Council's Water and Waste Services Department has an application for stormwater discharge consent lodged with Environment Southland. This will mean that any new subdivision that connects to the existing infrastructure will have to comply with the conditions imposed on the discharge consent. Development that chooses not to, or cannot connect to the existing infrastructure, would require a discharge permit for stormwater from Environment Southland and this would also have conditions imposed to avoid adverse effects. Any stormwater discharges will be governed by Rules 11 and 12 of the Environment Southland Regional Freshwater Plan.

Submissions in Conditional Support:

1. Noeline Lois Evans
2. Donald Thomas Healy
3. E A Loose
6. Lu Tyree
14. Fish and Game Southland
20. Ebel Kremer on behalf of Mr G and Mr D Deaker
25. Glenda Margaret Bell
29. Christopher Edward Hughes
31. Director General of the Department of Conservation

Decisions Requested by Submitters in Conditional Support:

Submitters 1, 2, 3, 6, 14, 20, 25, 29 and 31 have all submitted in conditional support of proposed Plan Change 6.

Submitter 1 submits that the Plan Change is supported if current infrastructure can cope.

Submitter 2 submits the area north-west of SH 94 or the Milford Road which incorporates Oraka Street, Aparima Drive etc be excluded as this area has flooded in the past.

Submitter 3 submits that thought needs to be given to development close to the Lake due to effects from earthquakes.

Submitter 6 submits that the land at Blue Gum Point should be in the Lakeside Protection Area and all land currently undeveloped in the proposed Lakeside Protection Area should remain protected reserve i.e. undeveloped.

Submitter 14 requests more detail with respect to stormwater management, including the use of soakholes and permeable surfaces.

Submitter 20 submits that an existing consented activity be allowed to continue operation unimpeded.

Submitter 25 submits that the land encompassed within the proposed Urban Resource Area zoning should be developed prior to any further urban development occurring on non-urban zoned land.

Submitter 29 submits that the Te Runga subdivision be excluded from the proposed Urban Resource Area expansion.

Submitter 31 submits that all subdivisions within the Urban Resource Area connect to reticulated sewerage services.

Recommendations:

It is recommended that submissions 1, 20, 29 and 31 are accepted.

It is recommended that submissions 2, 3, 6, 14 and 25 are accepted in part.

Reasons:

Submitter 1 - Council's Water and Waste Services Department confirms that current infrastructure can accommodate additional development within the proposed Urban Resource Area extended boundary. Furthermore, any upgrading of infrastructure required for new development would be at the developer's expense, not at the expense of the general ratepayer.

Submitter 2 - Environment Southland submitted on the initial discussion document on the possible Te Anau Plan Changes and confirmed the potential inundation/erosion hazard risk to land proposed to be expanded as Urban Resource Area, which is adjacent to the south of the Upukerora River. Accordingly, Environment Southland may comment on individual development proposals as required and seek that similar conditions be imposed to those on earlier subdivisions. The recent flood events in early May 2010, has not altered the position of Environment Southland but rather has highlighted the significance of this issue, and the dynamic nature of the Upukerora River. This highlights that a cautious approach is warranted and that applications for development can be assessed on a case-by-case basis as new development occurs in the expanded Urban Resource Area, depending on matters such as location and elevation.

Submitter 3 - As above, the hazard risk posed due to effects from earthquakes will be considered as part of individual development proposals. Further, this issue will also be considered and incorporated into the Policy/decision-making framework as part of the pending overall review of the Natural Hazards section of the Operative District Plan, in conjunction with the Regional Policy Statement review. It is noted the building code also outlines provisions for structures, relevant to the earthquake zoning for the area. Further, the New Zealand Standards Association is currently reviewing earthquake zones under the review of NZS 3604: 1999 "Timber Framed Buildings" and this may result in a higher risk category when assessing building consent applications in Te Anau.

Submitter 6 - Plan Change 6 outlining the proposed Urban Resource Area expansion will have Plan Change 7, the Lakeside Protection Area overlaid. Plan Change 7 will provide a restriction on maximum height of 12.0m on any proposed buildings and structures within the Lakeside Protection Area. This will in effect add an additional management tool.

The land at Blue Gum point referred to is currently designated as reserve (R16 - Boat Harbour/Domain) in the Operative District Plan and hence is already managed in terms of development under the Reserves Act. This will be discussed further in Plan Change 7.

Submitter 14 - At present, Southland District Council's Water and Waste Services Department has an application for discharge consent lodged with Environment Southland, this will mean that any new subdivision that connects to the existing infrastructure will have to comply with the conditions imposed on the discharge consent. Development that chooses not to, or cannot connect to the existing infrastructure, would require a discharge permit for stormwater from Environment Southland and this would also have conditions imposed to avoid adverse effects. Any stormwater discharges will be governed by Rules 11 and 12 of the Environment Southland Regional Freshwater Plan.

Submitter 20 - The existing consented activity will not have to cease operations as a result of this Plan Change. It may continue to operate under the parameters approved by the consent process, or via existing use rights under Section 10 of the Resource Management Act if no resource consent was obtained but the activity was lawfully established and continuous at the same or similar scale, nature and character.

Submitter 25 - The purpose of the Plan Change is to encourage planned urban expansion adjacent to the existing township, rather than potentially having urban developments occurring further from the township in less appropriate areas from a visual and reticulation perspective. It is considered that there could be demand in the future for further urban growth. Census information indicates Te Anau is a growing town and building statistics for new dwellings confirm residential growth in the town. However there is opposition to excessive urban sprawl in Te Anau, so the proposed Plan Change would aim to consolidate further residential development to those areas already consented and subdivided for residential development and to rezone a limited amount of additional land currently zoned Plains Rural Resource Area and Transitional Resource Area to Urban Resource Area, so as to provide further scope for future growth.

Submitter 29 - As the Te Runga subdivision is on the periphery of the proposed eastern Urban Resource Area boundary and the Lots are covenanted to prevent further subdivision, Council accepts the removal of the Te Runga subdivision from the proposed Urban Resource Area. It is accepted that the Te Runga subdivision created allotments with the intention of providing a rural lifestyle environment (the only servicing provided is sewerage, there is no water, footpaths or street lighting), rather than any intention to further subdivide allotments in the future. Further, maintenance of the road and gardens within the subdivision is shared amongst lot owners. Therefore there is a general agreement and expectation amongst lot holders of this particular subdivision that the status quo of this subdivision will be maintained.

Submitter 31 - All subdivision development occurring within 500m of a reticulated sewerage system must connect to reticulated services under Section 2.4 of the Southland District Council Subdivision and Land Development Bylaw 2005.

Submissions in Partial Opposition:

5. *Bill Verrall*
10. *Hanna Katrina Taylor*
11. *Norma Dorothy McDonald*
12. *Russel Duncan McDonald*
13. *Lyndon Noel and Lynn Therese Moffitt*
15. *William Arthur Black*
16. *Shirley Black*
17. *Dorothy Catherine Cromb*
18. *Donald Maxwell Cromb*
19. *Donald M Cromb on behalf of the Lot Holders of Te Runga Subdivision*
23. *Michael Kelly bergin and Melissa Jane Barry*
24. *Michael Kelly Bergin and Melissa Jane Barry*
32. *Junelle Marie Galland*

Decisions Requested by Submitters in Partial Opposition

Submitters 5, 10, 11, 12, 13, 15, 16, 17, 18, 19, 23, 24, and 32 have all submitted in partial opposition of Plan Change 6.

Submitter 5 requests that the decision on the Plan Change be delayed until the area immediately west of the Upukerora River and all of Te Anau is protected from river flooding.

Submitter 10 requests the exclusion of the farmland to the east of the Delta subdivision from the extension of the Urban Resource Area.

Submitters 11, 12, 19, 23, 24 and 32 have all submitted requesting that the Te Runga subdivision (and Sec 35, Blk IX, Mararoa SD, CT SL10A/47 - submitter 24) be excluded from Plan Change 6.

Submitter 13 submits that lifestyle blocks should still pay rural rates until such time an application is applied for to subdivide the land if land is included in the Urban Resource Area.

Submitters 15 and 16 seek to have to have their properties left as rural.

Submitters 17 and 18 are supportive of the Heritage, Delta, Fiordland Estate and Alpine Terrace subdivisions being consolidated and incorporated into the Urban Resource Area but do not wish to see expansion of the Urban Resource Area beyond those areas, nor the Te Runga subdivision included into the Urban Resource Area.

Recommendations:

It is recommended that submission 5 is rejected.

It is recommended that submissions 11, 12, 17, 18, 19, 23, 24 and 32 are accepted.

It is recommended that submissions 10, 13, 15 and 16 are accepted in part.

Reasons:

Submitter 5 - The hazard risk posed due to effects from inundation will be considered as part of individual development proposals. Further, this issue will also be considered and incorporated into the Policy/decision making framework as part of the review of the Natural Hazards section of the District Plan, in conjunction with the Regional Policy Statement review. Accordingly it is not considered appropriate to delay the Plan Change for this reason.

Submitters 11, 12, 17, 18, 19, 23, 24 and 32 - It is acknowledged that the Te Runga subdivision has a covenant imposed prohibiting further subdivision of the allotments and further that the allotments are owned by shareholders who wish to retain a semi-rural environment. The Te Runga subdivision is on the very periphery of the proposed Urban Resource Area expansion and given that further subdivision of the allotments is prohibited, and the semi-rural nature of the environment, in my professional opinion, the deletion of the Te Runga subdivision (and Sec 35, Blk IX, Mararoa SD, CT SL10A/47) from the Plan Change is agreeable from a Council perspective and the map can be altered accordingly, refer Appendix 6.

Submitter 10 - The inclusion of existing subdivisions into the extension of the Urban Resource Area includes the farmland to the east of the Delta subdivision as subdivision has already been approved for residential development on land to the east (Waiuna) and south-east (Riverside, Fiordland Lifestyle Properties) of the Delta subdivision - refer Appendix 3. It is considered appropriate to include this land into the extension of the Urban Resource Area.

Submitter 13 - Rates charged will not automatically change because the zoning of land changes to Urban. There are two distinct relevant boundaries operated by Council - planning (District Plan) boundaries and rating boundaries. Changing the planning boundary does not automatically change the rating boundaries. Hence rates would remain exactly as they are at present. Rates would only change if the rating boundary was changed to incorporate these properties into the township rate, or if the use of the land changes e.g. vacant rural land is subdivided and subsequently developed with housing rates may change, even if the actual rating boundary does not change, as charges for services will be made depending on the type of actual development to occur. Changing the rating boundary would be a matter for discussion via the Te Anau Community Board and there would be opportunity public input at such a time if that were to ever occur.

Submitter 15 - The change in zoning will not alter the current use of any property, it may continue to be farmed if it is currently farmed. Rates charged will not automatically change because the zoning of land changes to Urban. There are two distinct relevant boundaries operated by Council - planning (District Plan) boundaries and rating boundaries. Changing the planning boundary does not change the rating boundaries. Hence rates would remain exactly as they are at present. Rates would only change if the rating boundary was changed to incorporate these properties into the township rate or if the use of the land changes e.g. vacant rural land is subdivided and subsequently developed with housing rates may change, even if the actual rating boundary does not change, as charges for services will be made depending on the type of actual development to occur. Changing the rating boundary would be a matter for discussion via the Te Anau Community Board and there would be opportunity public input at such a time if that were to ever occur.

Submitter 16 - The change in zoning will not alter the current use of the property, it may continue to be farmed. Rates charged will not automatically change because the zoning of land changes to Urban. There are two distinct relevant boundaries operated by Council - planning (District Plan) boundaries and rating boundaries.

Changing the planning boundary does not change the rating boundaries. Hence rates would remain exactly as they are at present. Rates would only change if the rating boundary was changed to incorporate these properties into the township rate or if the use of the land changes e.g vacant rural land is subdivided and subsequently developed with housing rates may change, even if the actual rating boundary does not change, as charges for services will be made depending on the type of actual development to occur.

Changing the rating boundary would be a matter for discussion via the Te Anau Community Board and there would be opportunity public input at such a time if that were to ever occur. The area to the east has been incorporated into the Urban Resource Area expansion as subdivision has already been approved for residential development on land to the east and south-east of the Delta subdivision - refer Appendix 3.

Submissions that neither Support or Oppose:

- 26. *New Zealand Fire Service*
- 27. *NZ Transport Agency*
- 28. *Environment Southland*

Decisions Requested by Neutral Submitters

Submitters 26, 27 and 28 have all made a neutral submission in regard to Plan Change 6.

Submitter 26 seeks confirmation that the reticulated water network within the extended residential area is able to meet the Code of Practice, with a minimum of a FW2 supply.

Submitter 27 submits that thresholds need to be identified to proactively address improvements in the transport system, in particular improvements to intersections where the State highway meets the appropriate local arterial roads.

Submitter 28 comments that Environment Southland's previous comments to the discussion document released by Southland District Council have been addressed to its satisfaction.

Recommendation:

It is recommended that the submissions 26, 27 and 28 are accepted.

Reasons:

Submitter 26 - FW2 supply will continue to be maintained within the proposed urban resource expansion areas.

Submitter 27 - Southland District Council have established a project to develop a Strategic Network Plan (SNP) which will include reviewing the classification of roads and their relative overall importance to the network. An important part of the strategic review is looking at the relationship between the SDC controlled network and the arterial roads provided by the State highways.

Submitter 28 - Environment Southland confirm the Plan Change as promoted is acceptable.

Further Submission:Decision Requested by Further Submitter:

The further submission from L N and L T Moffitt requests that the proposed area east of Sandy Brown Road remains zoned rural apart from the Alpine Terrace subdivision.

Recommendation:

It is recommended that this further submission be accepted in part.

Reasons:

The change in zoning will not alter the current use of the property, it may continue to be farmed. Rates charged will not automatically change because the zoning of land changes to Urban. There are two distinct relevant boundaries operated by Council - planning (District Plan) boundaries and rating boundaries. Changing the planning boundary does not change the rating boundaries. Hence rates would remain exactly as they are at present. Rates would only change if the rating boundary was changed to incorporate these properties into the township rate or if the use of the land changes e.g vacant rural land is subdivided and subsequently developed with housing rates may change, even if the actual rating boundary does not change, as charges for services will be made depending on the type of actual development to occur. Changing the rating boundary would be a matter for discussion via the Te Anau Community Board and there would be opportunity public input at such a time if that were to ever occur. The area to the east has been incorporated into the Urban Resource Area expansion as subdivision has already been approved for residential development on land to the east and south-east of the Delta subdivision - refer Appendix 3.

5.0 OTHER MATTERS

An issue has been brought to the Council's attention which relates to the southern boundary of the proposed Industrial Resource Area expansion. The southern boundary of proposed Plan Change 5 does not follow a lot boundary. The proposed Industrial Resource Area expansion as a result covers part of an adjoining property on which residential development has been approved. It is therefore recommended that the boundary of the proposed Plan Change 5 the expanded Industrial Resource Area is amended to follow the southern lot boundaries of the approved Wickham subdivision. This will result in a slight boundary adjustment where the proposed Urban Resource Area adjoins the southern boundary of the proposed Industrial Resource Area expansion refer Appendix 7.

6.0. SUMMARY

This report has outlined the statutory provisions relevant to the plan change process and provided an overview of the background to proposed Plan Change 6. The submissions received on proposed Plan Change 6 have been discussed along with the decisions requested in these submissions. Recommendations as to whether or not those submissions should be accepted or rejected have then been made.

The hearing of these submissions on proposed Plan Change 6 will occur on 1 - 3 June 2010 at the Distinction Te Anau Hotel and Villas, 64 Lakefront Drive Te Anau. Following the hearing all parties will be notified of the decision of the Committee.

Jennifer Green
SENIOR RESOURCE MANAGEMENT PLANNER

7.0 **LIST OF SUBMITTERS****Submitters and Addresses for Service (numbered as received)**

No	Submitter	Address	Wish to be Heard	Joint Case
1.	Noeline Lois Evans	42 Lawson Burrows Crescent, Te Anau 9600	N	N
2.	David Thomas Healy	8 Donald Ross Place, Te Anau 9600	N	N
3.	E A Loose	8 Sutherland Street, Te Anau 9600	N	Not stated
4.	Gary Andrew Barnes	61 Fergus Square, PO Box 85, Te Anau 9600	N	N
5.	Bill Verrall	37 Howden Street, Te Anau 9600	Y	Perhaps
6.	Lu Tyree	PO Box 10, Te Anau 9640	N	Y
7.	Mark Deaker/Fiordland Lifestyle Properties Limited	PO Box 98, Te Anau 9640	N	N
8.	Te Ao Mārama Incorporated	C/- D Whaanga, Te Ao Mārama Incorporated, PO Box 7078, South Invercargill 9844	N	Not stated
9.	Margaret Alison Northmore	PO Box 9201, Wellington 6141	Not stated	Not stated
10.	Hanna Katrina Taylor	38 Goodall Street, Hillsborough, Auckland 1042	N	Y
11.	Norma Dorothy McDonald	34 Black Lane, RD 2, Te Anau 9672	N	Y
12.	Russel Duncan McDonald	34 Black Lane, RD 2, Te Anau 9672	N	Y
13	Lyndon Noel and Lynn Therese Moffitt	38 Sandy Brown Road, RD 1, Te Anau 9679	Not stated	Y
14.	Fish and Game Southland	PO Box 159, Invercargill 9840	Y	Y
15.	William Arthur Black	113 State Highway 94, Te Anau 9600	N	Y
16.	Shirley Black	113 State Highway 94, Te Anau 9600	N	Y
17.	Dorothy Catherine Cromb	9 Black Lane, RD 2, Te Anau 9672	N	Y
18.	Donald Maxwell Cromb	9 Black Lane, RD 2, Te Anau 9672	N	Not stated
19.	The Lot Holders of Te Runga Subdivision	C/- Donald Cromb, 9 Black Lane, RD 2, Te Anau 9672	Y	Y
20.	Ebel (Abel) Kremer on behalf of Mr G and Mr D Deaker	PO Box 101, Te Anau 9640	N	N
21.	Robert Hunter Milne	141 Terrace Street, Invercargill 9810	N	Not stated
22.	Arthur John Henderson	78 Dublin Street, Invercargill 9810	N	N
23.	Michael Kelly Bergin and Melissa Jane Barry	185 Te Anau Mossburn Highway, RD 2, Te Anau 9672	Y	Y

No	Submitter	Address	Wish to be Heard	Joint Case
24.	Michael Kelly Bergin and Melissa Jane Barry	185 Te Anau Mossburn Highway, RD 2, Te Anau 9672	Y	Y
25.	Glenda Margaret Bell	12 Charles Nairn Road, RD 1, Te Anau 9679	Not stated	Not stated
26.	New Zealand Fire Service Commission	C/- Kristina Mead, Beca Carter Hollings & Ferner Ltd, PO Box 13960, Christchurch 8141	Y	N
27.	New Zealand Transport Agency	PO Box 5245, Dunedin 9058	Y	Y
28.	Environment Southland	Private Bag 90116, Invercargill 9840	Not stated	Not stated
29.	Christopher Edward Hughes	RD 1, Te Anau 9679	Y	Y
30.	Glenys Kay Dickson	68 Norton Street, Gore 9710	N	Y
31.	Director General of the Department of Conservation	C/- Community Relations Manager, Department of Conservation, PO Box 743, Invercargill 9840	Y	Y
32.	Junelle Marie Galland	Elmwood Station, RD 1, Te Anau 9679	N	Y

8.0 **SUMMARY OF SUBMISSIONS****Summary of Decisions Requested by Persons making submissions on Proposed Plan Change No. 6: Te Anau Urban Resource Area Expansion**

Proposed Plan Change No. 6 - Te Anau Urban Resource Area Expansion			
Submitter number/point	Submitter	Summary of Submission	Summary of Decision Requested
1.	Noeline Lois Evans	Support if current infrastructure can cope.	Not stated.
2.	Donald Thomas Healy	Supports the expansion of the area bordering SH 94 and Sandy Brown Road but not the area north-west of SH 94 or the Milford Road which incorporates Oraka Street, Aparima Drive etc as in the past this part of the Lakefront has flooded.	Not stated.
3.	E A Loose	Supports in part the bulk of the area. There will be a need in the future for further land to be available for housing. Development close to the Lake is subject to liquefaction and Tsunami.	Agree with the Plan Change but there needs to be serious thought given to effects from earthquakes.
4.	Gary Andrew Barnes	Supports all four proposed plan changes.	Not stated.
5.	Bill Verrall	No consent - industrial or residential, should be made to this area until it is adequately protected from flooding.	Delay current decision on Plan Changes 5, 6 and 8. Protect the area immediately west of the Upukerora River and all of Te Anau from river flooding.
6.	Lu Tyree	Conditionally support the new proposed Urban Resource Areas with the exception of: (a) The land at Blue Gum Point - should be in the Lakeside Protection Area (b) All land currently undeveloped in the Lakeside Protection Area should remain protected reserve i.e. undeveloped.	Amend the proposed Urban Resource Area boundary to exclude the Lakeside Protection Area from urban expansion.
7.	Mark Deaker/Fiordland Lifestyle Properties Limited	No issue with the proposed zone changes - current rural zoning of property has not been an issue either.	Not stated.
8.	Te Ao Mārama Incorporated	The proposal is supported.	Not stated.

Proposed Plan Change No. 6 - Te Anau Urban Resource Area Expansion			
Submitter number/point	Submitter	Summary of Submission	Summary of Decision Requested
9.	Margaret Alison Northmore	I support this proposal	Not stated.
10.	Hanna Katrina Taylor	Oppose the extension of the Urban Resource Area beyond the extent of the current subdivisions.	Extension of the Urban Resource Area to include the existing subdivisions but not the farmland to the east of the Delta subdivision.
11.	Norma Dorothy McDonald	<ol style="list-style-type: none"> 1. Wish to retain rural lifestyle. 2. Covenant prevents further subdivision. 3. Private road maintained by residents. 4. Own water supply and do not have or require street lighting and footpaths. 5. No advantage to land owners in Te Runga or to Council in becoming "urban". 	Exclude the Te Runga subdivision from Plan Change 6.
12.	Russel Duncan McDonald	<ol style="list-style-type: none"> 1. Wish to retain rural lifestyle. 2. Covenant prevents further subdivision. 3. Private road maintained by residents. 4. Own water supply and do not have or require street lighting and footpaths. 5. No advantage to land owners in Te Runga or to Council in becoming "urban". 	Exclude the Te Runga subdivision from Plan Change 6.
13.	Lyndon Noel and Lynn Therese Moffitt	To oppose that all land within the proposed Urban Resource Area expansion be automatically zoned/rated urban.	That lifestyle blocks still pay rural rates until such time an application is applied for to subdivide the land. That we should not be penalised because other landowners have subdivided around us.
14.	Fish and Game Southland	We are not opposed to plan Change 6.	We would like to see more detail with respect to stormwater management including the use of soakholes and permeable surfaces.
15.	William Arthur Black	I oppose part of the proposed Urban Resource Area expansion, our properties on SH 94 and Sandy Brown Road are used for farming and will be for some time. If the changes proceed what will the rates be?	I'll seek to have my properties left as rural.

Proposed Plan Change No. 6 - Te Anau Urban Resource Area Expansion			
Submitter number/point	Submitter	Summary of Submission	Summary of Decision Requested
16.	Shirley Black	I oppose part of the proposed Urban Resource Area expansion, our properties on SH 94 and Sandy Brown Road our properties on SH 94 and Sandy Brown Road are used for farming and will be for the foreseeable future. If the changes proceed rates are likely to increase. There is enough urban expansion happening on the lakeside of the town without taking in the area east of Te Anau.	I'll seek to have my properties left as rural.
17.	Dorothy Catherine Cromb	We purchased a section in the Te Runga subdivision to retire in a rural environment. Te Runga has covenants which prohibit further subdivision/development. We wish to see consolidation of the present areas under development - Heritage, Delta, Fiordland Estate, Alpine Terrace. We understand rates would increase if included in an urban area. We see no advantage in becoming urban as we do not have the services of town sections.	Status quo.
18.	Donald Maxwell Cromb	We purchased a section in the Te Runga subdivision to retire in a rural environment. Te Runga has covenants which prohibit further subdivision/development. We wish to see consolidation of the present areas under development - Heritage, Delta, Fiordland Estate, Alpine Terrace. We understand rates would increase if included in an urban area. We see no advantage in becoming urban as we do not have the services of town sections.	Status quo.

Proposed Plan Change No. 6 - Te Anau Urban Resource Area Expansion			
Submitter number/point	Submitter	Summary of Submission	Summary of Decision Requested
19.	The Lot Holders of Te Runga Subdivision C/- Donald Cromb	<ol style="list-style-type: none"> 1. Blocks purchased with the vision of living in a semi-rural environment. 2. Te Runga subdivision has covenants which prohibit further subdivision and other development. 3. Te Runga subdivision is a private subdivision owned by shareholders. 4. Support existing consented subdivisions with town size sections of less than approx 4,000 m² being included in the urban area. 5. Cannot see any advantages in becoming urban. 6. We provide and maintain our own road, water and do not have footpaths or lighting. 	That the urban area does not extend to include Te Runga subdivision.
20.	Ebel (Abel) Kremer on behalf of Mr G and Mr D Deaker	Conditionally supported - that the SDC consent approval dated 29 August 1984 continues to apply without any variations, thus providing the Deaker's with existing land utilisation rights under the proposed re-zoning of this land from rural to urban.	That Proposed Plan Change 6 includes the following conditions: <ol style="list-style-type: none"> 1. The SDC 1984 consent approval is maintained without variations. 2. The Deaker's existing land utilisation rights continue to be recognised by the SDC and maintain the support and approval of the SDC.
21.	Robert Hunter Milne	Oppose. Why has residential development been approved prior to a zoning change? Council has contravened its own District Plan.	What section of the District Plan allows for the existing subdivision of rural zoned land?
22.	Arthur John Henderson	I support the specific provisions in Plan Change 6. The Plan Change integrates recent urban expansion into Te Anau.	That the proposed Plan Change be adopted.
23.	Michael Kelly Bergin and Melissa Jane Barry	Exclude Lots 4 and 10, DP 375332 from the Plan Change. These lots are part of the Te Runga subdivision and do not have water, footpaths, street lighting and cannot be subdivided further. Do not see any advantages in being included in the Urban Resource Area expansion.	We would like to see the boundaries to the east amended.

Proposed Plan Change No. 6 - Te Anau Urban Resource Area Expansion			
Submitter number/point	Submitter	Summary of Submission	Summary of Decision Requested
24.	Michael Kelly Bergin and Melissa Jane Barry	Exclude Sec 35, Blk IX, Mararoa SD and Lot 1, DP 375332 from the Plan Change. The land was purchased with the intention to farm sustainably, if it was rezoned to urban this would not be financially viable. The lots are not reticulated and do not have footpaths or street lighting. Do not see any advantages in being included in the Urban Resource Area expansion	We want the boundaries to the east changed.
25.	Glenda Margaret Bell	It is sensible to consolidate and formalise the existing land use of the area. I am in favour of the proposed expansion to the Urban Resource Area on the proviso that in the future the Council ensures these sections are developed first before further urban development occurs on non-urban zoned land.	I am in favour of the proposed expansion to the Urban Resource Area on the proviso that in the future the Council ensures these sections are developed first before further urban development occurs on non-urban zoned land.
26.	New Zealand Fire Service Commission	Ensure the provision of appropriate firefighting water supplies and access suitable for fire fighting purposes. The existing residential supply (FW2 supply) needs to be maintained as a minimum within the proposed expanded urban area. Where reticulated water supplies are unavailable or inadequate, the advice and approval of the NZFS should be sought to ensure the access and flow provided meets the standards of the Code of Practice. In the event that an appropriate fire fighting water supply is not established on each allotment within the expanded area, then the operational efficiency of the NZFS may be compromised.	The NZFS seeks confirmation that the reticulated water network within the extended residential area is able to meet the Code of Practice, with a minimum of a FW2 supply.

Proposed Plan Change No. 6 - Te Anau Urban Resource Area Expansion			
Submitter number/point	Submitter	Summary of Submission	Summary of Decision Requested
27.	New Zealand Transport Agency	NZTA neither supports or opposes the proposed Plan Change. Encouraged to see Council better defining how the Urban Resource Area should expand in Te Anau. NZTA wishes to ensure that there are appropriate connections to the State highway to reflect and accommodate traffic movements associated with urban expansion in the identified areas. Is there scope to identify what the thresholds might be, to proactively address improvements in the transport system, in particular, improvements to intersections where the State highway meets the appropriate local arterial roads?	If the Council is of a mind to accept the proposed Plan Change then the thresholds need to be identified to proactively address improvements in the transport system, in particular, improvements to intersections where the State highway meets the appropriate local arterial roads.
28.	Environment Southland	Environment Southland does not feel it is necessary to submit on Plan Changes 5, 6 or 7 to the District Plan.	Environment Southland's previous comments to the discussion document released by Southland District Council regarding possible Te Anau Plan Changes have been addressed to our satisfaction.
29.	Christopher Edward Hughes	I do not want Te Runga subdivision included in the urban area. (a) Purchased Te Runga so we could be semi-rural, not urban. (b) There are strict covenants to prevent further subdivision, dwelling quality, colour, etc. (c) Located within a 100 kph speed zone. (d) Additional service costs - currently only have sewerage. (e) No advantages to be included - extra costs for both Council and ratepayers.	(a) Support the inclusion of consented sections in subdivisions (section size less than approx. 4,000 m ²) to urban area. (b) A town should grow from a nucleus with cohesion and inclusion. (c) Before further subdivisions are consented we need to use the utilities and facilities already provided. (d) Further expansion will only put pressure on existing subdivisions that have not been built on. (e) If care is not taken empty sections on older subdivisions will not be sold and built on.

Proposed Plan Change No. 6 - Te Anau Urban Resource Area Expansion			
Submitter number/point	Submitter	Summary of Submission	Summary of Decision Requested
30.	Glenys Kay Dickson	I support the changes proposed to the urban resource area. I would like to see developers paying the full cost of essential services to new development. I would like careful planning to mitigate any water runoff from any new development into Lake Te Anau.	Change the District Plan to reflect the urban resource area expansion. Developers pay full cost of new development, not ratepayers. Management of grey-water in any new development.
31.	Director General of the Department of Conservation	In general supports this proposal as it ensures that any subdivision within these zones and west of the Upukerora River would be required to connect to the Te Anau reticulated sewerage system, being included in the Te Anau Urban Resource Area. Such action avoids the risks associated with domestic sewerage systems failing and impacting on both natural watercourses and the adjacent national park.	That Council requires that all subdivisions within the Urban Resource Area connect to reticulated sewerage services.
32.	Junelle Marie Galland	To oppose Te Runga subdivision being included in the proposed Urban Resource Area expansion. This is a private development maintained by a corporate body and it be of no advantage to be included into the urban zoning - increased rates for no apparent benefit.	Not stated.

Summary of Decisions Requested by Persons making submissions on Proposed Plan Change No. 6: Urban Resource Area Expansion - General Comments

Proposed Plan Change No. 6 - Te Anau Urban Resource Area Expansion			
Submitter number/point	Submitter	Summary of Submission	Summary of Decision Requested
31.	Director General of the Department of Conservation	<p>Te Anau has a long history of occupation and further notes that while some sites of historic significance have been recorded, it is likely that other sites have yet to be recorded.</p> <p>The Department of Conservation has a responsibility to advocate for the conservation of natural and historic resources generally.</p>	The Director General would be supportive of Council emphasising the importance of undertaking appropriate archaeological investigations in this area prior to undertaking works which may damage historic resources.

9.0 **FURTHER SUBMISSIONS**

Further Submissions

Proposed Plan Change No. 5 - Te Anau Industrial Resource Area Expansion			
Submitter number/point	Submitter	Summary of Further Submission	Summary of Decision Requested
13	Lyndon Noel and Lynn Therese Moffitt	Just rezone the Alpine subdivision off Sandy Brown Road and leave the remaining area rural.	That the proposed area east of Sandy Brown Road remain rural zoned, apart from the Alpine subdivision.
9.	Margaret Alison Northmore	Not stated.	Not stated.

10. **APPENDICES**

Appendix 1

Section 32 Report Proposed Plan Change No. 6 - Te Anau Urban Resource Area Expansion

Appendix 2

Submissions and Further Submissions

Appendix 3

Map of Approved Subdivisions

Appendix 4

Proposed Plan Changes - Shown on District Plan Maps No .8, No. 59 and No. 60

Appendix 5

Version of Amended District Plan Maps No. 8, No. 59 and No. 60 if Adopted

Appendix 6

Amended Urban Resource Area Expansion Map showing the removal of the Te Runga subdivision from the proposed Plan Change 6

Appendix 7

Map showing minor change to northern boundary of proposed Urban Resource Area expansion (as a result of a proposed amendment to the Industrial Resource Area Expansion)

Appendix 8

Memo from Roading, Water and Wastewater Services