



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Decision No. 37

Business Zones

Business 1 (CBD) Zone

Business 2 (Suburban Shopping and Business) Zone

Business 4 (Neighbourhood Shops) Zone

Business 5 (Rural Service) Zone

Hearings Committee

Councillor Darren Ludlow (Chair)

Councillor Neil Boniface

Councillor Graham Sycamore

Keith Hovell

11 October 2016

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INTRODUCTION

We have been appointed by the Invercargill City Council to consider and issue decisions on the submissions lodged to the Proposed Invercargill City District Plan. In this decision we consider the submissions lodged in relation to the Business 1 (CBD) Zone, Business 2 (Suburban Shopping and Business) Zone, Business 4 (Neighbourhood Shop) Zone and Business 5 (Rural Service) Zone in the Proposed District Plan. Decision 36 considers the General submissions lodged in relation to the Business Zones in general and submissions lodged to the Business 3 Zone.

The Resource Management Act 1991 sets out various matters that impact on our considerations and deliberations. The key provisions are Sections 5 - 8, 32, 75 and 76 of the Act, and the Second Part of the First Schedule to the Act. The Section 42A Report prepared for the Committee considered these matters in detail and we have had regard to them. Where the statutory provisions are of particular significance we have referred to them within this Decision.

In this Decision, the following meanings apply:

"The Council" means the Invercargill City Council.

"The Cunningham Group" means Leven Investments Limited, Victoria Estate Trust, Russell Cunningham Properties Limited and Showgrounds Mall Limited.

"Further Submitter" means a person or organisation supporting or opposing a submission to the Proposed Plan.

"Foodstuffs" means Foodstuffs (South Island) Properties Ltd.

"FS" means Further Submission.

"Hearings Committee" means the District Plan Hearings Committee established by the Council under the Local Government Act.

"NZTA" means the New Zealand Transport Agency.

"Operative Plan" or "Operative District Plan" means the Invercargill City District Plan 2005.

"Proposed Plan" or "Proposed District Plan" means the Proposed Invercargill City District Plan 2013.

"RMA" means the Resource Management Act 1991.

"Submitter" means a person or body lodging a submission to the Proposed Plan or a Variation to the Proposed Plan.

At the commencement of the hearings, Crs Boniface and Ludlow declared an interest as Directors of PowerNet Limited, Cr Sycamore declared an interest as a Director of Invercargill City Holdings Limited and Commissioner Hovell declared a conflict of interest in relation to submissions lodged by Cunningham Properties Limited. The Councillors and Commissioner took no part in deliberations in relation to the submissions of the submitters referred to.

THE HEARING

The hearing to consider the submissions lodged to the matters set out in this decision was held in the Council Chambers of the Invercargill City Council on 13 and 14 July 2015.

Section 42A Report

The Hearings Panel received a report from Liz Devery, Senior Policy Planner with the Invercargill City Council. In her report, Mrs Devery highlighted that the submissions lodged generally supported the provisions of the Business 1, 2 and 4 Zones, but not the Business 5 Zone. She advised the Committee that the Business 5 Zone reflects the Rural Service Sub-Area from the Operative District Plan which was developed through the Private Plan Change process, instigated by the landowner Goldpine Properties Ltd in 2007, although that company has not submitted on the Proposed District Plan.

Mrs Devery described that the Business 5 Zone provides for services catering to the needs of the rural sector that generally require large amounts of storage and display space and do not normally attract large numbers of clients at any one time. Due to the Zone's location in relation to two State Highways, a concept plan addressing connectivity issues is included in the Proposed District Plan. The concept plan also details landscaping between the sites and the State Highways. The Zone has one access point to minimise the need for movements on to and across the State Highway. There are no permitted activities in this Zone. Discretionary activities are limited to rural servicing activity developed in accordance with the Rural Service Zone Concept Plan included in Appendix X. All other activities are non-complying.

It is Mrs Devery's opinion that the Zone should remain as notified, noting:

- The provisions identify this Zone as the one area appropriate for rural servicing activities within the rural areas of the District.
- The co-location of these types of activities is preferable to ad hoc development scattered through the District.
- This is a discrete area where effects on the State Highway have been addressed through the development of a concept plan.
- The Zone is sufficiently separated from the urban area to avoid ribbon development along the State Highway.
- There is a concept plan that addresses not only transportation issues but also landscaping and drainage.
- Owners and occupiers of the neighbouring properties were involved in the Private Plan Change process when the Zone was developed.

Submitters Attending the Hearing

K G Richardson and Sons Ltd

Christine McMillan, a planner employed by Bonisch Consultants, presented written evidence supporting the submission seeking the rezoning of land on the north-western side of the Lorneville roundabout from Rural 1 to Business 5. She explained this submission was lodged by the former owner K G Richardson and Sons Ltd, but the land subject to the submission was now owned by R Richardson Ltd. She appeared with David Blue of R Richardson Ltd.

Ms McMillan described that a range of rural service activities had established on both sides of the highway to the south of the roundabout, and that resource consent was granted in 2013 to allow a tractor and machinery sales and service firm and a truss manufacturing business to locate on the north-west corner of the roundabout. It was this area, and adjoining land, that was subject to the submission. Ms McMillan described how the Business 5 Zone provides for such activities, and such a location is suitable given that associated traffic generation is not high. She referred to the Concept Plan for the already

established development which restricts access to a single entry point on State Highway 99. She noted that much of this land was zoned Business 5 but some was also zoned Rural 1. She added that uses allowed within the Business 5 Zone still required consent as a discretionary activity. Ms McMillan was of the view that the plan approved by the 2013 consent was suitable for inclusion as a Concept Plan for the Business 5 Zone.

Ms McMillan disagreed with the reasons given by Mrs Devery, in her Section 42A Report, in rejecting the submission. She noted that the owner had been approached by several suitable businesses wishing to locate on the land subject to the submission. She also described that the remaining land in the existing Business 5 Zone was not attractive for businesses because of difficulty of access, and that concerns about demand for infrastructure were not valid as appropriate services were already installed.

Ms McMillan assessed the objectives and policies of the proposed Plan, expressing the view that these were consistent with the subject land being rezoned. She also explained that in gaining approval of the 2013 consent, discussions took place over additional activities being established in the area, with agreement being reached over the closing of accesses on the State Highways and construction of a new access if further development occurred. She provided a statement of evidence from the 2013 consent from the NZTA which supported her description of events.

David Blue, in reply to questions from the Committee, stated that none of the four submitters to the approved resource consent opposed its granting and he considered it a natural progression for the site to now rezone the land to allow further development. He added that potential rural service businesses were waiting the outcome of the submission before proceeding, as they did not wish to apply for a non-complying activity consent with the existing zoning.

New Zealand Transport Agency

Tony MacColl, Senior Planning Advisor with the NZTA, presented written evidence in which he set out the role of the NZTA and explained the strategic significance of the State Highway system.

In relation to the Business 4 Zone, NZTA submitted that the Proposed Plan did not recognise the traffic effects of activities in the zone. He said that while Policy 13 covered the issue there was no overriding objective. He accepted however that the recommendation in the Section 42A Report to amend Policy 1 met the concern of NZTA.

In relation to the Business 5 Zone, NZTA supported the zone provisions but opposed Submission 93.1 by K G Richardson and Sons Ltd seeking a rezoning of land on the north-west corner of the Lorneville roundabout. It was his view that there was already sufficient land zoned Business 5 for foreseeable future needs. He added that rezoning would encourage traffic movements across the highway and lead to demands for additional or upgrading of infrastructure. Mr MacColl supported the recommendation in the Section 42A Report to reject the submission.

In response to questions from the Committee, Mr MacColl acknowledged that NZTA had issued a written approval to resource consents seeking development of the land on the north-west corner of the Lorneville roundabout, and if additional development took place on the land then there was a requirement to install a new access on to State Highway 6, as well as that provided for on State Highway 99. It was his view however that any future development in the area should be controlled by way of resource consent so that the effects of activities can be assessed and managed.

Mrs Devery also confirmed in reply to questions from the Committee, that under the Business 5 rules, resource consent would be required for signage and the NZTA would be considered an affected party.

Material Tabled at the Hearing

New Zealand Racing Board

Robert Speer, a planning consultant, forwarded to the hearing a statement of evidence seeking the inclusion of a TAB in the list of permitted activities for the Business 2 Zone, and in particular for the TAB site on the corner of Elles Road and Janet Street. He agreed with the recommendation in the Section 42A Report to accept the submission.

Progressive Enterprises Ltd

Mike Foster of Zomac Planning Solutions Ltd advised by email on behalf of Progressive Enterprises Ltd that the recommendations in the Section 42A Report were accepted with regard to the submissions of Progressive Enterprises Ltd.

Foodstuffs (South Island) Properties Ltd

Jen Crawford of Anderson Lloyd advised by way of letter on behalf of Foodstuffs:

- The recommended amendments to Policy 3 Urban Design were accepted, provided that they encourage, rather than prescribe, urban design principles where appropriate into the design of buildings and open space, while also having regard to the functionality and operational needs of businesses. A further amendment was requested to reflect that.
- The recommendation in the Section 42A Report on Policy 19 CPTED is accepted provided that it is reworded to read "encourage where appropriate".

Bunnings Ltd

Kay Panther Knight of Barker and Associates by way of letter on behalf of Bunnings Ltd noted the recommendation to include "building centres" as a permitted activity in the Business 1 and 2 Zones by virtue of their status as a "retail activity". However, she considered this inconsistent with the recommendation in Report 36 which sought to provide for Bunnings' stores within the definition of "trade supplier" and recommended that a consistent approach be adopted in the use of "trade supplier".

MATTERS REQUIRING PARTICULAR CONSIDERATION

Business 5 Zone at Lorneville

Submitter 93.1 K G Richardson and Sons Ltd has sought the rezoning of land on the north-western side of the intersection of State Highways 6 and 99 at Lorneville from Rural 1 to Business 5. The key reason for this, as expressed at the hearing, was the 2013 approval of a resource consent that provided for a tractor and machinery sales and service firm, and a truss manufacturing business, to locate on the land, together with provision being made for an upgrade of accesses to the land should additional similar development occur in that area. The submitter also stated that the land has been serviced to a standard to enable further development to take place.

The NZTA opposed the rezoning request and considered that any future development in the area should be controlled by way of resource consent so that the effects of activities

can be assessed and managed. Mrs Devery in her Section 42A Report referred to potential effects relating to traffic and infrastructure that needed to be assessed. It was also her view that the rezoning was not consistent with the objectives and policies for the Business 5 Zone.

Ms McMillan in written evidence presented at the hearing satisfied the Committee that adequate regard had already been given to the potential adverse effects, by way of the 2013 agreement with the NZTA, and approval of the site layout plan that could be included as a Concept Plan for the area subject to the submission. She also satisfied the Committee that the rezoning was not contrary to the objectives and policies and intent of the Business 5 Zone, although minor amendments would be required.

On the basis of the 2013 consent decision, and the material presented at the hearing, the Committee was strongly of the view that there was a clear expectation on the part of the land owner that additional development would be facilitated on the land and the appropriate way to provide for that was by rezoning the land to Business 5 as requested. The Committee noted that this did not enable development to occur as of right, as the only activity provided for is "rural servicing activity in accordance with the Rural Service Zone Concept Plan included in Appendix X" and then it has the status of discretionary, which enables the potential effects of development to be considered.

SECTION 32 MATTERS

Requirements

The Committee was advised by Mrs Devery that Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan, and that a Report was released at the time of notification of the Proposed Plan in compliance with those provisions. The Committee was also advised that Section 32AA of the RMA requires a further evaluation to be released with decisions outlining the costs and benefits of any amendments made after the Proposed Plan was notified, with the detail of the assessment corresponding to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the changes made to the Proposed Plan.

As the Committee understands its obligations, it is required to:

- (i) Assess any changes made to objectives to determine whether they are the most appropriate way to achieve the purpose of the RMA.
- (ii) Examine any changes made to the policies and rules to determine whether they are the most appropriate way to achieve the objectives of the Proposed Plan. This includes:
 - Identifying the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth)
 - Identifying other reasonably practicable options for achieving the objectives; and
 - Assessing the efficiency and effectiveness of the provisions in achieving the objectives.

The Committee however, is not required to assess in accordance with Section 32 of the RMA any changes to the issues and/or explanatory text of provisions.

Assessment

Mrs Devery in her Section 42A Report recommended a number of changes to the provisions of the Proposed Plan and assessed these against the provisions of Section 32AA of the RMA. For those decisions that reflect the recommendations made by Mrs Devery in her Section 42A Report, the Committee agrees with that approach and adopts it.

This decision makes a number of amendments to Policies and Rules that differ from the recommendations in Mrs Devery's Section 42A Report. These amendments are as follows:

- Amending 2.22.3 Policy 16 Height of structures in the Business 1 Zone to change the term "soft frontages" to "pedestrian friendly frontages".
- Amend Rule 3.23.1 by excluding drive-through facilities on pedestrian friendly frontages from the list of permitted activities in the Business 1 Zone.
- Amend Rule 3.26.1 by adding caretaker accommodation.
- Rezoning land at Lorneville to Business 5 Zone.

2.22.3 Policy 16 – Height of Structures

This decision includes a minor amendment to the policy relating to height of structures in the Business 1 Zone to replace the term "soft frontages", which is not used anywhere else within the Plan, with the term "pedestrian friendly frontages". The change ensures the wording of the policy is consistent with the wording of related Plan provisions and helps clarify the intent of the policy. The amendment is of a scale and significance that does not necessitate quantifying the employment and economic effects.

Rule 3.23.1

The Committee agreed that provision should be made in the Plan for drive-through facilities, though it noted that the effects of such an activity differed from the effects of a restaurant where people stayed on the site to consume food. Noting that there are areas within the Business 1 Zone where drive-through facilities have the potential to compromise the environment in the Pedestrian-Friendly Precinct, the Committee preferred an approach that excluded drive-through facilities from restaurants that are otherwise permitted.

The amendments are considered to be minor in nature. Although an additional cost would be incurred by developers seeking to establish drive-through facilities in an area where previously they would have been permitted, requiring resource consent will ensure that the pedestrian friendly nature of these areas is not compromised. It is noted that all the existing drive-through facilities in Invercargill are located outside of the Business 1 Pedestrian Friendly Frontages Precinct. The nature of the more pedestrian oriented areas of the Business 1 Zone is such that this pattern of dispersal of drive-through facilities being located in more vehicle oriented zones is likely to continue in the future, and the likelihood of them establishing in the Business 1 Zone is considered low.

The risk of not adopting the approach the Committee has taken is that the rule framework would not be fully achieving one of the key Objectives for the Business 1 Zone, which is to maintain and enhance the amenity values of the Zone.

In the view of the Committee, the risk of not acting and continuing to permit drive-through facilities with access and egress located within the Business 1 Pedestrian Friendly Frontages Precinct, to the detriment of the pedestrian friendly environment, outweighs the

risks of excluding “drive-through facilities” from restaurants that are otherwise provided for as a permitted activity.

The amendments to the list of permitted activities in the Business 1 Zone under Rule 3.23.1 are considered the most appropriate means of achieving the objectives of the Plan relating to the Business 1 Zone. The amendments will support the viability and development of the Business 1 Zone, while ensuring its primacy and amenity values are maintained or enhanced.

Rule 3.26.1

The Committee considers there is a functional need to provide for Caretaker Accommodation within the Business 4 Zone, subject to provision of appropriate noise attenuation methods. Given the requirement for such activities to provide noise insulation, it is considered that the nature of the amendment is minor. The scale of the noise sensitive activity that will be permitted is not significant as it is limited to only those that are ancillary to predominant commercial uses. Noise insulation requirements ensure that any potential reverse sensitivity effects associated with noise generated elsewhere within the Zone will be appropriately managed.

By not including Caretaker Accommodation on the list of permitted activities there would be a cost to developers or commercial operators wanting to provide accommodation for on-site maintenance and/or security staff that may be necessary for their activities.

By including them in the list there is a risk that existing commercial activities may become more vulnerable to potential reverse sensitivity effects, however, by limiting the scale of the noise sensitive activity and including measures to address potential adverse noise effects, this risk is considered very low.

Rezoning at Lorneville

The Committee was satisfied that that there was a clear expectation on the part of the land owner on the north-west corner of the Lorneville roundabout that additional development would be facilitated on the land, and the appropriate way to provide for that was by rezoning the land to Business 5 as requested. The decision means that the zoning of that land will change from Rural 1 to Business 5 (Rural Service) and any new development on the land will be required to comply with the Concept Plan approved as part of this decision.

Section 32 states that Evaluation Reports need to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

This amendment is considered to be of a moderate scale and significance for the following reasons:

1. The provisions may give rise to further dispersal of rural servicing activities and may lead to adverse effects on the amenity of adjoining rural land owners and the safety and efficiency of the transportation network.
2. The agreements reached at the time of approving resource consent for development of the site in 2013, together with the provision of infrastructure to provide for additional development on the land subject to this submission, created a reasonable expectation that additional development would be facilitated on the land in a manner which appropriately managed potential adverse effects.

3. The provisions do not enable development to occur as of right. All land use activities, including “rural servicing activity” for which the Zone has been designed to accommodate, require resource consent, enabling the potential effects of development of the land to be considered.

As stated above, the RMA requires an assessment of the Objectives to determine whether they are the most appropriate way to promote the sustainable management of natural and physical resources. The overarching Objectives for the Business Zones and the Objectives for the Business 5 Zone have not been materially altered through this or any other decision. It is considered that the Objectives therefore remain the most appropriate way to promote the sustainable management of natural and physical resources.

In preparing this evaluation report, the Council is required to examine whether the amended provisions are the most appropriate way to achieve the objectives, by identifying other reasonably practicable options for achieving the objectives.

Two alternatives have been identified for consideration:

Option A – Retain the rural zoning that was notified in the Proposed District Plan.

Option B – Rezone to Business 5 (Rural Service) Zone.

Section 32(1)(b)(ii) of the RMA requires an assessment of the “efficiency and effectiveness” of provisions in achieving the Objectives of the Proposed District Plan, in a level of detail that corresponds to the scale and significance of the anticipated effects.

The Objectives for the Rural Zone seek to maintain and enhance the rural environment while allowing for productive rural activities to be undertaken. Given the non-rural nature of the activities already occurring on the site, the Committee considers retaining the underlying rural zoning of the land is not an effective means of achieving the Objectives of the Proposed District Plan as they relate to the Rural Zone.

The Objectives for the Business 5 Zone seek to enable enterprises which offer services predominantly to the rural sector to locate conveniently near to the built up area of the city, but not necessarily within it. Recognising that use of the land for rural servicing activities has already been approved by way of resource consent, that it is within close proximity to the existing rural servicing zone, and that the effects of development are managed through a Concept Plan and the requirement for resource consent, the Committee considers that rezoning the land to Business 5 is an efficient and effective means of achieving the Objectives of the Plan.

The risk of rezoning the land to Business 5 Zone is that the pattern of rural servicing activity may become more dispersed, which is an effect that would be contrary to what the overall Objectives for the Business Zones are trying to achieve. There is also a risk that additional rural servicing activities may have adverse effects on the rural amenity of adjoining areas, and on the safe and efficient operation of the transportation network. With rural servicing activities already well established in the area, including the developments already approved by way of resource consent on the land to be rezoned, the risk of further dispersal of such activities is minimal. The imposition of a Concept Plan and a requirement for resource consent for all land use activities means that adverse effects can be appropriately managed.

The risk of retaining the land's rural zoning is that it would not reflect the existing land use patterns in the area, including activities already consented by the Council. The predominant land use of the area will be at odds with the underlying zoning, and the Objectives the Plan has set for rurally zoned areas.

Dated at Invercargill this 11th day of October 2016



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell

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Appendix 1 Decisions on Submissions

Submission	Decision
Business 1 Zone	
GENERAL	
<p>56.1 Jenny Campbell The submitter supports creating pedestrian friendly zones as outlined, as well as bike friendly zones in the inner city to reduce traffic congestions. The submitter also considers verandas in keeping with the heritage are also essential.</p> <p>56.2 Jenny Campbell The submitter considers that safe night time entertainment areas with liquor bans in place would be ideal for young people and families especially.</p> <p>56.3 Jenny Campbell The submitter suggests incentives to keep retail outlets in the centre of town, including rates reductions for businesses who lower rents for tenants, making it more viable for them to lease/rent. The submitter also considers that having “pop up” shops would provide interesting variety in the city, especially in shops which have been vacant for some time.</p>	<p>Decision 37/1 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reasons:</p> <ol style="list-style-type: none"> 1. The submitter supports various Plan provisions and seeks no change to them. 2. The Local Alcohol Policy sets out the Council’s policies in relation to alcohol, such as areas where liquor bans apply. This is not a District Plan issue and cannot be considered through the current process.
<p>82.1 Neil Thomas Oppose. The submitter is opposed to the adoption of the CBD upgrade plan, specifically as it relates to proposals to reduce Dee and Tay Streets to one lane each way referring to potential safety issues, and concerns about diverting traffic from travelling through the shopping areas.</p> <p>95.1 Christine Shepherd The submitter raises concerns about the design of the CBD upgrade plans, particularly the proposal to make Tay and Dee Street one lane, the reinstatement of righting traffic on to Esk Street, and the park on the old RSA Bowling Green site.</p>	<p>Decision 37/2 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The City Centre Outline Upgrade Plan was developed under the Local Government Act and that document was completed in December 2011 and revised in 2013. 2. While parts of the 2013 revision are included in the Proposed Plan there is no reference to changing the configurations of lanes on Dee and Tay Streets. 3. This is not a District Plan issue and cannot be considered through the current process.

Appendix 1 Decisions on Submissions

Submission	Decision
<p>82.2 Neil Thomas The submitter considers that all commercial buildings should be assessed for earthquake safety within the next five years and that until then all changes to the CBD should be put on hold.</p> <p><u>Relief Sought</u>: Refrain from changes in the CBD until all commercial buildings have been assessed for earthquake safety.</p>	<p>Decision 37/3 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The matter raised in the submission is not a District Plan issue and cannot be considered through the current process.</p>
<p>107.5 A4 Simpson Architects Limited The submitter supports the plan approach of zoning specifically for the CBD of the city and inclusion of rules around construction of verandas. Retain specific zoning for the CBD and rules requiring verandas.</p> <p>FS35.4 Vibrant Invercargill The further submitter would like to raise information on two additional points:</p> <p>a. The extension of the “priority redevelopment precinct” – the further submitter would like this area to extend to the west side of Dee Street. The further submitter considers this a priority area containing pedestrian friendly frontages, entertainment precinct, registered heritage areas, Council car park, and is in the master plan for the CBD upgrade to be redeveloped. The further submitter considers that leaving this area out on a major State Highway could in the future see a street of two halves because of this status.</p> <p>b. Historic Buildings – The further submitter considers that under the requirements to upgrade old and historic buildings to earthquake standards and fire compliances etc many buildings will not survive in their present form. The further submitter believes it is imperative that these buildings can be replaced/demolished/redeveloped in an effective and prompt manner by all parties.</p>	<p>Decision 37/4 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reasons:</p> <ol style="list-style-type: none"> 1. The original submitter supports the Plan approach and seeks no change to it. 2. Further submissions must be limited to a matter in support of or in opposition to a submission made under the RMA. Further submissions cannot extend the scope of the original submission and can only seek allowance or disallowance in whole or in part of the original submission. Because the comment does not relate to any particular submission, for technical reasons the points raised cannot be considered through the current process.
<p>107.25 A4 Simpson Architects Limited Oppose Appendix X Concept Plans in part. The submitter opposes the inclusion of the CBD Concept Plan in the District Plan.</p> <p><u>Relief Sought</u>: Replace the Concept Plan with an alternative concept plan developed by the submitter.</p>	<p>Decision 37/5 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons:</p> <ol style="list-style-type: none"> 1. The Concept Plan for the CBD included in Appendix X is the same as that set out in the Invercargill Inner City Revitalisation – Master

Appendix 1 Decisions on Submissions

Submission	Decision
	<p>Plan Report of August 2013. It is appropriate that information used in the Proposed Plan is consistent with that used in policies under other legislation and with work developed by the wider Council.</p> <p>2. The plan prepared by the submitter has not been subject to any wide public consultation process and without such consultation its adoption by the Council is inappropriate.</p>
SECTION 2.22 ISSUES, OBJECTIVES AND POLICIES	
General	
<p>78.9 Ministry of Education The submitter notes that there are no provisions that support the permitted activity status of education activities or other community support activities.</p> <p><u>Relief Sought:</u> Include an objective or policy that supports educational activities and other community activities required to provide for community living and working in the Business Zones.</p>	<p>Decision 37/6 This submission is accepted in part.</p> <p>Amendments to District Plan Amend 2.22.2 Objective 1 as follows: Maintenance and enhancement of the primacy of the Invercargill Central Business District as the primary centre for retailing, business, culture, and entertainment, education and social services for Invercargill city and the wider Southland region.</p> <p>Reason Objective 1 refers to the City Centre as being the primary centre for retail, business, culture and entertainment services. As opposed to developing an additional Objective, as sought by the submitter, there is merit in expanding on this Objective.</p>
2.22.2 Objectives	
<p>81.4 Progressive Enterprises Ltd Support 2.22.2 Objectives 1 and 3. Retain 2.22.2 Objectives 1 and 3 as notified.</p>	<p>Decision 37/7 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the provisions and seeks no change to them although it is noted that a minor change to Objective 1 has been made by Decision 37/6.</p>

Appendix 1 Decisions on Submissions

Submission	Decision
2.22.3 Policies	
<p>63.1 Foodstuffs (South Island) Properties Ltd Support 2.22.3 Policy 1 Business 1 CBD Zone.</p> <p>63.2 Foodstuffs (South Island) Properties Ltd Support 2.22.3 Policy 2 Precincts. The submitter particularly supports the provision in relation to the fact that Pak'n'Save is not located in these precincts.</p>	<p>Decision 37/8 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the provisions and seeks no change to them.</p>
<p>63.3 Foodstuffs (South Island) Properties Ltd Policy 3 Urban Design. The applicant requests that the operational constraints of supermarkets are expressly recognised and that urban design principles are only required to be applied where appropriate and practicable.</p> <p>FS27.1 - Progressive Enterprises Ltd Progressive support Submission 63.3.</p> <p>81.6 Progressive Enterprises Ltd Oppose 2.22.3 Policy 3 Urban Design. The submitter accepts the principles as an integral part of urban design, the submitter considers that it is unclear how the principles will be interpreted and do not set out what is expected in order for a development to not be inconsistent with the policies.</p> <p><u>Relief Sought</u>: Delete Policy 3 OR Reword to provide certainty of outcome.</p>	<p>Decision 37/9 These submissions are accepted in part.</p> <p>Amendments to District Plan 2.22.3 Policy 3 Urban Design is amended as follows: To maintain and enhance <u>To encourage the incorporation of the following urban design principles into the design of buildings and open space:...</u></p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The amendment clarifies the intent of the policy. 2. The concepts of good urban design are valid considerations for all developments including supermarkets. 3. As the policy is to encourage rather than "require" then it is unnecessary to add the words "where appropriate" as requested by written material forwarded to the hearing by Foodstuffs.
<p>63.4 Foodstuffs (South Island) Properties Ltd Support in part 2.22.3 Policy 10 Protection from weather and considers that operational requirements of larger size retail and vehicle oriented activities, such as supermarkets, are paramount and that it may not always be practicable to provide shelter from rain and wind on the street frontage.</p> <p><u>Relief Sought</u>: Recognise that it is not always practicable to provide weather protection.</p> <p>FS27.2 - Progressive Enterprises Ltd Progressive support Submission 63.4.</p>	<p>Decision 37/10 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason The policy does not require weather protection, but requires that the design of structures have regard to the need to offer protection from the weather. As a consequence, the qualification sought is not necessary.</p>

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<p>65.53 ICC Environmental and Planning Services Support 2.22.3 Policy 16(B) Height of structures subject to amendment. The submitter considers that the terminology in the “soft” frontages is not used elsewhere in the Plan.</p> <p><u>Relief Sought:</u> Amend Policy 16(B):</p> <p>To require that replacement buildings within the Central Business District, that are required to have <u>Pedestrian Friendly Frontages</u> “soft” frontage, shall have a two storey frontage to the public street or streets.</p>	<p>Decision 37/11 This submission is accepted.</p> <p>Amendments to District Plan Amend 2.22.3 Policy 16(B) as follows:</p> <p>To require that replacement buildings within the Central Business District that are required to have a <u>Pedestrian Friendly</u> “soft” frontage shall have a two storey frontage to the public street or streets.</p> <p>Reason The amendment clarifies the intent of the policy.</p>
<p>65.54 ICC Environmental and Planning Services Support 2.22.3 Policy 19 Crime Prevention Through Environmental Design in part. The submitter notes that the policies and methods are inconsistent as CPTED principles are not always “required” to be incorporated into the design of structures.</p> <p><u>Relief Sought:</u> Either amend rules to require that CPTED principles are considered, or amend the policy to “encourage”.</p> <p>63.5 Foodstuffs (South Island) Properties Ltd Support in part 2.22.3 Policy 19 Crime Prevention Through Environmental Design. Whilst the applicant supports the consideration of CPTED principles in design, the submitter is concerned that they can be applied too rigidly, even when the operational requirements of a proposal are such that it is not practicable or safe to apply them.</p> <p><u>Relief Sought:</u> Recognise that applying CPTED principles in full is not always practicable or appropriate and that this can have unintended effects.</p> <p>FS27.3 - Progressive Enterprises Ltd Progressive support Submission 63.5.</p>	<p>Decision 37/12 These submissions are accepted in part.</p> <p>Amendments to District Plan Amend 2.22.3 Policy 19 as follows:</p> <p>To require that <u>To encourage the incorporation of the following CPTED principles are incorporated</u> into the design of buildings and public space:</p> <p>Reason Revision of the policy will encourage but not require developers to consider the Crime Prevention Through Environmental Design (CPTED) principles through the design process. That provides flexibility in their adoption taking into account unintended effects and particular circumstances.</p>
SECTION 3.23 RULES	
<p>78.12 Ministry of Education Support 3.23.1 Permitted Activities. The submitter supports the listing of educational activities as permitted activities. Retain 3.23.1.</p> <p>116.8 Kylie Fowler Support 3.23.1 Permitted Activities. The submitter supports residential activities as permitted in the Business 1 Zone.</p>	<p>Decision 37/13 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters support the provisions and seek no change to them.</p>

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<p>75.7 McDonalds Restaurants (NZ) Ltd Support in part 3.23.1 Permitted Activities. The submitter supports the inclusion of “restaurants” as permitted activities.</p> <p>74.8 Bunnings Ltd Support 3.23.4 – 3.23.7, 3.23.14 – 3.23.18. The submitter considers that restricting certain controls to the “pedestrian friendly frontages precinct” is appropriate as it will ensure high-quality outcomes for the pedestrian-oriented retail area without impinging on the practical and economic development potential of sites outside this area.</p> <p>75.13 McDonalds Restaurants (NZ) Ltd Support 3.23.4 – 3.23.7, 3.23.14 – 3.23.18. The submitter considers that restricting certain controls to the “pedestrian friendly frontages precinct” is appropriate, as it will ensure high-quality outcomes for the pedestrian-oriented retail area without impinging on the practical and economic development potential of sites outside this area. Retain.</p>	
<p>74.2 Bunnings Ltd Support in part 3.23.1 Permitted Activities. The submitter considers that “Building Improvement Centres” should be inserted as a permitted activity as they believe they have the potential to contribute to the range of activities found within the CBD, and that they can be designed to meet amenity expectations.</p> <p><u>Relief Sought:</u> Amend 3.23.1 to include “<u>Building Improvement Centres</u>”.</p> <p>FS35.1 - Vibrant Invercargill support Submission 74.2 because:</p> <ul style="list-style-type: none"> • Many older buildings may be left derelict or be demolished due to the earthquake standards. • “Building development areas” will provide an important focus and opportunities to open up attractive areas by attracting new commercial activity, community interaction and economic impact to new and existing businesses. • May provide an opportunity to reuse existing buildings. <p>The further submitter considers, however, that these centres/areas should not only be identified as exclusive for use for retail, but also include other commercial cluster uses. The further submitter also cautions that these centres should not redevelop properties amongst “high street retail” but on the periphery, e.g. south side of Tay/west side of Dee.</p>	<p>Decision 37/14 This submission is accepted in part.</p> <p>Amendments to District Plan In Rule 3.23.1:</p> <ul style="list-style-type: none"> (i) Delete “Motor vehicle sales, except within the Priority Redevelopment Precinct, the Entertainment Precinct and the Pedestrian-Friendly Frontages Precinct” (ii) Add “Trade Retail, except within the Priority Redevelopment Precinct, the Entertainment Precinct and the Pedestrian-Friendly Frontages Precinct” <p>Reasons</p> <ol style="list-style-type: none"> 1. Decision 32/1 adds a new definition of Trade Retail to the Proposed Plan, which includes a range of activities, including what the submitter classes as “building improvement centres”. That definition also includes “motor vehicle sales”. 2. Trade Retail activities are appropriate within the Business 1 Zone, but because of their potentially high vehicular traffic generating character, they are not compatible within the areas

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	<p>listed in exceptions in the additional rule above. The traffic generated has the potential to compromise the amenity of these areas and give rise to pedestrian safety issues.</p>
<p>75.6 McDonalds Restaurants (NZ) Ltd Oppose in part 3.23.1 Permitted Activities. The submitter considers that “drive-through restaurants” should be permitted activities in this Zone, but acknowledges that these may not be suited in pedestrian oriented town centres and shopping malls.</p> <p><u>Relief Sought:</u> Amend to include: Drive-through restaurants, except within the Pedestrian-Friendly Frontages precinct.</p>	<p>Decision 37/15 This submission is accepted.</p> <p>Amendments to District Plan Amend 3.23.1 (M) to read:</p> <p>(M) <u>Restaurants, excluding drive-through facilities where access and/or egress is via the Pedestrian Friendly Frontages Precinct, cafes, bars and taverns</u></p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Decision 32/2 provides for a new definition of "drive-through facilities" and amends the definition of "restaurant" to include drive-through facilities unless otherwise stated. 2. Drive-through facilities are considered appropriate within the Business 1 Zone but they have the potential to compromise the amenity and create a safety issue in the Pedestrian-Friendly Precinct. 3. Cafes, bars and taverns are included in the definition of “restaurants” and do not require separate listing. This is a minor change made pursuant to Clause 16(2) of the First Schedule to the RMA.
<p>63.17 Foodstuffs (South Island) Properties Ltd Oppose 3.23.11 Height of Structures. The submitter considers the policy creates too strong a presumption against any building over 10m and that this is not effects based. The submitter considers that roof top plant such as vents and condenser platforms should be excluded from height.</p> <p><u>Relief Sought:</u> Exclude roof top plant, such as vents and condenser platforms from the height limitation.</p> <p>FS27.12 - Progressive Enterprises Ltd support Submission 63.17.</p>	<p>Decision 37/16 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason Variation 4 amends the definition of “height” and this incorporates the matters referred to by the submitter.</p>

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<p>116.9 Kylie Fowler Support 3.23.8 - 10 Weather Protection. The submitter would like inner city properties to be required to have verandas for cover.</p> <p>69.16 ICC Roading Manager Oppose 3.23.8 - 10 Weather Protection. The submitter considers that the technical requirements for verandas may be better placed within a Bylaw as these structures are typically located within a road corridor. The submitter is also concerned that where a veranda is built over a footpath then a requirement is needed to ensure appropriate lighting is provided and maintained by the owner.</p> <p><u>Relief Sought:</u> Remove the technical requirements for verandas and place them within a Council bylaw.</p>	<p>Decision 37/17 (i) Submission 116.9 Kylie Fowler is noted. (ii) Submission 69.16 ICC Roading Manager is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason</p> <ol style="list-style-type: none"> 1. Kylie Fowler supports the requirements for verandas and seeks no change to them. 2. While verandas extend over the road corridor there is currently no bylaw in place to consider their design and location. 3. The provisions in the Proposed District Plan have been carried through from the Operative District Plan and do not introduce new standards or requirements. 4. While the Council has a variety of agreements with landowners who provide the under-veranda lighting, a provision requiring this lighting to be provided and maintained in the District Plan would be complicated given the number of variables.
<p>65.105 ICC Environmental and Planning Services Support 3.23.14 – 3.23.21 in part. The submitter considers the provisions do not clearly outline the expected height of buildings on all sites within the Pedestrian Friendly Frontages Precinct and the Priority Redevelopment Precinct.</p> <p><u>Relief Sought:</u> Amend rule to clarify position. If this is what is expected, make it clear that all corner sites, in both precincts, are to be three storeys over at least 50% of the footprint of the buildings AND that all other buildings are required to be two storeys along the street frontage.</p>	<p>Decision 37/18 This submission is accepted.</p> <p>Amendments to District Plan Amend Rule 3.23.11 as follows:</p> <p>Except as otherwise provided for in Rules 3.21.14 – 3.23.20 below within the Pedestrian Friendly Frontages Precinct and the Priority Redevelopment Precinct, all new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:</p> <ol style="list-style-type: none"> (A) Maximum height: 10 metres. (B) Recession plane: Infogram 4 applies in relation to any boundary with any Residential Zone. <p>Reason Revision of Rule 3.23.11 removes uncertainty.</p>

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Business 2 Zone	
SECTION 2.23 ISSUES, OBJECTIVES AND POLICIES	
General	
<p>78.10 Ministry of Education Neutral. The submitter notes that there are no provisions that support the permitted activity status of education activities or other community support activities.</p> <p><u>Relief Sought:</u> Include an objective or policy that supports educational activities and other community activities required to provide for community living and working in the Business Zones.</p>	<p>Decision 37/19 This submission is accepted.</p> <p>Amendments to District Plan</p> <p>(i) Amend 2.23.2 Objective 1 as follows:</p> <p style="padding-left: 40px;">Objective 1: <u>Maintenance and enhancement of suburban centres that provide for a A-range of businessretail, commercial, cultural, educational and social activities serving communities within the catchments of the Waikiwi, Windsor, Glengarry, and South City suburban centres, and Bluff town centre.</u></p> <p>(ii) Add a new Objective as follows:</p> <p style="padding-left: 40px;">Objective 2: <u>Residential activity is part of the land use mix within the Business 2 Zone.</u></p> <p>Reason Objective 1 does not include reference to residential or educational activities, so an amendment and additional objective is appropriate to be consistent with the Objectives for the Business 1 Zone.</p>
2.23.2 Objectives	
<p>81.5 Progressive Enterprises Ltd Support Objectives 1 and 2. Retain Objectives 1 and 2 as notified.</p>	<p>Decision 37/20 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the provisions and seeks no change to them although it is noted that changes have been made to Objective 1 by Decision 37/19.</p>

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2.23.3 Policies	
<p>63.7 Foodstuffs (South Island) Properties Ltd Support Policy 1 Business 2 (Suburban Shopping and Business) Zone.</p>	<p>Decision 37/21 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the provision and seeks no change to it.</p>
<p>63.8 Foodstuffs (South Island) Properties Ltd Comment on Policy 2 Urban Design. The applicant requests that the operational constraints of supermarkets are expressly recognised and that urban design principles are only required to be applied where appropriate and practicable.</p> <p>FS27.4 - Progressive Enterprises Ltd support Submission 63.8.</p> <p>65.55 ICC Environmental and Planning Services Support Policy 2 Urban Design in part. The submitter notes that there is no date reference for the Urban Design Protocol in the explanation.</p> <p><u>Relief Sought:</u> Include a reference date for references to the urban design protocol. “... derived from the New Zealand Urban Design Protocol <u>2005</u>...”</p> <p>81.7 Progressive Enterprises Ltd Oppose Policy 2 Urban Design. The submitter accepts the principles as an integral part of urban design, the submitter considers that it is unclear how the principles will be interpreted and does not set out what is expected in order for a development to not be inconsistent with the policies.</p> <p><u>Relief Sought:</u> Delete Policy 2 OR Reword to provide certainty of outcome.</p>	<p>Decision 37/22 These submissions are accepted in part.</p> <p>Amendments to District Plan</p> <p>(i) 2.23.3 Policy 2 Urban Design is amended as follows: To maintain and enhance <u>To encourage the incorporation of</u> the following urban design principles into the design of buildings and open space:...</p> <p>(ii) Amend the Explanation to 2.23.3 Policy 2 Urban Design to read: ... derived from the New Zealand Urban Design Protocol <u>2005</u> ...</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The amendment clarifies the intent of the policy. 2. The concepts of good urban design are valid considerations for all developments including supermarkets. 3. As the policy is to encourage rather than "require" then it is unnecessary to add the words "where appropriate" as requested by written material forwarded to the hearing by Foodstuffs.
<p>63.9 Foodstuffs (South Island) Properties Ltd Oppose Policy 8 Protection from weather in part. The applicant considers that operational requirements of larger size retail and vehicle oriented activities, such as supermarkets, are paramount and that it may not always be practicable to provide shelter from rain and wind on the street frontage.</p> <p><u>Relief Sought:</u> Recognise that it is not always practicable to provide weather protection.</p>	<p>Decision 37/23 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The concepts of good urban design are valid considerations for all developments including supermarkets.

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<p>FS27.5 Progressive Enterprises Ltd support Submission 63.9.</p>	<p>2. As the policy is to encourage rather than "require" then it is unnecessary to add the words "where appropriate" as requested by written material forwarded to the hearing.</p>
<p>63.10 Foodstuffs (South Island) Properties Ltd Oppose Policy 14 Height of Structures. The submitter considers the policy creates too strong a presumption against any building over 10m and that the height of the structure should be assessed on its merits.</p> <p><u>Relief Sought:</u> Amend Policy 14 as follows:</p> <p>To control the height of structures in order to maintain scale and aesthetic coherence within the Business 2 Zone and in order to avoid adverse, <u>mitigate, or remedy</u> effects on residential neighbours.</p> <p>Explanation: <i>Any building higher than two storeys in the Business 2 Zone would <u>need to be assessed to ensure it is compatible</u> be out of scale with the neighbourhood.</i></p> <p>FS27.6 Progressive Enterprises Ltd support Submission 63.10.</p>	<p>Decision 37/24 This submission is accepted.</p> <p>Amendments to District Plan Amend 2.23.3 Policy 14 Height of Structures as follows:</p> <p>To control the height of structures in order to maintain scale and aesthetic coherence within the Business 2 Zone and in order to avoid, <u>mitigate, or remedy</u> adverse effects on residential neighbours.</p> <p>Explanation: <i>Any building higher than two storeys in the Business 2 Zone would <u>need to be assessed to ensure it is compatible</u> be out of scale with the neighbourhood.</i></p> <p>Reason Height controls may not avoid all adverse effects on residential areas, but they can mitigate them.</p>
<p>63.11 Foodstuffs (South Island) Properties Ltd Oppose Policy 16 Crime Prevention Through Environmental Design in part. Whilst the submitter supports the consideration of CPTED principles in design, the submitter is concerned that they can be applied too rigidly, even when the operational requirements of a proposal are such that it is not practicable or safe to apply them.</p> <p><u>Relief Sought:</u> Recognise that applying CPTED principles in full is not always practicable or appropriate and that this can have unintended effects.</p> <p>FS27.7 - Progressive Enterprises Ltd support Submission 63.11.</p> <p>65.58 ICC Environmental and Planning Services Support Policy 16 Crime Prevention Through Environmental Design in part. The submitter notes that the policies and methods are inconsistent as CPTED principles are not always "required" to be incorporated into the design of structures.</p> <p><u>Relief Sought:</u> Either amend rules to require that CPTED principles are considered, or amend the policy to "encourage".</p>	<p>Decision 37/25 These submissions are accepted in part.</p> <p>Amendments to District Plan Amend 2.23.3 Policy 16 as follows:</p> <p>To <u>encourage the incorporation of</u> require that the following CPTED principles are incorporated into the design of buildings and public space:</p> <p>Reason Revision of the policy will encourage but not require developers to consider the Crime Prevention Through Environmental Design (CPTED) principles through the design process. That provides flexibility in their adoption taking into account unintended effects and particular circumstances.</p>

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<p>63.12 Foodstuffs (South Island) Properties Ltd Comment on Policy 17 Pedestrian-friendly frontages. The submitter states that given the functional requirements of supermarkets, any emphasis on building frontage may have the unintended result of supermarkets turning their back to the street or compromise pedestrian/customer safety and accessibility.</p> <p>FS27.8 Progressive Enterprises Ltd support Submission 63.12.</p>	<p>Decision 37/26 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter provides a comment but no clear indication that any change is sought to the Proposed Plan.</p>
<p>65.60 ICC Environmental and Planning Services Support Policy 20 – Freedom from Litter - Explanation in part. The submitter considers the wording of the explanation is inconsistent with the policy.</p> <p><u>Relief Sought:</u> Amend the explanation: ...Litter bins need to be provided and serviced. The provision, and subsequential servicing, of litter bins will be encouraged</p>	<p>Decision 37/27 This submission is accepted.</p> <p>Amendments to District Plan Amend the explanation to Policy 20 Freedom from Litter as follows: ...Litter bins need to be provided and serviced. The provision and servicing of litter bins is encouraged.</p> <p>Reason The policy seeks to promote the provision of litter bins and the explanation needs to be amended to be consistent with the policy.</p>
SECTION 3.24 RULES	
<p>63.14 Foodstuffs (South Island) Properties Ltd Support 3.24.1. The submitter supports that supermarkets are permitted activities. Retain 3.24.1.</p> <p>FS27.10 Progressive Enterprises Ltd support Submission 63.14.</p> <p>75.8 McDonalds Restaurants (NZ) Ltd Support 3.24.1. The submitter supports the inclusion of “restaurants” as permitted activities.</p> <p>78.12 Ministry of Education Support 3.24.1. The submitter supports the listing of educational activities as permitted activities. Retain 3.24.1.</p> <p>101.12 NZ Fire Service Commission Support 3.24.1. The submitter supports this provision given that it provides for the establishment of NZFS fire stations. Retain 3.24.1.</p>	<p>Decision 37/28 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters support the provisions and seek no change to them.</p>

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<p>14.1 NZ Racing Board Oppose in part 3.24.1. The submitter supports the inclusion of a TAB as the NZ Racing Board's retail outlet in the list of permitted activities for the Business 2 Zone, in particular the TAB site at the corner of Elles Road and Janet Street. Under the Operative District Plan provisions, a TAB is a permitted activity at this location and the submitter considers that this activity status should continue into the Proposed Plan as this facility forms an inherent part of an active and busy shopping precinct. The submitter considers that the Elles Road TAB outlet shares characteristics similar to other retailers there with its hours of operation and store size akin to other retail outlets adjacent to it. In this regard, the submitter considers that a TAB is similar to a Lotto shop in providing a retail service to its local customer base and is complementary to other local facilities correctly provided for in this commercial/retail area.</p> <p><u>Relief Sought:</u> That the permitted activity status of a TAB as the NZ Racing Board's retail outlet is retained in the Business 2 Zoning of its site at the Elles Road and Janet Street commercial area.</p>	<p>Decision 37/29 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason Decision 32/19 amends the definition of Retail Sales to include TABs and by virtue of that TABs are permitted in the Business 1, 2 and 4 Zones.</p>
<p>74.3 Bunnings Ltd Oppose 3.24.1 in part. The submitter considers that "Building Improvement Centres" should be permitted in this Zone as they believe these may be suitably located in suburban shopping areas alongside other retail activities.</p> <p><u>Relief Sought:</u> Amend to include "Building Improvement Centres".</p>	<p>Decision 37/30 In Rule 3.24.1:</p> <ul style="list-style-type: none"> (i) Delete "Motor vehicle sales". (ii) Add "Trade Retail", <p>Reasons</p> <ol style="list-style-type: none"> 1. Decision 32/1 adds a new definition of "trade retail" to the Proposed Plan, which includes a range of activities, including what the submitter classes as "building improvement centres". That definition also includes "motor vehicle sales" 2. Trade retail activities are appropriate within the Business 2 Zone, and have similar effects to other listed activities in that Zone.
<p>75.9 McDonalds Restaurants (NZ) Ltd Support 3.24.2. The submitter supports the default discretionary activity status for activities not otherwise provided for. Retain 3.24.2.</p> <p>74.10 Bunnings Ltd Support Bulk and location rules. The submitter considers these provisions provide an acceptable balance between enabling developing and maintaining amenity.</p>	<p>Decision 37/31 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters support the provisions and seek no change to them.</p>

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<p>75.15 McDonalds Restaurants (NZ) Ltd Support Bulk and location rules. The submitter considers these provisions provide an acceptable balance between enabling developing and maintaining amenity.</p>	
<p>63.16 Foodstuffs (South Island) Properties Ltd Oppose 3.24.4 Height of Structures. The submitter considers the policy creates too strong a presumption against any building over 10m and that this is not effects based. The submitter considers that roof top plant such as vents and condenser platforms should be excluded from height.</p> <p><u>Relief Sought:</u> Exclude roof top plant, such as vents and condenser platforms from the height limitation.</p> <p>FS27.11 - Progressive Enterprises Ltd support Submission 63.16.</p>	<p>Decision 37/32 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason Variation 4 amends the definition of “height” and this incorporates the matters referred to by the submitter.</p>
<p>101.13 NZ Fire Service Commission Oppose 3.24.4 Height of Structures. The submitter is concerned that the height provision does not allow for fire hose drying towers.</p> <p><u>Relief Sought:</u> Amend 3.24.4 by including the following exemption: <u>Except: that the maximum building height for hose drying towers associated with fire stations is 15 metres.</u></p>	<p>Decision 37/33 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Confusion could arise as to what a hose drying tower is, and given only one fire station is ever likely in the zone any non-compliance with the rules is best dealt with by way of resource consent. 2. The Fire Service Commission accepted the recommendation to reject their submission.
ZONING	
<p>69.5 ICC Roading Manager The submitter considers the area currently used as car parking south of the Glengarry Shopping Centre in Yarrow Street, should be zoned Business 2, not Residential.</p>	<p>Decision 37/34 This submission is accepted.</p> <p>Amendments to District Plan Rezone 87 Glengarry Crescent from Residential 1 Zone to Business 2 (Suburban Shopping and Business) Zone.</p> <p>Reason The property has existing use rights for vehicle parking and it is an integral part of the adjoining shopping centre. Business 2 Zoning is therefore appropriate.</p>

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Business 4 (Neighbourhood Shop) Zone	
SECTION 2.25 – ISSUES, OBJECTIVE AND POLICIES	
2.25.2 Objectives	
<p>53.41 NZ Transport Agency Suggested new objective. The submitter considers that the effects of spot zones have been underestimated in this section of the Plan. Neighbourhood shops as provided for are a useful method of dealing with travel demand management, however the Plan does not recognise that the traffic effects of these activities require careful management. The submitter notes that this matter has been reflected in the proposed inclusion of Policy 13, but that policy is unsupported by an appropriate objective.</p> <p><u>Relief Sought:</u> Insert a new Objective 4 as follows:</p> <p>The protection of the functional requirements of State Highways from the effects of small scale commercial activities on sites within the Business 4 (Neighbourhood Shop) Zone, along highways.</p>	<p>Decision 37/35 This submission is accepted in part.</p> <p>Amendments to District Plan Amend 2.25.3 Policy 1 as follows:</p> <p>Business 4 (Neighbourhood Shop) Zone: To establish and implement Business 4 Zones at identified groups of shop style buildings occupied by establishments whose business is predominantly retail, <u>which do not detract from the amenity of the adjoining areas, from the safety and efficiency of the roading network, or from the consolidation of the retail areas of the Business 1 and Business 2 Zones.</u></p> <p><i>Explanation: In historical times groups of shops established along the tramlines which serviced the city, at stops, junctions or termini. These shops served the local community within walking radius of the stop. The bus services which replaced the trams stopped at the same locations and businesses survived. Increasing use of the private motor vehicle and the evolution of the supermarket have made the traditional uses of these shop buildings (grocers, butchers, maybe a fish or cake shop) redundant. In some cases the buildings have then been occupied by other retailers (e.g. takeaway food, 24 hour local dairy) and in some cases the buildings are being used by businesses other than retailing. The intention of the Zone is to recognise these businesses retailing to a local market.</i></p> <p><u>Development within these areas should be carried out in full consideration of the potential effects on the adjoining residential neighbourhoods, and in consideration of the potential effects on the adjoining transportation networks.</u></p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Effects on adjoining areas are considered in policies and not objectives. 2. 2.25.3 Policy 13 considers the need for car parking and potential effects on the functionality of the State Highway. 3. An amendment to Policy 1 is preferable to the submitter's suggested amendment, given that there are only four areas of Business 4 Zone along State Highways, and that there is the

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	<p>potential for other effects on adjoining areas beyond just effects on the transportation network.</p> <p>4. There are District wide Transportation Objectives and Policies applying to all zones that address the integration of land use activities with transportation networks, and need not be repeated.</p>
2.25.3 Policies	
<p>65.66 ICC Environmental and Planning Services Support Policy 12 Height of Structures subject to amendment of typo in the explanation. Reword: Any building higher than the residential neighbours two storeys in the Business 4 Zone would be out of scale with the <u>residential</u> neighbourhood.</p>	<p>Decision 37/36 This submission is accepted.</p> <p>Amendments to District Plan Amend the Explanation to 2.25.3 Policy 12 Height of Structures as follows: <i>Explanation:</i> Any building higher than neighbouring residential buildings two storeys in the Business 4 Zone would be out of scale with the <u>residential</u> neighbourhood.</p> <p>Reason The amended wording clarifies the intention of the policy.</p>
SECTION 3.26 RULES	
<p>117.45 Southern District Health Board Support 3.26.1 Permitted activities in part. The submitter believes that caretaker/custodian accommodation should be a permitted activity, subject to acoustic insulation rules. <u>Relief Sought:</u> Amend 3.26.1 by adding a new item: (M) Caretaker/custodian accommodation complying with Rule 3.13.7.</p>	<p>Decision 37/37 This submission is accepted in part.</p> <p>Amendments to District Plan (i) Add to Rule 3.26.1 Permitted Activities: <u>(K) Caretaker Accommodation</u></p> <p>(ii) Amend Rule 3.13 Noise as per Decision 36/15, Decision 36/45 and 38/10</p> <p>3.13.10 Business 3 (Specialist Commercial) Zone, Business 4 (Neighbourhood Shops) Zone, Industrial 1 (Light) Zone and Industrial 2 (Urban) Zone– (A) All new noise sensitive activities and additions to existing noise</p>

Appendix 1 Decisions on Submissions

Submission	Decision
	<p>sensitive activities within the Business 3, Business 4, Industrial 1 and Industrial 3 Zones shall be designed, constructed and maintained to meet the “satisfactory” internal design sound levels in AS/NZS2107:2000 <i>Recommended design sound levels and reverberation times for building interiors</i></p> <p>Reason</p> <ol style="list-style-type: none"> 1. Decisions 36/15 and 36/45 include caretaker accommodation as a permitted activity in the Industrial 1 Zone and introduce a new definition for that use. These decisions, and Decision 38/10, also introduced provisions into the Noise Rule. 2. There is a functional need to provide for caretaker accommodation in association with a number of activities subject to provision of appropriate noise attenuation for the occupants. <p>Residential activities are not permitted in the Business 4 Zone.</p>
<p>101.16 NZ Fire Service Commission Support 3.26.1 Permitted activities. The submitter supports this provision given that it provides for the establishment of NZFS fire stations. Retain 3.26.1.</p>	<p>Decision 37/38 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the provision and seeks no change to it.</p>
<p>101.17 NZ Fire Service Commission Oppose 3.26.4 Height of Structures. The submitter is concerned that the height provision does not allow for fire hose drying towers.</p> <p><u>Relief Sought:</u> Amend 3.26.4 by including the following exemption: <u>Except: that the maximum building height for hose drying towers associated with fire stations is 15 metres.</u></p>	<p>Decision 37/39 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Confusion could arise as to what a hose drying tower is, and given only one fire station is ever likely in the zone any non-compliance with the rules is best dealt with by way of resource consent. 2. The Fire Service Commission accepted the recommendation to reject their submission.

Appendix 1 Decisions on Submissions

Submission	Decision
Business 5 (Rural Service) Zone	
General	
<p>53.43 NZ Transport Agency The submitter supports the description of the Business 5 Zone and the inclusion of a Concept Plan for this Zone. The submitter agrees with the explanation that providing for the co-location of activities in one contiguous area on one side of the highway will prevent ribbon development and minimise vehicle movements across the State Highway. Retain the description of the Business 5 (Rural Service) Zone as proposed.</p>	<p>Decision 37/40 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the provision and seeks no change to it, although it should be noted that Decision 37/46 amends the zone description.</p>
<p>107.24 A4 Simpson Architects Limited The submitter opposes this Zone. The submitter states that the reasons for the existence of the Zone are not clear and is concerned that there are no permitted activities in the Zone. The submitter is concerned that the relevant Concept Plan does not detail discretionary activities.</p> <p><u>Relief Sought</u>: Delete Zone and revert to Rural Zoning.</p>	<p>Decision 37/41 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason The reasons for the Zone are set out in Section 2.26 and while the discretionary activities are not detailed on the Concept Plan, they are detailed in the Proposed District Plan, with the status of activities being retained from the decision issued on a Private Plan Change.</p>
SECTION 2.26 – ISSUES, OBJECTIVES AND POLICIES	
2.26.2 Objectives	
<p>53.44 NZ Transport Agency Suggested new Objective. The submitter supports the philosophy behind the establishment of the Business 5 Zone, but considers that the effects of spot zones have been underestimated in this section of the Plan. The submitter states that appropriately located Rural Service type retail zones provide an opportunity for convenience and efficiency for rural activities, and are a useful method of dealing with travel demand management. The submitter considers, however, that the Plan does not recognise that the traffic effects of these activities require careful management. The submitter notes that this matter has been reflected in the proposed inclusion of Policies 1 and 17, but that these policies are unsupported by</p>	<p>Decision 37/42 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason While there is no Zone specific objective for the Business 5 Zone that refers specifically to the protection of the functional requirements of the State Highways there are zone policies and also District wide Transportation and Infrastructure Objectives that are relevant and would</p>

Appendix 1 Decisions on Submissions

Submission	Decision
<p>an appropriate objective.</p> <p><u>Relief Sought</u>: Insert a new Objective 3 as follows:</p> <p>The protection of the functional requirements of State Highways from the effects of small scale commercial activities on sites within the Business 5 (Rural Service) Zone, along highways.</p>	<p>need to be considered as part of any proposal, resource consent or rezoning decision.</p>
2.26.3 Policies	
<p>53.45 NZ Transport Agency</p> <p>Support Policy 1 – Business (Rural Service) Zone. Retain Policy 1 as proposed but amend typographical error in Policy 1 as follows:</p> <p>To establish and implement a Business 5 Zone at or near the intersection of State Highways 6 and 98 <u>99</u> and on the east <u>west</u> side of State Highway 6, in order ...</p>	<p>Decision 37/43</p> <p>This submission is accepted.</p> <p>Amendments to District Plan</p> <p>Amend Policy 1 to read:</p> <p>To establish and implement a Business 5 Zone at or near the intersection of State Highways 6 and 98 <u>99</u> and on the east <u>west</u> side of State Highway 6, in order ...</p> <p>Reason</p> <p>The changes correct minor errors.</p>
<p>88.25 Federated Farmers</p> <p>Support Policy 1 – Business (Rural Service) Zone in part. The submitter considers that the majority of rural servicing businesses are already established outside this Zone and these businesses should be able to operate from their current locations into the future, and that this intention should be made explicit in the relevant provisions. The submitter also suggests that new rural businesses should be able to utilise premises outside the Zone previously used for rural servicing activities in order not to make the cost of setting up a rural servicing business in Invercargill uneconomic.</p> <p><u>Relief Sought</u>: Amend the wording of the policy as follows:</p> <p>Policy 1 Business (Rural Service) Zone: To establish and implement a Business 5 Zone at or near the intersection of State Highways 6 and 98 and on the east side of State Highway 6, in order to provide an appropriate and convenient location for activities <u>not currently established</u>, which:</p> <p>(A) Supply goods and services primarily to the rural sector and</p> <p>(B) Which require easy and convenient access to the rural sector without perpetrating ribbon development.</p>	<p>Decision 37/44</p> <p>This submission is rejected.</p> <p>Amendments to District Plan</p> <p>None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The approach to Business Zones through the Proposed District Plan is to encourage commercial activities to locate within specific areas in a bid to avoid unnecessary sprawl and to consolidate the Business areas. This approach seeks to maintain critical mass within the Business areas and to confine potential effects to a specific area. 2. Existing activities outside appropriately zoned areas can continue to operate pursuant to existing use rights under the RMA. 3. Activities wanting to develop outside the zoned areas should be assessed on a case-by-case basis assessing the potential effects of allowing such activities and having regard to the requirements of the RMA.

Appendix 1 Decisions on Submissions

Submission	Decision
<p>FS44.1 K G Richardson and Sons Ltd support in part Submission 88.25 on the grounds that it considers that the amendment ensures the existing businesses located in the area are able to continue operating into the future and that rural servicing development in the area is consolidated in an established area of development which services the rural community. Accept relief sought but also include State Highway 99 and the west side of State Highway 6 to the policy as follows:</p> <p>To establish and implement a Business 5 Zone at or near the intersection of State Highway 6, 98 <u>and 99 and on both sides of State Highway 6</u> in order to provide an appropriate and convenient location for activities not currently established which ...</p>	
SECTION 3.27 RULES	
<p>88.93 Federated Farmers Oppose Rule 3.27.4. The submitter considers that a maximum building height of 10m is unrealistic considering the nature of the agricultural equipment likely to be housed in such buildings, and the land efficiencies and cost-effectiveness of having offices and staff facilities located on a storey above display areas.</p> <p><u>Relief Sought:</u> The submitter recommends a 15 metre height limit for buildings in this Zone.</p>	<p>Decision 37/45 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason</p> <ol style="list-style-type: none"> 1. The height for structures in this Zone is consistent with the application for the Private Plan Change and with subsequent decisions on that Plan Change. The structures currently on the site meet the 10m height rule. 2. 10m is consistent with the maximum height for structures in the adjoining Rural Zone and any structures exceeding this height should be assessed on a case-by-case basis considering the effects of such structures.
ZONING	
<p>93.1 K G Richardson and Sons Ltd The submitter opposes the Rural 1 Zoning of the submitter's land on the north-west corner of the "Lorneville Roundabout", and considers that it should be rezoned as Business 5 (Rural Service) Zone. The submitter considers the Business 5 Zone would be more appropriate given:</p> <ol style="list-style-type: none"> a. The location of the land in relation to the existing Business 5 Zone and other light industry/rural servicing type activities. b. The location of the land in relation to transportation routes. c. The history of the site, including industrial, residential and commercial activities 	<p>Decision 37/46 This submission is accepted.</p> <p>Amendments to District Plan</p> <ol style="list-style-type: none"> (i) Rezone the land shown in Appendix 3 as Business 5. (ii) Revise Appendix X Concept Plans to include the details shown in Appendix 2. (iii) Amend the second paragraph of the Introduction to Section 2.26 Business 5 Zone to read:

Appendix 1 Decisions on Submissions

Submission	Decision
<p>and the inability of the land to be utilised as a viable farming unit.</p> <p>d. The ability of the site to use on-site servicing options.</p> <p>e. The resource consent for the properties allowing for rural service and light industrial activities.</p> <p><u>Relief Sought:</u> Rezone the submitter's property on the north-west corner of the "Lorneville Roundabout" Business 5.</p> <p>FS28.30 NZ Transport Agency oppose Submission 93.1 as there is already an adequate supply of Business 5 Zoned land on the south-west corner of the Lorneville Roundabout.</p> <p>FS21.1 Donald Marshall supports Submission 93.1 and considers the Rural Service Zone should be extended to all land adjoining the Lorneville Roundabout to ensure consistency, given the location and surrounding development. The further submitter believes that residential and heavy industry do not work side by side and the rural service zoning is very light industrial and would fit within the Lorneville location.</p>	<p>A-Concept Plans for this zone isare included in this Plan as in Appendix X. This PlanThese Plans addresses connectivity issues by providing for a singlelimiting access points to the State Highways, and addresses amenity issues by requiring landscaping between the on-site activities and the State Highway. By providing for development in one contiguous area on one side of the State Highway,The layout of road accesses is <u>intended to restrict</u> movements across the State Highway are minimised and <u>providing</u> for the co-location of these activities within one a discrete area will help prevent ribbon development.</p> <p>(iv) Amend 2.26.1 Issue 1 to read:</p> <p>Traffic generated by the activity and entering and exiting from the <u>site zone</u> has the potential to adversely affect the functionality of the transportation network, in particular State Highways.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. As set out on page 4 of this Decision the agreements reached at the time of approving a resource consent in 2013, together with the provision of infrastructure to provide for additional development on the land subject to this submission, created a reasonable expectation that additional development would be facilitated on the land in a manner which appropriately managed potential adverse effects. 2. Rezoning of the land is consistent with the objectives and policies, and overall intent, of the Proposed Plan. 3. Conditions included in the Concept Plan for the area added to this Zone addressing landscaping and transportation effects give effect to resource consent conditions and an Environment Court Consent Order. 4. As stated in 2.26.3 Policy 11 Infrastructure, the provision of water and the disposal of sewage is to be achieved on-site. The identification of a service area on the concept plan highlights the stance that Council does not intend to provide reticulated services to this area. The "service area" identified on the concept plan provides for wastewater and stormwater disposal as well as a reserve area for wastewater disposal.

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SECTION TWO - ISSUES, OBJECTIVES AND POLICIES

2.23 BUSINESS 1 (CENTRAL BUSINESS DISTRICT) ZONE

2.22.2 Objectives

Objective 1: Maintenance and enhancement of the primacy of the Invercargill Central Business District as the primary centre for retailing, business, culture, and entertainment, education and social¹ services for Invercargill city and the wider Southland region.

2.22.3 Policies

Policy 3 Urban Design: ~~To maintain and enhance~~ To encourage the incorporation of the following urban design principles into the design of buildings and open space:²

Policy 16 Height of structures:

(B) To require that replacement buildings within the Central Business District that are required to have a Pedestrian Friendly ~~“soft”~~ frontage ~~shall have a two storey frontage to the public street or streets.~~³

Policy 19 Crime Prevention Through Environmental Design (CPTED): ~~To require that~~ To encourage the incorporation of the following CPTED principles are incorporated into the design of buildings and public spaces:⁴

2.23 BUSINESS 2 (SUBURBAN SHOPPING AND BUSINESS) ZONE

2.23.2 Objectives

Objective 1: Maintenance and enhancement of suburban centres that provide for a A range of ~~business~~ retail, commercial, cultural, educational and social activities serving communities within the catchments of the Waikiwi, Windsor, Glengarry, and South City suburban centres, and Bluff town centre.⁵

Objective 2: Residential activity is part of the land use mix within the Business 2 Zones.⁶

2.23.3 Policies

Policy 2 Urban Design: ~~To maintain and enhance~~ To encourage the incorporation of the following urban design principles into the design of buildings and open space:⁷

Explanation: *Promoting good urban design in the suburban shopping and business centres, and in the Bluff town centre, is an important part of reinforcing their functions as foci for people to gather, do business, and socialise. The*

¹ Decision 37/6

² Decision 37/9

³ Decision 37/11

⁴ Decision 37/12

⁵ Decision 37/19

⁶ Decision 37/19

⁷ Decision 37/22

Note: Underline indicates additions, strikethrough indicates deletions.

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above principles have been derived from the New Zealand Urban Design Protocol 2005 to help explain what is meant by good urban design.⁸

Policy 14 Height of structures: To control the height of structures in order to maintain scale and aesthetic coherence within the Business 2 Zone and in order to avoid, mitigate or remedy adverse effects on residential neighbours.⁹

Explanation: Any building higher than two storeys in the Business 2 Zone would need to be assessed to ensure it is compatible ~~be out of scale~~ with the neighbourhood.¹⁰

Policy 16 Crime Prevention Through Environmental Design (CPTED): To encourage the incorporation of ~~require that~~ the following CPTED principles are ~~incorporated~~ into the design of buildings and public spaces:¹¹

Policy 20 Freedom from litter: To promote the provision of litter containers appropriate to the nature of the business.

Explanation: Generation of litter is often an undesirable effect of businesses in suburban areas. ~~Litter bins need to be provided and serviced.~~ The provision and servicing of litter bins is encouraged.¹²

2.25 BUSINESS 4 (NEIGHBOURHOOD SHOP) ZONE

2.25.3 Policies

Policy 1 Business 4 (Neighbourhood Shop) Zone: To establish and implement Business 4 Zones at identified groups of shop style buildings occupied by establishments whose business is predominantly retail, which do not detract from the amenity of the adjoining areas, from the safety and efficiency of the roading network, or from the consolidation of the retail areas of the Business 1 and Business 2 Zones.¹³

Explanation: ...

Development within these areas should be carried out in full consideration of the potential effects on the adjoining residential neighbourhoods, and in consideration of the potential effects on the adjoining transportation networks.¹⁴

Policy 12 Height of structures:

Explanation: Any building higher than ~~neighbouring residential buildings~~ two storeys in the Business 4 Zone would be out of scale with the residential neighbourhood.¹⁵

⁸ Decision 37/22

⁹ Decision 37/24

¹⁰ Decision 37/24

¹¹ Decision 37/25

¹² Decision 37/27

¹³ Decision 37/35

¹⁴ Decision 37/35

¹⁵ Decision 37/36

Note: Underline indicates additions, strikethrough indicates deletions.

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2.26 BUSINESS 5 (RURAL SERVICE) ZONE

~~A-Concept Plans for this zone isare included in this Plan as in Appendix X. This Plan~~These Plans addresses connectivity issues by ~~providing for a single~~limiting access points to the State Highways, and addresses amenity issues by requiring landscaping between the on-site activities and the State Highway. ~~By providing for development in one contiguous area on one side of the State Highway, The layout of road accesses is intended to restrict movements across the State Highway are minimised and P~~providing for the co-location of these activities within one a discrete area will help prevent ribbon development.¹⁶

2.26.1 Issues

1. Traffic generated by the activity and entering and exiting from the ~~site~~Zone has the potential to adversely affect the functionality of the transportation network, in particular State Highways.¹⁷

2.26.3 Policies

Policy 1 Business (Rural Service) Zone: To establish and implement a Business 5 Zone at or near the intersection of State Highways 6 and ~~9899~~999 and on the ~~east~~west side of State Highway 6, in order to provide an appropriate and convenient location for activities which:¹⁸

SECTION THREE - RULES

3.13 NOISE

3.13.10 Business 3 (Specialist Commercial) Zone, Business 4 (Neighbourhood Shops) Zone, Industrial 1 (Light) Zone and Industrial 2 (Urban) Zone –

- (A) All new noise sensitive activities and additions to existing noise sensitive activities within the Business 3, Business 4, Industrial 1 and Industrial 3 Zones shall be designed, constructed and maintained to meet the “satisfactory” internal design sound levels in AS/NZS2107:2000 Recommended design sound levels and reverberation times for building interiors¹⁹

3.23 BUSINESS 1 (CENTRAL BUSINESS DISTRICT) ZONE

3.23.1 Permitted Activities: The following are permitted activities within the Business 1 Zone:

- (J) ~~Motor vehicle sales, except within the Priority Redevelopment Precinct, the Entertainment Precinct and the Pedestrian-Friendly Frontages Precinct~~²⁰

¹⁶ Decision 37/46

¹⁷ Decision 37/46

¹⁸ Decision 37/43

¹⁹ Decision 37/37

²⁰ Decision 37/14

Note: Underline indicates additions, strikethrough indicates deletions.

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- (MK) Restaurants, excluding drive-through facilities where access and/or egress is via the Pedestrian Friendly Frontages Precinct. cafes, bars and taverns²¹
- (T) Trade retail, except within the Priority Redevelopment Precinct, the Entertainment Precinct and the Pedestrian-Friendly Frontages Precinct.²²

Height of Structures

- 3.23.11** Except as otherwise provided for in Rules 3.21.14 – 3.23.20 below~~within the Pedestrian Friendly Frontages Precinct and the Priority Redevelopment Precinct,~~ all new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:²³

3.24 BUSINESS 2 (SUBURBAN SHOPPING AND BUSINESS) ZONE

- 3.24.1 Permitted Activities:** The following are permitted activities in the Business 2 Zone:

~~(J) Motor vehicle sales~~²⁴

(R) Trade retail²⁵

3.26 BUSINESS 4 (NEIGHBOURHOOD SHOP) ZONE

- 3.26.1 Permitted Activities:** The following are permitted activities within the Business 4 Zone:

(K) Caretaker Accommodation²⁶

²¹ Decision 37/15

²² Decision 37/14

²³ Decision 37/18

²⁴ Decision 37/30

²⁵ Decision 37/30

²⁶ Decision 37/37

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APPENDIX 2 - Amended District Plan Provisions

SECTION FIVE – APPENDICES

Appendix X

Insert new Concept Plan for Lorneville

PLANNING MAPS

Rezone 87 Glengarry Crescent from Residential 1 Zone to Business 2 (Suburban Shopping and Business) Zone on the District Planning Maps, see District Planning Map 11.

Note: Underline indicates additions, strikethrough indicates deletions.

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APPENDIX 3 – Concept Plan for Appendix X

