



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 42

Variation 3

Professional and Personal Service Activities

**14 March 2016, 9.00 am
COUNCIL CHAMBERS
CIVIC ADMINISTRATION BUILDING**

**Reporting Officer: Liz Devery
SENIOR POLICY PLANNER**

**Peer Reviewed by: Gareth Clarke
SENIOR POLICY PLANNER**

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TABLE OF CONTENTS

	Page
1. Executive Summary	1
2. Introduction	2
2.1 Report Author	2
2.2 Peer Review	2
2.3 How to Read this Report.....	2
2.4 Interpretation.....	2
2.5 The Hearing Process	3
3. Background	5
4. Statutory Context / Legislative Requirements.....	6
4.1 Resource Management Act 1991	6
4.1.1 Part 2 of the RMA	6
4.1.2 Functions of Territorial Authorities under the RMA.....	7
4.1.3 Consideration of alternatives, benefits and costs	7
4.2 Relevant Planning Policy Documents	7
4.2.1 New Zealand Coastal Policy Statement 2010	7
4.2.2 National Policy Statements	7
4.2.3 National Environmental Standards.....	7
4.2.4 Operative Regional Policy Statement.....	7
4.2.5 Proposed Regional Policy Statement	8
4.2.6 Regional Plans.....	9
4.2.7 Iwi Management Plans.....	9
4.2.8 Management Plans and Strategies Prepared under other Acts	9
4.2.8.1 The Big Picture	9
4.2.8.2 The Invercargill City Centre – Outline Action Plan	10
5. Analysis of submissions.....	11
5.1 Community Corrections Facilities	11
5.2 Office Activities in the Business 3 Zone	12
6. Discussion of Section 32 matters	14
6.1 Section 32AA further evaluation.....	14
7. Concluding comments	15
Appendix 1 - Recommendations in response to submissions	17
Appendix 2 - Recommended Changes to Proposed District Plan.....	23

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1. EXECUTIVE SUMMARY

This report addresses the eight submission points related to Variation 3 on “Professional and personal service activities”. No further submissions were received in relation to this Variation.

The submissions were generally supportive of the change to the definitions. However, an error was identified in Rule 3.24.1. One submission point questions the activity status of Office Activities in the Business 3 Zone, particularly as it relates to their property. One submission questions the Proposed District Plan’s approach to Community Corrections Facilities.

Recommendations in this report support the approach in the Variation and recommend accepting the Variation as notified, subject to a minor correction deleting reference to “Professional and personal services” in the Business 2 Zone.

2. INTRODUCTION

2.1 Report Author

My name is Elizabeth Ann Devery. I am a Senior Policy Planner, at the Invercargill City Council, a position I have held since January 2003. I have over 15 years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom. These roles have focused on both developing and implementing District Plans and planning documents. I hold the qualifications of LLB/BA (Hons I) in Geography.

2.2 Peer Review

This report has been peer reviewed by Gareth Clarke. Gareth is a Senior Policy Planner at the Invercargill City Council, a position he commenced in 2015. Gareth has nearly eight years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom, including four years as a Policy Planner at the Invercargill City Council. These roles have focused on both developing and implementing District Plans and planning documents. Gareth holds the qualifications of BA in Geography.

2.3 How to Read this Report

This report is structured as follows:

- Interpretation (an explanation of some of the terms used).
- A summary of the hearing process.
- A brief general background to Variation 3 – Professional and Personal Services.
- Description of the statutory framework within which the proposed provisions have been developed.
- Analysis of the submissions, including a discussion of the key issues raised through the submissions and further submissions received.
- Assessment of the proposed changes under Section 32 of the RMA.
- Concluding comments.
- Recommendations on individual submissions.
- Tracked changes of the Proposed District Plan provisions relating to Subdivision.

To see my recommendation on an individual submission please refer to the table in **Appendix 1**. The table sets out the name and relevant submission number of those that submitted on Definitions; a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

2.4 Interpretation

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“FS” means further submitter in Appendix 2

“Hearings Committee” means the District Plan Hearings Committee

“Operative District Plan” means the Invercargill City District Plan 2005
“Proposed District Plan” means the Proposed Invercargill City District Plan 2013
“Provisions” is a term used to collectively describe Objectives, Policies and Rules
“RMA” means the Resource Management Act 1991

2.5 The Hearing Process

A hearing is to be held to consider the submissions lodged on Variations 1 - 8 to the Proposed Invercargill City District Plan 2013. This report applies to Variation 3 – Professional and Personal Service Activities.

This report does not necessarily reflect the recommendations made by staff in response to submissions and further submissions on the Proposed District Plan notified in August 2013. Decisions on original submissions and further submissions have yet to be notified. It is anticipated that decisions on the Proposed District Plan, as notified, will be released at the same time as decisions on this Variation. All submissions and further submissions on these issues will be considered in the final drafting of the Proposed District Plan.

The Hearings Committee comprises of accredited Invercargill City Councillors, with the assistance of an Independent Hearings Commissioner. This Committee has heard the submissions and further submissions lodged on the Proposed District Plan. They will also consider submissions and further submissions on the Variation. The Hearings Committee has full delegation to issue a decision on these matters.

This report is prepared pursuant to Section 42A of the Resource Management Act 1991 (the “RMA”). Section 42A provides for a report to be prepared prior to a hearing, setting out matters to which regard should be had in considering a Proposed District Plan and the submissions lodged to it. This report highlights those matters that are considered appropriate by the author for the Hearings Committee to consider in making decisions on the submissions lodged. This report has been prepared on the basis of information available prior to the hearing.

While the Hearings Committee is required to have regard to this report, regard must also be given to the matters raised in submissions, and presentations made at the hearing. The comments and recommendations contained in this report are not binding on the Hearings Committee and it should not be assumed that the Hearings Committee will reach the same conclusions set out in the report having heard from the submitters and Council advisers.

The hearing is open to the public, and any person may attend any part of the hearing. Those persons who lodged a submission have a right to speak at the hearing. They may appear in person, or have someone speak on their behalf. They may also call evidence from other persons in support of the points they are addressing.

At any time during or after the hearing, the Hearings Committee may request the preparation of additional reports. If that is done, adequate time must be provided to the submitters, to assess and comment on the report. The Hearings Committee may determine that:

- The hearing should be reconvened to allow responses to any report prepared, or
- Any responses be submitted in writing within a specified timeframe.

At the conclusion of the hearing process, the Hearings Committee will prepare a written decision. The decision is sent to all persons who lodged a submission. If not satisfied with the decision the submitters have a right of appeal to the Environment Court. If an appeal is lodged, the RMA requires a copy to be served on all submitters with an interest in that matter. Any submitter served may, if they wish, become a party to the appeal either in support or opposition to it.

If there is an appeal, the Environment Court will provide an opportunity for mediation between the parties. If mediation is not accepted, or does not resolve the issues, a further hearing will take place before a Judge and Court appointed Commissioners.

Except on points of law, the decision of the Environment Court is final.

3. BACKGROUND

Adopting a centres-based approach, the Proposed District Plan was drafted to acknowledge a hierarchy of Business Zones. In order to support the business centres, along with other considerations such as amenity expectations, the provisions recognise the different functions of the various business areas in the District. These different areas are identified through zoning. The range and scale of activities permitted within these business zones varies depending on the zone's function and relationship with the business centres and the wider environment.

What was termed "commercial activity" in the Operative District Plan was broken up into a range of different terms for the Proposed District Plan, such as "Retail Sales", "Restaurants", "Shopping Mall Activities" and "Professional and personal services". The activity status for these different activities was determined depending on the role of the Business Zone.

A number of submitters on the Proposed District Plan sought clarification of the activity status of their activities. For example, one submission believed that the terms used in the Proposed District Plan failed to make provision for the full range of community and government services. There were also submissions seeking decisions that would permit what could be considered office-based activities to be permitted in Business Zones outside the business centres. Staff recommendations¹ acknowledged that the definition of "Professional and personal services" and "Retail Sales" could be amended to clarify the activity status of activities. This Variation addresses the issues relating to the terminology around activities falling within the term "Professional and personal service activity".

It was acknowledged in the staff recommendations² that there are some professional and personal service activities existing in the Business 3 (Specialist Commercial) Zone. These could continue to operate under existing use rights, but would be a discretionary activity. The report also states that the provisions were drafted on the premise that in some zones, such as the Business 3 (Specialist Commercial) Zone, office-based activities were not "permitted activities" as a way to encourage these office-based activities to locate within the core business centres, being the Business 1 (Central Business District) and Business 2 (Suburban Shopping and Business) Zones.

While the Proposed District Plan is not obligated to reflect the existing land use activities in an area, the provisions should reflect the range of activities that the community would like to see in certain areas and also ensure sustainable management results. This Variation was developed to address the activities that were previously covered by the term "professional and personal service" in light of the Objectives of the Proposed District Plan to ensure appropriate outcomes are reached. In doing this, the Variation has involved the review of the Business Zones with a view to ensure that the range of activities permitted reflects the purposes of these Zones.

¹ Recommendations referred to are set out in Section 42A Report No. 32 Definitions and Section 42A Report No. 36 Business and Industrial Zones, available for viewing on www.icc.govt.nz/public-documents/dp-review-process/

² Section 42A Report No. 36 Business and Industrial Zones, available for viewing on www.icc.govt.nz/public-documents/dp-review-process/

4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

In developing the Proposed District Plan there are a number of statutory requirements guiding the process and outlining what must be considered. While this Variation does focus on definitions, which are included in the Plan to aid in the interpretation of the document, this Variation amends provisions as they relate to the different Business Zones. As such, I have detailed below a general outline of the relevant statutory requirements and how these relate to this particular Variation.

4.1 Resource Management Act 1991

In reviewing the District Plan, the Council must follow the process outlined in Schedule 1 of the RMA.

The First Schedule procedure includes notification for submissions (clause 5) and further submissions (clause 8), holding a hearing into submissions (clause 8(b)), and determining whether those submissions are accepted or rejected and giving reasons for the decisions (clause 10).

Clause 29(4) of the First Schedule to the RMA states that after considering a plan the local authority may decline, approve, or approve with modifications, the plan, and shall give reasons for its decisions.

Under Section 74 of the RMA, in relation to changes to the District Plan, the Council must consider Part 2 of the Act (purposes and principles), Section 32 (alternatives, benefits and costs), and relevant regional and district planning documents.

4.1.1 Part 2 of the RMA

Part 2 of the RMA (ss5-8) sets out its purpose and principles of the Act.

The purpose of the RMA is set out in Section 5. It is my opinion that the matters addressed within this report fall within the purpose of the RMA of promoting the sustainable use of natural and physical resources. The amended provisions address issues including enabling people and communities to provide for their social and economic well-being.

There are no matters addressed in this Variation that relate directly to a matter of national importance listed in Section 6 of the RMA.

Section 7 sets out “other matters” for which particular regard shall be had. Those that I consider to be most relevant and that I believe have been had regard to in the drafting of this Variation are:

- (c) *The maintenance and enhancement of amenity values*
- (f) *Maintenance and enhancement of the quality of the environment*

Section 8 of the RMA obliges persons exercising functions and powers under the Act to take account of the principles of the Treaty of Waitangi. Representatives from Te Ao Marama have been involved in discussions on the matters raised in this Variation, and no significant concerns were identified.

4.1.2 Functions of Territorial Authorities under the RMA

Section 31 of the RMA states the functions of a territorial authority under that Act. Section 31(1)(b)(i) specifically states that territorial authorities have the function of controlling any actual or potential effects of the use, development or protection of land. I believe that the provisions addressed in this Variation fall within the Council's functions under the RMA.

4.1.3 Consideration of alternatives, benefits, and costs

Section 32 of the RMA states the Council's obligations in assessing the alternatives, benefits and costs.

Whilst a Section 32 report was released at the time of notification of this Variation, the Council is required to carry out a further evaluation through the hearing, consideration and deliberation process before making changes on the Proposed District Plan. Where I have recommended changes to the Variation, an assessment of the alternatives, benefits and costs of those changes is included in Section 6 of this report.

4.2 Relevant Planning Policy Documents

The RMA specifies a number of documents that need to be considered in a decision on a Proposed District Plan and the weight that should be given to these. These are addressed in the following section.

4.2.1 New Zealand Coastal Policy Statement 2010

Section 75 of the RMA requires that a District Plan must give effect to any New Zealand coastal policy statement. This Variation does not raise any issues that are relevant to the New Zealand Coastal Policy Statement.

4.2.2 National Policy Statements

In accordance with Section 75 of the RMA, a District Plan must give effect to National Policy Statements (NPS). There is no NPS that is particularly relevant to this Variation.

4.2.3 National Environmental Standards

Section 44A of the RMA prescribes how District Plans must be amended if a rule conflicts with a National Environmental Standard (NES). The rules subject to this Variation do not conflict with any NES.

4.2.4 Operative Regional Policy Statement

Under Section 75 of the RMA, a District Plan must give effect to an Operative Regional Policy Statement (RPS). The relevant RPS is the Southland Regional Policy Statement 1997.

The following policies and objectives from the Southland Regional Policy Statement (1997) are given effect to by the zone specific provisions of the Business and Industrial Zones:

Objective 10.1

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

Objective 10.2

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

Objective 10.5

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

Policy 10.7

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

The provisions seek to ensure sustainable use of existing resources and infrastructure in the built environments. The provisions for the different business zones provide for a range of industrial and business activities, however they recognise that what happens in one zone can impact on other zones. The activity status for activities detailed in this Variation addresses issues relating to the needs of future generations. It is my opinion that this Variation gives effect to the Operative RPS.

4.2.5 Proposed Regional Policy Statement

In accordance with Section 74 of the RMA, regard needs to be given to any proposed Regional Policy Statement. The Proposed Southland Regional Policy Statement was notified in May 2012. Decisions were released on the Proposed RPS on 6 June 2015. In developing my recommendations, the decisions on submissions to that policy statement form part of the considerations.

Those provisions from the Proposed RPS that are of particular relevance are:

Objective URB.1 – Urban development

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

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

Policy URB.2 – Urban development

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;*
- d) *promote the progressive upgrading of infrastructure and improvement of the quality of sewage and stormwater discharges;*
- e) *provide potable water supply;*
- f) *plan ahead for the expansion of urban areas;*
- g) *promote compact urban form; and*
- h) *promote appropriate site and building orientation that supports the principles of optimum energy efficiency and solar energy gain*

Policy URB.4 – High quality urban design

Encourage high quality urban design.

Policy URB.5 - Land use Activities

Make provision for a range of land use activities within the urban areas

The Proposed District Plan provisions addressed in this Variation seek to ensure that development within one area does not adversely impact on other areas. For example, restrictions on certain commercial activities in some areas seek to support existing business centres in others. It is my opinion that regard has been had to the provisions in the Proposed RPS.

4.2.6 Regional Plans

In accordance with Section 74 of the RMA, a District Plan must not be inconsistent with a Regional Plan. There are no Regional Plans that are directly relevant to the issues covered by this Variation.

4.2.7 Iwi Management Plans

Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an Iwi authority and lodged with the territorial authority. Ngāi Tahu has lodged an Iwi Management Plan with the Council. The relevant document is the *Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Taura*.

Te Tangi a Taura seeks to protect amenity values, commenting that natural and physical characteristics contribute to and make a place of value. Protecting these values is pivotal to understanding the links between people, language and the environment. The policies on subdivision and development in section 3.5.7 of the Iwi Management Plan focus on encouraging positive community outcomes alongside economic gain.

The issues and policies of the Iwi Management Plan have been had regard to in the development of this Variation.

4.2.8 Management Plans and Strategies Prepared under other Acts

A District Plan is required to have regard to management plans and strategies prepared under different Acts. For the District Plan review, *the Invercargill City Centre Outline Action Plan* and *The Big Picture* (both prepared under the Local Government Act) are considered relevant.

4.2.8.1 The Big Picture

The Big Picture was drafted in December 2011 after a period of consultation. This spatial plan introduced the concept of “Community Nodes”. The Inner City was identified as the principal commercial, retail and entertainment service centre of Invercargill. The Suburban Nodes at Waikiwi, Windsor and South City were identified, and Glengarry at a smaller scale, as the main suburban centres for retail, entertainment and some services. These Nodes were identified as a means of enabling those making decisions to better understand the structure of the community and states that “*the Council can reinforce the identity of the Inner City, the Community Nodes and the Community Precincts in many ways*” (page 1).

Throughout *The Big Picture* there are various statements of relevance to the approach to Business Zones in the Proposed District Plan.

The importance of the City Centre is acknowledged by statements such as it “defines Invercargill as a place” (page 14). The various roles of the centre are acknowledged as is the importance of the cumulative effects of collocating retail and business activities together.

The Big Picture also acknowledges the importance of wise long term management of areas outside the Invercargill City Centre and encourages retail activities to locate where they relate to and enhance the Invercargill City Centre. The provisions in the Proposed District Plan seek to support the City Centre by enabling a range of activities to occur there, whilst being more prescriptive about what types of activities may be permitted in other areas.

The Community Nodes are identified throughout *The Big Picture* as places to gather, do business and socialise. These areas reflect where historically suburban shopping and business centres have developed, on high ground, within the catchments of most of the city. These Nodes are seen as logical focuses for business activities that have a local clientele and that benefit from locating near each other. The provisions in the Proposed District Plan support these Nodes and provide for a range of activities within them.

Overall, the outcomes sought through *The Big Picture* have been integrated into the provisions of the Proposed District Plan with respect to the approach to commercial and Office Activities.

4.2.8.2 *The Invercargill City Centre – Outline Action Plan*

The Invercargill City Centre – Outline Action Plan was drafted in December 2011 under the Local Government Act. This plan is relevant to this Variation, particularly in relation to the hierarchy of Business Zones developed through the Proposed District Plan. The revitalisation of the City Centre was identified by the Council as one of its key priorities following concern that the viability of the City Centre was under threat.

One of the priorities identified in that report was a need for a City Centre focus in Council policies and actions. It was stated that under the Operative District Plan there was a lack of focus on the City Centre. The report identifies the potential for the District Plan provisions to aid in supporting the City Centre through provisions on the City Centre itself, as well as through its approach to other areas in the district. The report states that the City Centre needs to be given primacy as the preferred location for retail and professional offices. It recommends an overall tightening of the rules to encourage retail and professional services to the City Centre and to the suburban shopping and business centres.

Regard has been had to these other documents in this Variation.

5. ANALYSIS OF SUBMISSIONS

This report addresses eight submission points. No further submissions were received in relation to this Variation.

The submissions were generally supportive of the change to the definitions. However, an error was identified in Rule 3.24.1. One submission point questions the activity status of Office Activities in the Business 3 Zone, particularly as it relates to their property. One submission questions the Proposed District Plan's approach to Community Corrections Facilities.

The submissions addressed in this report are summarised in table form, along with recommended responses and notes advising where issues have been addressed elsewhere, in **Appendix 1** of this report.

5.1 Community Corrections Facilities

The Department of Corrections submitted raising concerns over the activity status of community corrections facilities (submission 1.1). This submission is similar to a submission that the Department of Corrections lodged on the Proposed District Plan that was discussed in the Section 42A Report No. 32 - Definitions and Section 42A Report No. 36 - Business and Industrial Zones. Representatives from the Department of Corrections presented their submission at the District Plan Hearings in April and in June 2015.

Through their submission, the Department is seeking the introduction of a definition for "Community Corrections Facilities" and permitted activity status for these activities in the Business 1, 2, 3 and 4 Zones and in the Industrial 1 Zone.

The definition that was promoted through the submission to this Variation is:

"Community Corrections Facility: Community corrections facilities being used for administrative and non-custodial services. Services may include probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, and offices may be used for the administration of and a meeting point for community work groups."

My recommendations in the Section 42A Reports No. 32 – Definitions and No. 36 – Business and Industrial Zones were that, subject to minor amendments of the definition of "Professional and personal service activity", community corrections facilities would be catered for within the Proposed District Plan and that there was no need to include this additional term. I continue to believe that there is no need to include a specific definition for this type of activity. This Variation does amend the relevant definitions, but I believe that the types of activities that are carried out within "Community Corrections Facilities" fall within the definition of "Office Activity".

I also stated in previous reports and Hearings that I felt that community corrections facilities were appropriate within the Business 1 and 2 Zones. I stand by this opinion. The Proposed District Plan has adopted a centres-based approach in relation to development in the business zones, promoting office-based activities into the core business centres in a bid to retain critical mass within these areas of the District. Community corrections facilities would not be out of place in these areas. Only part of the Business 1 Zone is identified as requiring pedestrian friendly frontages and a number of activities carried out in the Business 1 and 2 Zones have parking areas that are used for loading and unloading staff and goods. The Business 1 and 2

Zones are of adequate scale to provide for a range of activities that do not necessarily want to locate in the Priority Redevelopment Precinct.

The Business 4 Zone is a neighbourhood shop zone where office activities are not anticipated. These zones cater predominantly for the immediate neighbourhoods, providing for convenience needs and services. It would be reasonable to consider proposals for community corrections facilities and other office activities in these areas through the resource consent process. The Business 3 Zone has a role of complementing the City Centre, and permitting office activities within these areas would result in these areas competing with the centres, which would be contrary to the centre-based approach. This will be discussed in greater detail below. For similar reasons, it was not intended that office-based activities be located in industrial areas. These industrial areas are also an important resource for the district in providing areas for an important sector of the business community and the industrial zoning provisions seek to promote these areas for industrial activities without competition for land with office-based and retail activities.

I believe that there is little benefit in including an additional term in the Proposed District Plan for “Community Corrections Facilities” and that the activity status for these activities should remain the same as office activities. The resource consent, or designation, process would be an appropriate way of considering alternative locations for these activities.

5.2 Office activities in the Business 3 Zone

The R J Cunningham Family Trust submitted in opposition to the activity status of office activities in the Business 3 Zone (submission 3.3). The submitter considers that the Variation does not recognise and provide for office activity and therefore fails to cater for the wide range of business activities that are undertaken within the submitter’s business parks at 25-27 Victoria Avenue and at 115-129 Clyde Street. The lack of provision for existing office activity present in these areas was also a point raised in the submitter’s original submission on the Proposed District Plan.

The purpose of the Business 3 Zone is to provide for commercial activities and service oriented industrial activities which require a central or convenient location but not necessarily the amenities offered by the Business 1 Zone. The zone is intended to complement the Business 1 Zone, not compete with it and this is spelt out in a number of the Business Overview and Business 3 Objectives and Policies in the Proposed District Plan. The policies for the Business 3 Zone include a statement that provision for office space is limited to that associated with on-site activities.

Office-based activities are encouraged through the centres-based approach in the Proposed District Plan to locate within the core business centres in order to provide for critical mass within these areas. It is my opinion that permitting office activities in the Business 3 Zone would be contrary to the Objectives and Policies of the Proposed District Plan and weaken the planning document in this regard with the potential to compromise the effectiveness and efficiency of those business centres.

The submitter is particularly concerned with the activities that are being carried out on properties that it owns. It is acknowledged that there are activities existing on these properties that would not be permitted under the Proposed District Plan and that would be considered to be “Office Activities”. The Operative District Plan zoning was a lot more permissive in these areas than the Proposed District Plan through the Enterprise Sub-Area provisions and the range of activities permitted was broad. However, the Council is not obliged to retain that approach. The existing activities

will be able to continue to operate where existing use rights can be established. Given the planning philosophies promoted in the Proposed District Plan, I believe it is reasonable for any future “Office Activity” to be considered through the resource consent process. Any development on the submitter’s properties would need to be considered in light of existing use rights with particular regard given to the nature, scale and intensity of that development.

6. DISCUSSION OF SECTION 32 MATTERS

Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan. This requires the preparation of an Evaluation Report. This Section of the RMA was recently amended (since the notification of the Proposed District Plan) and the following summarises the current requirements of this section.

The first step of Section 32 requires that objectives are assessed to determine whether they are the most appropriate way to achieve the purpose of the RMA (as defined in Section 5).

The second step is to examine policies and rules to determine whether they are the most appropriate way to achieve the objectives. In this instance, the objectives are those proposed by the District Plan. This assessment includes requirements to:

- Identify 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)
- Identify other reasonably practicable options for achieving the objectives; and
- Assess the efficiency and effectiveness of the provisions in achieving the objectives.

An Evaluation Report was released at the time of notification of the Proposed Plan.

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.

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 means that if in its decision the Hearings Panel recommends minor changes from what was in the Proposed Plan, a further evaluation can be relatively brief.

6.1 Section 32AA Further Evaluation

Changes are recommended to Rule 3.24.1. This change is merely correcting an oversight and is considered to be minor in nature and will not alter the intent of the provision. The new terms “Commercial Service Activity” and “Office Activity” encompass the same range of activities as were covered by the term “Professional and personal services”. Therefore removing reference to “Professional and personal services” will not alter the activity status of any activities in the Business 2 Zone.

Due to the minor nature of the recommended change, further evaluation under Section 32AA is therefore not considered necessary.

7. CONCLUDING COMMENTS

This report includes discussion and recommendations on the eight submissions received on Variation 3 – Professional and Personal Service Activities. It is recommended that the Variation be accepted subject to minor changes to the provisions and, as such, the Proposed District Plan be amended to reflect these provisions.

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APPENDIX 1: RECOMMENDATIONS IN RESPONSE TO SUBMISSIONS

SUBMITTER	SUBMISSION	RECOMMENDATION
GENERAL - ACTIVITY STATUS OF COMMUNITY CORRECTIONS FACILITIES		
<p>1.1 Department of Corrections</p>	<p>Neutral.</p> <p>The submitter considers that the definitions of “Commercial Service Activity” and “Office Activity” do not provide for Community Corrections Facilities.</p> <p>The submitter considers that Community Corrections Facilities and related services should be permitted where the standards in the relevant zone are complied with.</p> <p>The submitter considers that corrections related service activities are appropriate in the Business 1, Business 2, Business 3 and Business 4 Zones as well as the Industrial 1 Zone.</p> <p>Relief sought:</p> <p>That a separate definition for “Community Corrections Facilities” be included as follows:</p> <p>“Community Corrections Facility: Community corrections facilities being used for administrative and non-custodial services. Services may include probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, and offices may be used for the administration of and a meeting point for community work groups.”</p> <p>AND</p> <p>Provide for Community Corrections Facilities as permitted activities in the Business Zones and the Industrial 1 (Light) Zone subject to appropriate development control standards.</p> <p>AND</p> <p>Consequential amendments be made where necessary to the objectives and policies of the Proposed Invercargill City District Plan in order to give effect to the relief sought in this submission.</p>	<p>Reject</p> <p>It is not considered necessary to include a specific definition of “Community Corrections Facilities” in the Proposed District Plan.</p> <p>The activities that are covered by the submitter’s definition of “Community Corrections Facilities” are covered by the definition of “Office Activity”.</p> <p>According to this Variation, “Office Activities” are permitted in the Business 1 and Business 2 Zones and would be discretionary in the Business 3 and Business 4 Zones. Office Activities are not anticipated within the industrial zones. The business zone hierarchy in the Proposed District Plan has been developed to encourage critical mass within the District’s business centres. Permitting essentially office-based activities within outlying zones would be contrary to this objective. Community corrections related services should be considered by way of resource consent in these areas.</p> <p><i>See section Five of this report for further discussion on this submission.</i></p> <p>RECOMMENDATION:</p> <p>Retain the approach to Community Corrections Facilities as provided for in the Proposed District Plan 2013 and this Variation.</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
SECTION THREE - RULES		
RULE 3.23.1		
2.2 H W Richardson Group Ltd	Support. The submitter considers that the inclusion of “Commercial Service Activity” and “Office Activity” is appropriate as a permitted activity in the Business 1 (Central Business District) Zone. Relief Sought: Retain Rule 3.23.1 as notified.	Accept It is considered that these activities are appropriate for the Business 1 (Central Business District) Zone. RECOMMENDATION: It is recommended that Rule 3.23.1 remain as notified in Variation 3.
RULE 3.24.1		
2.3 H W Richardson Group Ltd	Support in part. The submitter notes that the rule has not been adequately amended to reflect the insertion of the new definition of “Commercial Service Activity” and the removal of the definition of “Professional and Personal Services”. The submitter supports the inclusion of “Commercial Service Activities” and “Office Activities” as permitted activities in the Business 2 Zone. Further, the submitter considers that the Business 2 Zone is appropriate for its land located at 3, 9, 11 and 35 Inglewood Road, and 4 and 24 Anglem Street provided the Variation to Rule 3.2.4.1 is retained and notified. This is in line with the submitter’s submission on the Proposed Invercargill City District Plan. Relief Sought: Amend 3.24 as follows: 3.24.1 Permitted activities: The following are permitted activities in the Business 2 Zone: ... (K) Professional and personal services ... <u>(S) Commercial Service Activity</u> <u>(T) Office Activity</u>	Accept in part It is acknowledged that there has been an administrative oversight in the drafting of Rule 3.24.1. “(K) Professional and personal services” should have been deleted to be consistent with the approach promoted by the Variation, which references the term “Professional and personal services” from the Proposed District Plan. RECOMMENDATION: It is recommended that the following clause be deleted from Rule 3.24.1: “(K) Professional and personal services”

SUBMITTER	SUBMISSION	RECOMMENDATION
RULE 3.25.1		
<p>2.4 H W Richardson Group Ltd</p>	<p>Support.</p> <p>The submitter considers the inclusion of “Commercial Service Activity” as a permitted activity within the Business 3 Zone is appropriate.</p> <p>Relief Sought:</p> <p>Retain Rule 3.25.1 as notified.</p>	<p>Accept</p> <p>It is considered that Commercial Service Activities can be carried out within the Business 3 Zone without eroding the critical mass within the Central Business District.</p> <p>This change is consistent with the Objectives and Policies of the Proposed Plan for the Business 3 Zone which refer to “other service oriented activities”.</p> <p>RECOMMENDATION:</p> <p>It is recommended that Rule 3.25.1 be retained as notified as part of Variation 8.</p>
<p>3.2 R J Cunningham Family Trust</p>	<p>Support in part.</p> <p>The submitter supports the addition of Commercial Service Activity as a permitted activity in the Business 3 Zone. The submitter considers that the change will provide for a wider range of activities within the Business 3 Zone and better reflects the nature of existing land use activities present in these parts of the city.</p> <p>The submitter considers that the change is enabling and will provide for existing business activities present in the submitter’s business parks as permitted. The submitter also considers that the amendment will provide for a wider range of future business activities in these areas.</p> <p>Relief Sought:</p> <p>Retain the addition of “Commercial Service Activity” in the Business 3 Zone as promoted by Variation 3.</p>	<p>Accept</p> <p>See recommendation in response to submission 2.4 above.</p>

SUBMITTER	SUBMISSION	RECOMMENDATION
<p>3.3 R J Cunningham Family Trust</p>	<p>Oppose in part.</p> <p>The submitter notes that there is no specific change to the activity status of office activities in the Business 3 Zone. The submitter considers that the Variation does not recognise and provide for office activity and therefore fails to cater for the wide range of business activities that are undertaken within both of the submitter's business parks. The lack of provision for existing office activity present in these areas was a point raised in the submitter's original submission on the Proposed District Plan.</p> <p>Relief Sought:</p> <p>Amend 3.25.1 to include "Office Activity" as a permitted activity in the Business 3 Zone;</p> <p>OR</p> <p>Amend the Proposed District Plan to specifically provide for existing office activities within the two business parks referred to in the submission, being 25 and 27 Victoria Avenue, and 115-129 Clyde Street.</p>	<p>Reject</p> <p>It is accepted that the activity status for office activities has not changed as part of the Variation. It is also accepted that there are a number of office activities that are currently carried out within the Business 3 Zone which may have been permitted or consented through previous planning regimes. However, the Proposed District Plan introduces a change of policy. The approach seeks to promote critical mass into the core business centres. Office activities are important components of business centres and are encouraged through the Proposed District Plan to locate in these centres. It is my opinion that the activity status for office activities in the Business 3 Zone should be retained as discretionary to be consistent with the centres-based approach.</p> <p>Existing office activities may continue to operate within the Business 3 Zone so long as existing use rights can be established. This would enable activities to continue on the submitter's properties subject to the continuation of the nature, scale and intensity of the use of the property. There is no need to specifically identify each of these existing activities in the Proposed District Plan.</p> <p>RECOMMENDATION:</p> <p>Retain 3.25.1 as notified as part of this Variation</p>

SECTION FOUR DEFINITIONS		
DEFINITIONS OF “COMMERCIAL SERVICE ACTIVITY” AND “OFFICE ACTIVITY”		
<p>2.1 H W Richardson Group Ltd</p>	<p>Support.</p> <p>The submitter considers that the wording proposed in the definitions sufficiently provides for office activities and better clarifies “Commercial Service Activity”.</p> <p>Relief Sought:</p> <p>Retain the definitions of “Commercial Service Activity” and “Office Activity” as notified as part of the Variation.</p>	<p>Accept</p> <p>It is accepted that the definitions are an improvement. The definitions provide for the range of activities previously covered by the term “Professional and personal service” but the additional detail clarifies the scope of the terms.</p> <p>RECOMMENDATION:</p> <p>It is recommended that the definitions of “Commercial Service Activity” and “Office Activity” be retained as notified as part of the Variation.</p>
<p>3.1 R J Cunningham Family Trust</p>	<p>Support.</p> <p>The submitter supports the proposed change to the definition of Professional and Personal Service Activity to Commercial Service Activity.</p> <p>Relief Sought:</p> <p>Not stated.</p>	<p>Accept</p> <p><i>See recommendation in response to submission 2.1 above.</i></p> <p>RECOMMENDATION:</p> <p>It is recommended that the definitions of “Commercial Service Activity” and “Office Activity” be retained as notified as part of the Variation.</p>

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APPENDIX 2 - RECOMMENDED CHANGES TO THE VARIATION

(Underline indicates recommended additions, strikethrough indicates recommended deletions to the provisions notified in the Variation.)

SECTION THREE - RULES

3.23 Business 1 (Central Business District) Zone

3.23.1 Permitted Activities: No change

3.24 Business 2 (Suburban Shopping and Business) Zone

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

...

~~(K) Professional and personal services~~

...

3.25 Business 3 (Specialist Commercial) Zone

3.25.1 Permitted Activities: No change.

3.25.2 Discretionary activities: No change.

3.26 Business 4 (Neighbourhood Shop) Zone

3.26.1 Permitted Activities: No change.

3.26.2 Discretionary Activities: No change.

SECTION FOUR - DEFINITIONS

Commercial Service Activity – No change.

Office Activity – No change.