



NOTICE OF MEETING

**Notice is hereby given that a Meeting
of the Hearings Panel
will be held in the Council Chambers
First Floor, Civic Administration Building,
101 Esk Street, Invercargill
On Wednesday 29 March 2017 at 9.00 am**

Cr D J Ludlow (Chairman)
Cr K F Arnold

EIRWEN HARRIS-MITCHELL
MANAGER, SECRETARIAL SERVICES

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3. **COMMITTEE IN PUBLIC EXCLUDED SESSION**

Moved, seconded and **RESOLVED** that the public be excluded from the following parts of the proceedings of this meeting; namely

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Consideration of Resource Consent Application	A right of appeal lies to any court or tribunal against the final decision of the Local Authority in these proceedings.	Section 48 (2) (a) (1)

Report to the Hearings Panel Wednesday 29 March 2017

HEARING PANEL MEMBERS ARE:

**Cr D Ludlow (Chair)
Cr K Arnold**

1. **HEARING – 360 CHELMSFORD STREET, INVERCARGILL**

A copy of the report, including a recommendation, is attached.

Report compiled by: Peter Maynard
Resource Management Officer

Report endorsed by: Gareth Clarke
Senior Policy Planner

HEARING 1

Applicant	Chelmsford Investments Limited
Applications	<p>Consent to subdivide 4ha of land in the Rural Sub-Area/Rural 2 Zone, containing a residence that is connected to reticulated services, a shed and amenity plantings, to create three new allotments (two of the lots will be undersized):</p> <ul style="list-style-type: none">• Lot 1 will be 1.7960ha of rural land containing a shed,• Lot 2 will be 0.2047ha containing an existing residence,• Lot 3 will be 2ha of bare land. <p>Land use consent to erect a dwelling on a site of less than 2ha, being the 1.760ha - Lot 1, in the Rural Sub-Area/Rural Zone <i>(The scheme plan and application are attached as Appendix 1 and 2)</i></p>
Site	360 Chelmsford Street, Invercargill
Legal Description	Lot 1 DP 10332
Classification	<p>Rural Sub-Area of the Operative Invercargill City District Plan 2005 (the Operative District Plan).</p> <p>Proposed Rural 2 Zone and Rural Zone of the 2013 and 2017 versions of the Proposed District Plan (the Proposed District Plan)</p>
Activity Status	Discretionary Activity overall
Process	<p>The application was lodged on 21 October 2016 under the Operative Invercargill District Plan 2005 with the written approval from 10 adjacent landowners. On 7 November 2016 the Director of Environmental and Planning Services initially determined that the application be publically notified but amended this to limited notification on 1 December 2017. Notice of the application was served under Section 95B of the Resource Management Act 1991 on 12 additional landowners, who had not provided written approval to the application. <i>(List of persons - Appendix 3).</i></p> <p>One neutral response was received. <i>(Submission - Appendix 4)</i></p>
Issues	Non compliance with the maximum 2ha rural residential density in the Rural Sub-Area of the Operative District Plan (Rural 2 and Rural Zones of the Proposed District Plans) and confidence in the integrity of the Operative and the Proposed District Plans.
District Plan	<p>Environmental effects are assessed under the Plan which was operative at the time that the consent is lodged.</p> <p>Therefore, the rules of the Operative District Plan 2005 apply to the application. The Objectives and Policies of both the Operative and the Proposed District Plan 2013 are relevant. <i>(Objectives and Policies - Appendix 5).</i></p>

1. DISTRICT PLAN STATUS

The Invercargill City District Plan 2005 became operative on 4 February 2005. With the public notification of the Proposed District Plan 2013 on 24 August 2013, the proposed objectives and policies of that plan were given immediate effect. Decisions on submissions and further submissions on the Proposed District Plan 2013 were released on 29 October 2016. Following the 19 December 2016 close to appeals the Proposed District Plan Appeals Version - January 2017 was released.

When considering a resource consent application, the consent authority must have regard to any relevant provisions of a plan or proposed plan. At the time the application was lodged (21 October 2016) the provisions of both the Operative District Plan 2005 and the Proposed District Plan 2013 were of relevance, although the rules of Proposed District Plan 2013 did not have legal effect.

The objectives and policies of both the Operative District Plan and the Proposed District Plan 2013 are relevant. Although decisions on the Proposed District Plan were released on 29 October 2016, this was after the application had already been lodged, and therefore should not be given significant weight in considering the application.

For the purpose of this application, it is noted that the Rural 1 Zone (which proposed a maximum residential density of one residence per 4ha) and the Rural 2 Zone (which proposed a maximum residential density of one residence per 2ha) in the Proposed District Plan 2013 has been deleted from the Proposed District Plan 2017. The two zones have been replaced by a single "Rural Zone" with a maximum residential density of one residence per 2ha permitted in that zone.

2. APPLICATION DETAILS

The application is for subdivision and land use consent:

- a) The application is firstly to subdivide a 4ha site in the Rural Sub-Area/Rural 2 Zone, containing an existing residence that is connected to reticulated services, a shed and amenity plantings, to create three new allotments:
 - Lot 1 will be 1.7960ha of bare land,
 - Lot 2 will be 0.2047ha of land containing an existing residence,
 - Lot 3 will be 2ha of bare land.
- b) Secondly the application is for land use consent to enable a dwelling to be constructed on the undersized Lot 1 - 1.760ha.

3. CONSENT CATEGORY

The maximum permitted residential density in the Rural Sub-Area, the proposed Rural 2 Zone and the proposed Rural Zone is one residence per 2ha under contiguous ownership.

Subdivision Rule - 4.29.3 provides that where a subdivision has the effect of making an existing land use discretionary or increasing the degree of non-conformity in terms of the District Plan, then the subdivision itself is deemed to be a discretionary activity.

The subdivision will make the existing residential land use activity on Lot 2 non-compliant with the maximum permitted density of 2ha of the Operative District Plan and this is a discretionary activity.

- *Under Subdivision Rule 3.18.6(L) of the Proposed District Plan 2013, and Rule 3.18.6(K) Proposed District Plan 2017, subdivision creating allotments of less than 2ha*

in the Rural 2 Zone and Rural Zone would be non-complying activities but neither of these rules were in force when the application was lodged.

Private Open Space and Density - Rule 4.40 provides for a maximum density of one residence per 2ha under contiguous ownership in the Rural Sub-Area. The proposal is to enable the construction of a dwelling on the 1.760ha - Lot 1 and therefore the land use is a restricted discretionary activity.

- *Under Rule 3.39.8 of the Proposed District Plan 2013 the land use application would be a discretionary activity in the Rural Zone 2. Under Rule 3.38.9 of the Proposed District Plan 2017 the land use application would be a non-complying activity in the Rural Zone but neither of these rules were in force when the application was lodged.*

The accepted convention is that when there are different consent categories for one application the higher level is applied. Overall, therefore, the application is classified as a discretionary activity. This means that Council does not restrict the exercise of its discretion.

4. SITE DESCRIPTION

The legal description of the 4.0007ha property at 360 Chelmsford Street, Invercargill is Lot 1 DP 10332 (held in CT SL6B/247). The sites western boundary marks the transition between the Domicile Sub-Area (proposed Residential 1 Zone) to the Rural Sub-Area (proposed Rural 2 and Rural Zone).

The north-east and south boundaries are fully contained to the Rural Sub-Area with non-residential activities including a Church and PowerNet Ltd/Transpower NZ Invercargill Substation being located south of the site. A mature shelterbelt exists along the northern boundary while other amenity planting are located close to the existing dwelling which is largely surrounded by rural fences. The site appears to be of reasonably typical rural appearance as can be seen in the scheme plan attached as **Appendix 1**.

The site is not identified as being at risk from any natural hazards but the central part of the site slopes towards an existing drainage watercourse. There are no physical features on the site, or any other known circumstances, that would limit the subdivision of the site into two complying rural residential allotments under the Operative or Proposed District Plans.

5. PROCESS

The application, including 10 written approvals provided by the landowners/occupiers of properties located within the Domicile Sub-Area, was received by Council on 21 October 2016 under the Operative District Plan. The application is attached as **Appendix 2**.

On 7 November 2016 the Director of Environmental and Planning Services initially determined that the application be publically notified. However the applicant asked for this to be reviewed and on 1 December 2017 the Director agreed to the processing of the application via limited notification. Notice was served under Section 95B of the Resource Management Act 1991, on 12 additional landowners/occupiers of properties that physically surround the application site and the Chelmsford Street/Racecourse Road intersection. The persons who gave written approval and who were served notice are listed in **Appendix 3**.

One neutral response was received by the closing date of submissions on 1 February 2017 and this is attached as **Appendix 4**. On 3 February 2017 the Director of Environmental and Planning Services referred the application to the Hearings Panel for a decision.

It is noted that in deciding whether to grant or decline an application, the Hearings Panel cannot consider the adverse effects on any person who has given written approval.

6. PART 2 OF THE RESOURCE MANAGEMENT ACT 1991 Act 1991 - PURPOSE AND PRINCIPLES

Part 2 of the Act sets a baseline for all resource consent applications.

Section 5: (Purpose) the purpose of the Act is described as:

- (1) *To promote the sustainable management of natural and physical resources.*
- (2) *Sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –*
 - a. *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - b. *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
 - c. *Avoiding, remedying or mitigating any adverse effects of activities on the environment.*

Section 6: (Matters of National Importance) there are no known matters under Section 6 to be considered in respect of the application for subdivision or land use.

Section 7: (Other matters) states that in achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:

- b. *The efficient use and development of natural and physical resources.*
- c. *The maintenance and enhancement of amenity values.*
- f. *Maintenance and enhancement of the quality of the environment.*

Section 8: (Treaty of Waitangi) there are no known matters under Section 8 of particular relevance to the subdivision or land use applications.

Comment: While the application proposes significant non-conformity with the maximum permitted density standards it is otherwise considered to be reasonably consistent with the purpose and principles of the Act.

7. SECTION 104 RESOURCE MANAGEMENT ACT 1991

Subject to Section 104(1), when considering the merits of an application for resource consent (and any submissions received), the consent authority must, subject to Part 2, have regard to:

- a. Any actual and potential effects on the environment of allowing the activity; and
- b. Any relevant provision of:
 - i. A national environmental standard (NES).
 - ii. A regional policy statement or proposed regional policy statement.
 - iii. A plan or proposed plan; and
- c. Any other matter that a consent authority considers relevant and reasonably necessary to determine the application.

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health is relevant to the application:

Regulation 5 (5) of the NES applies where an activity is subdividing land. The application's assessment of the NES indicates that; the site is not identified in the Environment Southland Selected Land Use Register (SLUS). The applicant has no knowledge that the site has been used or is more likely than not to have been used for a Hazardous Activities and Industries

Listed (HAIL list) activity or industry and that Council records do not indicate that an activity described in the HAIL has been undertaken on the subject site. As there is nothing in Council records to contradict the applicant's assessment it is considered that no further assessment is required and that the NES regulations do not apply to this application.

Southland Regional Policy Statements

While not discussed in the application, regard has to be given to the most relevant provisions of the Operative and Proposed Southland Regional Policy Statements:

Built Environment Policy 10.1 (Operative Regional Policy Statement)

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.

Objective URB.1 – Urban development (Proposed Regional Policy Statement)

Urban (including industrial) development occurs in an integrated, sustainable and well planned manner which provides for positive environmental, social, economic and cultural outcomes.

Policy URB.1 – Adverse environmental effects (Proposed Regional Policy Statement)

The adverse effects of urban development on the environment should be avoided, remedied or mitigated.

Policy URB.2 – Urban development (Proposed Regional Policy Statement)

Manage urban growth and development in ways that:

- (a) support existing urban areas.
- (b) promote development and/or redevelopment of existing urban areas ahead of greenfield development.
- (c) promote urban growth and development within areas that have existing infrastructure capacity.

Policy URB.3 – Urban intensification (Proposed Regional Policy Statement)

Encourage opportunities for urban intensification and redevelopment within Southland's existing urban areas.

Comment: The subject property is located on the urban/rural zone interface and is serviced by existing infrastructure facilities. While the proposed development is not contained to urban zone it is not otherwise considered to be inconsistent with the Regional Policy Statement.

8. OBJECTIVES AND POLICIES OF THE OPERATIVE AND PROPOSED DISTRICT PLANS

The most relevant objectives and policies to the application, from the Operative and Proposed District Plans, are listed in **Appendix 5** of this report.

The application (Appendix 2) includes a table where relevant objectives and policies of both the Operative and Proposed District Plans have been listed and comment has been made against each objective and policy. The applicant's overall conclusion is, "As assessed in the preceding tables it is concluded that the proposed subdivision/land use are consistent with the overarching intent of the aforementioned relevant objectives and policies of both the District Plan and Proposed District Plans."

The applicant's analysis in respect of Soil Resource, Transportation, Soils Minerals and Earthworks and Waters are accepted.

In recognising that the site is located in a transition landscape at the urban-rural interface, the application's overall view that the application will integrate with the character and amenity of environment is considered to be reasonably consistent with the objectives and policies for the Subdivision of Land and Amenity Values for the Rural Sub-Area of the Operative District Plan and these views have generally been agreed with.

This level of agreement also applies to Subdivision and Amenity Values of the Rural 2 Zone of the 2013 plan. However, the following objectives and policies have particular relevance as they recognise that subdivision is a major determinant of future land uses and make it clear that development on sites of less than 2ha is not anticipated.

Subdivision Objective 2.14.2.7

The subdivision of land is undertaken in accordance with the objectives for zones and resources of the city recognising that because subdivision sets the long-term pattern of development, subdivision is a major determinant of how land is used and therefore of the environmental effects of land use.

2.41.2 Objectives

1. *The amenity values of the Rural 2 Zone are maintained and enhanced.*
2. *New urban development within the Rural 2 Zone only occurs within the areas identified in Appendix XV and in general accordance with an operative outline development plan included in the District Plan through an approved Plan Change, and only when adequate servicing and infrastructure is available.*

2.41.3 Policies

1. *Rural 2 Zone: To create a transition between the rural and urban environments by providing for "lifestyle" properties of a minimum lot size of two hectares, which are self-sufficient in terms of servicing, whilst retaining the rural amenity of the land on the fringe of the urban environment.*
2. *Urban Development: To discourage urban development within the Rural 2 Zone.*

Comment: The site is not located within any Outline Development Plan area identified in Appendix XV of the Proposed District Plan attached as **Appendix 6**. The urbanisation of the rural zone by the creation of significantly undersized rural allotments is not anticipated.

Given the sites proximity to the urban environment, the following provisions relating to the Residential 1 Zone are also considered to be relevant to the application:

2.36.2 Objectives

3. *Opportunities for urban intensification and redevelopment are encouraged within Invercargill's existing urban areas.*
7. *Urban growth and development is managed in ways that:*
 - (A) *Support existing urban areas.*
 - (B) *Promote development of existing urban areas ahead of greenfield development.*
 - (C) *Promote urban growth and development within areas that have existing infrastructure capacity.*

Comment; The proposal for an allotment of urban type proportions in the rural zone is inconsistent with the residential policy direction.

9. ASSESSMENT OF ENVIRONMENTAL EFFECTS

Section 2.12 of the Operative District Plan states that the District Plan recognises a fundamental relationship between subdivision and subsequent land use and a need to ensure that the subdivision of land creates allotments suitable for their intended use. Although subdivisions are not in themselves land use activities, the use of land and the

subdivision of land are linked in terms of potential effects and cannot be easily separated. The actual and potential effects of subdivision on the natural and physical resources of the District must be considered.

Amenity

Rural residential density

The maximum residential density of one residence per 2ha in the Rural Sub-Area and the Rural 2 Zone was set in order to maintain rural amenity by limiting the extent of residential use. The rule helps to provide a characteristic openness to the area and allows for agricultural and residential activities on larger land allotments. In this case, although the subject site is zoned rural, its proximity to the urban fringe and the mixed use surroundings indicate that it may receive a different level of amenity to what is typically associated with rural areas in the district.

The proposed residential density on Lot 2 of ten times more than what the Private Open Space and Density rule anticipates is not in accord with the intent of the Operative or Proposed District Plans. However, the established residence is more likely to obtain a level of amenity more akin to the mixed use surroundings rather than amenity associated with a distinctly urban zone.

While the 1.7960ha Lot 1 should receive a level of rural amenity reasonably similar to a 2ha rural site, the 10.2% of non-compliance with the rural density standard has not been anticipated. However, a site of this size could readily accommodate a dwelling without compromising its rural appearance.

Even though the property is located on the outskirts of the urban zone, the proposal is not in keeping with the existing development pattern of the area and it will result in the increased domestication of the rural landscape by more than what is naturally anticipated by the Operative or Proposed District Plans. However, in agreement with the application, due to the sites proximity to the urban environment and the existence of shelter belts and amenity plantings, the proposal is unlikely to have anything more than a minor visual impact on the immediate surroundings provided the proposed new dwelling is not located close to the urban zone boundary.

Reverse Sensitivity

One of the main purposes of the Rural Sub-Area and the Rural Zones is to provide for a wide range of rural and agricultural activities, which can produce noise, odours and disturbance not considered pleasant by residential standards. Therefore, legitimate rural activities should be protected against the risk of complaints arising from the increased domestication of the rural landscape. A covenant on the property title may be a suitable mechanism.

Precedent

Precedent occurs when an activity is used as an example or instance to justify later, similar occurrences. Approval of the application could predictably be used as a precedent by other landowners seeking to create undersized rural allotments on the urban fringe, which may or may not have reticulated services available to them. This would mean that the implications of the decision would extend beyond the immediate surroundings and test the integrity of the Proposed District Plan. It may also raise expectations for undersized rural lots to be provided with infrastructure services in the future.

Positive Effects

The application suggests the site is not economically viable either exclusively or principally, for agricultural, horticultural or pastoral purposes. While there is no disagreement with this point of view, it is unlikely that 2ha rural blocks were ever intended to be stand alone

economic units but they do provide the community with a viable rural residential lifestyle choice.

Overall, it is considered that the potential effects on the amenity values of the immediate environment are likely to be minor but the proposed non compliance with the rural residential density standards are more difficult to reconcile. There is also the risk that approval of the application would set a precedent for rural development in the future and compromise the Proposed District Plan which has been through an extensive review process.

Infrastructure

Water supply

Lot 2 is connected to the Council's mains water supply in Chelmsford Street. It was eligible for connection under Council's Connections to Water Supply - Statement of Policy 1990 because it is located within 100 metres of the water main. The application suggests that Lot 1 could either connect to the mains or alternatively obtain its water supply via on-site rainwater collection and storage. Lot 3 is not eligible for a mains connection.

Council's Water Asset Manager does not require Lot 1 to obtain a water connection but due to its proximity to the residential zone there may be expectations for it to be developed for more intensive residential purposes in the future. Such an increase the demand for reticulated water supplies beyond the urban boundaries has not been anticipated by Council.

*It is noted that under the Utilities - Rule 3.9 .3 of the Proposed District Plan January 2017, only a portion of the land comprising Lot 1, would be entitled to a water connection (or sewerage services) as shown in Appendix XI, Water Reticulation Area Map 3 attached as **Appendix 7**. Extensions beyond the area shown in Map 3 would be treated as non-complying activities.*

Sewerage disposal

Council's Drainage Manager confirmed that Lot 2 is serviced by a pumped sewerage connection to Council's sewerage network located in the eastern end of Chelmsford Street.

Even though the 1.79ha Lot 1 is less than 2ha, it is feasible that a suitable on-site wastewater management system can be designed at the time of development (if the application was approved). Alternatively, provision could be made for a Drain In Common, using the pumped sewer connection, servicing Lot 2, through easements A, B and C as shown on the scheme plan.

The application said Lot 3 will be self-sufficient in terms of water supply and an on-site wastewater management could be designed for the particular site conditions. No connection to the reticulated water supply or sewage system is proposed.

Stormwater drainage

The Drainage Manager commented that because the property slopes to the east, and away from Chelmsford Street, gravity drainage connections to Council's stormwater system are unlikely to be feasible. There is however a watercourse running through Lot 3 that receives the natural drainage from the site.

For Lots 1 and 2 to discharge to the watercourse, he recommended that the applicant make provisions, by way of easements, for the storm water and land drainage to discharge over Lot 3 and into the existing watercourse. The easements could be along the ROW or along the natural drainage runners that may already contain field tiles.

Comment on Infrastructure: Both the Water and Drainage Managers cautioned that approval of the application could set the standard for which all future applications for development on

the urban fringe will be compared in the future. This could result in raised expectations for Council to provide reticulated services to additional properties within the rural zones at Council's cost.

Transportation

The property is serviced by the existing road network on the eastern end of Chelmsford Street which leads onto a private right of way (ROW). Easements D and E will provide legal access to all of the proposed lots (as shown on the scheme plan).

While the ROW is not administered by Council, the Roding Manager confirmed that an existing 5.0 wide chipseal vehicle crossing on the sites southern boundary can serve Lot 1 and new vehicle crossings could be constructed (to Councils Fig R28 standards) on the ROW to serve Lots 2 and 3. He also recommended that the mailboxes for the site be grouped together at the start of the ROW. Otherwise, the increase in vehicle movements associated with the proposal will be minor.

Comment on Transportation: The Roding Manager also commented that the application does not meet the purpose of the District Plan in terms of the rural zoning and that the Roding Division does not support applications for undersized rural allotments where the applicant could have, but chose not to comply with the rural zone standards. There should be no expectations for low volume roads to be upgraded by Council in the future as a result of unanticipated development.

Timeframe

The application has asked for a period of ten years in which to give effect to the land use proposal for Lot 1 which would be consistent with the District Plan review requirements under Section 79 of the RMA.

10. LEGISLATIVE PROVISIONS

Section 104B of the Act applies to this application.

104B. *Determination of applications for discretionary or non-complying activities—*
After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—
(a) may grant or refuse the application; and
(b) if it grants the application, may impose conditions under section 108.

This means that the Council, when considering an application for a discretionary activity, may grant or refuse the application after assessing the matters in Section 104(1). Those matters have been covered in the bulk of the report.

A discretionary activity may be accepted as being generally appropriate within the zone but not on every site. The general guide is that where an application has relatively minor non-compliance with a rule it may be approved; while an application which has a significant degree of non-compliance may well be declined. The most relevant test is the level of actual and potential effects which may differ markedly between applications. The meaning of effect is explained in Section 3 of the Act below.

It is generally accepted that where a proposal is a discretionary activity, it cannot be contrary to the objectives and policies of the Operative and Proposed District Plans. In this instance the objectives and policies of the Proposed District Plan were given immediate effect with the plans notification but the accompanying rules of the proposed District Plan were not. Accordingly more weight can be given to the Operative District Plan provisions.

The degree to which an application upholds the objectives and policies is a matter for consideration. The Courts have held that if a discretionary activity does not achieve the objectives and policies of a plan and does not attempt to do so, this will be a factor holding significant influence in decision making.

Meaning of "effect". In this Act, unless the context otherwise requires, the term effect includes—

- (a) Any positive or adverse effect; and*
- (b) Any temporary or permanent effect; and*
- (c) Any past, present, or future effect; and*
- (d) Any cumulative effect which arises over time or in combination with other effects regardless of the scale, intensity, duration, or frequency of the effect, and also includes—*
- (e) Any potential effect of high probability; and*
- (f) Any potential effect of low probability which has a high potential impact.*

11. SUMMARY AND CONCLUSION

The proposal is a fully discretionary activity. Under Rule 4.29.3 (Subdivision of land) the degree of non-compliance with the 2ha rural density standard in respect of the 0.2047ha Lot 1 is significant whereas the non-compliance in respect of the 1.7960ha Lot 2 is less pronounced.

While the application is not in-keeping with the anticipated development pattern for the rural environment, the site will retain most of its rural qualities and the application will only result in one additional residence being introduced into the rural landscape beyond what is naturally permitted. All three lots can be adequately serviced by existing infrastructure or by way of onsite containment methods.

For these reasons, and because the neighbourhood appears to be accepting of the proposal, the potential affects on the amenity values within the immediate surroundings are likely to be minor. However, as there is nothing significantly unique about the site that makes it different to other sites on the urban fringe, that may have similar subdivision potential, the risk of a precedent effect by approving the application is more difficult to reconcile. Such a precedent could decrease public confidence in Proposed District Plan which has been through an extensive review process that endorsed the 2ha rural density standard.

On balance, the potential effects on rural residential amenity within the immediate surroundings may be acceptable. But the overall and scale of non-compliance with the 2ha density standards and the degree of inconsistency with the density objectives and policies for the Rural 2 and Rural Zones are potentially more than minor such that the effects of approving the application may have an impact beyond the immediate surroundings.

12. RECOMMENDATION

In considering the application, if the Hearing Panel is satisfied that:

- The immediate neighbourhood is accepting of the application;
- The amenity standards of the immediate surroundings will not be adversely compromised and that effects on the wider environment will be avoided;
- The application is reasonably in-keeping with the objectives and policies for the Rural Sub-Area and the Rural 2 Zone whilst keeping in mind the direction of the Proposed District Plan 2017;
- Approval of the application will not create a precedent that could compromise the 2ha rural density standard and public confidence in the Proposed District Plan which has been through an extensive plan review process;

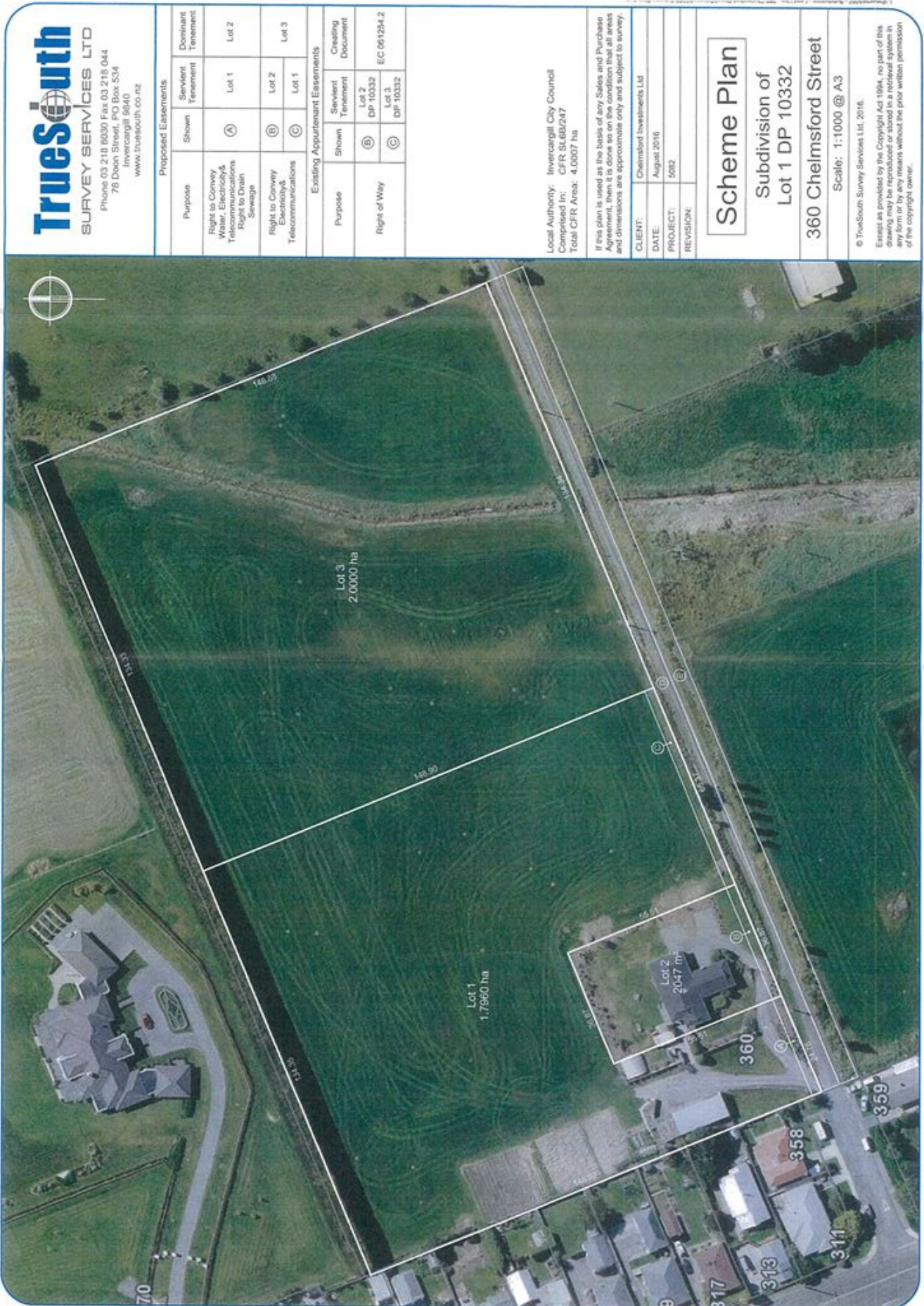
Then it is recommended that resource consent for the subdivision and the land use be approved under Sections 104 and 104B of the Resource Management Act 1991, subject to conditions of consent (as outlined in Appendix 8).

If the Panel is not satisfied, with the reasons set out above, it is recommended that resource consent for the subdivision and the land use be declined under Sections 104 and 104B of the Resource Management Act 1991.

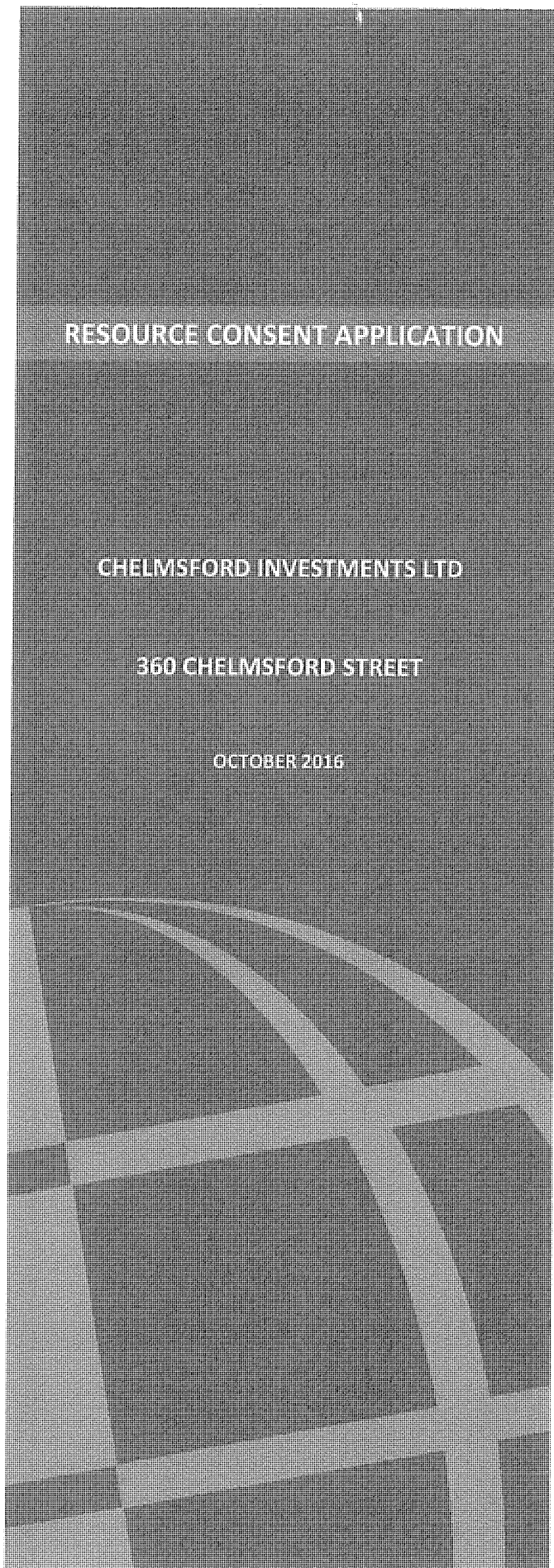
13. APPENDICES

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- Appendix 2 Application for subdivision and land use dated 21 October 2016
- Appendix 3 List of written approvals and notified parties
- Appendix 4 Submission
- Appendix 5 Objectives and policies of the Operative and Proposed District Plans
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1 FORM 9

SECTION 88 RESOURCE MANAGEMENT ACT 1991

To: Environmental & Planning Services Directorate
Invercargill City Council
Private Bag 90104
Invercargill 9840

Chelmsford Investments Ltd apply for the following type(s) of resource consent:

Subdivision Land Use

The activity to which this application (the proposed activity) relates is as follows:

Subdivision consent to facilitate the issue of three new Computer Freehold Registers.

Land Use consent to construct a dwelling within the Rural Sub-Area of the Operative District Plan and Rural 2 (Rural Transitional) Zone of the Proposed District Plan.

The site at which the proposed activity is:

360 Chelmsford Street – refer Locality Map attached as Appendix A.

Names and addresses of each owner or occupier (other than applicant) of the site to which this application relates are as follows:

N/A.

There are no other activities that are part of the proposal to which this application relates.

No additional resource consents are required for the proposal to which this application relates.

Attached is an assessment of environmental effects that –

- (a) includes the information required by Clause 6 of Schedule 4 of the Resource Management Act 1991; and
- (b) addresses the matters specified in Clause 7 of Schedule 4 of the Resource Management Act 1991; and
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

Attached is an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.

Attached is an assessment of the proposed activity against any relevant provisions of a document referred to in Section 104(1)(b) of the Resource Management Act 1991, including the information required by Clause 2(2) of Schedule 4 of that Act.

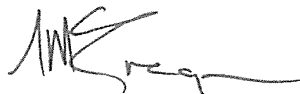
Attached is information that adequately defines the following:

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- (a) the position of all new boundaries; and
- (b) the areas of all new allotments; and

Authorised Agent



.....
20 October 2016

Applicants address	Address for Service
Chelmsford Investments Ltd 360 Chelmsford Street Waverley Invercargill 9810	steve@truesouth.co.nz
Contact Person Steve McGregor P 218 8030 M 027 333 7370	

2 SUPPORTING INFORMATION

This application is prepared in accordance with the relevant provisions of the Resource Management Act 1991 (RMA). It is intended to provide all information necessary for a full understanding of the proposal and any actual or potential effects that the proposed activity may have on the environment.

2.1 PROPOSAL

Subdivide property situated at 360 Chelmsford Street in order to facilitate the issue of three new Computer Freehold Registers and the future construction of a dwelling on a parcel less than 2 hectares in the Rural Sub-Area / proposed Rural 2 (Rural Transition) Zone.

As such two resource consents are concurrently sought from the Invercargill City Council:

1. Subdivision consent to create three new allotments as more particularly described in the following table:

Lot	Area
1	1.7960 ha
2	2047 m ²
3	2.0000 ha

2. Land use consent to construct a dwelling on Lot 1.

Appendix B contains a Scheme Plan of the proposed subdivision. Parcel areas and boundary dimensions are approximate only and subject to survey.

2.2 SITE DESCRIPTION

The legal description of the site subject to this application is Lot 1 DP 10332, as comprised in Computer Freehold Register SL6B/247. Refer Appendix C for a copy of this freehold register.

The total site area is 4.0007 ha comprising a dwelling, accessory buildings and amenity plantings. A mature shelterbelt exists along the sites northern boundary.

The site is situated within the Rural Sub-Area under the Operative District Plan (District Plan) and Rural 2 (Rural Transition) Zone under the Proposed District Plan. Examination of Planning and Hazard Information Maps 12, 36 and 37 identifies the following –

- ▶ Versatile Soils.
- ▶ High Wind Zone.
- ▶ Seismic Hazard Zone C - High.

No known sites of natural, built or cultural heritage are recorded as being present. The site is not subject any natural hazard risk.

2.3 RECEIVING ENVIRONMENT

Landform within the surrounding environment generally comprises subtle topography. Immediately north and east of the site are rural-residential properties.

The sites west boundary coincides with the Domicile / Rural Sub-Area boundary (proposed Residential 1 Zone / Rural 2 (Rural Transition) Zone boundary).

Non-residential activities predominate on properties immediately south of the site. These are a Brethen Church and PowerNet Ltd / Transpower NZ Ltd designated land (the Invercargill Substation, ancillary structures and overhead transmission lines).



Receiving Environment

2.4 EASEMENTS

Refer Scheme Plan for both proposed and existing appurtenant easements.

Proposed easements will facilitate the following outcomes –

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Easement A

- ▶ Protect the future interests of Lot 2 to convey water / electricity / telecommunications and drain sewage over Lot 1.

Easements B & C

- ▶ Protect the future interests of Lot 3 to convey electricity / telecommunications over Lots 1 and 2.

Appurtenant Right of Way easements shown D & E (marked A & B on DP 10332) created by EC 061254.2 provide legal and physical access to subject site.

3 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Section 3 of the RMA states that the term ‘effect’ includes any positive or adverse effect; temporary or permanent effect; past, present, or future effect; and cumulative or potential effect.

Section 88 of the RMA requires an assessment of any actual or potential effects on the environment arising from the proposal, and the ways in which any adverse effects may be avoided, remedied or mitigated.

The assessment has to be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment. In accordance with the requirements of Section 88 and the Fourth Schedule of the RMA the following actual and potential effects and issues have been considered and managed in relation to this application:

3.1 AMENITY

3.1.1 VISUAL

A mature shelter belt effectively screens the subject site from properties situated to the north.

Buildings and structures on properties situated within the Domicile Sub Area, adjacent to Racecourse Road / Chelmsford Street, significantly reduce public awareness of the proposed development and ensure that any future dwellings on either Lot 1 or 3 will be unobtrusive and effectively screened.

Visibility of the site from the Findlay Road corridor is strictly limited.

In terms of Lot 2, the existing dwelling is already well integrated within the landscape. Established shelter and amenity plantings surrounding the dwelling form logical extents for proposed lot boundaries to coincide. New dwellings on Lot 1 and 3, either individually or in combination with each other, will not result in a significant visual intrusion within the landscape.

This proposal is not considered to be out of character with the receiving environment which comprises a mix of residential, rural-residential, communal and infrastructure (supply and distribution of electricity) activities.

It is also noted that the permitted baseline allows for large, potentially visually obtrusive structures to be constructed as of right on the subject site.

The applicant could legitimately undertake activities with a significantly higher degree of adverse visual and amenity effects on the site as a permitted activity than those effects that will arise as a result of the activity for which consent is sought.

No adverse effects on visual amenity or landscape character are anticipated to arise.

3.1.2 HEIGHT OF STRUCTURES

The District Plan permits a maximum building height of 10 m in the Rural Sub-Area.

It is anticipated that any new dwelling / accessory buildings on Lots 1 or 3 will fully comply with District Plan maximum height performance standards.

3.1.3 PRIVATE OPEN SPACE AND DENSITY

The District Plan requires a maximum residential density of one residence per 2 ha under contiguous ownership.

Rule 4.40.5 of the District Plan states that where an activity fails to meet the density standards, the activity is a restricted discretionary activity. The matter over which Council shall exercise its discretion is the adverse environmental effects of the failure to comply with density standards.

For the benefit of adjoining owners (particularly those properties situated west of the site within the Domicile Sub-Area) and ensure that privacy and incidence of daylight/sunlight are maintained, the following land use consent condition is promoted to Council:

- That a Consent Notice pursuant to Section 221 of the RMA be prepared and registered against the new Computer Freehold Registers to issue for Lot 1 requiring that any new dwelling or accessory building will be setback a minimum of 4 metres from any boundary.

By ensuring that any future dwelling / accessory building complies with the non-residential activity setbacks for the Rural Sub-Area effects are considered to be less than minor.

3.1.4 NOISE

Noise emissions from residential activities are predominately be vehicle noise and people noise.

Vehicle noise will add no more to the surrounding noise environment than existing emissions generated by vehicles movements within Racecourse Road / Chelmsford Street or on adjacent properties.

People noise is predictable. The modest levels of noise resulting from an intensification of residential activities on the site will be embedded within the existing day time ambient noise environment.

Effects on aural privacy are minor. Noise generated from residential activities will comply with the lesser emission limits prescribed under the District Plan for activities situated within the Domicile Sub-Area.

3.1.5 LIGHTSPILL

The permitted level of lightspill under the District Plan is the same for both Domicile / Rural Sub-Areas. It is not anticipated that lightspill resulting from future rural-residential activities on Lots 1 and 3, between sunset through midnight to sunrise, will exceed 5 lux.

3.2 SERVICES

The dwelling on Lot 2 has existing connections to reticulated services (water, sewage, electricity and telecommunications). Domestic connections to reticulated electricity and telecommunications for Lots 1 and 3 are available via connection to the adjacent network infrastructure.

Future wastewater management on Lot 1 can be provided by connection to Council's reticulated sewage system. Alternatively, Lot 1 comprises sufficient area for sustainable on-site domestic wastewater management, subject to the installation of a suitably-designed disposal system compliant with AS/NZS 1547:2000 "On-Site Domestic Wastewater Management" or its applicable successor.

As per above, a water supply could be provided via either connection to Council's reticulated water supply situated within the Chelmsford Street frontage or alternatively via rain water collection and storage.

Confirmation of which option is most suitable for the provision of both wastewater management and water supply in terms of Lot 1 is appropriately a matter for any future owner/s of Lot 1 to consider and manage at the time building consent is sought to construct a dwelling.

Any new dwelling to be constructed on Lot 3 will be self-sufficient in terms of water supply and wastewater management. No connection to either Council's reticulated water supply or sewage system is proposed.

Subject to suitable conditions of consent pursuant to Sections 108 and 220 of the RMA been imposed effects are less than minor.

3.3 FIRE SAFETY

District Plan performance standards do not require on-site water storage for firefighting purposes within the Rural Sub-Area and neither does the Proposed District Plan when a dwelling, situated within the Rural 2 (Rural Transition) Zone, is connected to Council's reticulated water supply.

As no decisions on the Proposed District Plan have been released to-date and no current rule makes provision for either an existing or proposed dwelling to comply with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008, it is promoted that resource consent be granted inclusive of an advice note recommending that any future dwelling on Lots 1 and 3 consider compliance with SNZ PAS 4509:2008 or an alternative method if approved by the New Zealand Fire Service.

3.4 TRANSPORTATION

The subject site has legal frontage to Chelmsford Street.

Vehicular access to Lot 1 is proposed via the existing crossing place. There will be no intensification of vehicular movements via this crossing place as a result of this proposal.

No mitigation measures fairly or reasonably relating to this existing vehicle crossing, capable of justification in terms of environmental effects that may arise as a result of the activity for which consent is sought, have been identified.

Vehicular access to Lots 2 and 3 is proposed via formation of new crossing places within respective frontages of existing appurtenant Right of Way easements D & E.

No interference with traffic flow or effect on public safety is anticipated to arise.

3.5 ESPLANADE STRIPS

An unnamed water course bisects Lot 3. The width of this water course (being the space of land which water covers when at its annual fullest flow without overtopping its banks), is less than 3 metres.

Esplanade strips are therefore not a requirement in this instance.

3.6 NES – CONTAMINANTS IN SOIL

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) requires Council to implement the NES in accordance with their functions under Section 31 of the RMA.

The National Environment Standard (NES) for Assessing and Managing the Contaminants in Soil to Protect Human Health applies to any piece of land on which activity or industry described in the Hazardous Activities and Industries List (HAIL) has or is being undertaken and the applicant proposes to subdivide or change the use of the land, or disturb the soil, or remove or replace a fuel storage system.

The following table assesses the proposal’s compliance with the NES regulations:

Question	Answer	Comment
Is an activity described in the HAIL currently being undertaken on the piece of land to which this application relates?	No	The site is not identified in the Environment Southland Selected Land Use Sites (SLUS) Register – refer Appendix D. Council property records do not denote any activity described on the HAIL has been undertaken on the subject site.
Has an activity described in the HAIL ever been undertaken on the piece of land to which this application applies?	No Evidence	
Is it more likely than not that an activity	No Evidence	

described in the HAIL is being or has been undertaken on the piece of land to which this application applies?		The applicant has no knowledge that the site has been used or is more likely than not to have been used for a HAIL listed activity or industry.
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It is therefore considered this proposal is not subject to the NES and no further assessment is required.

3.7 TEMPORARY

Traffic, noise and dust effects resulting from the future construction of any new dwelling on either Lot 1 or 3 will be temporary and no greater than those effects which would result from construction of buildings / structures on the site as a permitted activity.

3.8 REVERSE SENSITIVITY

No issues relating to reverse sensitivity are anticipated to arise as a result of the activity for which consent is sought.

3.9 CUMULATIVE

This proposal represents sustainable development of an allotment within the Rural Sub-Area / proposed Rural 2 (Rural Transition) Zone. The site and locality has sufficient capacity to accommodate the density of development proposed, and the proposal is considered to be compatible with adjacent land use activities.

No cumulative effects, either over time or in combination with other effects, have been identified.

3.10 PRECEDENT

Precedent effect is unlikely to arise in situations where consent is granted for a discretionary activity.

This proposal provides for a rural-residential development, immediately adjacent to the Domicile Sub-Area / Residential 1 Zone without resulting in any tangible change or adverse effects to the surrounding area and existing amenity levels.

It is considered that this proposal will not set a precedent for like subdivision / land use activities on other sites within the Rural Sub-Area / proposed Rural 2 (Rural Transition) Zone.

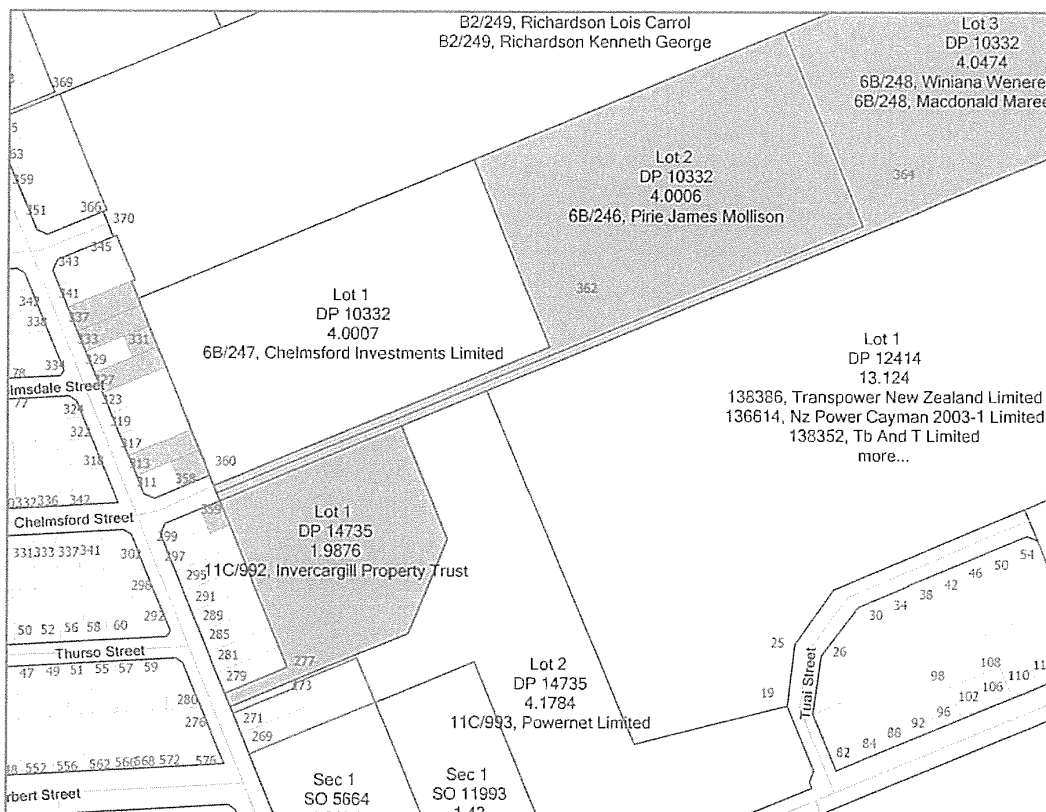
3.11 POSITIVE

The site is not economically viable either exclusively or principally, for agricultural, horticultural or pastoral purposes. This proposal is considered to promote the productive and sustainable use of the Districts land resource.

4 CONSULTATION

The following persons have provided written approval to this proposal:

Owner	Address
Invercargill Property Trust	277 Racecourse Road
GR & AJ Cockburn	313 Racecourse Road
N & G Rajapaksa	327 Racecourse Road
TF Cribb	331 Racecourse Road
JN Eade & K Fahey	333 Racecourse Road
CW & DM Hibbs	337 Racecourse Road
JT McNaught & N Carnie-McNaught	358 Chelmsford Street
JD & K Hawkes	359 Chelmsford Street
JM Pirie	362 Chelmsford Street
WE Winiana & ML MacDonald	364 Chelmsford Street



Location of Written Approvals

Refer Appendix E for completed written approvals.

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In accordance with Section 104(3)(a)(ii) of the RMA, where a person has given written approval, Council must not, when considering an application, have regard to any effect of the proposed activity on that person.

The applicant has further consulted the owners of 317 – 323 and 370 Racecourse Road. After consideration of the proposal these persons have withheld providing written approval at this time.

5 INVERCARGILL CITY DISTRICT PLAN

5.1 ACTIVITY STATUS

Rule	Activity Status	Reason
4.29 <i>Subdivision of Land</i>	Discretionary	Subdivision has the effect of increasing the degree of non-conformity in terms of the District Plan. Lot 2, comprising the existing dwelling is less than 2 ha.
4.40 <i>Private Open Space And Density</i>	Restricted Discretionary*	Land use on Lot 1 exceeds permitted density of one dwelling per 2 ha under contiguous ownership.

*The matter over which Council shall exercise discretion is the adverse environmental effects of failure to comply with density standards.

Overall, this application is considered to be for a Discretionary Activity.

5.2 OBJECTIVES AND POLICIES

5.2.1 DISTRICT PLAN

The following table assesses the proposed subdivision / land use against the relevant objectives and policies of the District Plan.

Soil Resource	
Objective	Comment
3.7.1 – To safeguard the life-supporting capacity of the District’s soil resource to meet the reasonably foreseeable needs of future generations	No adverse effects on soil quality or the efficient use of the wider soil resource within the District results.
Policies	Comment
3.7.2(A) <u>Sustainability</u> - To encourage sustainable land management practices that safeguard the life-supporting capacity of the soil resource, including avoidance, mitigation or remedying the adverse effects of land use activities.	The existing land use is rural-residential. The site is not economically viable either exclusively or principally, for agricultural, horticultural or pastoral purposes.
3.7.2(C) <u>Ground Level Alteration</u> - To control land use activities and development which propose to fill or re-contour land, or move or remove significant quantities of soil.	No significant alteration to the existing soil profile will be required as result of rural-residential development on Lots 1 and 3.
Transportation	
Objective	Comment
3.10.1 - To provide for the development and	Access / egress to Lots 1 – 3 is via Chelmsford

sustainable management of transportation networks.	Street and appurtenant Right of Ways. Effects on the transport network, resulting from 2 additional allotments, are considered less than minor.
Policies	Comment
3.10.2(A) <u>Effects on Transportation Networks</u> - To provide for the safe and efficient operation of transportation networks by controlling the effects of other land uses on the transportation networks, including glare and electrical interference.	Function, safety, efficiency and effectiveness of the transportation network are not compromised. This proposal does not challenge Council objectives to ensure that transportation networks operate in an integrated, safe and efficient manner.
3.10.2(E) <u>Vehicles on Site</u> - To require land use activities to make provision for safe, well designed and located access and egress, parking, loading and unloading, manoeuvring areas and screening on site.	Vehicular access to Lot 1 will be via the existing crossing place. Lots 2 and 3 will be accessed via the new crossing places adjacent to the appurtenant Right of Ways. Substantial areas for the provision of off-street parking and associated manoeuvring areas are available. Visibility of the site from both the Chelmsford Street and Findlay Road corridors is strictly limited. The site is effectively screened by existing residential activities, vegetation and shelter belts.
3.10.2(F) <u>Effects on Roading</u> - To manage the adverse effects of land use activities on the roading network.	Vehicular movements associated with residential activities are generally confined to the beginning and end of the day, with infrequent movements occurring during the course of the day. Vehicular movements generated from future activities on Lots 1 and 3 will be well within the operating capacity of Chelmsford Street and the surrounding transportation network.
Subdivision of Land	
Objective	Comment
3.12.1(1) To enable the subdivision of land to be undertaken in accordance with the specific objectives for areas and resources of the City.	Subdivision to be undertaken is in general accordance with the specific objectives for the Rural Sub-Area.
3.12.1(2) To enable the subdivision of land to occur, while at the same time ensuring that any adverse effects of subdivision and associated development are avoided, remedied or mitigated	Subdivision and development of the site as proposed will integrate seamlessly within the receiving environment. Landscape character and amenity is maintained. Adverse effects on infrastructure are avoided. The proposed subdivision and subsequent development will not have any physical or

	economic impact on the sustainability of reticulated services.
Policies	Comment
3.12.2(B) <u>Effects</u> - To ensure in the creation of new allotments any adverse effects on natural, ecological, cultural or heritage values or transportation infrastructures are avoided, remedied or mitigated.	No effects have been identified that require avoidance or mitigation.
Amenity Values	
Objectives	Comment
3.14.1 To maintain and enhance amenity values that occur throughout the District.	Amenity values are maintained and enhanced.
3.14.6 To maintain and enhance the amenity values of the Areas and Sub-Areas of the District.	Recognising that the site is immediately adjacent to the Domicile Sub-Area / Residential 1 Zone and further adjoining rural-residential properties, the density proposed is considered acceptable. Taking into account the receiving environment and landscape character this proposal does not represent sprawling or sporadic development.
Policies	Comment
3.14.2(B) <u>Natural and Physical Characteristics</u> – To maintain and enhance the natural and physical characteristics identified in Policy 3.14.2(A)(1).	The consistency of the proposal with the immediate neighbourhood character ensures that an appropriate development pattern is achieved. The proposed subdivision / land use will be absorbed and integrated over time within the receiving environment.
3.14.7(B) <u>Amenity Values</u> - To require the maintenance and enhancement of the amenity values of the Sub-Areas, or identify specific limiting characteristics.	Several characteristics commonly associated with rural amenity no longer exist within the receiving environment. The site is immediately adjoining the Domicile Sub-Area and within a Transition landscape between rural and urban land use activities. The site is completely screened from the north. Amenity values south of the site are compromised by existing electricity transmission infrastructure.

5.2.2 PROPOSED DISTRICT PLAN

The following table assesses the proposed subdivision / land use against the relevant objectives and policies of the Proposed District Plan.

Soils, Minerals & Earthworks	
Objective	Comment
2.13.2.1 Invercargill's soils are managed sustainably.	This proposal will not significantly or adversely affect the District's soil resource. The productive capacity of existing rural land resources for agricultural and primary sector activities is maintained.
Policies	Comment
2.13.3.1 <u>Soil</u> - Promote sustainable soil and land use development and management practices.	The existing land use is rural-residential. The site is not economically viable either exclusively or principally, for agricultural, horticultural or pastoral purposes.
2.13.3.3 <u>Protection of Versatile Soils</u> - To protect the district's versatile soils from the expansion of urban development over the district's versatile soils.	No significant alteration to the existing soil profile will be required as result of rural-residential development on Lots 1 and 3.
Subdivision	
Objectives	Comment
2.14.2.1 Subdivision and development is promoted that is integrated with existing communities, infrastructure and public spaces.	The proposal fully integrates with the receiving environment and where applicable, existing infrastructure.
2.14.2.2 Subdivision and development maintains and enhances the character and amenity of Invercargill.	Character and amenity within the urban / rural transition zone are maintained.
2.14.2.3 Subdivision and development preserves the productive capability of rural land and versatile soils.	No reduction in the overall productivity of rural land will result.
2.14.2.5 Subdivision and development is managed so that it avoids, remedies or mitigates adverse effects on existing infrastructure.	Connection to existing reticulated services for Lot 1 would not compromise future infrastructure sustainability.
2.14.2.7 The intensity of development along strategic arterial roads is managed to reduce the cumulative adverse effects on the safe and efficient functioning of such links.	No cumulative adverse effects on the safe and efficient functioning of the transportation network have been identified.
2.14.2.8 The subdivision of land is undertaken in accordance with the objectives for zones and resources of the city recognising that because subdivision sets the long-term pattern of development, subdivision is a major determinant of how land is used and therefore of the environmental effects of land use.	Effects arising from rural-residential activities on Lot 1, being only 10.2% greater than the maximum density permitted as of right in the proposed Rural 2 (Rural Transition) Zone, are minor. The area of Lot 2 is congruent with existing residential activities which are situated within

	close proximity.
Policies	Comment
2.14.3.1 <u>Adverse Effects</u> - To ensure in the creation of new allotments any adverse effects on the environment are avoided, remedied or mitigated.	Lots 1 – 3 are suitable for their intended use.
2.14.3.2 <u>Zoning</u> - To ensure subdivision design gives effect to the District Plan’s objectives and policies for the zone and enables uses permitted in the zone.	No conflict with permitted land use activities are anticipated to arise.
2.14.3.4 <u>Transportation Networks</u> - To avoid ribbon development and the adverse effects that such subdivision can have on existing communities while promoting connectivity to the existing transportation network.	No ribbon development results.
2.14.3.5 <u>Reticulated Services</u> - To avoid the adverse effects that subdivision and subsequent development can have on the physical and economic sustainability of reticulated services.	Physical and economic sustainability of reticulated services is not compromised.
2.14.3.9 <u>Infrastructure</u> - To respect the operational requirements and reverse sensitivity issues associated with infrastructure including electricity lines, State Highways, railways and the airport.	No potential reverse sensitivity effects associated with infrastructure have been identified.
Transportation	
Objective	Comment
2.17.2.1 - Development of transport infrastructure and land use takes place in an integrated and planned manner.	The proposed land use is passive and will not result in any adverse effects on the transportation network.
Policies	Comment
2.17.3.5 <u>Adverse Effects</u> - To manage subdivision, use and development adjacent to transport infrastructure in such a way as to avoid, remedy or mitigate potential effects, including reverse sensitivity effects on transportation infrastructure.	Function, safety, efficiency and effectiveness of the transportation network are not compromised. No reverse sensitivity effects on transportation infrastructure will arise.
Water	
Objective	Comment
2.18.2.1 Water quality and water quantity are not significantly adversely affected by subdivision, use and development of land.	Rural-residential activities on Lots 1 and 3 will not result in any adverse effect on water quality and water quantity. No impact on flows and levels in waterbodies require management.
Policies	Comment
2.18.3.1 <u>General</u> - To require that the adverse effects of subdivision land use activities on water quantity and quality are avoided, remedied or mitigated.	Effects on water quantity and quality are less than minor.
2.18.3.3 <u>Effects on Water Quantity</u> - To manage	Lots 1 and 3 are of sufficient area to facilitate

the effects of activities on flows and levels of water in water bodies and on Council's reticulated water services.	on-site stormwater management.
2.18.3.4 <u>Effects on Water Quality</u> - To promote land use practices that minimise effects on the quality of water in waterbodies and water supply catchments.	No increase in sediment, pollutants or runoff will result from the activity for which is consent is sought.
Rural 2 (Rural Transition) Zone	
Objectives	Comment
2.41.2.1 The amenity values of the Rural 2 Zone are maintained and enhanced.	This proposal will provide for sustainable rural-residential development on Lots 1 and 3, resulting in a unified transition between urban and rural environments.
2.41.2.2 New urban development within the Rural 2 Zone only occurs within the areas identified in Appendix XV and in general accordance with an operative outline development plan included in the District Plan through an approved Plan Change, and only when adequate servicing and infrastructure is available.	The proposal is of a density appropriate to the locality. Development of the site as proposed will complement existing development within the receiving environment.
Policies	Comment
2.41.3.1 <u>Rural 2 Zone</u> – To create a transition between the rural and urban environments by providing for “lifestyle” properties of a minimum lot size of two hectares, which are self-sufficient in terms of servicing, whilst retaining the rural amenity of the land on the fringe of the urban environment.	This proposal provides for a seamless transition between urban / rural environments.
2.41.3.2 <u>Urban Development</u> - To discourage urban development within the Rural 2 Zone.	The site is immediately adjacent to urban development and will maintain existing levels of amenity. No demand for extension to Council infrastructure results.
2.41.3.5 <u>Outdoor Living</u> - To require the provision of practical outdoor private open space, accessible to the living areas of the dwellings, as an important dimension of amenity.	Lots 1 and 3 each comprise substantial area for the provision of practicable outdoor private living space and compliance with minimum setback standards.
2.41.3.6 <u>Incidence of Daylight and Sunlight</u> - To ensure light and sunlight incidence to the subject property and to neighbouring properties for amenity, home heating (energy conservation) and health reasons.	Seasonal variations in sun angles, sunrise and sunset affecting the incidence of daylight and sunlight are predictable. This is a pertinent matter for consideration at the time of dwelling design. Amenity effects, both internally and externally on adjacent properties, are avoided by requiring all dwellings / accessory buildings to be setback a minimum of 4 m from boundaries.

<p>2.41.3.7 <u>Noise</u> - To maintain low daytime ambient noise levels and lower night time ambient noise levels whilst allowing agricultural activities, and recognising that some parts of the zone are subject to higher levels of noise generated by transportation activities and farm activities.</p>	<p>Noise generated from residential activities is anticipated to fully comply with the lessor emission limits prescribed under the Proposed District Plan for activities situated within the Residential 1 Zone.</p>
<p>2.41.3.8 <u>Odour</u> - To accept that intermittent emissions of agricultural related odours will occur within the Rural 2 Zone.</p>	<p>Rural activities, such as agriculture and horticulture on adjacent properties within the proposed Rural 2 Zone, are not considered to be compromised by reverse sensitivity issues involving intermittent emissions of odour.</p>
<p>2.41.3.9 <u>Glare</u> - To ensure freedom of nuisance from glare.</p>	<p>No discernible increase in glare levels will result. Potential effects are mitigated by site vegetation and shelter belts on the periphery.</p>
<p>2.41.3.11 <u>Lightspill</u> - To minimise lightspill.</p>	<p>Levels of lightspill are not anticipated to exceed standards for the proposed Rural 2 (Rural Transition) Zone, be a source of annoyance to residents, or mask the character of the night sky.</p>
<p>2.41.3.12 <u>Wind</u> - To avoid increasing natural wind effects by land use activities.</p>	<p>No exacerbation of wind effects that may potentially affect the amenity of adjoining properties will result.</p>
<p>2.41.3.18 <u>Height and Location of Structures</u> - To manage the scale of development in rural areas.</p>	<p>Scale form and location of any new buildings on Lots 1 or 3 is not anticipated to exceed the boundary setback / height limit performance standards.</p>
<p>2.41.3.19 <u>Car Parking and Vehicle Manoeuvring</u> - To recognise that the opportunity for residents on smaller rural lots to park their vehicle(s) on-site is an important dimension of amenity.</p>	<p>Lots 1 - 3 comprise substantial areas for the provision of off-street parking and associated manoeuvring areas.</p>

5.3 SUMMARY

As assessed in the preceding tables, it is concluded that the proposed subdivision / land use are consistent with the overarching intent of the aforementioned relevant objectives and policies of both the District Plan and Proposed District Plan.

6 RESOURCE MANAGEMENT ACT 1991

6.1 PART 2 - PURPOSE AND PRINCIPLES

Section 5 identifies the purpose of RMA as promoting the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of eco-systems, and avoiding, remedying or mitigating adverse effects on the environment.

Section 6 sets out matters of national importance that are to be recognised and provided for in achieving the purpose of the RMA. No matters of national importance relate to this proposal.

Section 7 outlines key other matters which all persons exercising functions and powers under the RMA Act must have particular regard to. Matters under Section 7 relevant to this proposal are the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment.

Section 8 requires the principles of the Treaty of Waitangi to be taken into account in achieving the purpose of the RMA. This proposal is not considered to impact upon these principles.

This proposal is consistent with the principles of sustainable management under the RMA as follows:

- ▶ The activity is anticipated by both the District Plan / proposed District Plan and will avoid remedy and mitigate any adverse effects on the environment.
- ▶ Amenity values and quality of the environment within the Rural Sub-Area / proposed Rural 2 (Rural Transition) Zone are maintained.

6.2 NOTIFICATION

Under Section 95A of the RMA, Council has discretion whether to publicly notify an application for resource consent. An application is required to be publicly notified if:

Council decides that the activity will have or is reasonably likely to have effects on the environment that are more than minor, or the applicant requests it, or a rule or national environment standard requires it.

The adverse effects of this application are less than minor and no special circumstances exist that require notification. The applicant does not request public notification, nor is there a rule in District Plan that requires public notification.

This application does not therefore meet the tests for public notification under the RMA.

If the Council are satisfied that the effects of this activity on the environment are no more than minor, but not all person(s) deemed to be potentially affected have provided their written approval, the application may be limited notified.

It is anticipated that if Council determines limited notification is warranted, notice will only require to be served on the owners of 317 – 323 and 370 Racecourse Road.

6.3 POWER OF WAIVER AND EXTENSION OF TIME LIMITS

In the circumstance that Council affords the applicant opportunity to review draft conditions, the applicant is agreeable to an extension in time limits under Section 37 of the RMA, not exceeding the time period between the date the draft conditions are received and the date Council receives a response.

6.4 CONSENT LAPSING PERIOD

Section 125 of the RMA provides that a resource consent lapses on the date specified in the consent or, if no date is specified, five years after the date of commencement.

The applicant requests that a lapsing period of ten years, from the commencement of the resource consent, applies to the proposed land use on Lot 1.

This lapsing period would be consistent with District Plan review requirements under Section 79 of the RMA.

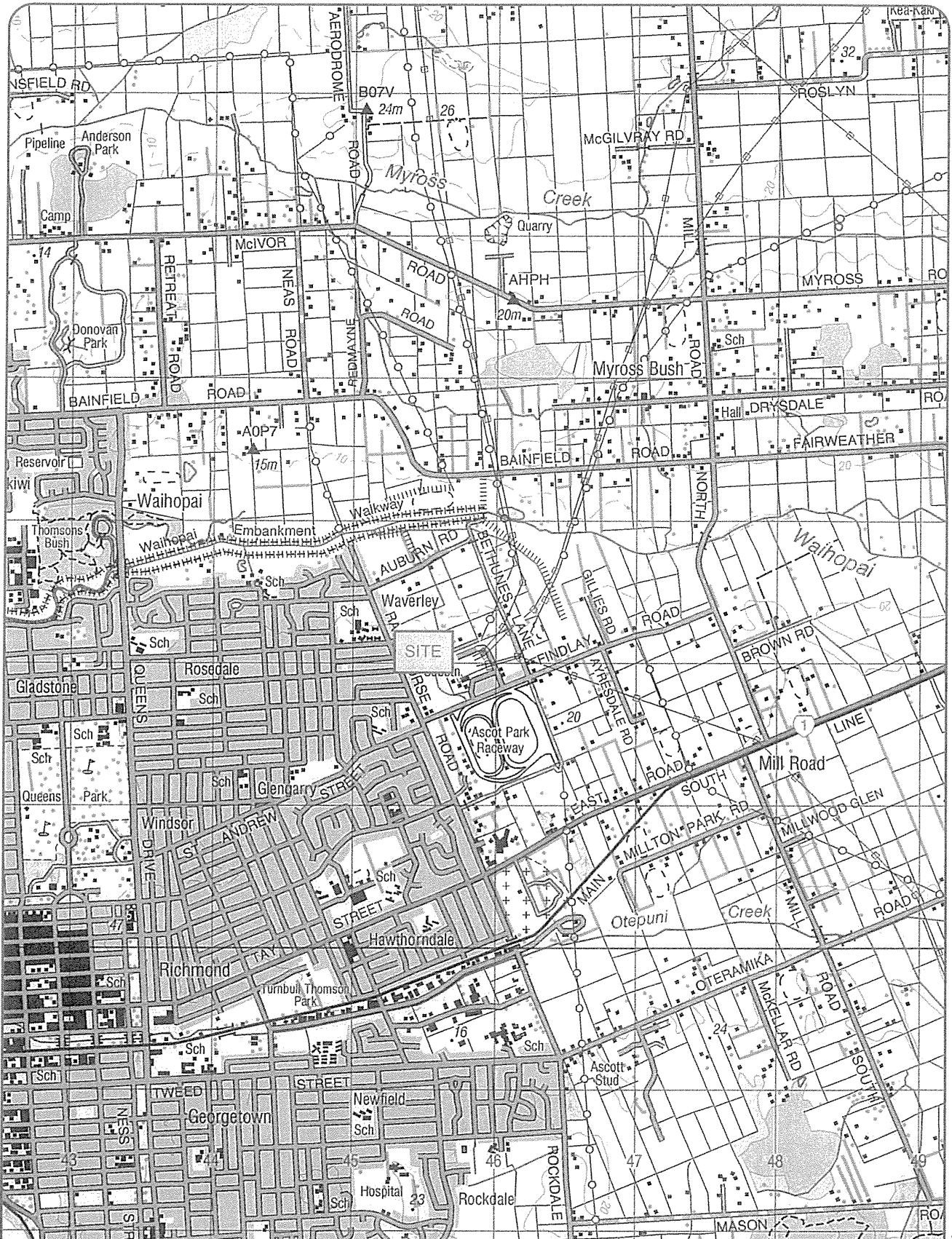
7 CONCLUSION

This proposal is not contrary to Part 2 of the RMA or inconsistent with the relevant objectives and policies of either the District Plan or Proposed District Plan.

Environmental effects are less than minor or can be appropriately avoided, remedied or mitigated.

Granting resource consent as sought will promote the purpose of the RMA and constitute sustainable management of natural and physical resources.

APPENDIX A



LOCALITY MAP
SCALE: NTS
CLIENT: Chelmsford Investments Ltd
DATE: October 2016
PROJECT: 5082

360 Chelmsford Street

TrueSouth
 SURVEY SERVICES LTD
 Phone 03 218 3030 Fax 03 218 044
 78 Doon Street, PO Box 534
 Invercargill 9840
 www.truesouth.co.nz

DATE PRINTED: 5/10/2016 1:25 p.m.

C:\Bricscad Dwg\Locality Map.dwg

APPENDIX B



TrueSouth
SURVEY SERVICES LTD

Private Office 208 82300 Main St 5 2nd Floor
The Square Invercargill 9801 New Stn
Invercargill 9804
www.thesouth.co.nz

Proposed Easements

Purpose	From	To	Destination
Right to Convey Water, Electricity, Gas, Sewer, Stormwater, Drainage, and other services	Lot 1	Lot 2	Lot 2
Right to Convey Electricity, Gas, Sewer, Stormwater, Drainage, and other services	Lot 2	Lot 3	Lot 3

Existing Easements

Purpose	From	To	Destination
Right of Way	Lot 2	Lot 3	Lot 3

Local Authority: Invercargill City Council
 File/Plan No: CP18/10332
 Total CPFI Area: 0.0000 ha

This plan is used as the basis of any Sale and Purchase Agreement. Each lot owner is responsible for any and all other matters not shown on this plan and subject to survey.

DATE	14/08/2018
PROJECT	10332
REVISIONS	

Scheme Plan

**Subdivision of
Lot 1 DP 10332**

360 Chelmsford Street

Scale: 1:1000 @ A3

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NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT OF THE ORIGINAL SURVEY. THIS PLAN IS THE PROPERTY OF TRUE SOUTH SURVEY SERVICES LTD AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF TRUE SOUTH SURVEY SERVICES LTD.



COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952

Search Copy



Identifier **SL6B/247**
Land Registration District **Southland**
Date Issued 11 September 1980

Prior References
SL4A/291

Estate Fee Simple
Area 4.0007 hectares more or less
Legal Description Lot 1 Deposited Plan 10332

Proprietors
Chelmsford Investments Limited

Interests

061254.2 Easement Certificate specifying the following easements - 28.8.1980 at 1.54 pm

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way	Lot 2 Deposited Plan 10332 - CT SL6B/246	A DP 10332	Lot 1 Deposited Plan 10332 - herein	Section 309(1)(a) Local Government Act 1974
Right of way	Lot 3 Deposited Plan 10332	B DP 10332	Lot 1 Deposited Plan 10332 - herein	Section 309(1)(a) Local Government Act 1974

8120188.1 Mortgage to Peter Philip Hickmott and Rosemary Karen Hickmott and to Matthew Godfrey Malcolm and Jillian Beverley Malcolm and to Matthew Godfrey Malcolm and Jillian Beverley Malcolm in shares - 1.4.2009 at 2:08 pm

Steve McGregor

From: Leonie Grace <Leonie.Grace@es.govt.nz>
Sent: Tuesday, 9 August 2016 12:30 p.m.
To: Steve McGregor
Subject: SLUS Enquiry - 360 Chelmsford Street Invercargill

Hi Steve

Thank you for your request for information relating to 360 Chelmsford Street Invercargill.

I can advise that Environment Southland does not hold a record of hazardous activity on the subject property and the property is not currently registered on Environment Southland's Selected Land Use Sites (SLUS) register. Please note however that our records are incomplete and we are unable to rule out the likelihood of current and/or historical site use activities, including the use and storage of hazardous substances, chemicals and fuels, and/or disposal of wastes.

Regards

Leonie Grace
Senior Pollution Prevention Officer | Environment Southland
P: +64 3 2115115 | M: +64 021 385 173 | DDI: +64 3 2115 229 |
E: leonie.grace@xtra.co.nz
Web: www.es.govt.nz | www.facebook.com/enviromentsouthland
Corner Price Street and North Road, Private Bag 90116, Invercargill 9840

**Resource Management Act 1991
Invercargill City Council
Section 95E Affected Persons Written Approval**


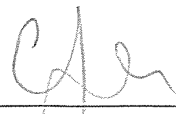
Affected Person(s)	
Name:	Invercargill Property Trust
Address:	277 Racecourse Road

We are both Owner(s) and Occupier(s) of the above property.

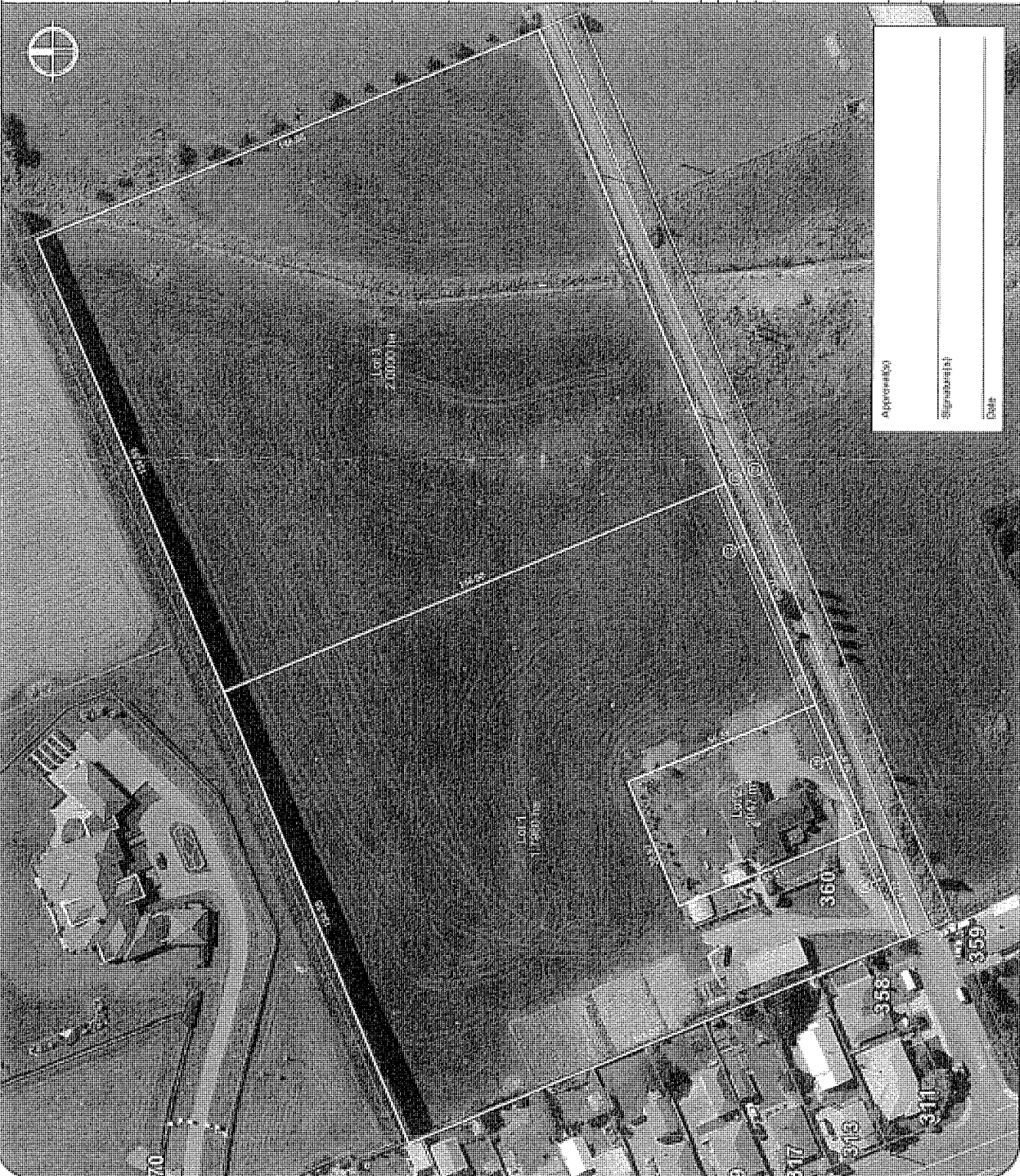
We give written approval to the following:

Applicant:	Chelmsford Investments Ltd
Site of Activity:	360 Chelmsford Street
Resource Consent Sought:	Subdivision / Land Use
Description of Activity:	Subdivision in order to create Lots 1 – 3 as more particularly delineated on the attached Scheme Plan. Construct a residential dwelling on Lot 1 (situated in the Rural Sub-Area / Proposed Rural 2 Zone with an area of less than 2 hectares).

We understand that as we have given our written approval, the Council shall not take into account any effects that the proposal may have on us when considering the application. We can confirm that we have viewed the supporting information and plans for the proposed activity.

Approval(s)	
Signature(s)	 
Date	14/2/2016
Contact Phone:	021-228-6437

Truesouth
SURVEY SERVICES LTD
 Phone 03 210 8030 Fax 03 218 944
 78 Deans Street, P.O. Box 634
 Invercargill 9840
 www.truesouth.co.nz



Proposed Easements			
Purpose	Shower	Service Tenement	Drainage Tenement
Right to Carry, Service, Drainage, Telephone, Gas, Power, Water, Sewer, Stormwater, and other utilities	(A)	Lot 1	Lot 2
Right to Carry, Service, Drainage, Telephone, Gas, Power, Water, Sewer, Stormwater, and other utilities	(B)	Lot 2	Lot 3
Right to Carry, Service, Drainage, Telephone, Gas, Power, Water, Sewer, Stormwater, and other utilities	(C)	Lot 1	Lot 3

Existing Agreements/ Easements			
Purpose	Section	Benefit	Granting Instrument
Right of Way	(D)	Lot 2	GP-02400
	(E)	Lot 3	GP-02400

Local Authority: Invercargill City Council
 Compulsory In: CPR 58 686047
 Total CPR Area: 4,9007 Ha

If this plan is used as the basis of any sales and purchase agreements, the purchaser and vendor shall be deemed to have accepted the accuracy and appropriateness of the information and measurements shown hereon and subject to survey.

CLIENT:	Chalmers Investments Ltd
DATE:	August 2016
PROJECT:	1002
REVISION:	

Scheme Plan
 Subdivision of
 Lot 1 DP 10332
 360 Chelmsford Street

Scale: 1:1000 @ A3
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Appraised: _____
 Signature: _____
 Date: _____

DATE PUBLISHED: 11/02/2016 11:54 AM

**Resource Management Act 1991
Invercargill City Council
Section 95E Affected Persons Written Approval**

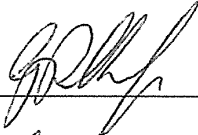
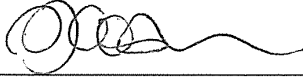
Affected Person(s)	
Name:	GR Kemp & AJ Cockburn
Address:	313 Racecourse Road

We are both Owner(s) and Occupier(s) of the above property.

We give written approval to the following:

Applicant:	Chelmsford Investments Ltd
Site of Activity:	360 Chelmsford Street
Resource Consent Sought:	Subdivision / Land Use
Description of Activity:	
	Subdivision in order to create Lots 1 – 3 as more particularly delineated on the attached Scheme Plan. Construct a residential dwelling on Lot 1 (situated in the Rural Sub-Area / Proposed Rural 2 Zone with an area of less than 2 hectares).

We understand that as we have given our written approval, the Council shall not take into account any effects that the proposal may have on us when considering the application. We can confirm that we have viewed the supporting information and plans for the proposed activity.

Approval(s)		
Signature(s)	_____	
Date	<u>13/8/16</u>	Contact Phone: <u>0274948455</u>

TrueSouth
SURVEY SERVICES LTD
 Phone: 03 318 8030 Fax: 03 318 0444
 78 Dixon Street, P.O. Box 324
 Invercargill 9840
 www.thesouth.co.nz

Proposed Subdivisions		Dominant Tenement	
Purpose	Shown	Servient Tenement	Dominant Tenement
Right to Carry under Electric Transmission Right to Drain Runoff	Lot 1	Lot 1	Lot 2
Right to Carry Biological Transmission	Lot 2	Lot 2	Lot 3
	Lot 3	Lot 3	

Existing Apartment Easements		Couting Document	
Purpose	Shown	Servient Tenement	Dominant Tenement
Right of Way	Lot 2	Lot 2	BC 0011564-2
	Lot 3	Lot 3	BC 0011564-2

Local Authority: Invercargill City Council
 Prepared by: CPM SURVEY
 Total CPR Area: 4,9007 sqm

If this plan is used on the basis of any State land Purchaser Act 1952 or any other legislation that all areas and dimensions are shown as they are subject to survey.

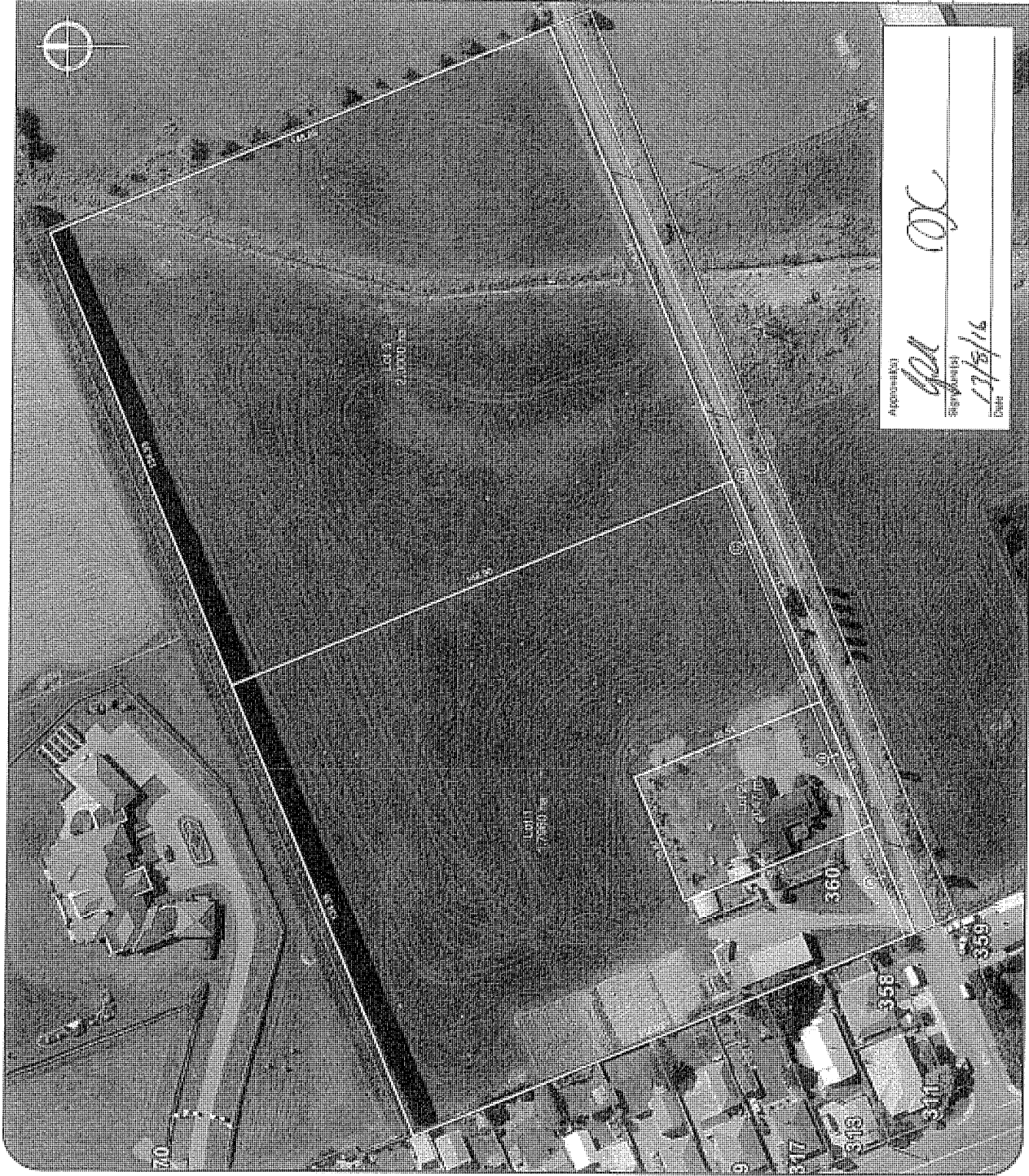
CLIENT: Chelmsford Investments Ltd
 DATE: August 2016
 PROJECT: SHIP
 REVIEWER:

Scheme Plan
 Subdivision of
 Lot 1 DP 10332
 360 Chelmsford Street

Scale: 1:1000 @ A3

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DATE PLOTTED 13/08/16 11:54 AM



Approved by: *[Signature]*
 Signed (Date): 17/8/16
 Title: Chief

**Resource Management Act 1991
Invercargill City Council
Section 95E Affected Persons Written Approval**


Affected Person(s)	
Name:	N & G Rajapaksa
Address:	327 Racecourse Road

We are both Owner(s) and Occupier(s) of the above property.

We give written approval to the following:

Applicant:	Chelmsford Investments Ltd
Site of Activity:	360 Chelmsford Street
Resource Consent Sought:	Subdivision / Land Use
Description of Activity:	Subdivision in order to create Lots 1 – 3 as more particularly delineated on the attached Scheme Plan. Construct a residential dwelling on Lot 1 (situated in the Rural Sub-Area / Proposed Rural 2 Zone with an area of less than 2 hectares).

We understand that as we have given our written approval, the Council shall not take into account any effects that the proposal may have on us when considering the application. We can confirm that we have viewed the supporting information and plans for the proposed activity.

Approval(s)	
Signature(s)	
Date	<u>16/8/16</u>
Contact Phone:	<u>03 217 3966</u>

Truesouth

SURVEY SERVICES LTD
 Phone 03 274 8939 Fax 03 278 0144
 78 Deans Street, PO Box 1024
 Invercargill 9840
 www.truesouth.co.nz

Proposed Easements		Revised Treatment	Revised Treatment
Particulars	Street	Lot 1	Lot 2
Right to Carry Overhead Powerlines	⑩	Lot 1	Lot 2
Right to Carry Overhead Powerlines	⑪	Lot 1	Lot 2
Right to Carry Overhead Powerlines	⑫	Lot 1	Lot 2

Crossing Agreements References		Revised Treatment	Crossing Document
Particulars	Street	Lot 1	Lot 2
Right of Way	⑬	Lot 1	Lot 2
	⑭	Lot 1	Lot 2

Local Authority: Invercargill City Council
 Consented In: CFR 240247
 Total CPR Area: 4,2007 ha

If this plan is used in the form of any plan and purchase of land, the purchaser shall be deemed to have accepted all terms and conditions and shall be bound by the same.

CLIENT	Chelmsford Investments Ltd
DATE	August 2016
PROJECT	DP 103332
REVISION	

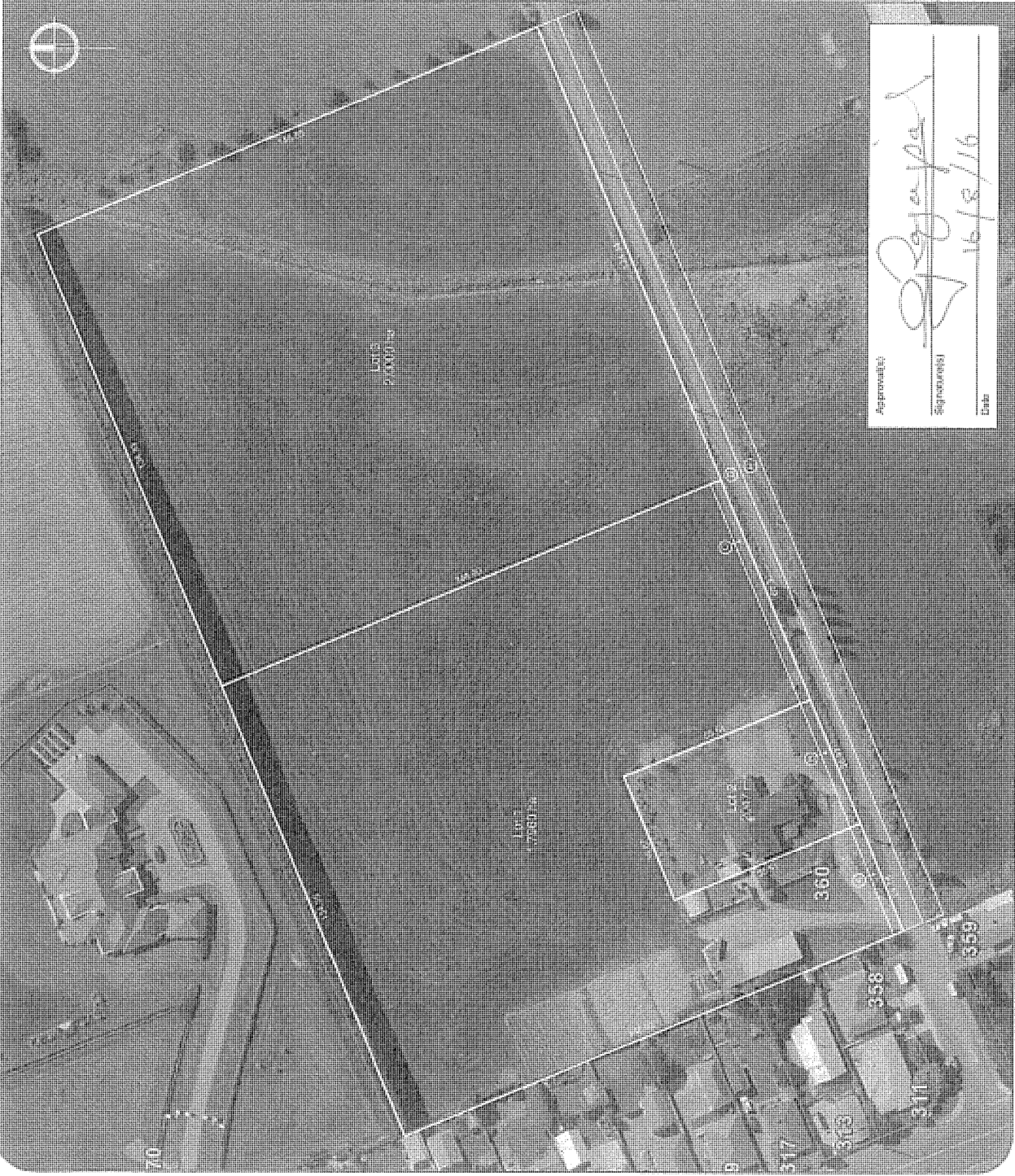
Scheme Plan

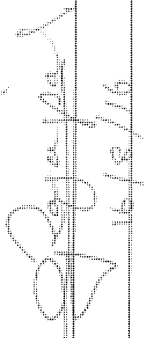
Subdivision of
 Lot 1 DP 103332

360 Chelmsford Street
 Scale: 1:1000 @ A3

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DATE PRINTED: 14/02/16 11:54:27



Approved by:

 Registered
 16/8/16
 Date

**Resource Management Act 1991
Invercargill City Council
Section 95E Affected Persons Written Approval**

Affected Person(s)	
Name:	TF Cribb
Address:	331 Racecourse Road

We are both Owner(s) and Occupier(s) of the above property.

We give written approval to the following:

Applicant:	Chelmsford Investments Ltd
Site of Activity:	360 Chelmsford Street
Resource Consent Sought:	Subdivision / Land Use
Description of Activity:	Subdivision in order to create Lots 1 – 3 as more particularly delineated on the attached Scheme Plan. Construct a residential dwelling on Lot 1 (situated in the Rural Sub-Area / Proposed Rural 2 Zone with an area of less than 2 hectares).

We understand that as we have given our written approval, the Council shall not take into account any effects that the proposal may have on us when considering the application. We can confirm that we have viewed the supporting information and plans for the proposed activity.

Approval(s)	
Signature(s)	_____
Date	15/8/16
Contact Phone:	021 652 525.

Truesouth
 SURVEY SERVICES LTD
 Phone: 03 218 8000 Fax: 03 218 8444
 791 Ocean Street, PO Box 1034
 Invercargill 9800
 www.truesouth.co.nz

Proposed Easements			
Purpose	Shown	Benefit	Dominant Tenement
Right to Carry Water, Stormwater, Telecommunications, Right to Drain, Sewerage	(A)	Lot 1	Lot 2
Right to Carry Electricity, Telecommunications	(B)	Lot 2	Lot 3
	(C)	Lot 1	

Existing Appurtenant Easements			
Purpose	Shown	Benefit	Creating Dominant
Right of Way	(1)	Lot 3	ICC 061254.3
	(2)	Lot 1	DP 10332

Local Authority: Invercargill City Council
 Consisted in: CFE 51522/217
 Total CPR Area: 4.0527 ha

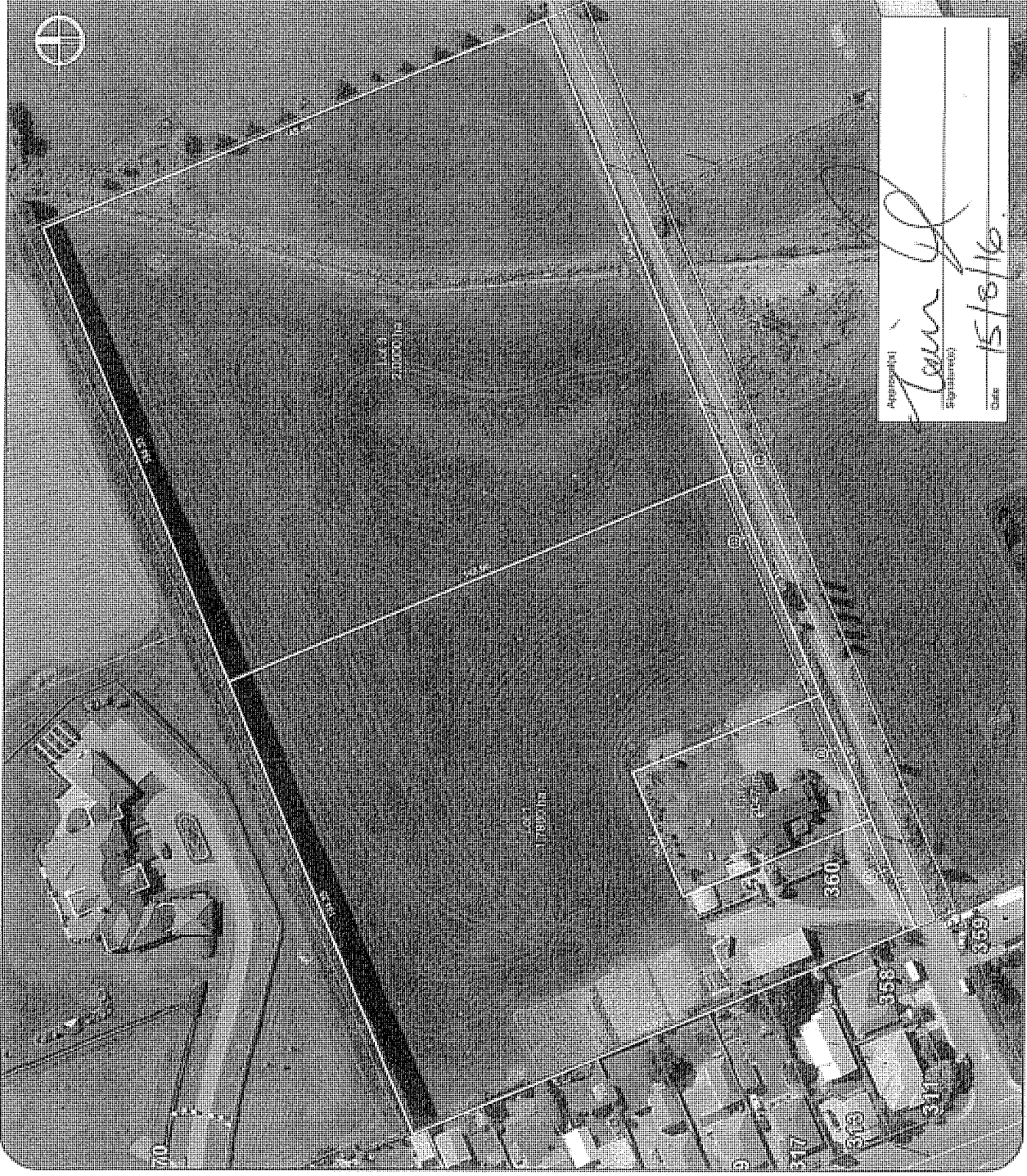
This plan is set out on the basis of any Sales and Purchase Agreements, Plans & Diagrams, and any other documents, and all dimensions are approximate only and subject to survey.

CLIENT:	Chelmsford Investment Ltd
DATE:	August 2011
PROJECT:	BBBC
REVISION:	

Scheme Plan
 Subdivision of
 Lot 1 DP 10332
 360 Chelmsford Street
 Scale: 1:1000 @ A3

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DATE PRINTED: 11/02/16 11:51 AM



Approved:
 Signature: *Tain G*
 Date: 15/8/16

**Resource Management Act 1991
Invercargill City Council
Section 95E Affected Persons Written Approval**


Affected Person(s)	
Name:	JN Eade & K Fahey
Address:	333 Racecourse Road

We are both Owner(s) and Occupier(s) of the above property.

We give written approval to the following:

Applicant:	Chelmsford Investments Ltd
Site of Activity:	360 Chelmsford Street
Resource Consent Sought:	Subdivision / Land Use
Description of Activity:	Subdivision in order to create Lots 1 – 3 as more particularly delineated on the attached Scheme Plan. Construct a residential dwelling on Lot 1 (situated in the Rural Sub-Area / Proposed Rural 2 Zone with an area of less than 2 hectares).

We understand that as we have given our written approval, the Council shall not take into account any effects that the proposal may have on us when considering the application. We can confirm that we have viewed the supporting information and plans for the proposed activity.

Approval(s)	
Signature(s)	
Date	<u>13-8-16</u>
Contact Phone:	<u>0211723347</u>

TrueSouth
 SURVEY SERVICES LTD
 Phone: 03 218 8819 Fax: 03 218 0444
 78 Dean Street, PO Box 436
 Invercargill 9040
 www.trautesouth.co.nz

Proposed Easements

Purpose	Stake	Benefit	Benefit
Right to Convey Water Transmission Rights to Clean Sewerage	Lot 1	Lot 1	Lot 2
Right to Convey Electricity Transmission	Lot 2	Lot 2	Lot 3
	Lot 1	Lot 1	

Existing Agreement Easements

Program	Stake	Benefit	Benefit
Right of Way	Lot 2 CPR 10332	Lot 2 CPR 10332	Lot 3 CPR 10332
	Lot 3 CPR 10332	Lot 3 CPR 10332	Lot 2 CPR 10332

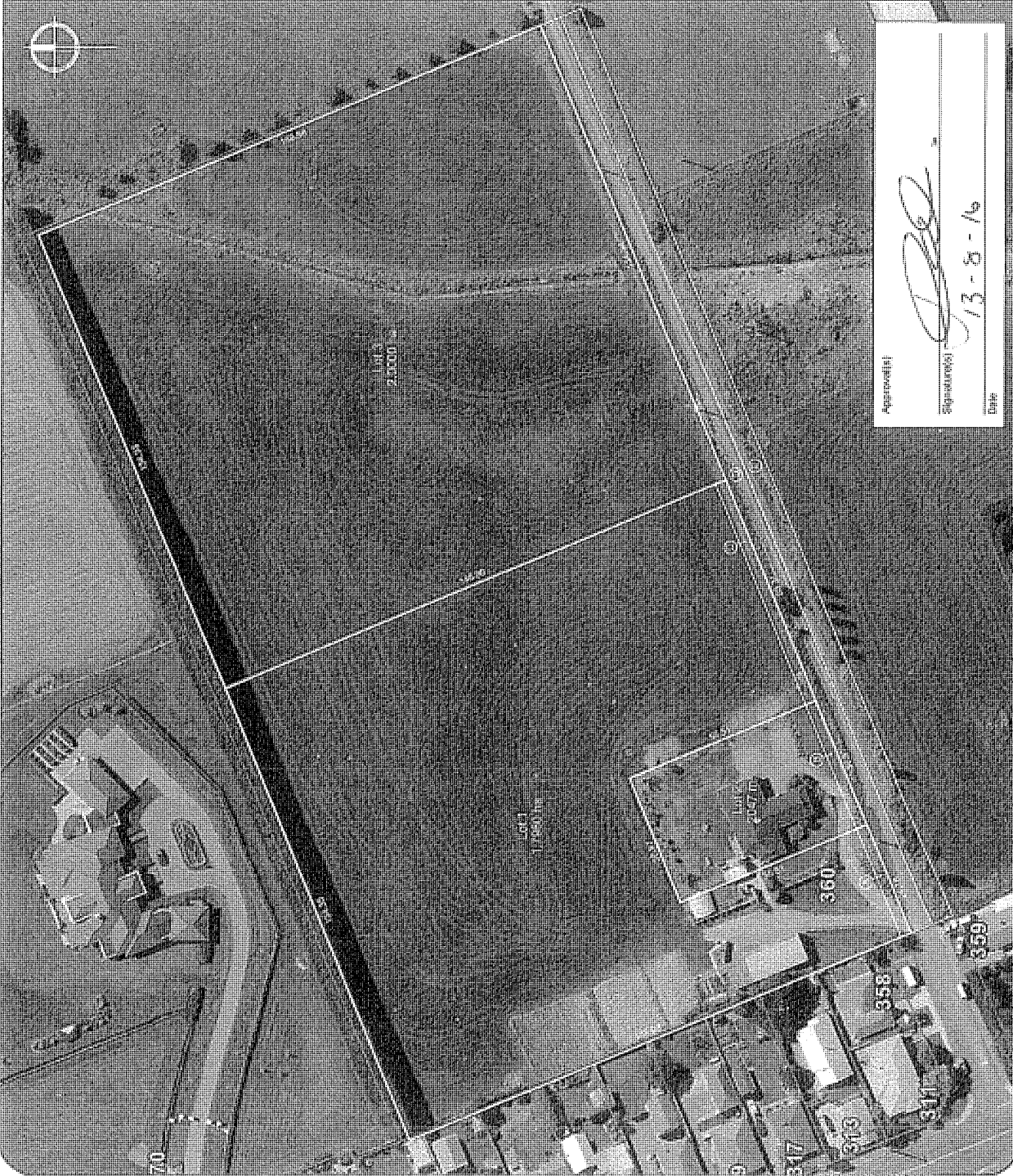
Local Authority: Invercargill City Council
 Computer ID: CPR 8165047
 Total CPR Area: 43667 m²

If this plan is used as the basis of any Sale and Purchase Agreement, then it is to be read in conjunction with all plans and documents, by reference to any such plans or documents, the appropriate or any other copies to apply.

CLIENT: Conducat Investments Ltd
 DATE: August 2016
 PROJECT: DP12
 DRAWING: 01

Scheme Plan
 Subdivision of
 Lot 1 DP 10332
 360 Chelmsford Street
 Scale: 1:1000 @ A3

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Approved: _____
 Signature(s): _____
 Date: 13-8-16

**Resource Management Act 1991
Invercargill City Council
Section 95E Affected Persons Written Approval**

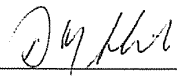
Affected Person(s)	
Name:	CW & DM Hibbs
Address:	337 Racecourse Road

We are both Owner(s) and Occupier(s) of the above property.

We give written approval to the following:

Applicant:	Chelmsford Investments Ltd
Site of Activity:	360 Chelmsford Street
Resource Consent Sought:	Subdivision / Land Use
Description of Activity:	Subdivision in order to create Lots 1 – 3 as more particularly delineated on the attached Scheme Plan. Construct a residential dwelling on Lot 1 (situated in the Rural Sub-Area / Proposed Rural 2 Zone with an area of less than 2 hectares).

We understand that as we have given our written approval, the Council shall not take into account any effects that the proposal may have on us when considering the application. We can confirm that we have viewed the supporting information and plans for the proposed activity.

Approval(s)	
Signature(s)	<u></u>
Date	<u>13-8-16</u>
Contact Phone:	<u>217 5090</u>

Truesouth
 SURVEY SERVICES LTD
 Phone: 03 218 3000 Fax: 03 218 0461
 78 Colson Street, PO Box 934
 Invercargill 9343
 www.truesouth.co.nz

Resources Consents			
Purpose	Stages	Service Consents	Consent Treatment
Right to Carry wires, Cables, Telecommunications Right to Carry Sewage	(A)	Lot 1	Lot 3
Right to Carry Cables Telecommunications	(B)	Lot 2	Lot 3
	(C)	Lot 1	
		Lot 1	
Existing Appurtenant Easements			
Purpose	Stages	Consent Treatment	Granting Easement
Right of Way	(D)	Lot 2 DP 10332	DC 16134-2
	(E)	Lot 3 DP 10332	
	(F)	DP 10332	

Local Authority: Invercargill City Council
 Consented by: CCR SA 66847
 Total CFR Area: 4.6807 ha

If this plan is used as the basis of any rights and purchaser
 should be satisfied that the appropriate consents are in place
 and otherwise are appropriate only and subject to survey.

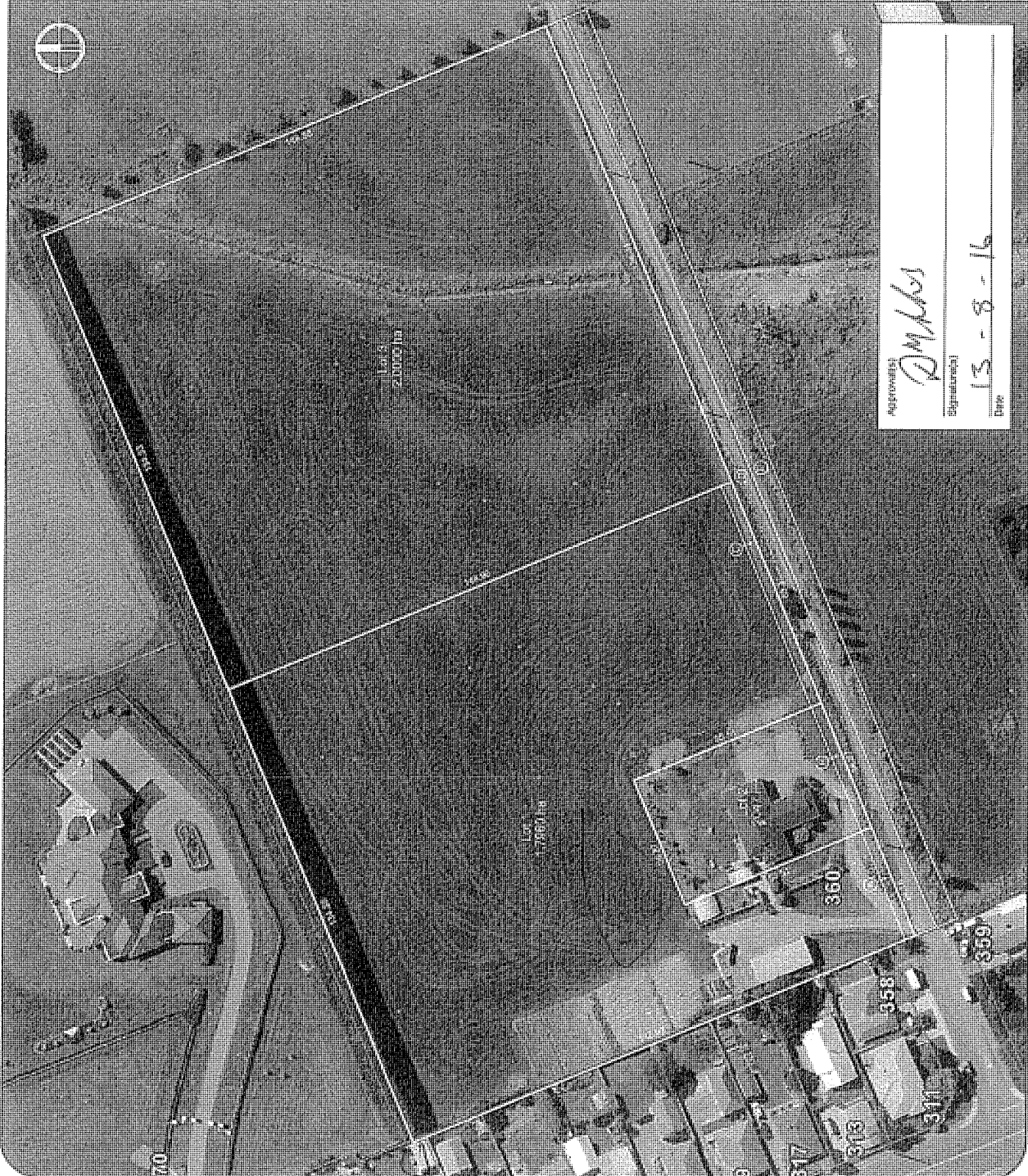
CLIENT:	Chelmsford Investments Ltd
DATE:	August 2016
PROJECT:	560
REVISION:	

Scheme Plan
 Subdivision of
 Lot 1 DP 10332
 360 Chelmsford Street

Scale: 1:1000 @ A3
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DATE PRINTED: 11/03/16 11:54 AM



Approved: *DM/MS*
 Signature: _____
 Date: 13-8-16

**Resource Management Act 1991
Invercargill City Council
Section 95E Affected Persons Written Approval**

Affected Person(s)	
Name:	JT McNaught & N Carnie-McNaught
Address:	358 Chelmsford Street

We are both Owner(s) and Occupier(s) of the above property.

We give written approval to the following:

Applicant:	Chelmsford Investments Ltd
Site of Activity:	360 Chelmsford Street
Resource Consent Sought:	Subdivision / Land Use
Description of Activity:	Subdivision in order to create Lots 1 – 3 as more particularly delineated on the attached Scheme Plan. Construct a residential dwelling on Lot 1 (situated in the Rural Sub-Area / Proposed Rural 2 Zone with an area of less than 2 hectares).

We understand that as we have given our written approval, the Council shall not take into account any effects that the proposal may have on us when considering the application. We can confirm that we have viewed the supporting information and plans for the proposed activity.

Approval(s)	
Signature(s)	<u>N. Carnie-McNaught JT McNaught</u>
Date	<u>15-08-2016</u>
Contact Phone:	<u>2170556</u>

TrueSouth
 SURVEY SERVICES LTD
 Phone: 03 218 8018 Fax: 03 218 0441
 131 Great Street, PO Box 3134
 Invercargill 9840
 www.thesouth.co.nz

Proposed Easements			
Purpose	Shown	Relevant Tenement	Overlaid Tenement
Right to Carry Water, Gas, Sewer, Telecommunications, Right to Drain, Sewage	(A)	Lot 1	Lot 3
Right to Carry Gas, Sewer, Telecommunications	(B)	Lot 3	Lot 3
	(C)	Lot 1	Lot 3

Existing Appurtenant Easements			
Shown	Servient Tenement	Overlaid Tenement	Overlaid Document
(D)	Lot 2 GP 10332	Lot 3	RP 1013442
(E)	Lot 3 GP 10332	Lot 3	RP 1013442

Local Authority: Invercargill City Council
 Consented by: CSR 24/03/17
 Total CFR Area: 4.6607 ha

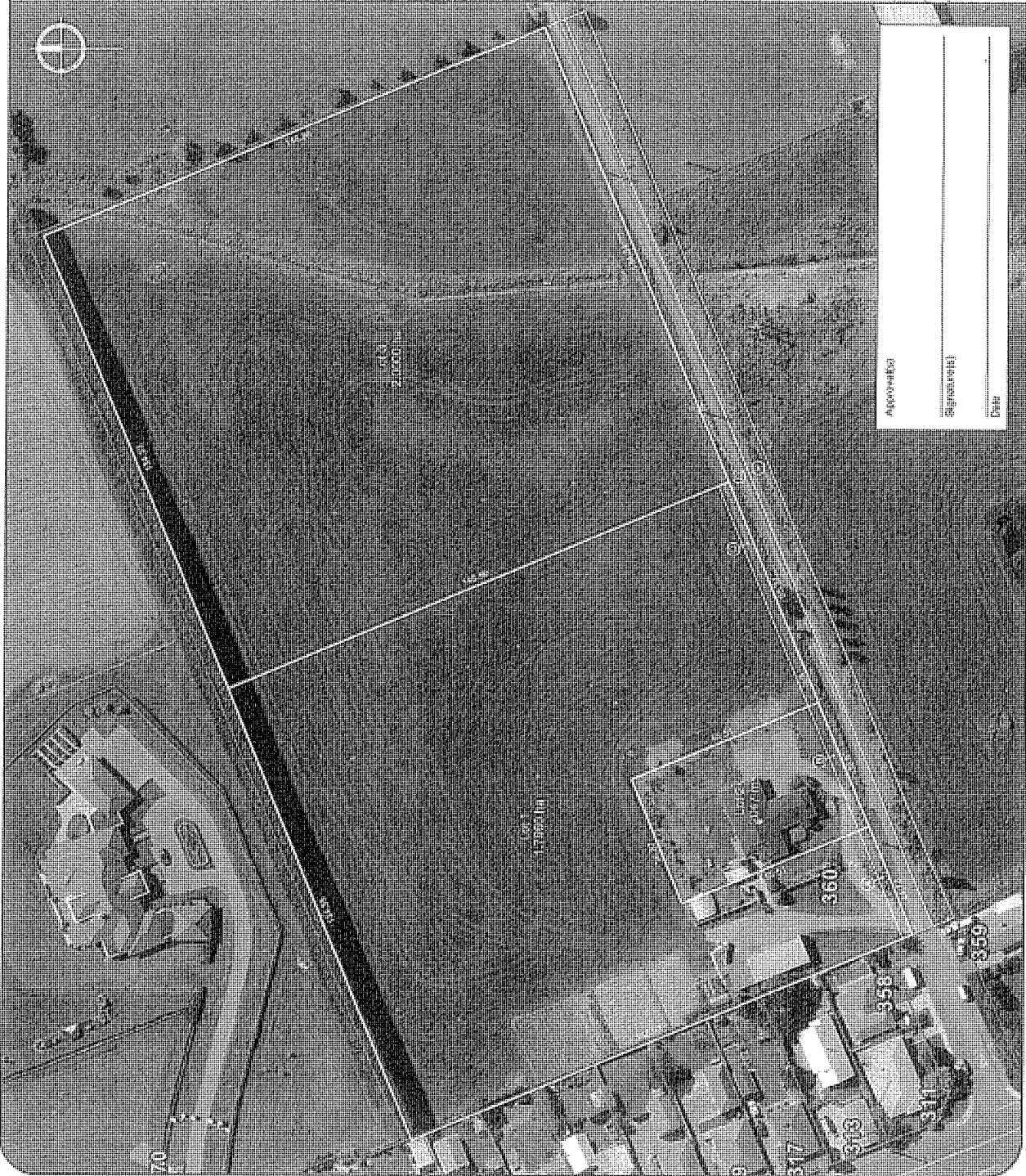
If this plan is used as the basis of any Sales and Purchase Agreement, the Agreement shall be subject to the terms and conditions set out in the relevant title deed and administrative documents and shall be subject to survey.

CLIENT: Chelmsford Investments Ltd
 DATE: August 2015
 PROJECT: 3002
 REVISIONS:

Scheme Plan
 Subdivision of
 Lot 1 DP 10332
 360 Chelmsford Street
 Scale: 1:1000 @ A3

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DATE PRINTED: 11/02/16 11:54 AM



Approved:
 Registered:
 Date:

**Resource Management Act 1991
Invercargill City Council
Section 95E Affected Persons Written Approval**

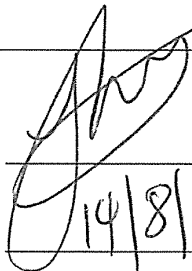
Affected Person(s)	
Name:	JD & K Hawkes
Address:	359 Chelmsford Street

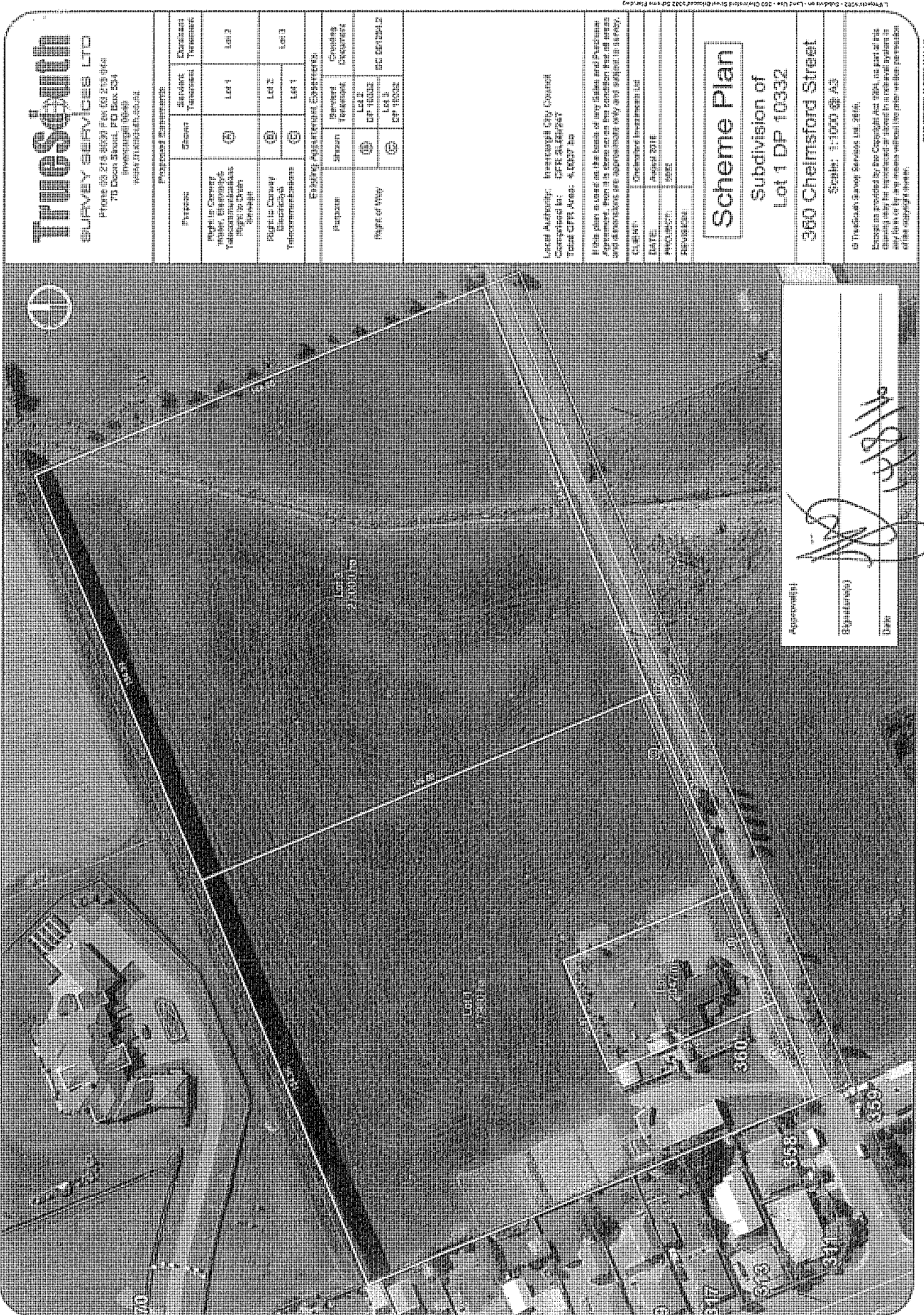
We are both Owner(s) and Occupier(s) of the above property.

We give written approval to the following:

Applicant:	Chelmsford Investments Ltd
Site of Activity:	360 Chelmsford Street
Resource Consent Sought:	Subdivision / Land Use
Description of Activity:	
Subdivision in order to create Lots 1 – 3 as more particularly delineated on the attached Scheme Plan. Construct a residential dwelling on Lot 1 (situated in the Rural Sub-Area / Proposed Rural 2 Zone with an area of less than 2 hectares).	

We understand that as we have given our written approval, the Council shall not take into account any effects that the proposal may have on us when considering the application. We can confirm that we have viewed the supporting information and plans for the proposed activity.

Approval(s)		
Signature(s)	_____	
Date	14/8/16	Contact Phone: 0275-828-252



Truesouth
SURVEY SERVICES LTD
 Phone: 03 274 9999 Fax: 03 274 9444
 70 Dixon Street, PO Box 524
 Invercargill 9840
 www.truesouth.co.nz

Proposed Easements		
Purpose	Benefit	Dominant Tenement
Right to Carry Electricity, Telecommunications, Rights to Drain, Streets	(A)	Lot 1
Right to Carry Electricity, Telecommunications	(B)	Lot 2
	(C)	Lot 3

Existing Appurtenant Easements		
Shown	Benefit	Condition
(D)	Lot 2 DP 10332	Existing Document
(E)	Lot 3 DP 10332	BC 567354.2

Local Authority: Invercargill City Council
 Consented by: CCR 20/06/17
 Total CCR Area: 4,000 sqm

If this plan is used on the basis of any sales and purchase agreement, from its issue to any condition that all areas and dimensions are approved only and subject to survey.

CLIENT: Donaldson Investments Ltd
 DATE: August 2016
 PROJECT: 1001
 REVISION:

Scheme Plan
 Subdivision of
 Lot 1 DP 10332
 360 Chelmsford Street

Scale: 1:1000 @ A3
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Approval(s)
 Signature(s)
 Date

[Handwritten Signature]
 12/08/16

INVERCARGILL TRUESOUTH

**Resource Management Act 1991
Invercargill City Council
Section 95E Affected Persons Written Approval**

Affected Person(s)	
Name:	JM Pirie
Address:	362 Chelmsford Street

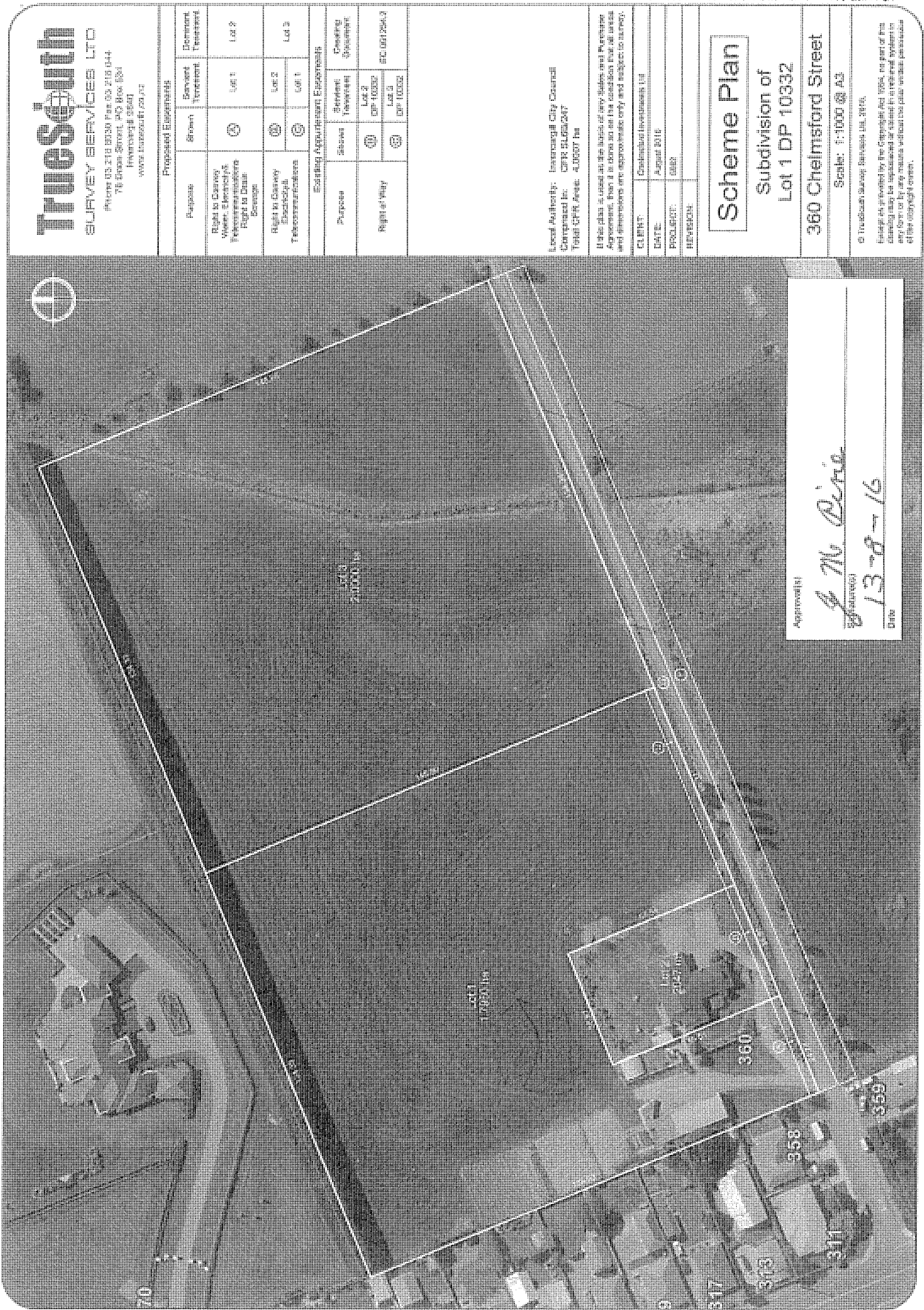
We are both Owner(s) and Occupier(s) of the above property.

We give written approval to the following:

Applicant:	Chelmsford Investments Ltd
Site of Activity:	360 Chelmsford Street
Resource Consent Sought:	Subdivision / Land Use
Description of Activity:	
	Subdivision in order to create Lots 1 – 3 as more particularly delineated on the attached Scheme Plan. Construct a residential dwelling on Lot 1 (situated in the Rural Sub-Area / Proposed Rural 2 Zone with an area of less than 2 hectares).

We understand that as we have given our written approval, the Council shall not take into account any effects that the proposal may have on us when considering the application. We can confirm that we have viewed the supporting information and plans for the proposed activity.

Approval(s)	
Signature(s)	<u>J. M. Pirie</u>
Date	<u>13-8-16</u>
Contact Phone:	<u>032178542</u>



Truesouth
 SURVEY SERVICES LTD
 Phone 03 218 8038 Fax 03 218 0444
 78 Deane Street, PO Box 1034
 Invercargill 9804
 www.truesouth.co.nz

Proposed Easements			
Purpose	From	To	Diagram Reference
Right to Carry Water, Sewerage, Stormwater, Gas, Electricity, Telephone, Cable, and other services	Lot 3	Lot 2	Lot 2
Right to Carry Water, Sewerage, Stormwater, Gas, Electricity, Telephone, Cable, and other services	Lot 2	Lot 3	Lot 3

Existing Appurtenant Easements			
Purpose	From	To	Diagram Reference
Right to Carry Water, Sewerage, Stormwater, Gas, Electricity, Telephone, Cable, and other services	Lot 2	Lot 3	DP 10332
Right to Carry Water, Sewerage, Stormwater, Gas, Electricity, Telephone, Cable, and other services	Lot 3	Lot 2	DP 10332

Local Authority: Invercargill City Council
 Compared to: CIPR 10332
 Total CIPR Area: 4,0567 ha

This plan is made on the basis of any titles and registers of land and other documents that are available and subject to survey.

CLIENT:	Chelmsford Investments Ltd
DATE:	August 2016
PROJECT:	BBB
REVISION:	

Scheme Plan
 Subdivision of
 Lot 1 DP 10332
 360 Chelmsford Street
 Scale: 1:1000 @ A3

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Approved by:
[Signature]
 Date: 13-8-16

DATE PRINTED: 15/08/16 11:54 AM

**Resource Management Act 1991
Invercargill City Council
Section 95E Affected Persons Written Approval**

Affected Person(s)	
Name:	WE Winiana & ML MacDonald
Address:	364 Chelmsford Street

We are both Owner(s) and Occupier(s) of the above property.

We give written approval to the following:

Applicant:	Chelmsford Investments Ltd
Site of Activity:	360 Chelmsford Street
Resource Consent Sought:	Subdivision / Land Use
Description of Activity:	
	Subdivision in order to create Lots 1 – 3 as more particularly delineated on the attached Scheme Plan. Construct a residential dwelling on Lot 1 (situated in the Rural Sub-Area / Proposed Rural 2 Zone with an area of less than 2 hectares).

We understand that as we have given our written approval, the Council shall not take into account any effects that the proposal may have on us when considering the application. We can confirm that we have viewed the supporting information and plans for the proposed activity.

Approval(s)	
Signature(s)	<u>Maree Macdonald</u>
Date	<u>27/8/2016</u>
Contact Phone:	_____

TrueSouth
SURVEY SERVICES LTD
 Phone: 03 344 6336 Fax: 03 213 6115
 78 Brunner Street, Invercargill
 Invercargill, 9802
 www.trauesouth.co.nz

Proposed Easements	
Purpose	Benefit
Right to convey minors, electrical, telecommunications, right to drain sewerage	Lot 1 Lot 2
Right to convey electrical, & telecommunications	Lot 2 Lot 1

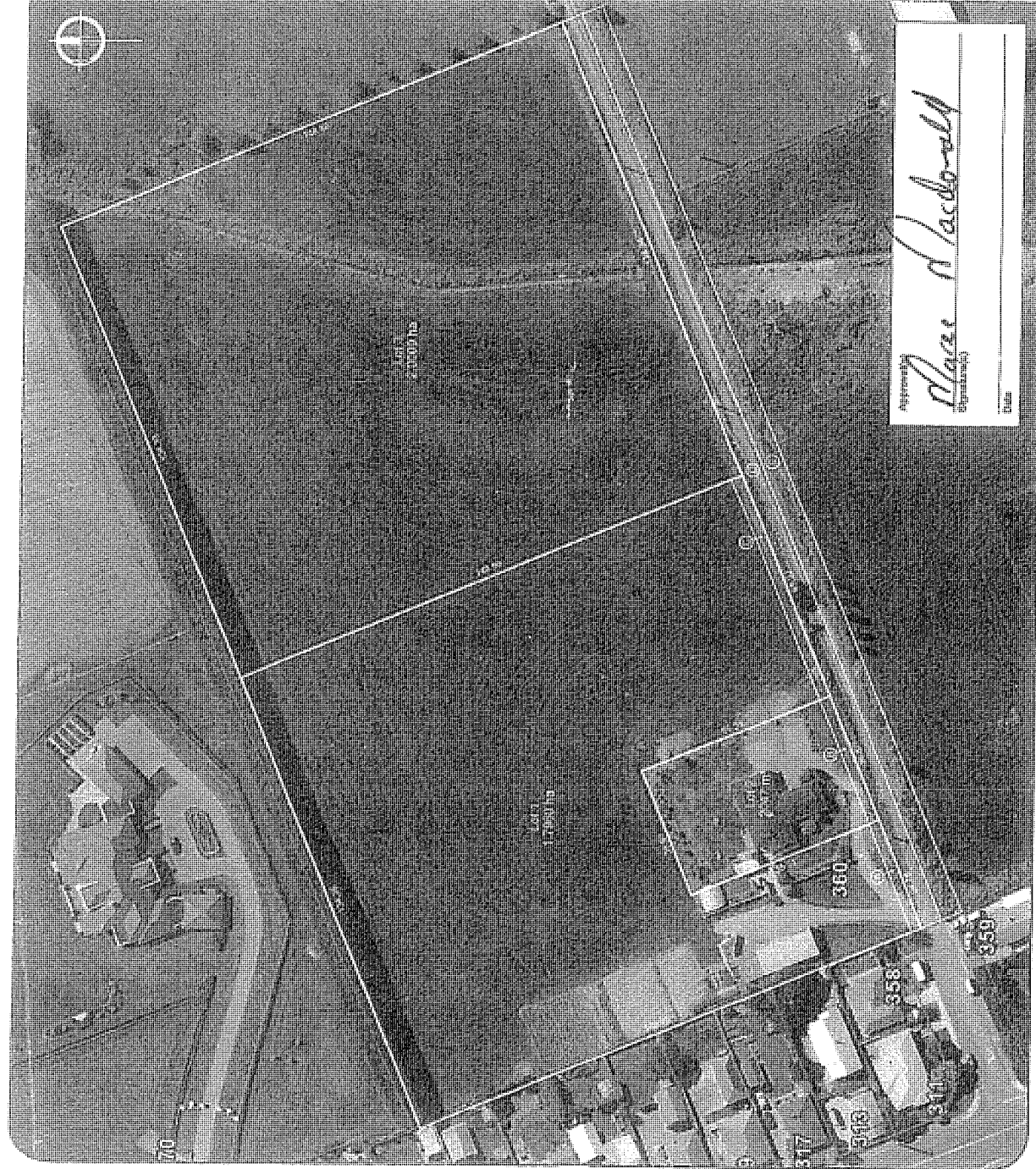
Existing Appurtenant Easements	
Particular	Benefit
Right of Way	Lot 3 DP 10332 Lot 2 DP 10332 Lot 1 DP 10332

Local Authority: Invercargill City Council
 Qualified In: CPD 249624
 Total CPD Area: 4.0637 ha

If this plan is used on the basis of any Rules and Practice Agreement, then it is done so on the condition that all areas and dimensions are approximate only and subject to survey.

Scheme Plan
 Subdivision of
 Lot 1 DP 10332
 360 Chelmsford Street
 Scale: 1:1000 @ A3

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Approved by
Rose Macdonald
 (Signature)
 Date

APPENDIX 3

List of people and organisations who either provided written approval or were served notice of the application. Those who provided written approvals to the application are underlined.

<u>Invercargill Property Trust</u>	<u>Po Box 637, Invercargill 9840 Road (for 277 Racecourse Rd)</u>
<u>Annabel Jane Cockburn and Glenn Robert Kemp</u>	<u>313 Racecourse Road, Invercargill 9810</u>
<u>Gamaralalage Rajapaksa and Nilimiri Rajapaksa</u>	<u>327 Racecourse Road, Invercargill 9810</u>
<u>Tania Faye Cribb</u>	<u>331 Racecourse Road, Invercargill 9810</u>
<u>Jacob Noel Eade and Kathleen Fahey</u>	<u>333 Racecourse Road, Invercargill 9810</u>
<u>Colin Wayne Hibbs and Deidre Marie Hibbs</u>	<u>337 Racecourse Road, Invercargill 9810</u>
<u>Nadine Carnie-McNaught and Jason Thomas McNaught</u>	<u>358 Chelmsford Street, Invercargill 9810</u>
<u>Jeremy David Hawkes and Keiko Hawkes</u>	<u>359 Chelmsford Street, Invercargill 9810</u>
<u>James Mollison Pirie</u>	<u>362 Chelmsford Street, Invercargill 9810</u>
<u>Maree Lynette Macdonald and Wenerei Eruera Winiana</u>	<u>364 Chelmsford Street, Invercargill 9810</u>
Katie Lyndsey Hall and Ryan Gordon Keil	46 Lorn Street, Invercargill 9810 (for 317 Racecourse Rd)
'The Occupier'	317 Racecourse Road, Invercargill
Barry David Livingstone and Janice Anne Livingstone	319 Racecourse Road, Invercargill 9810
Derek John Milne	323 Racecourse Road, Invercargill 9810
Kenneth George Richardson and Lois Carrol Richardson	PO Box 542, Invercargill 9840 (for 370 Layard St)
Sally Louise Chesterfield and Peter Thomas Close	118 Havelock Street, Riverton 9822 (for 311 Racecourse Rd)
'The Occupier'	311 Racecourse Road, Invercargill
Lincoln Robert Smith and Judith Anne Smith	297 Racecourse Road, Invercargill 9810
Neil Ewan McKenzie and Lynley Rose McKenzie	302 Racecourse Road, Invercargill 9810
Allan Cameron Lamb and Elaine Susan Lamb	342 Chelmsford Street, Invercargill 9810
Powermark NZ Limited	Po Box 1320, Invercargill 9840 (for 40* Findlay Road)
Transpower New Zealand Limited	Po Box 21154, Edgware, Christchurch 8143 (for 25 Tuai St)

APPENDIX 4

Peter Maynard

From: Jenna McFarlane <Jenna.McFarlane@transpower.co.nz>
Sent: Tuesday, 10 January 2017 9:37 a.m.
To: Peter Maynard
Subject: RE: 360 Chelmsford St, Invercargill RMA/2016/195 and RMA/2016/196

Thanks Peter.

Given the size of the lot and setback from the substation, Transpower has no concerns with the application.

Kind Regards,
Jenna

JENNA MCFARLANE (nee FINCHAM)
Senior Environmental Planner
Environmental Policy and Planning Team

Transpower New Zealand Ltd
Gate 1, Otahuhu Substation - Gridco Road, Otara, Auckland
PO Box 17215, Greenlane, Auckland 1546
P 09 590 6851 (extn 6851)
M 021 646 772
www.transpower.co.nz

CAUTION: This message and any attachments contain information that is CONFIDENTIAL and may be LEGALLY PRIVILEGED. If you are not the intended recipient any use, disclosure or copying of this email message or attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately and erase all copies of this message and attachments.

From: Peter Maynard [<mailto:Peter.Maynard@icc.govt.nz>]
Sent: Monday, 9 January 2017 5:05 PM
To: Jenna McFarlane <Jenna.McFarlane@transpower.co.nz>
Subject: RE: 360 Chelmsford St, Invercargill RMA/2016/195 and RMA/2016/196

Cyber Security Alert: This is an external email. Please take caution when opening any links or attachments.

Hi Jenna

The application/applicant has not indicated where a future dwelling might be positioned within the Lot 1. Therefore the location of the dwelling within Lot 1 is unspecified.

Regards

Peter

APPENDIX 5

Objectives and Policies.

The most relevant objectives and policies from the Operative District Plan 2005 include:

3.10 Transportation

Objective 3.10.1: To provide for the development and sustainable management of transportation networks.

Policy 3.10.2 (E) Vehicles on Site - To require land use activities to make provision for safe, well designed and located access and egress, parking, loading and unloading, manoeuvring areas and screening on site

(F) Effects on Roading - To manage the adverse effects of land use activities on the roading network by considering, in relation to applications for resource consent:

- (1) The type and number of vehicles that will be using the road network as a consequence of the proposed activity;
- (2) The classification of the road within the hierarchy;
- (4) The location and structure of site accesses and egresses;
- (7) The cumulative effects of land use activities on the land transportation network;

(J) Residential and pedestrian environments – To manage the effects of traffic on residential or pedestrian oriented environments.

3.12 Subdivision of land

Objective 3.12.1: (1) To enable the subdivision of land to be undertaken in accordance with the specific objectives for areas and resources of the City

(2) To enable the subdivision of land to occur, while at the same time ensuring that any adverse effects of subdivision and associated development are avoided, remedied or mitigated.

Policy 3.12.2 (B) Effects – To ensure in the creation of new allotments any adverse effects on natural, ecological, cultural or heritage values or transportation infrastructures are avoided, remedied or mitigated.

(C) Rules - To regulate the size of subdivision and the appropriate location of new allotments in areas where adverse effects of more intensive land use activities have been identified

3.13 Infrastructure

Objective 3.13.1 To ensure that infrastructure is provided so as to meet the economic, social, health and safety needs of individuals and the community.

Objective 3.13.6 To ensure that the adverse effects of the provision of infrastructure are avoided, remedied or mitigated.

3.14 Amenity values

Objective 3.14.6 To maintain and enhance the amenity values of the Areas and Sub-Areas of the District.

Policy 3.14.7(B) To require the maintenance and enhancement of the amenity values of the Sub-Areas, or identify specific limiting characteristics.

(9) Rural Sub-Area

Noise and vibration -

Low noise levels, particularly at night, except for agricultural activities, and recognising that some parts of the Sub-Area are subject to

	higher levels of noise generated by transportation activities. Low to moderate density of traffic Proximity to large scale industrial development
<i>Odour-</i>	Intermittent emissions of agricultural related odours.
<i>Hazardous substances -</i>	The opportunity to store and use moderate amounts of hazardous substances
<i>Height of structures -</i>	Control of the height of structures to maintain aesthetic coherence
<i>Private open space and density -</i>	The opportunity to have large areas of open space
<i>Landscaping -</i>	On a scale appropriate to site size and orientation
<i>Public open space -</i>	Proximity to areas of public open space
<i>Transportation -</i>	Safety and visibility along transportation networks Low to moderate density of traffic Un-congested transportation network Adequate off-street parking Recognising that some parts of the Sub-Area are subject to higher levels of noise generated by transportation activities.
<i>Infrastructure -</i>	Limited provision

In addition, the Rural Sub-Area is characterised by opportunities for:

- (a) Rural activities including agriculture, horticulture and planted production forestry, and recreational and industrial activities requiring large areas of land; and
- (b) Residential activities on larger land allotments or existing Certificates of Title where Council's reticulated sewerage system, which has spare capacity, is provided.

The most relevant objectives and policies from the Proposed District Plan include:

Note; The notified version of the Proposed District Plan 2016 (as notified on 24 August 2013) included both the Rural 1 Zone and a Rural 2 (Rural Transitional) Zone. The appeals version of the Proposed District Plan 2017 has one Rural Zone.

2.9 Infrastructure – Notified version 2013

Objective 2.9.2 (2) Infrastructure is developed, operated, maintained and upgraded whilst:
(A) Efficiently and effectively meeting the current foreseeable needs within and between districts.

(B) Fulfilling functional, locational, technical, and operational requirements and avoiding, remedying or mitigating the effects on the environment.

(C) Protecting infrastructure from incompatible subdivision, use and development, providing local, subregional and national benefits.

2.9 Infrastructure – Appeals version 2017

Objective 2.9.2 (2) Infrastructure is developed, operated, maintained and upgraded whilst:
(A) Efficiently and effectively meeting the current foreseeable needs within and between districts.

(B) Fulfilling functional, locational, technical, and operational requirements and avoiding, remedying or mitigating the effects on the environment.

Objective 2.9.2 (2) Existing infrastructure is sustainably managed and protected from incompatible subdivision, use and development.

2.14 Subdivision

Objectives 2.14.2

1: Subdivision and development is promoted that is integrated with existing communities, infrastructure and public spaces.

2: Subdivision and development maintains and enhances the character and amenity of Invercargill.

3: Subdivision and development preserves the productive capability of rural land and versatile soils.

5: Notified version 2013; Subdivision and development is managed so that it avoids, remedies or mitigates adverse effects on existing infrastructure.

5: Appeals version 2017; Subdivision and development is managed so that it avoids, remedies or mitigates adverse effects on the safe, efficient and effective operation, maintenance, upgrading and development of infrastructure.

7: The intensity of development along strategic arterial roads is managed to reduce the cumulative adverse effects on the safe and efficient functioning of such links.

8: The subdivision of land is undertaken in accordance with the objectives for zones and resources of the city recognising that because subdivision sets the long-term pattern of development, subdivision is a major determinant of how land is used and therefore of the environmental effects of land use.

9: The process of creating allotments through subdivision is integrated with planning for the relevant utilities and services and infrastructure to which it is anticipated the allotments will be connected.

10: Subdivision will result in good urban design outcomes.

Policies 2.14.3

1 Adverse Effects: To ensure in the creation of new allotments any adverse effects on the environment are avoided, remedied or mitigated.

2 Zoning: To ensure subdivision design gives effect to the District Plan's objectives and policies for the zone and enables uses permitted in the zone.

3 Urban Design: To include urban design considerations in preparing applications for subdivision consent.

4 Transportation networks: To avoid ribbon development and the adverse effects that such subdivision can have on existing

communities while promoting connectivity to the existing transportation network.

- 5 Reticulated Services: To avoid the adverse effects that subdivision and subsequent development can have on the physical and economic sustainability of reticulated services.
- 9 Infrastructure: To respect the operational requirements and reverse sensitivity issues associated with infrastructure including electricity lines, State Highways, railways and the airport.

2.17 Transportation

Objectives 2.17.2 Development of transport infrastructure and land use takes place in an integrated and planned manner which:

- (A) Integrates transport planning with land use.
- (B) Protects the function, safety, efficiency and effectiveness of the transport system.
- (C) Minimises potential for reverse sensitivity effects to arise from changing land uses.
- (D) Provides for positive, social, recreational, cultural and economic outcomes.
- (E) Minimises the potential for adverse public health and environmental effects.

Policies 2.17.3

- 1 Infrastructure: To provide for the safe and efficient operation, improvement and protection of transport infrastructure.
- 4 Standards: To set development standards for road design, vehicle access, loading, parking and manoeuvring facilities, public transport, and walking and cycling networks.
- 5 Adverse Effects: To manage subdivision, use and development adjacent to transport infrastructure in such a way as to avoid, remedy or mitigate potential effects, including reverse sensitivity effects on transportation infrastructure.
- 6 State Highways: To have regard to any New Zealand Transport Agency Guidelines when considering the location of new accesses on to, and egresses from, State Highways where the speed limit exceeds 50kph.
- 9 Integration: To integrate the planning of land use with existing transport infrastructure and provide for future transportation requirements.

2.41 Rural 2 (Rural Transition) Zone of Notified version 2013

2.41.2 Objectives

- Objective 1: The amenity values of the Rural 2 Zone are maintained and enhanced.
- Objective 2: New urban development within the Rural 2 Zone only occurs within the areas identified in Appendix XV and in general accordance with an operative outline development plan included in the District Plan through an approved Plan Change, and only when adequate servicing and infrastructure is available.

2.41.3 Policies

Policy 1

Rural 2 Zone: To create a transition between the rural and urban environments by providing for "lifestyle" properties of a minimum lot size of two hectares, which are self-sufficient in terms of servicing, whilst retaining the rural amenity of the land on the fringe of the urban environment.

- Policy 2 Urban Development: To discourage urban development within the Rural 2 Zone.
- Policy 3 Historical sections: To allow a single dwelling on sections which existed with a Certificate of Title issued prior to 30 July 2013 and which can be connected to the Council's reticulated sewerage system.

2.41 Rural Zone of Appeals version 2017

2.40.2 Objectives

- Objective 1: The rural environment is maintained and enhanced while allowing for productive rural activities to be undertaken.
- Objective 2: Provide for the use and development of land within the rural area while maintaining, and where practical enhancing, amenity values.
- Objective 3: New urban development within the Rural Zone only occurs within the areas identified in Appendix XV and in general accordance with an operative outline development plan included in the District Plan through an approved Plan Change, and only when adequate servicing and infrastructure is available.

2.40.3 Policies

- Policy 1 Rural Zone: To require rural allotments to be of a size and nature that enables rural activities and maintains the rural character and visual amenity of the Rural Zone.
- Policy 2 Rural activities: To provide for rural activities to establish and operate within the Rural Zone.
- Policy 3 Non rural activities: To avoid activities that do not have a need to locate within the Rural Zone and which would result in adverse effects inconsistent with the function, character and amenity provided for by the Rural Zone.

Explanation: The primary purpose of the Rural Zone is to provide for rural activities such as agriculture, horticulture and forestry. A minimum lot size of two hectares for rural properties will provide for sustainable "lifestyle" properties that are not connected to reticulated services. These activities give a characteristic of openness to the area. Regulatory controls will ensure that the amenity of the Rural Zone is maintained and enhanced to provide for the ongoing operation of rural production activities.

2.35 Residential Overview

2.35.2 Objectives

- Objective 1: Critical mass is maintained within the defined residential areas.
- Objective 4: Unplanned peripheral expansion of the built-up area resulting in increased demand for urban services is avoided.

2.35.3 Policies

- Policy 1 Existing residential areas: To encourage infill development, use of vacant allotments and upgrading/redevelopment of existing houses in the Invercargill and Bluff urban areas.
- Policy 5 Greenfield development: To discourage residential development outside residentially zoned areas.

2.36 Residential 1 Zone

2.36.2 Objectives

- Objective 3: Opportunities for urban intensification and redevelopment are encouraged within Invercargill's existing urban areas.

Objective 7: Urban growth and development is managed in ways that:

- (A) Support existing urban areas.
- (B) Promote development of existing urban areas ahead of greenfield development.
- (C) Promote urban growth and development within areas that have existing infrastructure capacity.

2.36.3 Policies

Policy 1

Residential 1 Zone: To provide for suburban residential development by zoning within the existing urban area for dwellings on lots 400 square metres in size or larger.

Explanation: The following considerations favour minimising peripheral expansion of the built-up area:

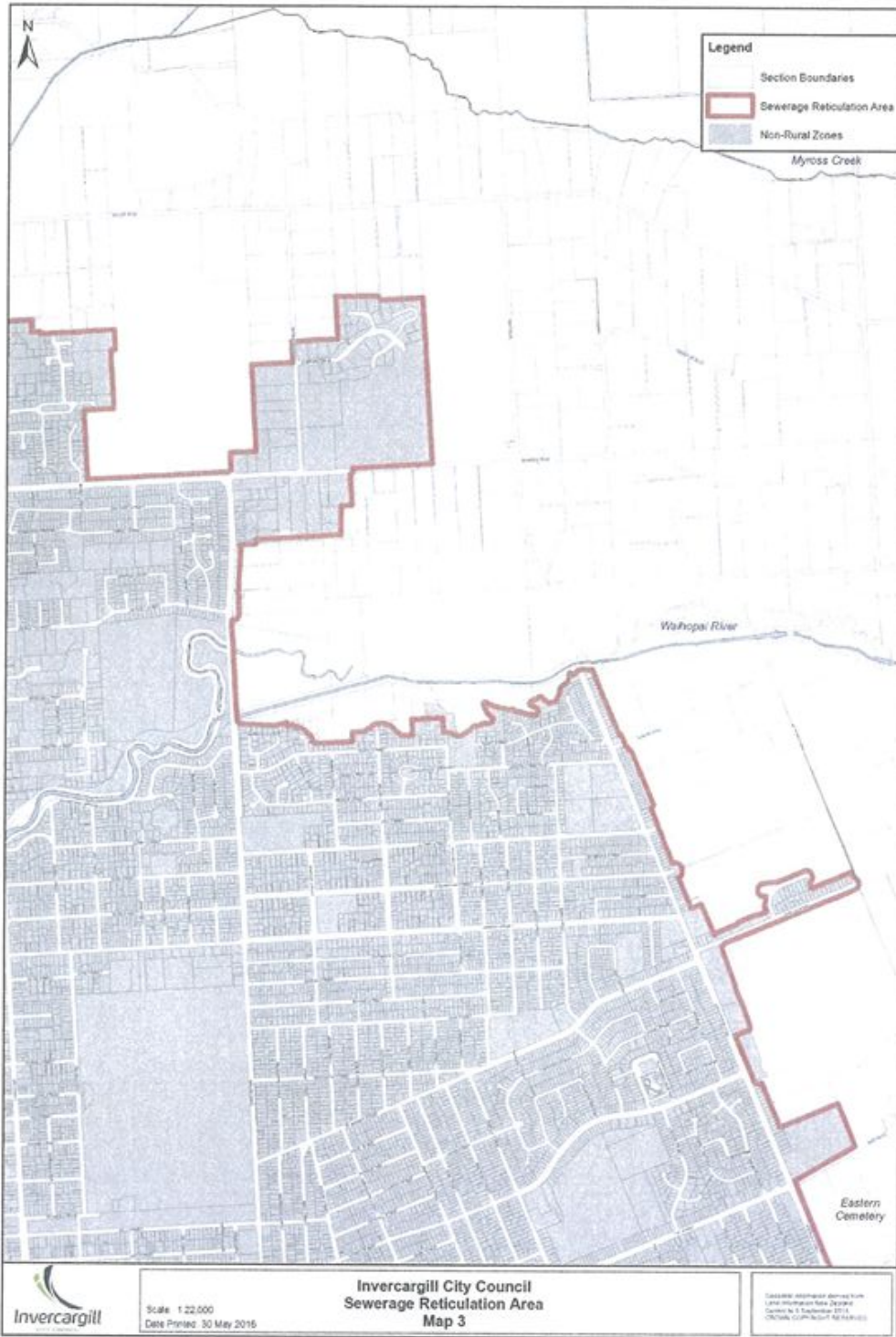
- (A) As a compact City originally planned on a grid street system, Invercargill enjoys the advantages of convenience, accessibility and short travel times. This could be compromised by sporadic peripheral expansion.
- (B) The current housing stock contains a significant proportion of dwellings built prior to 1930, particularly south of Tay Street. Many are obsolete in terms of current health standards and expectations and the best option in many cases is renewal and infill development. Renewal may be delayed or not occur if there are more convenient development opportunities elsewhere.

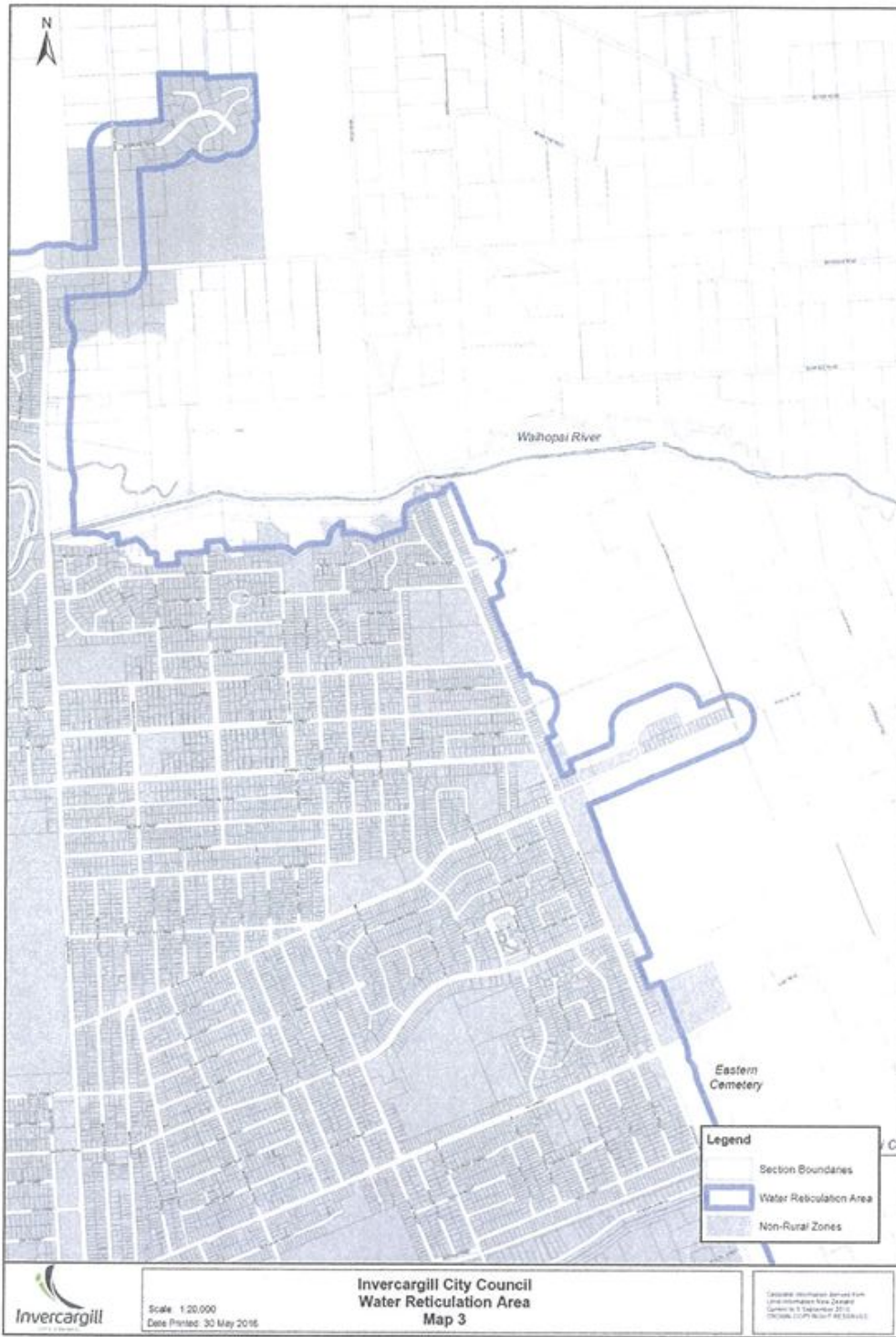
APPENDIX 6

APPENDIX XV – OUTLINE DEVELOPMENT PLAN AREAS



APPENDIX 7





12

¹² Appeal – ICC Water Manager – appeal affects the Water Reticulation Area Maps

APPENDIX 8

POTENTIAL CONDITIONS TO ASSIST THE HEARINGS PANEL

1. The proposed subdivision and land use activities shall be undertaken in accordance with the scheme plan and supporting information received by the Council on 21 October 2016.
2. That easement A, B and C shown on the scheme plan be duly reserved and granted.
3. The subdivision will lapse in five years, and the land use in ten years, unless given effect to within those times.
4. That easements providing rights for Lots 1 and 2 to drain water over Lot 3 shall be created over those allotments.
5. That a reverse sensitivity covenant, to protect legitimate rural activities in the area from complaint, shall be approved by Council's Solicitor's and registered on the certificate of titles of Lots 1 and 2 at the applicant's expense.
6. That while the maximum density of one residence per 2ha under contiguous ownership applies to the Rural Zone of the Proposed District Plan, the proposed 1.760ha - Lot 1 shall not be subdivided. A Consent Notice to this effect shall be registered on the certificate of title.
7. That the proposed Lot 3 is prohibited from connecting to Council infrastructure. A Consent Notice to this effect shall be registered on the certificate of title.
8. That no residential structures shall be located within a 25 metre distance of the western boundary of the proposed Lot 1. A Consent Notice to this effect shall be registered on the certificate of title.
9. That a plan demonstrating that the existing structure on Lot 2 can comply with Rule 4.39 Height of Structures of the Operative District Plan, for sites less than 0.5ha, shall be provided to Council's Planning Manager.
10. New vehicle crossings shall be installed within the legal frontage of Lots 2 and 3 to Council's Fig R28 – Rural Accessway Layout standards, at the applicant's expense.
11. That the mailboxes for all of Lots 1, 2 and 3 are grouped together in a location adjacent to easement D that has been agreed to by Council's Planning Manager.

REASONS FOR CONDITIONS

Conditions 1, 2 and 3 were imposed to ensure consistency with the application.

Conditions 4 will avoid conflict over drainage provisions in the future.

Conditions 5, 6, 7, 8 and 9 will avoid adverse effects on rural amenity and infrastructure other than those anticipated by the consent.

Conditions 10 and 11 will ensure the vehicle crossings and mailbox locations are of a uniform design and location.