



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Decision No. 36

Business and Industrial Zones

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 general submissions lodged in relation to the Business and Industrial Zones, together with submissions lodged to the Business 3 and Industrial 1 and 1A Zones. Decision 37 considers submissions lodged to the Business 1, 2, 4 and 5 Zones, while Decision 38 considers submissions to the Industrial 2, 3 and 4 Zones.

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 CBD" means the Central Business District as delineated by the Business 1 Zone.

"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.

"FS" means Further Submission.

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

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

"Market Economics Report" means the Proposed District Plan Economic Assessment, prepared by Market Economics Ltd, dated May 2015.

"The Oil Companies" means Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd.

"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 on 8 and 9 June 2015.

Section 42A Report

The Hearings Committee received a report from Liz Devery, Senior Policy Planner at the Invercargill City Council, in which she outlined that the Proposed District Plan provided a centres-based approach to zoning provisions, recognising the city centre and the suburban nodes as the priority areas for retail and office-based activities. Arising from this, the permissive Enterprise Sub-Area in the Operative District Plan had not been carried through in any form to the Proposed Plan. Rather, land previously with that zoning had been split between a range of business and industrial zones, with a reduced range of permitted activities.

Mrs Devery in assessing the submissions lodged, was reliant on an economic assessment of the approach to the Business Zones in the Proposed District Plan as notified, prepared by Derek Foy of Market Economics Ltd. A copy of his report was appended to the Section 42A Report and Mr Foy spoke to this at the hearing. He highlighted that his report assessed the economic effects of the zoning changes in the Proposed Plan, and alternatives to the Proposed Plan, with a focus on the Invercargill CBD, the Showgrounds and the areas along Dee and Clyde Streets zoned Enterprise Sub-Area in the Operative Plan, and in which a broad range of retail and commercial activities are currently permitted.

Mr Foy stated that the location of retail and office activity in Invercargill is a significant issue in RMA terms, because those activities are a major influence on urban form and function, travel efficiency, and how the urban environment delivers amenity. He added that centres are important as providers of social and functional amenity and enablers of communities' well-being. He described that the Proposed Plan seeks to concentrate retail and related activity in the Business 1 - 3 Zones, to achieve community and economic benefits and avoid adverse effects on centres. In his opinion, the provisions and explanations contained in the Proposed Plan are consistent with practical experience, and the Plan's objectives relating to the location of retail and commercial activity in Invercargill are appropriate to meet the purpose of the RMA.

Mr Foy also advised the Committee that the rules and policies that are relevant relate to the zoning of areas within the City for retail and commercial activities. His assessment tested the potential effects of different zoning configurations, from which he concluded that the Proposed Plan zoning would be the most effective configuration to maintain and enhance the primacy of the CBD, by limiting the alternative locations into which retail and commercial activities can locate. He also considered that the Proposed Plan zonings would also better maintain and enhance the amenity values of the Business 2 and 3 Zones than alternative zonings, while still providing for the ongoing development of new retail and commercial activities in Invercargill.

In reply to questions from the Committee, Mr Foy indicated that when referring to the CBD he was referring to the entire Business 1 Zone. It was also his view that the CBD and commercial centres fulfilled an important role in providing a focal point for various commercial activities to come together, both in terms of enabling synergies between them and ready access by clients and shoppers. Mr Foy stressed that the location of offices within the CBD had an important role in terms of its character, bringing people into the area who are both workers and consumers of the goods and services on offer there.

Mrs Devery also referred to an increase in retail and office vacancy rates within the Inner City and a decrease of vacancies for land suitable for industrial activities. She stressed that while the relationship between these two shifts cannot be solely attributed to the approach to zoning in the Operative District Plan, it is her view that industrial space within urban Invercargill is valuable, and that, if the Council wishes to support the retention of activities within the City Centre, the Proposed District Plan should look at focusing where commercial

activities are to be permitted throughout the District. She acknowledged that locations within the Enterprise Sub-Area can be seen as attractive to non-industrial activities, particularly larger format retail which is attracted to the larger sites and the lower cost of land, but was concerned with its impacts on business areas because of loss of critical mass, and also on industrial areas because of reduced sites for industrial activities.

Mrs Devery also stated that the City Centre plays an essential role for the Invercargill community's social, economic and cultural well-being. It is her view that the resources available in the City Centre should be maintained and protected from commercial sprawl. She considers the Proposed District Plan one of the regulatory tools available to the Council to protect the City Centre resources from further decline and to encourage the enhancement of this environment. In response to questions from the Hearings Committee, she noted that the Proposed Plan incentivises the inner city location of businesses by not requiring on-site provision of parking in some areas. She also agreed that by the Council undertaking beautification works, an attractive environment for pedestrians was being provided, enhancing the location for retail and office activities.

Mrs Devery noted that the majority of submissions opposing the loss of the Enterprise Sub-Area were in relation to land in the "Showgrounds" development bounded by Victoria Avenue, the railway line, Beatrice Street and the Waihopai River, which was subject to various subdivision and land use consents in 2007/2008, creating some 71 allotments of which more than half have now been sold, although not all of these have been built on. She highlighted that a core concern of submitters and further submitters was that the proposed Industrial 1 zoning could potentially prevent investors in the area from carrying out the wide range of activities that was previously permitted under the Enterprise Sub-Area provisions, with significant financial implications for the owners. While acknowledging this was a relevant factor to take into account, Mrs Devery was of the view that the Council is not obliged to retain existing planning regimes over time and regard needs to be given to the economic impacts for the wider community and District as a whole.

Mrs Devery also noted that in 2013 prior to the notification of the Proposed District Plan, certificates of compliance were sought for a number of the properties within the Showgrounds development for a range of retail, office and light industrial activities. She also referred to the flood hazard prone nature of the land, and the risk of liquefaction, which she considered factors relevant to limiting the range of activities on this land.

In response to the option suggested by submitters to introduce a new Business 6 Zone over the showgrounds area, Mrs Devery referred to the Market Economics assessment that concluded this would not be in the interests of the community, and would be contrary to the objectives of supporting the Business centres. She also considered the range of permitted activities sought would be more permissive than any other Zone in the Proposed District Plan with no guarantee that the retail activities permitted in the Zone would be "destination based". She was also concerned with the compatibility of the range of activities permitted. Overall, Mrs Devery was of the view that a zoning of Industrial 1 was most appropriate within this area.

With regard to other matters, Mrs Devery agreed with submitters that applying a maximum floor area to retail activities will not meet the purpose of the Business 3 Zone. It was her view that the focus for the Business 3 Zone should be on the types of retail activities permitted, rather than on the scale of the retail activity. It was her recommendation that retail sales for trade suppliers be permitted within this Zone.

Mrs Devery also agreed with submitters that it was unnecessary to restrict the hours of operation and size of allotments in the Industrial 1 Zone. She considered that the noise provisions would adequately protect the amenity of neighbouring residential areas, and that

lot size was not relevant in considering the effects of activities in the zone. In response to questions from the Committee, Mrs Devery also noted that there were very few sites greater than the one hectare area referred to in the Proposed Plan. Nor did she consider that a maximum site size was needed for light industrial activities.

Also in reply to questions from the Committee, Mrs Devery accepted that home based employment and internet sales will have an impact on retailing activities in the future, but there was still a need to provide for large offices and traditional retail outlets as set out in the Proposed District Plan.

Submitters Attending the Hearing

Peter Cooper

Peter Cooper spoke briefly to the Committee noting that he owns the site in the showgrounds area leased to RD1. He considers the site size of 4,800 square metres, together with its location, meets all the needs of the tenant and customers. He considered it particularly important that large delivery vehicles and the vehicles of customers, frequently with trailers, had ready access into and through the site. He noted while dairy farm servicing by company reps were the major clients, Invercargill had a large customer base of rural-residential clients and that in a number of cases they left their vehicles on the site while undertaking other shopping in the area and within the CBD.

Mr Cooper stressed that the key consideration for RD1 setting up on the site was its zoning, in that it enabled full development of the site when established and in the future, without the need for any resource consent approval. He advised the Committee that in the future it is intended to expand the building, and he was concerned that may require resource consent approval. While recognising that the Council could amend the zoning as part of the district plan review, he considered it unfair that such a change was being pushed through soon after approval was given for the development of the Showgrounds land. He doubted other land was available in Invercargill for similar activities.

In reply to a question from the Committee, Mrs Devery indicated that under the Industrial 1 zoning any expansion of activities on the site would likely need resource consent approval depending on its scale.

Fraser Family Trust

Bill and Mary Fraser appeared on behalf of the Fraser Family Trust which owns 64 Arena Avenue and operates the business Agribusiness Training Limited, that is based in Invercargill with other sites in Timaru, Christchurch and Hamilton. Up to 20 office staff are based there, together with between 15 - 20 students with a rural background.

Mr Fraser described that prior to building at this site they had occupied two separate tenancies in town, which was not satisfactory, and while the site was currently larger for their current needs there were four (soon to be five) tenants utilising space within their building. He was concerned that resource consent would be required to change any tenancy. He saw the mix of uses in the area as compatible with their activities, and this was similar to the neighbourhood within which the Christchurch operation was located. He also had a particular concern that if there is any change in the zoning this would impact on property values. He supported the Business 6 Zone being proposed for the area enabling commercial and office development.

Mr Fraser explained that one factor resulting in their decision to locate in this area was the lack of suitable buildings and suitable sites elsewhere in the City. Mrs Fraser also expressed concern at the safety of buildings in the central area of Invercargill, one of which

she had rented and in her view should have been condemned. She also highlighted a lack of success in stimulating growth in the CBD and contrasted that to the sunny open location they are in now.

Stonewood Homes

Brendon Ackeroyd advised the Committee he has held a franchise for Stonewood Homes since 2008. He had looked for premises of a quality suitable for his business as a "new home builder" and could not locate anything appropriate elsewhere. He considers himself ancillary to activities such as RD1 and requires a site with good parking for clients and contractors, some of whom have vehicles and trailers. He is now in the same building as the Resene Paint Shop within the showgrounds development and sees that as a good fit.

Mr Ackeroyd also stated that his business brings people into town who then go shopping, and as a consequence his business and others in the area benefit the CBD. He was of the view that if businesses like RD1 and Farmlands were not in this area then they would situate further out of town, such as Lorneville, without benefit to the CBD.

R J Cunningham Family Trust

Vicki Corkill, General Manager of Russell Cunningham Properties Ltd, provided a written statement outlining that the properties of the Trust had been developed under the Enterprise Sub-Area provisions with considerable money having been invested into the development. In her view, the value of that investment will be reduced with the proposed zoning. She considers that the change in zoning is inappropriate and does not reflect the businesses already established, in particular the exclusion of "professional and personal services".

Mrs Corkill criticised the Market Economics Report for focusing on the effects of zoning changes on the CBD and in not assessing the economic effects on the tenants or land and business owners if the zoning is changed. She considered this cost is immense and should be had regard to. She added that the proposed Business 1 Zone is a large area, and migration of developments to the outer edges of the zone will not protect the CBD. She also stated that historic building issues and properties having multiple owners in the CBD are impediments to attracting redevelopment, and changing the zoning in other areas will not make the Business 1 area any more attractive to potential developers.

Luke McSoriley, resource management planner with Opus International, provided written evidence. With regard to the property at 25 and 27 Victoria Avenue he advised that the main concern was the regulatory impact of the zoning change, in particular the restriction on office related activities in the Business 3 Zone. That zoning does not reflect the existing uses of the land and any extension of existing uses or any change of use would require assessment by the Council as to whether existing use rights applied. Mr McSoriley noted that the design and construction of the buildings on the land did not readily enable use by permitted activities under the Business 3 Zone provisions.

Mr McSoriley considered the same issues arose with regard to the property at 115 - 129 Clyde Street. However, the impact of the change in zoning would be reduced if "trade suppliers" were permitted, as recommended in the Section 42A Report. In addition, he highlighted that the majority of the site was zoned Business 3, however some was also zoned Industrial 2, with the split zoning passing through an existing building. It was his view that the entire property should have a modified Business 3 zoning applying to it.

Marine South Limited

Lynley Mangoss appeared on behalf of Marine South Limited providing a written submission in which the company sought retention of the status quo for the property at 119 - 123 Bill Richardson Drive where development to a value of \$1.5 million had been undertaken for the boat business, including a showroom and workshop, with ample parking also available. Although located on 119 Bill Richardson Drive, the company wishes to expand on to the adjoining land in the future. Marine South Ltd considers their investment is at risk by the change in zoning and, because of the size of boats being carried on trailers, their activity is not appropriate in the central business area.

Mrs Mangoss stated that the Council had let the land develop into a mixed use zone under the current Enterprise Sub-Area and this should be enabled into the future. She considers it unfair for the Council to turn its back on the large number of businesses that established in this area in good faith. She said that the Council needs to be helping businesses rather than imposing further restrictions in this area. Mrs Mangoss also stated that the current retail activities of the business would need to relocate to the CBD to comply with the rules.

In response to questions from the Committee, Mrs Devery clarified that the retail component of the activities on the site were permitted where they were ancillary to the boat sale operations, although she also noted that the extent of sales of non-boat related items was of a larger scale than she had anticipated and existing use rights would apply.

Bluff Community Board

Graham Laidlaw, a member of the Bluff Community Board, spoke to the submission that had been lodged. In relation to the industrial zoning at Bluff, the Community Board believes details need to be more prescriptive for new buildings in this zone, setting out clearly what is and is not allowed. The Board also sought further detail on which industries are allowed in the zones and requested that amenity planting for new buildings be required, for example, that undertaken at the Talley's premises on Foreshore Road.

Department of Corrections

Stephanie Steadman, Senior Advisor RMA with the Department, presented written evidence highlighting that Community Corrections facilities are usually located in commercial and business areas near other government facilities such as Work and Income, the Courts and Police. She described the effort taken to locate a site for Community Correction facilities, noting assessment is required of the location of nearby sensitive receivers such as education centres, ease of access to the site, and safety considerations for staff and offenders. The relevant planning provisions are then had regard to.

As Community Corrections facilities have unique requirements as a congregating point for community work, Mrs Steadman did not favour their inclusion as part of the "Professional and Personal Services" definition, preferring a separate definition and status. She was in agreement that generic offices should not be permitted in the Business 3 and Industrial 1 Zones reinforcing the appropriateness of specific provision for Community Corrections facilities in these zones and also the Business 1 - 4 Zones. She also was of the view that as their existing site had not given rise to any issues in the past, then the use was suitable throughout the Industrial 1 Zone, thereby removing the need for any resource consent to expand or relocate the existing operation. Mrs Steadman also highlighted other provisions that would need to be added to the Proposed Plan.

In reply to questions from the Committee, Mrs Steadman indicated that the Department no longer owns sites and as a consequence designations were of no advantage. Rather,

where required, resource consent approval is sought, but the preferred approach is permitted activity status.

B and J Smellie

Julie Smellie spoke to the Committee advising that she and her husband had purchased a property fronting the main road at Bluff. At that time the land was zoned Enterprise and they had planned to develop the site as part of their business, Southern Fresh Blue Cod and Seafood. She indicated that the site was not purchased for residential purposes and such a zoning now makes the land useless. She also described a Council drain that passes through the site and considers this reduces the suitability of the site for residential use.

It is the view of Mr and Mrs Smellie that if the Council wishes to zone the land Residential then the Council should buy it. Further, given the mix of zoning for industrial and residential purposes along the road, they could not understand why this land was not left with an industrial zoning.

In response to questions from the Committee, Mrs Smellie advised that there were currently no firm plans to develop the land at this stage. She added that rezoning was not consistent with the Council's wish to encourage development in the town.

Leven Developments Limited

Luke McSoriley, resource management planner with Opus International, provided written evidence referring to the 8.5 ha property at 4 Beatrice Street. He described that the site is zoned Rural 2 in the Proposed Plan and has been used for silage production in recent years. In his view the site is suitable for urban development given it directly adjoins existing urban areas. He referred to the issues and policies stated in the Proposed Plan for the Rural 2 Zone expressing the view that none of these were relevant to this land.

With reference to the permitted activities in the Rural 2 Zone Mr McSoriley indicated that the land could be developed for rural-residential purposes into four allotments with access from Beatrice Street to the south. He considered this an inefficient use of the land given the nearby availability of roading, water and sewerage. He also noted that the keeping of animals on the land was excluded given the proximity of the land to residential properties. It was his view that a more appropriate zoning would be Business 3, particularly taking into account the greenfield nature of the land. He considered such zoning consistent with the provisions of the Operative and Proposed Regional Policy Statement.

Vicki Corkill, General Manager of Russell Cunningham Properties Ltd, provided a written statement which generally reiterated that of Mr McSoriley. She did stress however that the land is identified in the Big Picture Spatial Plan as suitable for development and noted that if the adjoining land was not being rezoned from Enterprise then the zoning of this land would not have been questioned.

In reply to questions from the Committee regarding the risk of natural hazards on the land, Mr McSoriley said that much of the developed land in the city, particularly adjacent to the Waihopai River, was in the same situation. The land is protected by a flood protection scheme and nothing in the Proposed Plan regulates liquefaction risk. He added that when any proposal is put forward then these risks will need to be considered, in the same way they were dealt with on the Showgrounds land where sites were built up to create a minimum floor level.

The Cunningham Group

Written legal submissions were provided by Andrew Schulte of Cavell Leitch Law, outlining the Cunningham Group's opposition to the rezoning of the Showgrounds Business Park to Industrial 1. It was his submission that the fundamental issue is that the proposed zoning is not the most appropriate to implement the overview business objectives. He also referred to the issue of equity and consistency of planning in terms of having been encouraged by the Operative Plan to invest in and to develop the showgrounds land in a way which the Council is now saying will not be permitted.

He also submitted:

- Such back-zoning typically requires overwhelming evidence in order to justify denying the legitimate expectations of existing use owners to ongoing planning consistency;
- The Business 6 (Business Park) Zone is the most appropriate zoning for this land in order to implement the overview business objectives. It embodies a modified status quo with additional controls;
- There are no adverse environmental effects such as hazards or amenity effects that justify zoning the Showgrounds Business Park Industrial 1; and
- Industrial 1 zoning is not the most appropriate as it would be an inefficient use of the land, which would likely be ineffectual in implementing the Council's stated goal of CBD revitalisation.

To support his submissions Mr Schulte referred to the updated *Long Bay* approach in assessing the provisions of the proposed plan as required by the RMA and set out in the Court decision *Colonial Vineyard Limited v Marlborough District Council*.

Vicki Corkill, General Manager of Russell Cunningham Properties Ltd, provided a written statement which outlined the subdivision approvals granted by the Council in 2007 enabling 63 lots to be used for activities permitted by the Enterprise Sub-Area provisions applying at that time. She referred to the millions of dollars spent by the developers and the businesses that have already established there, and the money injected into the local economy by the ongoing activities, and the rates paid to the Council.

Mrs Corkill considered a change to Industrial 1 zoning will discourage further investment in the area and will likely have a detrimental impact on the future of Invercargill. In that regard, she referred to the various Certificates of Compliance approved by the Council prior to notification of the Proposed Plan. She also considered that current businesses who wish to expand and diversify may be forced to relocate as the Industrial 1 zoning may not meet their requirements. Mrs Corkill was critical of the Market Economics Report because it did not assess the economic effects on the tenants or land and business owners if the zoning is changed. Nor did it assess the scenario of Business 6 for the Showgrounds with Business 3 in Dee Street and Clyde Street, this being the option preferred by the majority of land and business owners. In her view the Business 6 option being promoted in the submission is the appropriate outcome.

In reply to questions from the Committee, Mr Schulte advised that the Cunningham Group would accept a minimum size of retail activities within the Business 6 Zone of 300 square metres.

Tom Harrison, General Manager of Windsor Brass Ltd, made an oral presentation to the Committee describing that his distribution business could have established anywhere nationally and that if the land had an Industrial 1 zoning he would have looked elsewhere.

He considers the ability to provide good on-site parking for clients and staff a major plus. In his view it is not a good look to have vacant land in this area, and given the earthquake issues in the CBD, the ability to attract new development there is very limited. It was his opinion that “the horse has already bolted”.

Luke McSoriley, resource management planner with Opus International, provided written evidence in which he argued that the Showgrounds Business Park is an existing part of the physical environment of the City, forming an important part of the City's existing business hierarchy, and as such, the Proposed Plan should recognise and provide for the Showgrounds Business Park as an existing mixed use commercial area. In his view, the reasons given in the Section 42A Report for rejecting the Cunningham Group submission seeking retention of the Enterprise Sub-Area or a new Business 6 Zone (being natural hazard risk, residential amenity and inner city effects) are not valid grounds for retaining the proposed Industrial 1 zoning. In his opinion, the area should be rezoned Business 6 as sought in the submission, or a modified version of it.

With regard to natural hazards, Mr McSoriley noted that this land is no different to many areas in Invercargill that have been developed, and the degree of risk on the Cunningham land is the same regardless of whether the land is zoned for industrial or business purposes. Mr McSoriley was also critical that the Market Economics Report did not recognise the showgrounds as one of the city's existing business areas, and as such, the Council was selectively, rather than holistically, looking at the economic costs and benefits of the zoning regime. It is the view of Mr McSoriley that regard should be given to the objectives and policies of the Business Overview, and in that regard the showgrounds site is consistent with those.

Mr McSoriley highlighted that the Business 1 Zone includes the former City Centre Sub-Area and the Business Sub-Area, effectively increasing the size of the city centre from about 9 ha to 63 ha. He considered this would give rise to unintended outcomes, with shopping malls being permitted throughout the Business 1 area, and as a result, the approach was inconsistent with the Invercargill City Revitalisation Master Plan Report. He did acknowledge however, the Priority Redevelopment Precinct is a laudable goal, but the permissive nature of the Business 1 Zone may cancel any benefit in defining the precinct.

Given the lack of greenfield sites within both the Business 1 and 3 Zones, it is the view of Mr McSoriley that the most suitable land available in central Invercargill for large scale development on vacant sites is the Showgrounds Business Park. Mr McSoriley supported the inclusion of “trade suppliers” as a permitted activity in the Business 3 Zone, noting that as such an activity included a number of businesses at the showgrounds, trade suppliers should be permitted there as well.

In the event that the Business 1 Zone is made smaller, the Committee sought the view of Mr McSoriley as to what that area should be rezoned. In reply he stated that the emphasis should be on the Priority Redevelopment Precinct and identifying what additional measures can be undertaken to achieve the objectives being sought by the District Plan. In his view these may sit outside the District Plan. He went on to say that the submission lodged was not seeking a change to the extent of the Business 1 Zone, rather he was highlighting the issue that the expanded Business 1 Zone may be having unintended consequences for the CBD. He also accepted that if the relief sought by the Cunningham Group was granted then a variation would be appropriate to shrink the extent of the Business 1 Zone.

South Light Development Limited

Sonya Crook presented written submissions on behalf of South Light Development Ltd in support of the Cunningham Group's proposal to rezone the Showgrounds Business Park as

Business 6. Mrs Crook referred to the Council's 2015 - 2025 Long Term Plan, where the Council recognises that a prosperous business community is the key to maintaining a strong social fabric, employment and community pride. She also noted a substantial increase in the size of the proposed Business 1 Zone compared to the Operative District Plan and questioned the need for this given the low population growth anticipated.

Mrs Crook considers the increase in on-line shopping is a risk to the CBD. The earthquake risk of buildings will also give rise to ongoing concerns, as will seeking to purchase sites from multiple owners, and the amalgamation of various businesses such as accountants vacating CBD offices in favour of new offices outside of that area. She was also critical of the lack of assessment in the Market Economics Report of the social and economic benefits which the Showgrounds Business Park has given to the City, and the impacts of the various rezonings on that area. She also considered the comparing of retailing in Invercargill to major cities unrealistic. In her view comparison should have been made to other regional centres.

H W Richardson Group

Megan Justice, Senior Environmental Consultant with Mitchell Partnerships Limited, with Sue Hill, Property Manager of the Richardson Group in attendance, presented written evidence to the Committee.

Mrs Justice advised that the property owned by the Richardson Group on Inglewood Road contains offices, a dwelling and the Bill Richardson Transport Museum which is currently being expanded. She noted over 1,000 people a year visit the site to view the largest private collection of trucks, cars and petrol bowsers in the world. Mrs Justice stated that the uses on the site are currently permitted by virtue of the Enterprise zoning but under the Proposed Plan Industrial 1 Zone consents would be required to expand any activities. As a result, the Richardson Group requested a rezoning to Business 2 or 3. It was the view of Mrs Justice that the activities on the site met the objectives of the Business 3 Zone. While she accepted that cafes or restaurants were not appropriate within the Business 3 Zone, Mrs Justice was of the view that communal activities and administrative activities should be added to the list of permitted activities for that zone in this locality.

The Richardson Group also own land at Clyde Street and Mrs Justice advised that the proposed Business 3 zoning was supported, as was the amendment recommended to 2.28.3 Policy 2 and the removal of restrictions applying to the time when activities in the Industrial 1 Zone could be undertaken. However, she opposed changes recommended to the Industrial Overview Policy 1 as lacking balance and giving primacy to residential use over industrial activities. She suggested an alternative wording referring to reverse sensitivity effects.

Mrs Justice also opposed the 12 metre height applying to the Industrial 1 zone compared to the previous Enterprise Sub-Area allowable limit of 25 metres. In her view a 15 metre restriction, together with the proposed recession plane was appropriate.

Mrs Hill in reply to questions from the Committee indicated that as the business grows at the Inglewood Road site they would like to have the ability to extend the offices, and that is a key reason for seeking a change to the zoning. Mrs Justice added that these offices cannot be considered part of the other activities on the site, and they would need to be considered as a standalone activity, hence the reason for seeking separate recognition for them.

Material Tabled at the Hearing

Progressive Enterprises Limited

Mike Foster of Zomac Planning Solutions Ltd advised the Committee that Progressive Enterprises would abide by the recommendation in relation to Submission 18.3 as set out in the Section 42A Report.

Environment Southland

Gavin Gilder, Policy Planner at Environment Southland, supported the recommendation to reject Leven Developments Ltd submission 86.11 requesting 4 Beatrice Street be rezoned from Rural 2 to Business 6. He also stated that Environment Southland would be concerned if the Council decision departed from the recommendation, given the subject site is low lying and at risk from multiple hazards.

New Zealand Fire Service

Alex Strawbridge, Planner at Beca Ltd, advised that the New Zealand Fire Service would accept the recommendations in the Section 42A Report, including that recommending rejection of the submission requesting an addition to the rules to enable hose drying towers associated with fire stations to have a height of 15 metres.

The Oil Companies

Karen Blair, Principal Planner at Burton Planning Consultants Ltd advised that the Oil Companies generally agreed with the Section 42A Report. However, wording changes were requested to section 2.29 to clarify that a resource consent was required where the performance standards were not met.

Nind Electrical Services Ltd

Steve Winter, Company Director, provided a statement opposing the Industrial 1 Zone at the former Showgrounds, noting the business park is an ideal location because of its proximity to the CBD, the ability to utilise a modern building, attractive surrounds and parking for staff, and close proximity to other services. He had concerns at the loss of value of the land if the existing Enterprise Zoning is not retained. Mr Winter also referred to the company's rural and industrial client base and the location was suitable to them.

Bunnings Limited

Kay Panther Knight, Associate at Barker and Associates, advised that Bunnings Ltd supported the recommendation to accept their submission to provide for "building improvement centres" in the Business 3 Zone, but opposed the exclusion of this activity in the Industrial 1 and 1A Zones on the grounds that a Bunnings activity typically includes a large utilitarian building with large areas of parking, and such sites are usually located in industrial areas due to an inability to find suitable land in other zones. In addition, customer and service traffic generated is high, and this again favours a location in an industrial area. Ms Panther Knight also considered such an activity compatible with the amenity of an industrial area.

The Hearing for Variation 3

The hearing to consider the submissions lodged to Variation 3 was held in the Council Chambers on 14 March 2016.

Section 42A Report

The Hearings Committee received a report from Liz Devery, Senior Policy Planner at the Invercargill City Council with respect to Variation 3. In that report Mrs Devery outlined that 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”. However, submitters highlighted deficiencies in the definition of “Professional and personal services” and uncertainty as to the provision made for offices in the Proposed Plan. As a consequence, Variation 3 sought to rectify those deficiencies by amending the definition of “Professional and personal services” and introducing a new definition of “Office Activity” and “Commercial Service Activities” in its place. The Variation also listed the zones where each of these activities would be permitted.

Mrs Devery advised the Committee that eight submissions were lodged to Variation 3 and the issue of most contention raised related to the status of “office activity” in the Business 3 Zone. She was of the view that such activities should locate in the Business 1 Zone and any proposal to establish standalone offices in the Business 3 Zone should be considered by way of resource consent.

Submitters Attending the Variation Hearing

No submitters attended the hearing.

Material Tabled at the Variation Hearing

No submitters forwarded any material to the hearing.

Status of Variation 3

The Committee noted that as the Variation had reached the same procedural phase as the notified Proposed District Plan then the Variation was now deemed to be incorporated into that document.

MATTERS REQUIRING PARTICULAR CONSIDERATION

The Showgrounds

The zoning of the land bounded by Victoria Avenue, the railway line, Beatrice Street and the Waihopai River is the most contentious issue raised in submissions to the Proposed District Plan.

The Cunningham Group and various owners and occupiers of land within what they described as the Showgrounds Business Park, opposed the change of zoning from Enterprise in the Operative District Plan to Industrial 1 in the Proposed Plan. The proposed zoning was opposed primarily on the basis that the land had been subdivided in 2007 to create 63 allotments and that under the zoning applying at that time all activities other than noise sensitive activities were permitted, and the submitters considered it unfair to now

narrow the range of uses allowed on the land as the whole area is still being developed. Further, they submitted the change in zoning would limit the ability of established activities to expand.

The Section 42A Report prepared by Mrs Devery relied on an economic assessment of the Proposed Plan provisions prepared by Derek Foy of Market Economics Ltd which assessed the economic effects of the zoning changes of the Proposed Plan. His focus was on the impacts of development on the Invercargill CBD, which he defined as being the area of the proposed Business 1 Zone. In his view the provisions in the Proposed Plan are consistent with the Plan's objectives relating to the location of retail and commercial activity in Invercargill, and are appropriate to meet the purpose of the RMA. It was his conclusion that the Proposed Plan zoning would be the most effective configuration to maintain and enhance the primacy of the CBD, by limiting the alternative locations into which retail and commercial activities can locate.

Mrs Devery in her Section 42A Report referred to an increase in retail and office vacancy rates within the Inner City, and a decrease of vacancies for land suitable for industrial activities. It was her view that industrial space within urban Invercargill is valuable and that, if the Council wishes to support the retention of activities within the City Centre, the Proposed District Plan should look at focusing where commercial activities are to be permitted throughout the District. She acknowledged that locations within the Enterprise Sub-Area can be seen as attractive to non-industrial activities, but was concerned that this impacts not only the Business areas, but also affects opportunities for industrial activities on appropriate zoned land. She also considered the Proposed District Plan one of the regulatory tools available to the Council to protect the City Centre from further decline, and to encourage the enhancement of this environment. She also agreed that by the Council undertaking beautification works, an attractive environment for pedestrians was being provided, enhancing the location for retail and office activities.

Finally, while acknowledging the previous zoning was relevant, Mrs Devery was of the view that the Council is not obliged to retain existing planning regimes over time and regard needs to be given to the economic impacts for the wider community and District as a whole. In response to the option suggested by submitters to introduce a new Business 6 Zone over the showgrounds area, Mrs Devery referred to the Market Economics assessment that concluded this would not be in the interests of the community, and would be contrary to the objectives of supporting the Business centres.

Andrew Schulte, Counsel for the Cunningham Group submitted that "back-zoning typically requires overwhelming evidence in order to justify denying the legitimate expectations of existing use owners to ongoing planning consistency". Mrs Corkill referred to the expenditure already invested in the locality and the positive impact this had on the Invercargill economy. She considered that a new Business 6 Zone should be introduced within which a wide range of activities would be permitted, including community services, retail sales, cafes, communal service activities, education activities, professional and personal services, childcare and residential care activities. Luke McSoriley, a consultant planner, gave evidence in which he stated that regard should be given to the objectives and policies of the Business Overview, and in that regard the showgrounds site is consistent with those. Together with other submitters, Mr McSoriley was critical of the Market Economics Report, highlighting that the assessment undertaken was self-fulfilling, insufficient regard had been given to the impacts of the proposed changes on the Showgrounds development, and scenarios involving the Showgrounds as an option for development had not been assessed.

Other submitters described the problems of finding suitable sites for development within the CBD and this was accentuated by the heritage listing of a number of buildings, meaning they could not readily be renovated or upgraded. These submitters also described the advantages of developing large greenfield sites in the Showgrounds development, including the ability to provide adequate on-site parking in an area readily accessible to customers, and enable future expansion as businesses grew. They also argued that a location close to the Invercargill CBD facilitated additional shopping activities in that area.

Several witnesses advised the Committee that they would not have established in the Showgrounds development if the Industrial 1 zoning was in force, because of the narrow range of activities allowed and the need to obtain resource consent approval.

The Committee in commencing its deliberations recorded its support for those provisions in the Proposed Plan that sought to provide a hierarchy for business zones, noting in particular the Business 1 Zone provides for the Inner City as the main business centre for the District and the Business 2 Zones provides for the community nodes, with the other business zones complementing these key centres without detracting from their viability. The Committee supported the objectives and policies for Business Activities in the plan and the provisions applying to the specific Business Zones, noting a lack of submissions opposing these. Given the objective and policy framework, the Committee accepted that the Proposed Plan needed to be prescriptive in terms of the range and scale of activities that are considered appropriate outside the centres.

It is apparent to the Committee that there was some confusion as to the extent of the CBD as defined in the Proposed Plan. The Committee interpreted many of the comments made as suggesting the Proposed Plan was significantly increasing the size of the CBD. Mr McSoriley at one point stated that the size of the City centre was increasing from nine to 63 hectares. As the Committee understands the provisions of the Operative Plan, the CBD contains the Business and City Centre Sub-Areas and these areas are comparable to the Business 1 Zone in the Proposed Plan, including the Priority Redevelopment Precinct. The Committee understood there to be very little difference between the Business 1 Zone rules and those which applied under the Operative Plan provisions. The Priority Redevelopment Area contains incentives to encourage development in that area, and the Council had adopted a number of initiatives outside of the District Plan to enhance the central area for both people and businesses. This approach is very similar to that taken in the Operative District Plan to the City Centre Sub-Area, which comprises of a very similar landmass. The Committee therefore placed little weight on the issues related to the size of the CBD. Arising from that, the Committee also felt that some of the criticism of the Market Economics Report, and the Section 32 Assessment undertaken by the Council at the time of notifying the Proposed Plan, was overstated.

The Committee agreed with Mrs Devery that there can be no guarantee that the zoning in a District Plan applying to an area of land will be carried over on to any subsequent review of that Plan. To argue otherwise fails to recognise the dynamic nature of land use, and the needs and aspirations of the community. However, it accepted that given the extent of development which has taken place within the Showgrounds Business Area, and the ongoing sale of sections and development there, the shift from Enterprise Sub-Area to Industrial 1 was not within the wider interests of business development in the City, and was overly restrictive in the range of uses that could take place within the area. In reaching this view, the Committee was mindful of the acknowledgement of Mrs Devery that the previous zoning of the land was a relevant factor to have regard to.

In considering what zoning was appropriate to the showgrounds, the Committee dismissed outright a return to the former Enterprise Sub-Area. It considered this contrary to the objective and policy framework of the Proposed Plan, and contrary to the purpose of the

Act. Regard was given to applying a modified Business 3 Zone, but noted that this is in effect what was being sought by the submitters. The Committee therefore concluded that the introduction of a new zone, based on the Business 6 Zone provisions of the submitters was the best way forward. However, given the view of the Committee that activities should not compromise the purpose of the Business 1 Zone, the Committee had some difficulty in accepting that the full range of activities suggested by the submitters were appropriate.

At the hearing, Mr Schulte advised the Committee that the Cunningham Group would accept a minimum floor area of retail activities of 300 square metres, so that boutique and other small shops did not locate at the showgrounds. The Committee saw this concession as significant. However, the Committee noted that in the Business 2 Zone as notified the maximum area allowed for retail activities was 400 square metres. The Committee considered that the 400 square metre retail floor space cut off provided a consistency in approach that should be adopted in the Business 6 Zone. Given their size and nature, the Committee did not consider it appropriate to permit small cafes as a standalone activity in the Business 6 Zone.

Mr McSoriley in reply to questions from the Committee also agreed that some modification was required to the activities listed as permitted in the submission lodged. In that regard he accepted that residential care activities were not appropriate in this location as a permitted activity.

In order to retain the dominance of the Business 1 Zone, the Committee did not consider it appropriate to provide for offices in the Business 6 Zone. The Committee also noted the recommendation to include Trade Retail in the Industrial 1 and Business 3 Zones and concluded that such an activity was also appropriate in the Business 6 Zone. The list of permitted activities is therefore as follows:

- (A) Car parking
- (B) Commercial recreation activity
- (C) Commercial service activity
- (D) Community service
- (E) Educational activity
- (F) Essential services
- (G) Healthcare activity
- (H) Land transport activity
- (I) Light industry
- (J) Motor vehicle sales
- (K) Retail sales, where the retail floor area exceeds 400 square metres per tenancy
- (L) Service stations
- (M) Supermarkets
- (N) Takeaway food premises
- (O) Temporary activities
- (P) Trade Retail

In reaching its decision, the Committee was mindful of the criticism made of the Market Economics Report and the Section 32 Assessment undertaken at the time of the release of the Proposed Plan. The Committee considered there to be strength in the overall direction of the documents, but is accepting that the assessments are based on modelling of what could occur. Given the change in focus between the Operative Plan and the Proposed Plan, the Committee was also mindful of the need for the Council to closely monitor the

effects of the new District Plan provisions. Mr McSoriley expressed the view that if the Business 6 Zone was adopted, then regard will need to be given to reducing the size of the Business 1 Zone. He acknowledged too that such action was beyond the scope of the submissions lodged. In the Committee's view that is not a matter that requires consideration at this time. The range of uses permitted in the Business 1 Zone differs little from the Operative Plan, and activities provided for in the Business 6 Zone represents only a minor change in the activities already established there. The Committee considers that any future assessment should be undertaken once the proposed provisions have been bedded in so that their impact can be assessed on the basis of factual information, rather than through more theoretical modelling.

Beatrice Street

The land bounded by the railway line, Beatrice Street and the Waihopai River was notified as being zoned Rural 2. Leven Developments Limited considered that the land is not suited for the activities listed as permitted in the Rural 2 Zone and requests that it be rezoned Business 6.

Mrs Devery in her Section 42A Report recommended rejecting this submission noting the land was zoned Rural in the Operative District Plan and Rural 2 in the Proposed District Plan, and that reflects its past and present use. She referred to the land being an area with Level 1 risk of riverine inundation and having a very high susceptibility to liquefaction. She was also concerned that the uses permitted in the requested Business 6 Zone would have adverse effects on the nearby residential areas and on the transportation network. Her view corresponded to that of Environment Southland which supported the rural zoning because of the multiple hazards present on the land.

Mr McSoriley, resource management planner appearing for the submitter, was of the view the site is suitable for urban development given it directly adjoins existing urban areas. He referred to the issues and policies stated in the Proposed Plan for the Rural 2 Zone expressing the view that none of these were relevant to this land. In addition, he proffered that the housing of animals was not permitted on the land due to the proximity of houses. Given the nearby availability of roading, water and sewerage it was his view that a more appropriate zoning would be Business 3, particularly taking into account the greenfield nature of the land. In response to questions from the Committee regarding the hazard prone nature of the land, Mr McSoriley replied that much of the developed land in the City, particularly adjacent to the Waihopai River, was in the same situation. He said the land is protected by a flood protection scheme and nothing in the Proposed Plan regulates liquefaction risk. He added that when any proposal is put forward then these risks will need to be considered, in the same way they were dealt on the Showgrounds land where sites were built up to create a minimum floor level.

Vicki Corkill, General Manager of Russell Cunningham Properties Ltd referred to the land being identified in the Big Picture Spatial Plan as suitable for development. She also noted that if the adjoining land was not being rezoned from Enterprise then the zoning of this land would not have been questioned.

The Committee was aware of the details of the Big Picture Spatial Plan and the proposal contained in it to provide an alternate route and bridge across the Waihopai River. If this was to occur, then it would be appropriate to consider the development opportunities for the land and its zoning. Such a proposal is remote at best.

While the Committee agreed with Mr McSoriley that much of the developed land adjacent to the Waihopai River is potentially prone to flooding and at risk of sea level rise/storm surge events, it noted that the Proposed Plan promotes a precautionary approach toward natural

hazards, and that at the time of subdivision the full range of potential natural hazards would be taken into consideration.

Finally, the Committee agreed with Mrs Devery that any rezoning proposed for this land should be subject to a detailed plan change which would enable a full assessment of the effects, as well as more detailed consultation and involvement of potentially affected parties. The Committee therefore resolved to reject the submission. In doing so, it noted that with its decision to amalgamate the Rural 1 and 2 Zones, this land will now be zoned "Rural".

H W Richardson Group Ltd Land - Inglewood Road

The submitter has opposed the zoning of their land fronting Inglewood Road, Dart Street, Anglem Street and Tay Street, seeking a change from the proposed Industrial 1 to either Enterprise Sub-Area or Business 2 or 3 Zone. The land contains offices, a dwelling and the Bill Richardson Transport Museum, which at the time of the hearing was being expanded.

Mrs Devery in the Section 42A Report noted that since the lodging of submissions to the Proposed District Plan, a resource consent has been approved to construct, operate and maintain an extension to the Bill Richardson Transport Museum. This activity was permitted under the Enterprise Sub-Area provisions, but required a resource consent under the soil resource, transportation, and noise provisions. Mrs Devery noted consent was granted subject to a number of conditions and the activities can continue to operate in conformity with that consent regardless of the zoning.

Mrs Devery did not consider that the land fitted the character of the Business 2 Zone, which is intended to provide for the key suburban nodes in the District, serving a local clientele. While Mrs Devery saw some merit in a zoning of Business 3 for this area, given the destination function of the uses on the site, she did not consider this suitable given the site is not in a central location adjacent to the CBD, nor does that zoning provide for the range of activities currently approved for the site. She also opposed expanding the list of activities permitted in that zone as that would impact on all areas with Business 3 zoning to the detriment of the CBD.

Mrs Hill, Property Manager of the Richardson Group, indicated that as the business grows they would like to have the ability to extend the offices on the site and that is a key reason for seeking a change to the zoning. Mrs Justice, resource management consultant, advised the Committee that the development on the site is compatible with the objectives of the Business 3 Zone. She went on to state:

Since the submission was lodged I note that HWRG has obtained resource consent to extend the Bill Richardson Transport Museum at the site. This resource consent provides for the museum activity along with a conference facility and associated cafe/catering facilities and services. In my view, the consenting process is the appropriate mechanism to consider the effects of new restaurants and cafes locating outside of the central business areas, and I do not consider that stand alone cafes or restaurants should be permitted activities in the Business 3 zone when a centres-based framework is adopted. However, I consider that communal activities are a suitable addition to this zone.

Mrs Justice went on to state that communal activities are appropriately located in destination-type business areas and should be added to the list of activities permitted in the Business 3 Zone. She also considered that a site specific rule should be provided to enable offices on the site.

In considering this matter, the Committee was aware of the history of the site, the significance of the activities taking place there and their scale as provided for by the approved resource consent. It particularly noted that under the Enterprise Sub-Area provisions, resource consent had been required because of a shortfall in the quantum of parking being provided on the site. It noted that any expansion of activities, including offices, would similarly require resource consent approval under the provisions of the Proposed Plan. A change in the zoning of the land as sought by the submitter would not overcome the need for such a consent.

The Committee in assessing options for the zoning of the land, noted that the activities permitted in the Industrial 1, Business 2 or Business 3 zones fully encapsulated all of the activities currently being undertaken on the land. The Committee did not favour expanding the list of activities permitted in the Business 3 Zone to include "communal activities" as sought by Mrs Justice because it would enable such uses to establish in other areas with that zoning as well. In that regard, the Committee agreed with Mrs Devery that such a change was not consistent with the centres approach being promoted by the Proposed Plan. Nor did the Committee favour the addition of a site specific rule enabling offices as a permitted activity on the site without any limit as to extent. In such circumstances, it considered future expansion of activities such as offices should be considered by way of resource consent so that the effects of the activity could be fully assessed.

Taking these factors into account the Committee concluded that the appropriate zoning of this land was Industrial 1. It therefore rejected the relief sought by the submitter.

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 with 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, including:

- In the Business 3 Zone a new policy on crime prevention and permitting drive-through facilities; and
- In the Industrial 1 Zone, removing the restrictions on hours of operation and lot size and encouraging amenity screening and landscaping along street frontages.

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 Objectives, Policies and Rules that differ from Mrs Devery's recommendations. Some changes are minor amendments that do not require further evaluation. The amendments that do require some evaluation are as follows:

- Introducing Caretaker's Accommodation into the Proposed Plan and permitting this activity within the Business 3 and Industrial 1 Zones.
- Permitting "Trade Retail" in the Industrial 1 Zone.
- Introduction of the Business 6 (Business Park) Zone.

It is noted that the terms "Drive through facility" and "Trade Retail" have been introduced into the Proposed District Plan through Decision 32 – Definitions. An evaluation of these terms has been included in that Decision and in the relevant Section 42A Report.

"Caretaker's Accommodation"

This decision introduces the term "Caretaker's accommodation" into the Proposed District Plan and includes a definition of the term, as follows:

Caretaker Accommodation: means a building or part of a building used for accommodation of a caretaker, security staff, or other staff required to be located on-site, that is associated with and ancillary to a permitted activity on the site.

This decision also deems "Caretaker Accommodation" to be a permitted activity in the Business 3 and the Industrial 1 Zones. The Noise Rules are amended to require acoustic insulation for all noise sensitive activities in these Zones.

This amendment is of such a minor nature that it is not necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes.

This decision will provide business owners the opportunity to have staff on site overnight, which may be a functional need for certain land use activities where on-site maintenance and/or security staff may be necessary for their activities. This amendment will reduce potential administration and consenting costs.

The night-time noise limits in these Zones are not consistent with the World Health Organisation recommendations for a healthy residential environment. As such, the provisions requiring noise insulation for these activities included through this decision will

ensure some protection for the staff accommodated on site. While this requirement may add costs to the developer, the benefits of these requirements are ensuring a healthy living environment.

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

“Trade Retail” in the Industrial 1 Zone

This amendment will permit trade retail to occur within the Industrial 1 (Light) Zone as a permitted activity. No changes to the Objectives are made through this amendment.

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.

Below are the most relevant Objectives from the Proposed District Plan, which have been considered:

Industrial 1 Zone 2.29.2

Objective 1: The ongoing maintenance and development of the zoned areas for light industry within the built up area of the Invercargill City District is provided for and encouraged.

Objective 2: A range of light industrial activities including depots, wholesaling, warehousing, service activities and ancillary retailing are enabled to locate near or adjacent to, but not scattered throughout residential areas.

Objective 3: The amenity values of the Industrial 1 Zone are identified, maintained and enhanced.

Industrial 1 Zone 2.29.3 Policy 1, as set out below, also sets out quite clearly the expectations of uses in the Industrial 1 Zone.

Policy 1 Industrial 1 (Light) Zone: To provide for a range of light industrial, wholesaling, warehousing and service activities of a nature, size and scale appropriate near residential areas

The Objectives and policy refer to wholesaling and ancillary retail. This evaluation should consider whether trade retail falls within the scope of activities sought for these areas. The alternatives considered for this evaluation are simply either including these activities as permitted activities, or requiring these activities to get resource consent to locate in these areas.

The Business 1 Zone comprises of a geographical area that could sustain many trade retail activities. There are a number of trade retail activities currently located within the Business 1 Zone. The Proposed District Plan also provides opportunities for this type of retail activity in the Business 2 and 3 Zones and the Business 6 Zone. Permitting these activities within the Industrial 1 Zone may adversely affect the centres-based approach taken in the Proposed District Plan that seeks to encourage business and retail activities into the district’s core business centres.

The approach in the Proposed District Plan was to protect the Industrial Zone environments from other competing business activity. With a limited supply of land available in the District

for industrial activities the Plan moved from the laissez-faire approach in the Operative District Plan, in part to ensure that there was industrial land available for industrial uses. Enabling retail, beyond ancillary retail, may lead to competition over the resource of land in the Industrial 1 Zone.

The definition of Trade Retail does not specify that this retail is “wholesale retail”. There is no limitation on the focus of the retail and will include sales to the general public. However, the type of goods that this definition limits the retail to may mean that much of this retail activity may support many industrial activities. The list of permitted activities for the Industrial 1 Zone as proposed does not provide for any other wholesale activity, other than ancillary retail activity. The inclusion of Trade Retail will therefore provide the opportunity for wholesale activities promoted through Objectives and Policies that was otherwise not available through the Proposed Plan.

Trade Retail activities may not require the same environment as other retail sales activities, in terms of anticipated amenity, and may be compatible with the Industrial 1 Zone. The type of retail sales provided for in the definition indicates that these activities will be more “destination” based retail, requiring customers to travel by vehicle, as opposed to comparison shopping with high foot traffic expectations. These activities may in effect be similar to warehouse activities, with large areas of bulk storage.

The amenity provisions for the Industrial 1 Zone were developed to recognise that these areas of the District adjoin, or are close to, residential areas. The environmental standards for the Industrial 1 Zone should ensure that the scale and effects of the Trade Retail activities carried out in this Zone are controlled and kept consistent with the context of the site.

There are risks in enabling Trade Retail within these areas of the District. However, the change does provide for wholesale activities, as sought by the Objectives for the Industrial 1 Zone.

Business 6 (Business Park) Zone

This decision also provides for the introduction of a new Business 6 Zone in the “Showgrounds area”. This area is that land bounded by Victoria Avenue, the railway line, Beatrice Street, and the Waihopai River. This land was zoned Industrial 1 Zone in the Proposed District Plan. However, this decision includes introducing a Business 6 (Business Park) Zone for this land. The following is an assessment of the amendments to the provisions within this area.

(a) Scale and significance

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 could impact on the social and economic well-being of the community through the distribution of business and industrial activity.
2. The “Showgrounds” area comprises of approximately 28ha of land. This land is currently subdivided into 62 properties owned by 27 different owners that are directly affected by this amendment.

(b) *Objectives*

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.

Whilst there are overarching Objectives and Policies for the Business Zones that these provisions must be consistent with, this amendment also introduces new Objectives into the Proposed District Plan. These Objectives are:

2.27 BUSINESS 6 (BUSINESS PARK) ZONE

2.27.2 Objectives

Objective 1: The maintenance and ongoing improvement and development of the zoned areas for wholesaling and other service oriented activities, conveniently located adjacent or near to the City Centre and easy to access by motor vehicle.

Objective 2: The identification, maintenance and enhancement of the amenity values of the Business 6 Zone.

The viability of the business centres is important for the Invercargill community. Objective 1 enables people and the community to provide for their social and economic well-being by enabling a range of activities to continue and to develop on land within this Zone, within the context of the wider approach to business and industrial activities in the District.

The maintenance and enhancement of amenity values are matters identified in Section 6 of the RMA that should be regarded. The additional Objective 2 is therefore addressing a valid matter in terms of managing the natural and physical resources both within the Zone and within the Invercargill City District.

(c) *Are the policies, rules and other methods the most appropriate for achieving the Objectives?*

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.

Below are the most relevant Objectives from the Proposed District Plan, which have been considered alongside the Objectives added by this amendment:

2.21 BUSINESS OVERVIEW

2.21.2 Objectives

Objective 1: Maintenance of the hierarchy of business areas reflecting their different functions.

Objective 2: Businesses will locate and group in the appropriate zones for those businesses.

Objective 3: Critical mass will be maintained in each of the business groupings.

Objective 4: The pattern of business activity will not become dispersed.

(d) *Options for consideration*

Four alternatives have been identified for consideration:

Option A – Retaining the Enterprise Sub-Area

Option B – Amending zoning to Business 6 (Business Park) Zone – as promoted by the submitters

Option C – Amending zoning to Industrial 1 (Light Industry) Zone

Option D – Amending zoning to Business 6 (Business Park) Zone – with limits on the range of activities permitted

(e) *Assessment of effectiveness and efficiency of options*

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.

1. Effects on owners of properties in the Showgrounds

The Enterprise Sub-Area and the Business 6 Zone option as proposed by submitters are both very permissive in terms of the range of activities permitted. The “Showgrounds” was in the Enterprise Sub-Area under the Operative District Plan. Changing the zoning to Industrial 1 Zone significantly reduces the range of permitted activities. This will adversely affect the land owners and occupiers in the area. While effects on property valuations are not a matter that can be considered through the RMA, such a change will have an economic impact on growth opportunities within these areas. However, the Enterprise Sub-Area provisions and the Business 6 Zone model promoted by the submitters would result in few controls over the range of permitted activities, resulting in the potential for a range of incompatible activities locating within the vicinity of each other. This approach would allow for heavy industry to locate next to retail. As Mr Fraser stated at the Hearing, he was uncomfortable leasing out their property to businesses that involved the operation of forklifts due to the incompatibility of this type of activity with the other activities in their building. This is just one example where an open, widely permissive zoning regime could result in unanticipated environmental effects. Retaining provisions that enable a wide range of activities would not be an effective means of avoiding, remedying or mitigating adverse effects of activities on the environment.

Land owners and occupiers may have moved into the area with an expectation that certain activities will be established in the immediate environment. There are a number of benefits for activities to locate in the vicinity of other similar activities and reducing the range of permitted activities may result in opportunity costs for those businesses established in the area. If the development does not eventuate as it may have been marketed to the existing activities, then those businesses may become isolated from their peer market. However, even with a very permissive approach there is no guarantee that the desired activities will eventuate. Landowners will be able to sell or lease their land to any business or industry and the realities over time may not be the environment initially marketed. Both the Enterprise Sub-Area and the Business 6 Zone as promoted by submitters are very permissive in terms of the scope of activities permitted. While it may mean that consents are needed for some activities, options that are more directive in terms of the range of activities anticipated within the area will provide greater certainty as to the environment anticipated over time and can be used to ensure greater cohesion of activities, grouping similar activities together.

Reducing the range of permitted activities may result in some existing activities requiring resource consent should the nature, scale or intensity of their development change over time. This could be viewed as inhibiting economic growth. There are no prohibited activities. The effects of any expansion or change of use will be

considered through the resource consent process. This is a cost to businesses. However, the centres-based approach promoted through the Proposed District Plan seeks to encourage certain activities, such as office activities and retail, to locate within the Business centres. There are opportunities for development within these core centres. There has been criticism by the public of decisions made in the past enabling large format and other retail shopping and business activity on the outskirts of the business centres and the effects of such development on the function of the city centre. Consideration of the alternative sites, and the effects of developing land on the outskirts of the business centres are valid considerations that can be considered when processing resource consents.

2. Effects on the business centres

The economic assessment report prepared by Derek Foy found that the Industrial 1 Zoning of the Showgrounds will have the least effects on the core business centres than the other options. The report also assessed the Enterprise Sub-Area provisions and the Business 6 Zone provisions as sought by submitters. The assessment did not include discussion on the amended Business 6 Zone concept. The findings of that economic assessment were that it was valid to seek a more compact urban form and to encourage co-location of activities within a defined area, rather than enabling the full range of activities to spread further. One of the benefits of this approach was that restricting certain business activities from locating outside the identified business centres would result in a more coherent, functional and vibrant city centre.

A significant focus of the overall Business Objectives is to ensure that the right sort of activities are located in the right business areas to encourage critical mass and to discourage the dispersal of business activities. Controlling the location of retail sales and office activity is one way of meeting these Objectives. These activities are vital to the function of the core business centres. Essentially, office activities bring workers, and workers are consumers and without consumers it is difficult to attract retail and hospitality businesses to the area. For example, many retail companies use foot traffic counts to determine whether they can set up a franchise in the different areas. If workers are not within walking distance of the Priority Redevelopment Precinct then they are less likely to go to town during the weekdays and it will be increasingly difficult to attract activities to the Invercargill City District's core business area. For example, submitters stated at the Hearing that they would like cafes to be permitted in the showgrounds area because there is nothing close enough to cater for the staff working in that area, even though there are options available on Leven Street and Dee Street. Development attracting workers and the general public to the outskirts of the core business centres may be contrary to the Objectives of the Plan.

The economic assessment report prepared by Derek Foy of Market Economics details the benefits for centres from co-location, clustering and concentration of similar or related activities. The report refers to the ability to access customers and suppliers, share facilities and infrastructure and achieve economies of scope and scale. The Section 32 report prepared for the notification of the Proposed District Plan states that businesses gain from geographic association. Locating in the same areas as other successful businesses gives them credibility. If groups of properties become run down and vacant, that this affects the ability of other businesses in the zone to survive and prosper. "Critical mass" refers to a number of businesses in a group necessary for those businesses to draw strength from locating near to each other. Dispersal not only reduces the potential for mutually beneficial groups of business, but also is costly in terms of transportation and other infrastructure

planning, and can be inconvenient for clients and for the public. Including provisions within the Proposed District Plan that control the location of office activities and retail, will benefit the wider business community, particularly those businesses that are currently located within the business centres.

The Enterprise Sub-Area and the Business 6 Zone provisions include few restrictions on retail activities, apart from controls on shopping malls in the Business 6 Zone. Without controls on retail activity there is no guarantee that fine grain retail, such as small boutique stores and “high street” retail shop would not go there. Were this to happen, this would result in a dispersal of business activity that would undermine the critical mass of the business centres.

Large format retail and trade supply activities could legitimately locate within the bounds of the business centres, which are geographically large enough to cater for this type of development. These types of shops can act as anchors for business centres, particularly where they are located within walking distance of the centres. Permitting these activities within the showgrounds area has the potential to lead to some dispersal of retail and business activity from the centres. However, these activities could fit within a business park context, which is identified as being a location for vehicle oriented, destination shopping. The business centres would benefit greater if these activities were located within them, however, the showgrounds area is close to the Business 1 Zone and there may be some peripheral benefits. As opposed to the Industrial 1 Zoning promoted in the Proposed District Plan as originally notified, which did not permit retail sales, this approach would benefit the owners of land within the showgrounds area, providing wider scope for potential activities, but will have less benefits for the businesses in the other business centres.

3. Complexities of developing within the business centre

There are different issues facing developers in the existing business centres and the showgrounds.

The old buildings and existing subdivision patterns can be seen to be a hindrance to development within the identified business centres. There are a number of protected heritage buildings within the Business 1 Zone. While these buildings only account for a small proportion of sites, the development of heritage sites can involve significant time and costs that would not be faced when developing other sites. Demolition of existing buildings and the potential need to subdivide or amalgamate land within the business centres could be seen as too big an initial cost for developers. Including provisions within the Proposed District Plan that make it easier for office activities and retail sales within the Business 1 Zone is a regulatory method to encourage the regeneration and reuse of existing buildings and infrastructure in the business centre.

There are also buildings within the Business 1 Zone that could benefit from some maintenance and upgrading. It is acknowledged that such work will involve costs to the landowners and occupiers. However, if there are no activities wanting to develop in the Business centre, then there will be little incentive for these buildings to be maintained and upgraded and they will become further degraded and potentially hazardous. District Plan provisions are one means of encouraging businesses to locate in the business centre, as opposed to other Business Zones, to provide some incentive for land and building owners to consider upgrading or replacing structures.

Much of the showgrounds land is currently vacant and with larger properties than much of the Business 1 Zone. Development on these sites is seen to be easier and involves less cost upfront for the developer. Once the sites are developed, this advantage may no longer exist. However, having more permissive provisions for development in the showgrounds area than in the business centres would not achieve the centres-based objectives.

It should be noted that subdivision is discretionary in the Business zones. The presence of natural hazard risk will need to be considered through this consent process. Parts of the showgrounds area are identified as being subject to multiple natural hazards, whilst the Business 1 Zone is relatively hazard free. While there are only land use rules on residential development within areas at risk from riverine inundation, hazards are a significant issue that will be considered as part of any discretionary or non-complying resource consent application and particularly at the time of resource consent.

4. Growth

The latest Statistics New Zealand data available for the Invercargill City District, projects that, using medium growth projections, between 2013 and 2033 there will be an increase of about 2,400 new residents in the Invercargill City District. Encouraging the consolidation of the business areas and the regeneration and reuse of existing built up areas and existing infrastructure are important given the relatively slow growth projections for the District, and the growing number of vacancies in the existing city centre. Having planning provisions that clearly state a preference for retail and office activities to locate within the Business centres is one method of providing an incentive for development within the existing business centres, rather than dispersing into the wider District.

A number of submitters stated that they believed that the permissive provisions in the showgrounds development led to growth for the District. Currently the majority of the businesses in the Showgrounds development are businesses that have relocated from other sites within the Invercargill City District. There is no evidence that new businesses have yet been drawn into the District as a direct result of availability of land in the showgrounds development. These businesses have, however, arguably upgraded their facilities and some may have increased the size of their operations.

5. Conclusion

The efficiency and effectiveness of the different options in meeting the Objectives of the Proposed Plan has to be considered under the RMA. Based on the matters discussed above, the Enterprise Sub-Area option is not considered to be an efficient or effective means of meeting the Business Overview Objectives. This option, along with the Business 6 model promoted by submitters, has the potential to undermine the hierarchy of business zones, with the dispersal of business activity outside the core business centres. Enabling a full range of activities also provides little support for the function of the showgrounds area with few guarantees that the Zone will be developed for wholesaling or other service oriented industries and activities. Permitting activities such as heavy industry and retail activities within the same zone will not promote a coherent environment with clear amenity expectations.

The Industrial 1 Zoning, being more restrictive in the scope of permitted activities, provides greater surety as to the environment anticipated. However, these provisions may control activities that could otherwise be appropriate in a zone for wholesaling and service oriented activities. While this may benefit other business

areas of the District, such an approach would adversely affect landowners and occupiers in the zone.

The modified Business 6 Zone provisions include controls that were not present under the Operative District Plan and that are not included in the submitters' preference. These controls will ensure full consideration of effects is carried out should activities such as heavy industry, office activities and some retail sales activities wish to develop in the showgrounds area. This may be a cost to land owners and developers, however the approach is an effective means of meeting the Business Overview Objectives and the Business 6 Zone Objectives.

(f) *Risks of acting or not acting*

The Proposed District Plan as notified identifies the showgrounds development as being within the Industrial 1 Zone. The risks of leaving the provisions as notified include the potential increase in costs for developers wishing to carry out business within the area through the consent process. Where the options for all retail and office activities are limited to the other Business Zones, there is a chance that developers will be faced with increased costs for redevelopment of existing buildings and properties that may not be required for developing vacant sites in the showgrounds area. These additional costs may inhibit businesses from upgrading or redeveloping. The Industrial 1 Zone provisions will also inhibit some existing activities from extension or upgrade, where such a development can no longer meet existing use rights. There is also the risk that the provisions are not accepted by the landowners.

Changing to a modified Business 6 Zone for the showgrounds development involves a number of risks. These risks include the potential for large format retail and trade supply activities establishing within the zone. This may draw business from the Business centres leading to the dispersal of critical mass and increasing the number of vacant premises among the activities that remain in the core business zones. The modified Business 6 Zone is less permissive than the Business 6 Zone provisions promoted by submitters. There is a risk that the modified provisions will not be accepted by the landowners.

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 ZONES	
Business General	
<p>3.3(a) Department of Corrections The Proposed Plan fails to make adequate provision for social and government services. Corrections related service activities and the associated facilities are service oriented activities and should be permitted activities within the Business 1, 2 and 3 Zones.</p> <p><u>Decision Sought:</u> That community based Corrections services are provided for as permitted activities in the Business Zones.</p>	<p>Decision 36/1 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. As noted in Decision 32/8 Definitions, the administrative and non-custodial services of the Department of Corrections give rise to the same effects as office activities. "Office activities" are now listed as permitted in the Business 1 and 2 Zones and discretionary by default in the Business 3 and 4 Zones. 2. For the same reasons that particular regard is given by the Department of Corrections in selecting sites for their use, in other zones the suitability of Corrections related services should be considered by way of resource consent.
<p>53.33 NZ Transport Agency The submitter supports the general approach taken by the Council in respect of the Business zones applied throughout the City, noting that there is a focus on applying different zones with different performance standards for each discrete character, and supports the outcomes that promotes. Retain the general approach taken within the Business Zones of the City.</p> <p>81.1 Progressive Enterprises Ltd The submitter is generally supportive of the centres-based approach to providing for the business areas of the City which acknowledges the role and function of these areas in providing for the needs of the whole community.</p> <p>FS45.2 Leven Development Ltd supports in part Submission 81.1 agreeing that the Plan should provide for business areas of the City and acknowledges the role and function of these areas in providing for the needs of the whole community. However the further submitter considers that the Plan has failed to do this in relation to some of the mixed use areas in the city, such as the</p>	<p>Decision 36/2 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The original submitters support the general approach adopted in the Proposed Plan in dealing with business areas. 2. The matter raised by Leven Development Ltd in relation to the Showgrounds goes beyond the scope of the original submissions and cannot be acted upon in the context of this submission. 3. Minor amendments to business zone provisions recommended in response to submissions below will not affect the overall centres-based approach to business zones within the Proposed District Plan.

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<p>“Showgrounds”. The further submitter considers that the “Showgrounds” is occupied by a mix of business uses and should be zoned in a manner that reflects the activities already being undertaken there as permitted activities.</p>	
<p>84.4 Leven Investments Ltd, Victoria Estate Trust, Russell Cunningham Properties Ltd and Showgrounds Mall Ltd Support in part. The submitter supports the general approach of zoning for a range of business zones, but submits that a new Business 6 Zone should be introduced. The submitter considers that the five Business Zones proposed do not adequately cover all established business land use activity in the city.</p> <p>The submitter refers to the existing mixed use business zone that has established on the land between Victoria Avenue, the railway line, Beatrice Street and the Waihopai River and suggests that it should be zoned for business with the permitted activities listed in the Plan reflecting the land uses already present or covered by Certificates of Compliance.</p> <p><u>Decisions Sought:</u></p> <ol style="list-style-type: none"> 1. Introduce plan provisions for a new Business 6 Zone (details of the proposed Business 6 Zone set out in the submission). 2. Change the proposed zoning of the land from Industrial 1 to Business 6 Zone 3. Amend Planning map 8 to show Business 6 Zone in this area. <p>FS23.1 South Light Development Ltd, Sonya Crook and Ian Crook, FS37.1 Peter Cooper, FS40.1 Bill Fraser, FS42.1 Neville Hayes, FS43.1 Dave Edminston, FS45.3 Leven Development Ltd, FS47.1 Paul Ruddenklau, FS48.1 Allan McPhee, FS50.1 Chris O’Sullivan and FS51.1 Stephen Winter support Submission 84.4 stating the Industrial Zone proposed for the former showgrounds site does not adequately cover all established business land use activity in this area. The further submitters consider this part of the City is a mixed use business zone and has been able to develop as such under the Operative Plan. The further submitters endorse the suggested introduction of plan provisions for a new Business 6 Zone.</p> <p>FS38.1 Murray Cruickshank supports Submission 84.4 noting he moved to the area to retain good profile, access, be part of the future growth for large retailers and similar service providers. The traffic flow and zoning for this development</p>	<p>Decision 36/3 This submission is noted</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. This submission supports the general approach to zoning. 2. Issues relating to the zoning of the Showgrounds area are considered in Decision 36/50

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<p>also provided future expansion options for the submitter's operation. The further submitter considers the rezoning removes the intent of development design and at a minimum believes Business 6 Zone is required to ensure existing and new operators can achieve the growth for business and the Invercargill community. The further submitter also considers that the Industrial Zone proposed for the former showgrounds' site does not adequately cover all established business land use activity in this area. This part of the City is a mixed use business zone and has been able to develop as such under the Operative Plan. The further submitter endorses the suggested introduction of plan provisions for a new Business 6 Zone.</p>	
<p>85.1 R J Cunningham Family Trust The submitter is concerned that proposed business zoning does not always reflect the established activities. The submitter considers that changing zoning will be inequitable and have a substantial detrimental effect on the respective property and its value and opposes zoning of land which is inconsistent with its existing permitted use.</p> <p><u>Decision Sought:</u> Review zoning of all areas where existing businesses operate and change zoning to ensure that existing businesses are permitted both now and in the future if replicated.</p> <p>FS11.8 H W Richardson Group Ltd supports in part Submission 85.1 insofar as it relates to the proposed zoning regime under the Proposed Plan. The further submitter considers that there has been inadequate consideration of the underlying activities which occur on existing sites, particularly as it applies to the further submitter's landholdings.</p> <p>FS23.2 South Light Development Ltd, Sonya Crook and Ian Crook, FS37.2 Peter Cooper, FS38.2 Murray Cruickshank, FS40.2 Bill Fraser, FS42.2 Neville Hayes, FS43.2 Dave Edminston, FS45.4 Leven Development Ltd, FS46.4 Leven Investments Ltd and others, FS47.2 Paul Ruddenklau, FS48.2 Allan McPhee, FS50.2 Chris O'Sullivan and FS51.2 Stephen Winter support Submission 85.1 stating that the zoning should reflect land use activities established under the Operative District Plan, either as permitted activities, or allowed through resource consent or certificates of compliance. The further submitters oppose the zoning of the Showgrounds as it is inconsistent with existing permitted uses.</p>	<p>Decision 36/4 This submission is rejected</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. This submission is of a general nature not applying to any particular area of land. As a consequence, it is not practical to undertake an assessment of all existing uses and whether the zoning allows for those uses as a permitted activity. 2. Where an activity is legally established, and as a consequence of rule changes activities are no longer permitted, existing use rights will apply. The RMA therefore does not envisage that existing activities will be provided for as permitted in any subsequent District Plan review. 3. Issues relating to the zoning of the Showgrounds area are considered in Decision 36/50.

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SECTION 2.21 ISSUES, OBJECTIVES AND POLICIES	
<p>81.2 Progressive Enterprises Ltd The submitter generally supports the objectives and policies for the Business Zones. The submitter notes difficulties in expanding its existing assets within the current zones due to problems associated with land ownership and multiple parcels of land being required.</p> <p>106.3 Trevor Thayer Supports objectives set out in 2.21.2 – Objectives 1-4 stating the vision required in the plan is to picture the city in the next decade ahead. There is a need to encourage a large anchor back in the city, to encourage landlords / investors to do things in the years ahead as they can afford to. The submitter would like to support some CBD parking that is not piecemeal.</p> <p>53.34 NZ Transport Agency Support Policy 2 Zoning stating that the expectation that businesses locate within their anticipated zone supports an integrated planning approach and a sustainable transport infrastructure. Retain Policy 2 as proposed.</p>	<p>Decision 36/5 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters generally support the objectives and policies and seek no change to them.</p>
BUSINESS 3 ZONE	
SECTION 2.24 ISSUES, OBJECTIVES AND POLICIES	
Introduction	
<p>65.61 ICC Environmental and Planning Services The submitter notes that there are no areas zoned as Business 3 that fit within the definition outlined in (C). Remove clause (C) from the introduction.</p>	<p>Decision 36/6 This submission is accepted.</p> <p>Amendments to District Plan Remove clause (C) from the introduction.</p> <p>Reason The amendment corrects an error in the wording.</p>
Objectives and Policies	
<p>3.4 Department of Corrections The Objectives and Policies in the proposed plan fail to make adequate provision for the full range of community and government services. Amend the explanation to Policy 1 by deleting the last sentence as follows:</p>	<p>Decision 36/7 This submission is rejected.</p> <p>Amendments to District Plan</p>

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<p>Neither is the zone intended to make provision for office buildings.”</p> <p>FS46.6 Leven Investments Ltd and others support Submission 3.4 stating the Objectives and Policies fail to make adequate provision for the full range of community, government services and office use generally. The further submitter believes that the Business 3 Zone should not be unduly restrictive in terms of the types of commercial land use activities permitted and that the objectives and policies should be amended to provide for office activity.</p>	<p>None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The Proposed Plan provides for office buildings to locate within the Business 1 and Business 2 Zones, in an attempt to encourage these types of activities to co-locate and concentrate in appropriate locations. 2. For the same reasons that particular regard is given by the Department of Corrections in selecting sites for their use, in other zones the suitability of Corrections related services should be considered by way of resource consent.
<p>65.62 ICC Environmental and Planning Services</p> <p>Support 2.24.3 Policy 1 Business 3 (Specialist Commercial) Zone subject to amendment of typo. Remove the comma between the words “locations” and “which”.</p>	<p>Decision 36/8</p> <p>This submission is accepted.</p> <p>Amendments to District Plan</p> <p>Amend Policy 1 Business 3 (Specialist Commercial) Zone by removing the comma between the words “locations” and “which”.</p> <p>Reason</p> <p>The amendment corrects a simple grammatical error.</p>
<p>28.2 Harvey Norman Properties (NZ) Ltd and Harvey Norman Stores (NZ) Pty Ltd</p> <p>Oppose 2.24.3 Policy 2 Activities and Policy 3 Protection of Business 1 Zone. The submitter considers that the general thrust of the objectives is to provide for “destination” specialist retail which is more typically associated with Large Format Retail or supermarket activities, and that Policies 2 and 3, by seeking to restrict the range and scale of activities within the zone, therefore contradict the overall intent of the zone. Delete Policy 2 and amend Policy 3 as follows:</p> <p>Protection of Business 1 Zone: To restrict <u>manage</u> the range and scale of activities within the Business 3 zone to avoid erosion of critical mass within the Central Business District.”</p> <p>FS46.7 Leven Investments Ltd and others support Submission 28.2 and the use of the word “manage” rather than “restrict,” and supports the deletion of Policy 2. The further submitter considers that limits on retail and office space associated with on-site activities are not appropriate.</p>	<p>Decision 36/9</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 intention of the Business 3 Zone is to provide for a limited range of retail activities. Only office activities associated with permitted activities and that are part of those activities on the same site are also provided for. As such, Policy 2 is accurate. 2. Policy 3 also accurately sets out the intention of the Business 3 Zone and the Council’s strong desire to promote the primacy of the CBD. Policy 3 as notified is an important indicator of the Council’s policy position. 3. Adequate provision has been made for large format retail activities in other zones. Any proposal to locate such an activity in the Business 3

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	Zone should be assessed by way of resource consent and the framework of the RMA.
<p>103.55 Invercargill Airport Ltd Support 2.24.3 Policy 15 Height of Structures. The submitter considers it appropriate to acknowledge that areas within this zone are affected by obstacle limitation surfaces and that this will impact on the height of buildings. Retain Policy 15 as notified.</p>	<p>Decision 36/10 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the Plan provision and seeks no change to it.</p>
<p>65.64 ICC Environmental and Planning Services Additional policy on CPTED. The submitter notes that there are no policies specifically relating to CPTED within the Business 3 Zone and suggests that there could be a policy “encouraging” CPTED principles to be considered to be consistent with the objectives and policies in the other Business Zones.</p> <p><u>Decision Sought:</u> Include a Policy – Crime Prevention Through Environmental Design (CPTED)</p> <p><u>To encourage the following CPTED principles are incorporated into the design of buildings and public spaces:</u></p> <p>(A) <u>Awareness of the environment</u> (B) <u>Visibility by others</u> (C) <u>Finding help</u></p>	<p>Decision 36/11 This submission is accepted.</p> <p>Amendments to District Plan Include an additional policy and explanation as follows in section 2.24.3:</p> <p>Policy 17 Crime Prevention Through Environmental Design (CPTED): To encourage the incorporation of the following CPTED principles into the design of buildings and public spaces: (A) Awareness of the environment (B) Visibility by others (C) Finding help</p> <p>Explanation: An environment which is safe in both fact and in appearance is important for a viable and vibrant centre. People need to feel safe in the area if they are to go there. Environmental design can enhance public safety.</p> <p>Reason This policy is consistent with the policies in the other Business Zones in the Proposed District Plan.</p>
3.25 RULES	
<p>74.11 Bunnings Ltd and 75.16 McDonalds Restaurants (NZ) Ltd Support bulk and location rules. The submitters consider these provisions provide an acceptable balance between enabling developing and maintaining amenity.</p> <p>101.14 NZ Fire Service Commission Support 3.25.1 Permitted activities. The submitter supports this provision given that it provides for the establishment of NZFS fire stations. Retain 3.25.1.</p>	<p>Decision 36/12 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters support the rules.</p>

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<p>28.1 Harvey Norman Properties (NZ) Ltd and Harvey Norman Stores (NZ) Pty Ltd Oppose 3.25.1 (H). The submitter considers that the rule contradicts the overall intent of the Business 3 (Specialist Retail) Zone which is to provide for activities that cannot locate in centres and are destination stores and vehicle orientated.</p> <p>The submitter explains that Large Format Retail activities such as Harvey Norman are key retail anchors and destination activities that draw customers from a wide catchment, including rural Southland. Harvey Norman itself is vehicle orientated as a result of this destination function and due to some of the large goods it sells. Large Format Retail stores have large footprints that are often less suited or unable to be located in central CBD locations and are better located on the fringe of the CBD where there are good transport connections and where they can support the role and function of smaller speciality retail and other core activities occurring in the CBD.</p> <p>The submitter considers that the provision of smaller stores outside the CBD is more likely to undermine the CBD than the provision of Large Format Retail activity in such locations and notes that the proposed Business 1, Business 2 and Business 4 Zones all allow retail sales regardless of size.</p> <p><u>Decision Sought:</u> Amend Rule 3.25.1(H) to allow for retail stores with a Gross Floor Area of greater than 400m² as a permitted activity.</p> <p>FS46.8 Leven Investments Ltd supports Submission 28.1 agreeing the rule contradicts the overall intention of the Business 3 Zone, which is to provide for activities that cannot locate in centres and are destination stores and vehicle orientated. The further submitter also considers large format retail activities for the city, and notes that these stores have large footprints and are often less suited or unable to be located in central CBD locations.</p> <p>The further submitter has property where large format retail activities are permitted by existing zoning etc. The further submitter considers that the Plan should be amended so that large format retail stores are provided for in a new Business 6 Zone covering the Showgrounds or alternatively through the retention of the Enterprise zoning.</p> <p>74.4 Bunnings Ltd Supports 3.25.1 in part but considers that “Building Improvement Centres”</p>	<p>Decision 36/13 These submissions are accepted in part.</p> <p>Amendments to District Plan Amend Rule 3.25.1 by deleting Business 3 Zone Rule 3.25.1(H) and replacing it with "<u>Trade Retail</u>".</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Rule 3.25.1(H) as drafted did not provide for the intention of the Business 3 Zone. 2. The outcome sought for the Business 3 Zone by the submitter would be best met by managing the type of retail activities permitted in the Business 3 Zone. Trade related retail would not compromise the objectives and policies of the Business 1 Zone. 3. The matter raised by Leven Investments Ltd goes beyond the issue raised by Harvey Norman and cannot be acted upon in the context of this submission. 4. Bunnings Ltd supports the inclusion of Trade Retail as a permitted activity in the Business 3 Zone. 5. Decision 32 introduces the a definition of the term Trade Retail

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<p>should be permitted in this Zone as it considers that these activities are suitable in areas identified for large format, destination retail stores.</p>	
<p>75.2 McDonalds Restaurants (NZ) Ltd Support 3.25.1 in part. The submitter considers that "Drive-through restaurants" should be permitted in this Zone as it considers that these activities are appropriate within this Zone. The submitter considers that drive-through restaurants have different characteristics from traditional restaurants due to their vehicle-based destination characteristics, and do not consider that they will detract from the vibrancy and vitality of the CBD.</p> <p><u>Decision Sought:</u> Amend 3.25.1 by inserting "Drive-through restaurants".</p>	<p>Decision 36/14 This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>(i) Amend the definition of Take-away food premises as follows: <u>Take-away food premises:</u> Means premises where food and/or beverages are prepared and sold for consumption away from the premises <u>and unless otherwise provided for includes "drive-through facilities"</u>.</p> <p>(ii) Include the following definition of "Drive Through Facilities": <u>Drive-through facilities:</u> Means any land or building on or in which food and/or beverages are prepared, served and sold to the public for consumption off the premises and which are ordered and received while customers remain in their vehicles.</p> <p>Reason Given the purpose, nature and location of the Business 3 Zone "drive through facilities" are an appropriate permitted activity in the Zone. Such facilities are associated with "take-away food premises" and it is generally appropriate to provide for both activities together.</p> <p>Decision 32/2 also addresses the definition of Drive-through facilities.</p>
<p>117.44 Southern District Health Board Support 3.25.1 in part subject to amendment. The submitter believes that caretaker / custodian accommodation should be a permitted activity, subject to acoustic insulation rules.</p> <p><u>Decision Sought:</u> Amend 3.25.1 by adding a new item: (M) Caretaker/custodian accommodation complying with Rule 3.13.7</p>	<p>Decision 36/15 This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>(i) Add to the list of Rule 3.25.1 Permitted Activities for the Business 3 Zone: <u>(M) Caretaker Accommodation</u></p> <p>(ii) Include the following definition in Section Four: <u>Caretaker Accommodation:</u> Means a building or part of a building used for accommodation of a caretaker, security staff, or other staff required to be located on-site, that is associated with and ancillary to a permitted activity on the site.</p> <p>(iii) Include the following in Rule 3.13 with consequential renumbering:</p>

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	<p>3.13.10 Business 3 (Specialist Commercial) Zone, Business 4 (Neighbourhood Shops) Zone, Industrial 1 (Light) Zone and Industrial 2 (Urban) Zone –</p> <p>(A) <u>All new noise sensitive activities and additions to existing noise sensitive activities within the Business 3, Business 4, Industrial 1 and Industrial 2 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 interiors.</u></p> <p>(iv) Add to the definition of “Noise Sensitive Activities:</p> <p>(l) <u>Caretaker Accommodation</u></p> <p>Reasons</p> <ol style="list-style-type: none"> 1. There is a functional need to provide for caretaker accommodation in association with a number of activities. 2. The amenity values of the Business 3 Zone are appropriate to provide for this form of residential use subject to provision of appropriate noise attenuation for the occupants. 3. Refer to Decision 37/37 for decision on the Business 4 Zone, Decision 36/45 for decision on the Industrial 1 Zone and Decision 38/10 for decision on Industrial 2 Zone.
<p>28.4 Harvey Norman Properties (NZ) Ltd and Harvey Norman Stores (NZ) Pty Ltd Support 3.25.4(A). The submitter supports this provision as it allows for a maximum height which is suitable for a specialist commercial zone and reflects the scale of existing activities and the size of the site.</p> <p>101.15 NZ Fire Service Commission Oppose 3.25.4 Height of Structures. The submitter is concerned that the height provision does not allow for fire hose drying towers. Amend 3.24.4 by including the following exemption:</p> <p><u>Except: that the maximum building height for hose drying towers associated with fire stations is 15 metres.</u></p>	<p>Decision 36/16</p> <ol style="list-style-type: none"> 1. Submission 28.4 Harvey Norman Properties (NZ) Ltd and Harvey Norman Stores (NZ) Pty Ltd is noted. 2. Submission 101.15 NZ Fire Service Commission is rejected. <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Harvey Norman supports the provision and seek no change to it. 2. 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.

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	3. The Fire Service Commission accepted the recommendation to reject their submission.
ZONING	
<p>28.3 Harvey Norman Properties (NZ) Ltd and Harvey Norman Stores (NZ) Pty Ltd Support Zoning in part. The submitter supports the proposed Business 3 Zoning, subject to the changes requested in submission point 28.1 and 28.2, as it represents a positive change from the Domicile Sub-area zoning under the Operative Plan and more appropriately recognises the existing activity on the site.</p>	<p>Decision 36/17 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The submitter supports the Business 3 zoning. 2. Other matters referred to are considered as part of other submission points.
<p>99.1 Sandra Cooper Oppose zoning in part. The submitter considers that 102, 110, 116 and 120 Elles Road should be rezoned Business 3, not Residential 1. The area is currently being used for some destination retailing and services, and the submitter would like to develop the remainder as a veterinary clinic. The submitter considers that these activities cause little adverse effects, the location is appropriate for this type of activity particularly in terms of visibility. The submitter considers that at least part of the site would not be desirable and would not be appropriate for residential development.</p> <p><u>Decision Sought:</u> Rezone 102, 110, 116 and 120 Elles Road as Business 3.</p>	<p>Decision 36/18 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. There is no benefit in rezoning the land Business 3 when the activity referred to, veterinary clinic, requires resource consent approval in that zone. 2. The consideration of the suitability of non-residential activities in this locality is best considered by way of resource consent.
<p>90.54 and 90.55 H W Richardson Group Ltd Oppose zoning in part. Rezone 35 Inglewood Road, 3 Inglewood Road, 24 Anglem Street, 4 Anglem Street, 11 Inglewood Road, and 9 Inglewood Road from Industrial 1 to either the Enterprise Sub-Area zoning or to either the Business 2 or 3 Zone with subsequent amendments.</p> <p><u>Decision Sought:</u> Retain the Enterprise Sub-Area zone; OR Rezone as Business 2, and amend Rule 3.24.1 by removing the proviso restricting the floor area of premises; OR</p>	<p>Decision 36/19 These submissions are rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. As set out on pages 15 - 16 above, an approved resource consent provides for the activities currently sought to be carried out on the site, and any expansion of their scale or the undertaking of new activities should be the subject to a resource consent to enable full assessment of their

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Rezone as Business 3, and amend 3.25.1 to include Communal Activity, Educational Activity and Restaurants, and Cafes as permitted activities.	<p>effects.</p> <p>2. The location and use of the land is not compatible with the Business 2 or 3 Zones.</p>
INDUSTRIAL ZONES	
Industry General	
<p>2.2 Bluff Community Board There is a need to be more specific about which industries are allowed and which industries are not allowed in the medium industry and heavy industry zones.</p> <p>FS34.16 ICC Environmental Health and Compliance Services supports Submission 2.2 noting there is a need for a further clarification of which industries are allowed in the medium and heavy industry zones.</p>	<p>Decision 36/20 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason The provisions of the Proposed Plan are clear as to the activities allowed in the Industrial zones, with an appendix in the Plan detailing those activities which are defined as heavy industry.</p>
<p>34.5 Silver Fern Farms Ltd Support. The submitter supports the provision of industrial zones as they identify anticipated amenity values to allow for efficient operation without undue restriction. They also provide a level of protection by discouraging the inappropriate location of incompatible activities within or neighbouring industrial zones.</p> <p><u>Decision Sought:</u> Retain industry specific zoning and retain policies to discourage inappropriate activities locating inside or neighbouring industrial zoned areas.</p> <p>FS6.5 Alliance Group Limited support Submission 34.5 noting this approach should also be afforded to Alliance's existing Lorneville Plant.</p>	<p>Decision 36/21 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The submitter supports the Industrial zones provisions and seeks no change to them. 2. The issue raised by Alliance Group Limited goes beyond the scope of the original submission and cannot be considered in this context.
<p>56.4 - 5 Jenny Campbell The submitter agrees with the promotion of industrial outlets with limited retail and believes that this will reduce retail spread. She also considers that heavy and large scale industry should not be on good arable farmland with productive soils as this needs to be kept for food crops close to the city to save on food miles.</p>	<p>Decision 36/22 These submissions are noted.</p> <p>Amendments to District Plan None required.</p>

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	<p>Reason The comments made are in general agreement with the intent of the Proposed Plan provisions.</p>
<p>56.6 Jenny Campbell The submitter believes there needs to be a clear, reasonable distance and screening with natives to cut down the effects of light industry adjacent to residential areas, but consultation needs to occur with local residents first.</p>	<p>Decision 36/23 This submission is accepted in part.</p> <p>Amendments to District Plan Amend 2.29.3 Policy 18 as follows:</p> <p>Amenity and Screening: To require the provision of adequate screening in order to avoid, mitigate or remedy potential reverse sensitivity effects with neighbouring residential land uses <u>and to encourage amenity landscaping along street frontages as part of site development and maintenance.</u></p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The addition to the policy highlights the desire of Council to provide an attractive interface between industrial and residential areas. 2. It is not practical to include a rule making landscaping mandatory given the range of situations, and the variability in the type of landscaping, that may be appropriate.
SECTION 2.28 – ISSUES, OBJECTIVES POLICIES	
Introduction	
<p>65.70 ICC Environmental and Planning Services Support subject to amendment of drafting error.</p> <p><u>Decision Sought:</u> Amend Introduction as follows:</p> <p>“...1 Light Industry: There are several areas for <u>where</u> light industry will generally be acceptable...”</p>	<p>Decision 36/24 This submission is accepted.</p> <p>Amendments to District Plan Amend 2.28 Introduction as follows:</p> <p>...1. Light Industry: There are several areas for <u>where</u> light industry will generally be acceptable....</p> <p>Reason The amendment corrects a minor error.</p>
<p>90.12 H W Richardson Group Ltd The submitter opposes the proposed deletion of the Enterprise Sub-Area and the Industrial and Business Zoning regime introduced in the Proposed Plan.</p>	<p>Decision 36/25 This submission is rejected.</p>

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<p>The submitter considers that the Industrial Zoning will fragment the industrial sector with the inclusion of the restrictions on operating hours and site size promoted within the urban areas. The submitter considers that there has been inadequate consideration to the underlying activities which occur on existing sites, particularly in relation to the submitter's landholdings.</p> <p><u>Decision Sought:</u> Retain the Enterprise Sub-Area zoning as it pertains to the submitter's landholdings, OR Rezone the submitter's land.</p> <p>FS46.9 Leven Investments Ltd and others support Submission 90.12 and considers the change to industrial zoning will fragment the industrial sector with the inclusion of restrictions on opening hours and site size. The further submitter also considers that there has been inadequate consideration of the underlying activities which occur on many existing sites that the industrial zoning will apply to.</p>	<p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The laissez faire approach of the Operative District Plan is no longer appropriate, nor is it consistent with the purpose of the RMA. In particular, the Enterprise zoning is having the effect of fragmenting the industrial sector. 2. Restrictions applying to the Industrial 1 Zone, such as hours of operation, and explicit requests to change the zoning of the submitter's land are subject to consideration in other submissions.
2.28.3 Policies	
<p>15.4 Ballance Agri-Nutrients Ltd</p> <p>Oppose in part 2.28.3 Policy 1 Inside Built-up Areas, as the policy may be interpreted as applying more broadly than anticipated and that the Zone to which the restricted hours of operation apply is unclear. The submitter can see no justification for limiting the scale of activities occurring within the various industrial "precincts" throughout the district, particularly in circumstances where the character and land use pattern has already been lawfully established.</p> <p>The submitter considers that, at a minimum, the policy should acknowledge and enable the ongoing operation and expansion of existing activities located on sites exceeding one hectare in site area. The submitter considers that there is no real difference, from an environmental effects perspective, between a single industrial activity occupying a two hectare site and two industrial activities occupying adjoining sites of one hectare each, and therefore, that the proposed policy direction set by Policy 1 is unnecessarily restrictive.</p> <p><u>Decision Sought:</u> Amend Policy 1 as follows:</p> <p>Policy 1 –Inside Built-Up <u>Urban</u> Areas "To restrict the range and scale of industrial activities located within the built-up area of Invercargill and to restrict the hours of operation of those industries located near to residential areas provide for a range of appropriate industrial activities within the District's built-up urban</p>	<p>Decision 36/26 These submissions are accepted in part.</p> <p>Amendments to District Plan</p> <p>(i) Amend 2.28.3 Policy 1 as follows:</p> <p>Policy 1: Inside Built-Up <u>Urban</u> Areas: To restrict the range and scale of industrial activities located within the built-up area of Invercargill and to restrict the hours of operation of those industries located near to residential areas<u>To provide for a range of industrial activities within the District's built-up urban areas whilst managing the scale of these activities and any potential adverse effects at the interface with residential and business areas and on the District's transportation and infrastructure networks.</u></p> <p>Explanation: Very large industries which require extensive space are better located away from the built-up urban area where they would be of such a size as to dominate an area and where their presence is likely to result in inefficient use of urban services. Industries located near residential <u>and business</u> areas can create a nuisance if they operate during the night <u>and should be designed and operated to minimise adverse environmental effects on activities in the adjoining zones.</u></p> <p>(ii) Amend 2.29.3 Policy as follows:</p> <p>Policy 1: Industrial 1 (Light) Zone: To provide for a range of light industrial, wholesaling,</p>

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<p><u>areas, whilst managing potential effects at the interface with residential areas and on the City's transportation and infrastructure networks."</u></p> <p>OR Any similar amendments to like effect AND any consequential amendments that stem from the amendment set out above.</p> <p>FS11.9 – H W Richardson Group Ltd support Submission 15.4 agreeing that the policy should acknowledge and enable the ongoing operation and expansion of existing activities located on sites exceeding one hectare in site area (See submission 90.13).</p> <p>90.13 H W Richardson Group Ltd Oppose Policy 1 Inside Built-up Areas as the development of Zones based on the protection of adjoining land uses does not take into account legally established businesses. The submitter states that there are existing activities within the Industrial 1 Zone that operate at levels beyond the proposed Industrial 1 parameters. The submitter acknowledges that these have existing use rights, but is concerned that any further development on these sites may need resource consent.</p> <p>The submitter is concerned that conflict will arise between those existing uses, operating at differing levels to new development which is subject to differing standards, and that this proposed zoning regime is less attractive to future investment in the City.</p> <p><u>Decision Sought:</u></p> <p>(i) Retain the existing Enterprise Zone and associated provisions; OR</p> <p>(ii) Rezone the submitter's properties AND/OR</p> <p>(iii) Delete the proposed hours of operation within the Industrial 1 Zone if such zoning is to be applied to any of the submitter's properties. AND</p> <p>(iv) Amend Policy 1 as follows:</p> <p>To restrict the range and scale of industrial activities located within the built-up area of Invercargill and to restrict the hours of operation of those industries located near to residential areas:</p> <p>Explanation: Very large industries which require extensive space are better located away from the built-up urban area where they would be of such a size as to dominate an area and</p>	<p>warehousing and service activities of a nature, size and scale appropriate near residential areas, operating within the normal working day (7.00 am – 10.00 pm) and requiring sites of less than one hectare.</p> <p>Explanation: The Industrial 1 Zones have been identified as areas of the District that can sustain industrial activities that are good neighbours to adjoining residential areas in terms of environmental effects.</p> <p>The hours which an activity operates can determine the level of adverse effects likely for neighbours as a result of vehicle and pedestrian movements, noise levels, loss of privacy and security and general disturbance.</p> <p>The activities carried out within the Industrial 1 Zones are to be of a scale appropriate to the urban environment.</p> <p>(iii) Delete the proviso in Rule 3.29.1.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The laissez faire approach of the Operative District Plan is no longer appropriate, nor is it consistent with the purpose of the RMA. 2. The amendment to 2.28.3 Policy 1 better reflects the intent of the Proposed Plan in managing industrial and business activities. 3. Given other rules in the Proposed Plan, such as noise, protect amenity there is no need to restrict activities on the basis of hours of operation or their size. As other nuisances can be caused by industries operating at night the explanation should refer to nuisances in general. 4. The suggested amendment from Mrs Justice at the hearing would have weakened the effect of the policy from that intended.

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<p>where their presence is likely to result in inefficient use of urban services. Industries located near residential areas can create a nuisance if they operate during the night <u>and shall be designed and operated so that the noise limits at the boundary of the Residential Zones are achieved.</u></p> <p>FS46.10 Leven Investments Ltd and others support Submission 90.13 stating that zoning based on the protection of adjoining land uses fails to take into account legally established businesses. The further submitter has property where a range of activities are permitted and that would be contrary to the rules of the Industrial zoning. And is concerned that whilst existing use rights apply, any further development on these sites may need resource consent and that conflict may arise between existing uses and new uses and that the zoning is less attractive to future investment in the City. The further submitter supports retention of the Enterprise zoning, or the development of a new Business 6 Zone.</p>	
<p>15.5 Ballance Agri-Nutrients Ltd Support Policy 2 – Outside Built-up Areas in part. The submitter considers that the balance struck within Policy 2 is, subject to minor wording changes, appropriate in terms of enabling industrial development outside of the District’s urban areas to occur with few restrictions, whilst seeking to manage effects at the interface with other zones. However, the submitter considers that the term “built-up areas” is ambiguous and creates uncertainty as to which zones the policy applies.</p> <p><u>Decision Sought:</u> Amend Policy 2 as follows:</p> <p style="padding-left: 20px;">Policy 2 – Outside Built-Up <u>Urban</u> Areas To minimise restrictions on industrial activities located outside the <u>District’s</u> built-up urban areas whilst having regard to the need to maintain the amenities <u>anticipated for activities within of the</u> neighbouring <u>urban</u> zones.</p> <p>OR Any similar amendments to like effect AND any consequential amendments that stem from the amendment set out above.</p> <p>90.14 H W Richardson Group Ltd Support Policy 2 – Outside Built-up Areas in part. The submitter considers it appropriate to minimise restrictions on industrial activities to ensure that a critical mass is enabled, thereby providing the Invercargill community the ability to</p>	<p>Decision 36/27 These submissions are accepted in part.</p> <p>Amendments to District Plan Amend 2.28.3 Policy 2 as follows:</p> <p>Policy 2 – Outside Built-Up <u>Urban</u> Areas: To minimise restrictions on industrial activities located outside the <u>District’s</u> built-up urban areas whilst having regard to the need to maintain the amenities <u>anticipated for activities within of the</u> neighbouring zones.</p> <p>Reason The submitters support the intent of the policy, but minor redrafting is required for clarity.</p>

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<p>provide for its economic well-being. Retain Policy 2</p> <p>FS46.11 Leven Investments Ltd supports Submission 90.14 as there is a need to minimise restrictions on industrial activities to ensure that a critical mass is enabled, thereby providing the community the ability to provide for its economic well-being.</p>	
<p>34.6 Silver Fern Farms Ltd Support Policy 3 – Zoning in part. The submitter supports the policy providing that provisions discouraging activities from locating in isolation outside their specifically zoned areas remain, and thus non-industrial activities are discouraged from locating within the industrial zone.</p> <p><u>Decision Sought:</u> Retain intent of the policy to discourage location outside of zoned areas providing that the same policy is retained for all other zones/activities thereby discouraging their location within the industrial zones, or within such close proximity to then potentially restrict those industrial activities.</p> <p>FS28.31 NZ Transport Agency supports Submission 34.6 and the use of activity zones which assists infrastructure planning.</p> <p>53.47 NZ Transport Agency Support Policy 3 – Zoning. The submitter’s task of planning infrastructure for the future is enhanced by development occurring as anticipated by the District Plan. Retain Policy 3 as proposed.</p> <p>FS46.12 Leven Investments Ltd supports Submission 53.47 and the concept of development occurring as anticipated by the District Plan. The further submitter considers that Council should ensure that zoning is consistent with the land use pattern that has been permitted under the Operative Plan.</p>	<p>Decision 36/28 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The submitters generally support the approach of the Proposed Plan. 2. The Proposed District Plan discourages activities from locating in isolation outside their specifically zoned areas and requires resource consent approval. 3. The matter raised by Leven Investments Ltd is beyond the scope of the original submissions.
ZONING	
<p>90.42 H W Richardson Group Ltd In relation to 1/50 Clyde Street, 50 Clyde Street, and 47-50 Clyde Street retain the Enterprise Sub-Area zone OR Rezone as Business 3.</p>	<p>Decision 36/29 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The laissez faire approach of the Operative District Plan is no longer

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	<p>appropriate, nor is it consistent with the purpose of the RMA.</p> <p>2. The land is zoned Business 3 and that was supported by the submitter at the hearing.</p>
<p>86.1 Leven Developments Ltd The submitter opposes the zoning of 4 Beatrice Street (held in SL183/122) as Rural 2 given its size and the location of the land in relation to its isolation from other rural land and in context of surrounding developments. The submitter considers that the land is not suited for the activities listed as permitted in the Rural 2 Zone and requests that it be rezoned Business 6. The submitter considers that hazard risks can be addressed by requiring minimum floor levels for buildings in the area.</p> <p><u>Decision Sought:</u> Rezone 4 Beatrice Street as Business 6 (details of what is proposed for the Business 6 Zone are set out in the submission).</p> <p>FS39.23 Environment Southland opposes Submission 86.1 commenting that any proposed rezoning of the area is a significant change and should be subject to a separate plan change or District Plan variation that enables a full assessment of the effects, cost and benefits.</p> <p>FS45.2 Leven Investments Ltd and others support Submission 86.1 stating the location of the property on the urban fringe, its isolation from other land as a result of the Waihopai River, its separation from residential areas by a railway line and its connection to an existing business park are all valid reasons for a change in zoning.</p>	<p>Decision 36/30 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. As stated on pages 14 – 15 of this Decision, in the absence of any firm proposal to construct a new road bridge over the Waihopai River accessed from this land, a rural zoning is appropriate. 2. While accepting that natural hazard issues associated with the land were capable of being managed, that was not a persuasive reason to change the zoning. 3. Any rezoning proposed for this land should be subject to a detailed plan change which would enable a full assessment of the effects, as well as more detailed consultation and involvement of potentially affected parties.
<p>53.93 NZ Transport Agency The submitter supports the change in zoning for two properties located at 461 and 471 Bluff Highway. There is potential for reverse sensitivity issues to arise from use of the State Highway and rail corridor if these properties were developed for residential purposes. The submitter considers that they are not well suited to residential development and as such should be rezoned as proposed.</p> <p><u>Decision Sought:</u> Adopt the proposed change in zoning from Domicile Sub-Area to Industrial 1 Zone for 461 and 471 Bluff Highway.</p> <p>FS11.1 H W Richardson Group Ltd support Submission 53.93 agreeing that</p>	<p>Decision 36/31 This submission is noted</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the proposed zoning and seeks no change to it.</p>

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the land should be rezoned. The further submitter considers that reverse sensitivity effects could arise if the property remained residential.	
<p>20.1 William and Julie Smellie The submitter opposes their property at 208 Gore Street, Bluff, being zoned Residential 2. They believe any zoning changes should give consideration to ensuring existing property owners are not disadvantaged. They give an example of their property 208 Gore Street which has limited use as a residential section and was purchased for potential to carry out industrial land uses under the current industrial zoning. They point out that there are already non-residential sections nearby and one more non-residential section should not matter. They also believe that having tidy industrial type businesses, relating to a port town, along the main street is an added tourist attraction to Bluff.</p> <p><u>Decision Sought:</u> Planning Map 30 and any other relevant documentation be adjusted to zone 208 Gore Street, Bluff as Industrial.</p>	<p>Decision 36/32 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The property is vacant and adjoins other land on all sides zoned for residential purposes, and unrestricted use for industrial purposes is not appropriate in such a situation. 2. The owners have no fixed plans of what might occur on the land. Once a firm proposal has been developed assessment is appropriate by way of a resource consent application. 3. A residential zoning as proposed is the best means to manage future development on the site.
Industrial 1 and 1A Zones	
<p>2.1 Bluff Community Board Details need to be more prescriptive for new building in this zone regarding what is and is not allowed.</p>	<p>Decision 36/33 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The rules are clear and precise in terms of the design, location and use of buildings in the Industrial 1 Zone.
<p>2.3 Bluff Community Board Council should consider some form of amenity provision for new buildings (e.g. landscaping such as that undertaken at the new Talley's premises on Foreshore Road).</p>	<p>Decision 36/34 This submission is accepted in part.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Decision 36/23 provides for an amendment to Policy 2.29.3 to encourage amenity planting.

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	<p>2. While the Proposed Plan requires screening of outdoor storage areas from adjoining residential areas, there are difficulties in developing a single rule that requires landscaping for sites in all Industrial 1 Zone areas due to the different concepts of what landscaping may be appropriate.</p>
<p>116.5 Kylie Fowler Oppose Industrial 1A Zone. The submitter does not support the Industrial 1A (Marine) Zone. The submitter states the importance of the maintenance of the vista between the Bluff town and the water. The submitter believes that to regain a connection with the marine environment, this area would be best zoned for dive shops, bait and tackle, cafes and tourism providers, rather than industrial activities that could potentially result in large buildings.</p>	<p>Decision 36/35 This submission is accepted in part.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. There is no demonstrated need for the commercial activities referred to by the submitter, and the Bluff Business 2 Zone is the priority area for cafes and tourism providers. 2. This land is required for rail and port related purposes and is to be rezoned so that the land that comprised the Industrial 1A will now be the Seaport 2 Zone, as set out in Decisions 22/11 and 22/13.
SECTION 2.29 ISSUES. OBJECTIVES AND POLICIES	
<p>84.2 Leven Investments Ltd, Victoria Estate Trust, Russell Cunningham Properties Ltd and Showgrounds Mall Ltd Oppose in relation to the application of the objectives and policies to the land between Victoria Avenue, the railway line, Beatrice Street and the Waihopai River. The submitter considers that these provisions are not appropriate as the land has already been developed as a mixed use business zone, and that the range of activities listed for this Zone does not reflect the nature of activities already established on this area of land.</p> <p><u>Decision Sought:</u> Introduce plan provisions for a new Business 6 Zone (details of the proposed Business 6 Zone set out in submission) AND change the proposed zoning of the land from Industrial 1 to Business 6 Zone AND amend Planning map 8 to show Business 6 Zone in this area</p> <p>FS5.40 Invercargill Airport Ltd Oppose in part / Support in part submission 84.42 The further submitter notes the location of the subject area in relation to the OCB and the SESEB and considers that any new provisions and/or rules</p>	<p>Decision 36/36 This submission is accepted in part.</p> <p>Amendments to District Plan Insert provisions for a new Business 6 Zone as set out in Appendix 2 to this Decision.</p> <p>Reasons As set out on pages 11 -14 of this Decision:</p> <ol style="list-style-type: none"> 1. The laissez faire approach of the Operative District Plan is no longer appropriate, nor is it consistent with the purpose of the RMA. 2. While the Committee supported the overall direction of providing for business activities in the Proposed Plan, given the extent of development which has taken place within the Showgrounds Business Area and the ongoing sale of land and development there, the shift from Enterprise Sub-Area to Industrial 1 was not within the wider interests of business

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<p>should be consistent with the operation and noise management requirements of the airport.</p> <p>FS11.10 H W Richardson Group Ltd Support in part submission 84.42 in so far as it relates to the proposed zoning regime under the proposed Plan. The further submitter considers that there has been inadequate consideration of the underlying activities which occur on existing sites, particularly as it applies to the further submitter's properties.</p>	<p>development in the City and was overly restrictive in the range of uses that could take place within the area. As a consequence, it is appropriate to make provision for a further business zone.</p> <p>3. The range of activities provided for in the amended Business 6 Zone are appropriate having regard to the Council's intent to retain the primacy of the CBD as the main business node for the City. As a consequence, office activities, small scale shops and malls have been excluded from the list of permitted activities in the Business 6 Zone.</p>
Introduction	
<p>90.15 H W Richardson Group Ltd Oppose Introduction. The submitter considers that the requirement to restrict the hours of operation of activities and site size is unnecessary. The submitter considers these restrictions are not effects based and have the potential to unduly restrict activities with effects that are potentially less than minor. Amend the Introduction to 2.29 as follows:</p> <p><u>"...In order not to unduly affect or dominate nearby residential areas, activities within the Industrial 1 Zone will be required to manage their operations within a site of less than one hectare and to confine their hours of operation to the normal working day (7.00 am — 10.00 pm); in accordance with the performance standards relevant to the zone."</u></p> <p>FS23.3 South Light Development Ltd, Sonya Crook and Ian Crook, FS37.3 Peter Cooper, FS38.3 Murray Cruickshank, FS40.3 Bill Fraser, FS42.3 Neville Hayes, FS43.3 Dave Edminston, FS45.5 Leven Development Ltd, FS46.13 Leven Investments Ltd, FS47.3 Paul Ruddenklau, FS47.3 Allan McPhee, FS50.3 Chris O'Sullivan and FS51.3 Stephen Winter support Submission 90.15 considering that the restriction of hours of operation is unnecessary. The further submitters consider that these restrictions are not effects based and have the potential to unduly restrict activities with effects that are potentially less than minor.</p> <p>FS24.17 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd support Submission 90.15 noting that the rules relating to the size of a site and hours of operation is not appropriate in the rules or in the definition. It fails to recognise that many light industries need to be operational on a 24/7 basis.</p>	<p>Decision 36/37 This submission is accepted in part.</p> <p>Amendments to District Plan Amend the Introduction to 2.29 as follows:</p> <p><u>...In order not to unduly affect or dominate nearby residential areas, activities within the Industrial 1 Zone will be required to manage their operations <u>subject to performance standards compatible with the nearby residential and business areas, within a site of less than one hectare, and to confine their hours of operation to the normal working day (7.00 am — 10.00 pm).</u></u></p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Given other rules in the Proposed Plan, such as noise, protect amenity there is no need to restrict activities on the basis of hours of operation or their size. As other nuisances can be caused by industries operating at night the explanation should refer to nuisances in general. 2. The wording above follows the general intent of that sought by H W Richardson Group. 3. The suggested amendment of the Oil Companies forwarded to the hearing requesting reference to the need for a resource consent where rules are not met is not necessary. It is generally understood and would require a consequential addition to a number of other provisions as well.

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SECTION 3.29 RULES	
<p>26.1 NZ Defence Force Oppose 3.29 in part considering that the list of activities permitted in the Industrial 1 Zone does not appropriately capture NZDF's operations at their Fox Street site. The submitter believes that the effects of NZDF's activities are not incompatible with the effects of those activities listed as permitted, and they should therefore be included in the list of permitted activities.</p> <p><u>Decision Sought:</u> Specifically recognise the existing use of the site owned by NZDF at 1C Fox Street (Lot 50 DP 397399) by including defence activities in the list of permitted activities in the Industrial 1 Zone.</p> <p>FS38.4 Murray Cruickshank, FS45.6 Leven Development Ltd and FS46.14 Leven Investment Ltd and others support Submission 26.1 The further submitter agrees that the list of activities does not appropriately capture the submitter's operations. The further submitter considers that the zoning's potential restriction of existing land use activities can be applied right across properties within the "showgrounds" development. The further submitter considers that the Proposed Plan fails to make adequate provision for the range of existing land use activities already present in the zone.</p>	<p>Decision 36/38 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The activities currently being carried out on 1C Fox Street can continue subject to existing use rights. 2. It is not clear exactly what activities are undertaken on the site and in the absence of those details it is not appropriate to grant the relief sought. Given they may be different from any other activity in Invercargill, then it is appropriate that any expansion of change of use be dealt with by way of resource consent or designation.
<p>3.3(b) Department of Corrections Oppose 3.29 as the Proposed Plan fails to make adequate provision for social and government services. Corrections related service activities and the associated facilities are service oriented activities and should be permitted activities within the Industrial 1 (Light) Zone.</p> <p><u>Decision Sought:</u> That community based Corrections services are provided for as permitted activities in the Industrial 1 (Light) Zone.</p> <p>FS38.5 Murray Cruickshank, FS45.7 Leven Development Ltd and FS46.15 Leven Investment Ltd and others support Submission 3.3(b) The further submitter considers that the Proposed Plan fails to make adequate provision for a range of existing land use activities, the majority of which the further submitter considers should be permitted activities within the zones of the Proposed District Plan.</p>	<p>Decision 36/39 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. It is not appropriate to have offices as a standalone activity in the Industrial zones. They are not compatible with the amenity of such areas and have the potential to compromise the primacy of the CBD. 2. As noted by Mrs Steadman at the hearing, Community Corrections facilities have unique requirements, and as a consequence, within industrial areas it is appropriate to assess their effects by way of the resource consent process, ruling out their suitability as a permitted activity.

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<p>81.3 Progressive Enterprises Ltd Oppose 3.29. The submitter considers that this Zone should make some provision for large retail stores, specifically supermarkets, where opportunities for expansion or new development are not available within the appropriate Business zoned areas of the City. The submitter suggests criteria that could be used to make this assessment, being:</p> <ul style="list-style-type: none"> • The extent to which the new activities would result in adverse effects on the commercial and community services and facilities of any existing or proposed business centre as a whole; • The extent to which the overall availability and accessibility of commercial and community services and facilities will be maintained in any existing business centre; • The extent to which the new activities would result in significant adverse effects on the character heritage and amenity values of any existing or proposed centre; • The extent to which the benefits of a new development are able to directly or indirectly mitigate any adverse effects listed above; and • Any traffic, social, economic effects and any cumulative effect associated with the additional activity on any other area within the District <p><u>Decision Sought:</u> That large format retailing activities are provided for where other locations have been ruled out as not.</p> <p>FS23.4 South Light Development Ltd, Sonya Crook and Ian Crook, FS37.4 Peter Cooper, FS38.6 Murray Cruickshank, FS40.4 Bill Fraser, FS42.4 Neville Hayes, FS43.4 Dave Edminston, FS45.8 Leven Development Ltd, FS46.16 Leven Investment Ltd and others, FS47.4 Paul Ruddenklau, FS48.4 Allan McPhee, FS50.4 Chris O’Sullivan and FS51.4 Stephen Winter support Submission 81.3 noting the Zone should make provision for large retail stores, which already exist in parts of the Zone, particularly in the “showgrounds” development. The further submitter considers that these large format stores are not appropriate in the CBD and that there are not enough sites of suitable size to cater for them. The further submitter considers that the Proposed Plan does not make adequate provision for the range of existing land use activities already present in the Zone.</p>	<p>Decision 36/40 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The Proposed District Plan provisions seek to encourage non-industrial retail activities to locate within the identified Business Zones and to avoid these types of activities locating in isolation alongside incompatible activities. 2. The Industrial 1 Zone is identified as an industrial zone and retail activities that are not provided for will be considered on a case-by-case basis as a discretionary activity. (It is noted that decision 36/41 allows for Trade Retail in the Industrial 1 Zone.) 3. The submitter advised the Committee that it accepts the recommendation to reject this submission. 4. Issues raised by the further submitters referring to the Showgrounds development go beyond the scope of the original submission.

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<p>74.5 Bunnings Ltd Oppose 3.29.1 in part. The submitter considers that “Building Improvement Centres” should be permitted in this Zone. The submitter considers that the scale and nature of these activities would fit the expected amenity values of industrial areas and that the location of these activities within Industrial areas will not have adverse effects on the vibrancy of town centres. Amend to include “Building Improvement Centres”.</p> <p>FS23.5 South Light Development Ltd, Sonya Crook and Ian Crook, FS37.5 Peter Cooper, FS38.7 Murray Cruickshank, FS40.5 Bill Fraser, FS43.5 Dave Edminston, FS45.9 Leven Development Ltd, FS46.17 Leven Investment Ltd and others, FS47.5 Paul Ruddenklau, FS48.5 Allan McPhee, FS50.5 Chris O’Sullivan and FS51.5 Stephen Winter support Submission 74.5 stating the Zone should make some provision for “Building Improvement Centres”. The further submitter considers that the Proposed Plan fails to make adequate provision for the range of existing land use activities already present in the Zone. The further submitter also considers that the location of these activities within Industrial areas will not have adverse effects on the vibrancy of town centres.</p>	<p>Decision 36/41 This submission is accepted in part.</p> <p>Amendments to District Plan Add to Industrial 1 Zone Rule 3.29.1 "Trade Retail" as a permitted activity.</p> <p>Reasons Decision 36/13 provides for the inclusion of "Trade Retail" as a permitted activity in the Business 3 Zone, and an associated definition. Such activities are in part of an industrial character and compatible within the Industrial 1 Zone.</p>
<p>75.3 McDonald’s Restaurants (NZ) Ltd 3.29.1 The submitter considers that “drive-through restaurants” should be permitted activities in the Zones which have a low expectation of amenity and generally do not generate reverse sensitivity issues due to their separation from residential areas.</p> <p><u>Decision Sought:</u> Amend to include “Drive-through restaurants”.</p>	<p>Decision 36/42 This submission is accepted in part by adopting Decision 36/14.</p> <p>Amendments to District Plan No further amendments are required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. This activity is a form of takeaway and is compatible in the Industrial 1 Zone. As such facilities are associated with "take-away food premises" and it is generally appropriate to provide for both activities together. 2. Standalone restaurants are a different category of activity that is more appropriately located in Business Zones.
<p>84.3 Leven Investments Ltd, Victoria Estate Trust, Russell Cunningham Properties Ltd and Showgrounds Mall Ltd Oppose 3.29.1. The submitter opposes the 400m² floor area limits for retail sales. The submitter considers that many existing activities require larger floor areas than this and any extension to these activities would require resource consent. The submitter is also concerned that Commercial Activities and</p>	<p>Decision 36/43 This submission is accepted in part</p> <p>Amendments to District Plan The area of the Showgrounds Business Area is rezoned Business 6 as set out in Decision 36/50.</p>

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<p>Personal and Professional Services are not listed as permitted activities but are currently undertaken within the business park located on the land between Victoria Avenue, the railway line, Beatrice Street and the Waihopai River.</p> <p><u>Decision Sought:</u> Widen the list of permitted activities to incorporate all those currently undertaken in the area AND Introduce plan provisions for a new Business 6 Zone (details of the proposed Business 6 Zone set out in submission) AND change the proposed zoning of the land between Victoria Avenue, the railway line, Beatrice Street and the Waihopai River from Industrial 1 to Business 6 Zone AND amend Planning Map 8 to show Business 6 Zone in this area.</p>	<p>Reasons</p> <ol style="list-style-type: none"> 1. Decision 36/13 deletes Rule 3.29.1(H). 2. Decision 36/50 refers to the rezoning of the land and the revised District Plan provisions, including retail activities. 3. Variation 3 replaces “Personal and Professional Services” with “Commercial Service Activity” and “Office Activity”, with the former being permitted in the new Business 6 Zone. 4. Offices are considered incompatible with the intent of the Business 6 Zone and their continuing development within the Zone potentially compromises the primacy of the CBD.
<p>90.26 H W Richardson Group Ltd Oppose 3.29.1. The submitter considers the clauses restricting hours of operation and the size of sites to be overly onerous and not effects based.</p> <p><u>Decision Sought:</u> Retain the Enterprise Zoning and associated provisions; OR Rezone all of the submitter’s sites; AND Amend Rule 3.29.1 by removing the provisos (A) and (B) that restrict the hours of operation and the size of lots.</p> <p>FS23.6 South Light Development Ltd, Sonya Crook and Ian Crook, FS37.6 Peter Cooper, FS38.8 Murray Cruickshank, FS40.6 Bill Fraser, FS42.5 Neville Hayes, FS43.6 Dave Edminston, FS47.6 Paul Ruddenklau, FS48.6 Allan McPhee, FS50.6 Chris O’Sullivan and FS51.6 Stephen Winter support Submission 90.26 noting the clauses restricting hours of operation and the size of sites to be overly onerous and not effects based. They also support rezoning all of the submitter’s sites back to Enterprise along with the rezoning of the “Showgrounds” development to either Enterprise or Business 6 zoning.</p> <p>FS24.17 Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd Support submission 90.26 noting that the rules relating to the size of a site and hours of operation is not appropriate in the rules or in the definition. It fails to recognise that many light industries need to be operational on a 24/7 basis.</p> <p>FS45.10 Leven Development Ltd and FS46.18 Leven Investment Ltd and others supports Submission 90.26 stating the clauses restricting hours of operation and the size of sites to be overly onerous and not effects based. The further submitter supports rezoning all of the submitter’s sites back to Enterprise</p>	<p>Decision 36/44 This submission is accepted in part.</p> <p>Amendments to District Plan</p> <ol style="list-style-type: none"> (i) Deleting Provisos (A) and (B) from Industrial 1 Zone Rule 3.29.1. (ii) Deletion clause (C) from Subdivision Rule 3.18.6. <p>Reasons</p> <ol style="list-style-type: none"> 1. The laissez faire approach of the Operative District Plan is no longer appropriate, nor is it consistent with the purpose of the RMA. It is therefore not appropriate to retain the Enterprise Sub-Area. 2. It is accepted that the restriction of hours is unnecessary and that other District Plan standards should provide sufficient protection for the nearby residential areas. 3. The maximum site size is not necessary as the environmental standards and other District Plan provisions will ensure that development within the zone is of a scale that is compatible with the adjoining environments.

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<p>along with the rezoning of the “Showgrounds” development to either Enterprise or Business 6 zoning; and the rezoning of 4 Beatrice Street to either Enterprise Zoning or as a new Business 6 Zone.</p> <p>FS35.2 Vibrant Invercargill oppose Submission 90.26 The further submitter opposes the zoning of the Showgrounds business park as Enterprise on the following grounds:</p> <ul style="list-style-type: none"> • The Enterprise Zoning is too permissive and allows retail to take place to the detriment of the CBD – and businesses that have located there are not normally seen in light industrial areas. • Developing a mall in the Showgrounds property would further draw people from the CBD – e.g. Leven Street development has drawn foot traffic away from CBD, along with lower rents and free parking for consumers. • The employment shift from the CBD would have detrimental effect on existing businesses. • The CBD needs protected from commercial/retail sprawl and there should be economic and social impact safekeeping. • 	
<p>117.46 Southern District Health Board Support in part 3.29.1 subject to amendment. The submitter believes that caretaker / custodian accommodation should be a permitted activity, subject to acoustic insulation rules. Amend 3.29.1 by adding a new item: (M) Caretaker/custodian accommodation complying with Rule 3.13.7.</p>	<p>Decision 36/45 This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>(i) Add to Industrial 1 Zone Rule 3.29.1 Permitted Activities:</p> <p style="padding-left: 40px;">(G) Caretaker Accommodation</p> <p>(ii) Include the following in Rule 3.13 with consequential renumbering:</p> <p>3.13.10 Business 3 (Specialist Commercial) Zone, Business 4 (Neighbourhood Shops) Zone, Industrial 1 (Light) Zone and Industrial 2 (Urban) Zone –</p> <p style="padding-left: 40px;">(A) <u>All new noise sensitive activities and additions to existing noise sensitive activities within the Business 3, Business 4, Industrial 1 and Industrial 2 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 interiors.</u></p>

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	<p>Reason There is a functional need to provide for caretaker accommodation in association with a number of activities. It is appropriate to provide for limited residential activity in such circumstances, subject to provision of appropriate noise attenuation for the occupants.</p> <p>See also Decision 36/15, which amends the definition of Noise Sensitive Activities and introduces the provision as it related to the Business 3 Zone. Refer to Decision 37/37 as it relates to the Business 4 Zone and Decision 38/10 as it relates to the Industrial 2 Zone.</p>
<p>101.18 NZ Fire Service Commission Support 3.29.1. The submitter supports this provision given that it provides for the establishment of NZFS fire stations. Retain 3.29.1</p> <p>75.10 McDonald's Restaurants (NZ) Ltd Support 3.29.2. The submitter supports the default discretionary activity status for activities not otherwise provided for. Retain 3.29.2.</p>	<p>Decision 36/46 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters support the plan provisions and request no change to them.</p>
<p>90.27 H W Richardson Group Ltd Oppose 3.29.4 Height of Structures as the 12m height restriction as overly onerous, particularly given the nature of its existing business interests and operation needs for large warehouse buildings.</p> <p><u>Decision Sought:</u> Retain the existing Enterprise Zone and associated provisions; OR Rezone all of the submitter's sites AND/OR Delete the 12m height requirement as it applies to the Industrial 1 Zone, particularly to the submitter's land AND/OR Increase the permitted height within the Industrial 1 Zone to 25m.</p> <p>101.19 NZ Fire Service Commission Oppose. The submitter is concerned that the height provision does not allow for fire hose drying towers. Amend 3.29.4 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>FS5.41 Invercargill Airport Ltd oppose in part / support in part Submission 90.27 stating they have no particular difficulty with the submission except that it</p>	<p>Decision 36/47 These submissions are rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Buildings exceeding 12 metres in height may not be appropriate within the Industrial 1 Zone as land so zoned is located adjacent to residential areas. 2. The suggestion by Mrs Justice at the hearing that a 15 metre height together with a recession plane would protect amenity was not accepted because of the potential adverse effects on the amenity of adjoining residential areas. 3. The zoning of land is considered as part of submissions explicitly referring to that issue. 4. The Fire Service Commission advised the Committee of its acceptance of the recommendation to reject their submission.

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<p>considers that it needs to be recognised that in some locations within the City the height of all structures is limited by the Invercargill Airport Ltd's designation which imposes obstacle limitation surfaces (Designation 72).</p> <p>FS37.7 Peter Cooper, FS38.9 Murray Cruickshank, FS40.7 Bill Fraser, FS42.6 Neville Hayes, FS43.7 Dave Edminston, FS47.7 Paul Ruddenklau, FS48.7 Allan McPhee, FS50.7 Chris O'Sullivan, and FS51.7 Stephen Winter support Submission 90.27 and agree that the 12m height restriction is overly onerous, particularly given the nature of the existing business interests and operation needs for large warehouse buildings. The further submitters support the rezoning of all the submitter's properties back to Enterprise Zoning along with the rezoning of the "Showgrounds" development to either Enterprise Zoning or a new Business 6 Zone.</p> <p>FS45.11 Leven Development Ltd and FS46.19 Leven Investment Ltd support Submission 90.27 and agrees that the 12m height restriction is overly onerous, particularly given the nature of the existing business interests and operation needs for large warehouse buildings. The further submitter supports the retention of the Enterprise Zone and; the rezoning of all the submitter's properties along with the rezoning of the "Showgrounds" development; and the deletion of the 12m height requirement as it applies to the Industrial 1 Zone; and/or an increase of the permitted height within the Industrial 1 Zone to 25m.</p> <p>FS35.2 Vibrant Invercargill oppose Submission 90.27 and the zoning of the Showgrounds business park as Enterprise on the following grounds:</p> <ul style="list-style-type: none"> • The Enterprise Zoning is too permissive and allows retail to take place to the detriment of the CBD – and businesses that have located there are not normally seen in light industrial areas. • Developing a mall in the Showgrounds property would further draw people from the CBD – e.g. Leven Street development has drawn foot traffic away from CBD, along with lower rents and free parking for consumers. • The employment shift from the CBD would have detrimental effect on existing businesses. • The CBD needs protected from commercial/retail sprawl and there should be economic and social impact safekeeping. 	

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ZONING	
<p>22.1 Rockgas Limited The submitter supports the proposed changes so long as they can continue to operate as they currently do without any need for further compliance, and that the zoning provides for minor alterations to their activities. The submitter considers that its activities are appropriately located in the Industrial 1 Zone and that they are compatible with surrounding activities.</p>	<p>Decision 36/48 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The activities currently being undertaken by the submitter will continue to have existing use rights under the Proposed District Plan. 2. The activity status for any alterations to their activity will need to be assessed on the facts of each proposal, based on the nature, scale and intensity of the proposal.
<p>116.2 Kylie Fowler The submitter does not support the zoning of the main street of Bluff as industrial, but should be zoned for tourist based non-industrial activity. The submitter believes that the activity status rules and the definition of light industry will enable activities such as storage in this area. The submitter believes that these activities will have adverse effects on the condition of Gore Street, the footpaths and has the potential to cause traffic flow and safety issues. The effects of industrial activities can extend beyond their sites and can cause a nuisance where the industrial activity is not compatible with surrounding land uses.</p>	<p>Decision 36/49 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Under the Operative District Plan the south side of Gore Street from Boyne Street east to Henderson Street was zoned Enterprise Sub-Area. This Zone was a very permissive Zone permitting all activities apart from noise sensitive activities. 2. The zoning in the Proposed District Plan for this area is a mix of residential and industrial, reflecting the current and historic use of the sites, in recognition of the role the area plays as a community centre and to encourage the co-location of business activities including tourist based non-industrial activities. The District Plan controls seek to protect the amenity of adjoining land.
Zoning of "Showgrounds Area"	
<p>84.1 Leven Investments Ltd, Victoria Estate Trust, Russell Cunningham Properties Ltd and Showgrounds Mall Ltd Oppose the zoning of land between Victoria Avenue, the railway line, Beatrice Street and the Waihopai River. The submitter considers that the proposed</p>	<p>Decision 36/50 These submissions are accepted in part.</p> <p>Amendments to District Plan</p> <ol style="list-style-type: none"> (i) Amend the zoning of the land between Victoria Avenue, the railway line,

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<p>zoning of the land warrants reconsideration as it does not reflect the established land use activities present in the area or permitted under the current Plan. The submitter considers that the zoning does not take into account development that has occurred to date which has required considerable investment from the developer, tenants and property owners.</p> <p><u>Decision Sought:</u> Introduce plan provisions for a new Business 6 Zone (details of the proposed Business 6 Zone set out in submission) AND change the proposed zoning of the land from Industrial 1 to Business 6 Zone AND amend Planning Map 8 to show Business 6 Zone in this area.</p> <p>44.1 Nind Electrical, 49.1 Fraser Family Trust, 61.1 Blackwood Protector, 98.1 Ian and Sonya Crook, 110.1 Dave Edminston (Invercargill Glass & Mirror Ltd), 113.1 Allan McPhee and John Lyons (A J Auto Electrical), and 114.1 Chris O’Sullivan</p> <p>The submitters oppose the rezoning of the “Showgrounds” development from Enterprise to Industrial 1 on the following grounds:</p> <ol style="list-style-type: none"> 1. The area is a mixed-use commercial area and should not be zoned industrial, but instead should reflect the business development that has occurred in the area. 2. The area was zoned Enterprise under the Operative District Plan. The development in the area has reflected the policy and zoning direction of the operative District Plan. A change in zoning is a reversal of previous Council decisions. 3. The submitter states that the operative District Plan policy has directed businesses to the “Showgrounds” area and changing the zone would be detrimental to businesses that have invested and/or established there. It is believed that the change in zoning will affect the ability of these businesses to operate over the long term and will discourage further investment in the area, and may mean that property owners are required to go through a resource consent process before being able to develop and operate their business. 4. The submitter is concerned that the change in zoning is an attempt to direct larger industries to the Industrial 4 (Awarua) Zone. 5. The submitter believes that the zone change is contrary to the Council’s aim of providing for the future well-being of the community through the creation and maintenance of jobs. 6. The submitter states that while the “Showgrounds” development is not in the 	<p>Beatrice Street and the Waihopai River from Industrial 1 to Business 6.</p> <p>(ii) Include new provisions in the Proposed Plan applying to the Business 6 Zone, as set out in Appendix 2 to this Decision.</p> <p>Reasons As discussed on pages 11 - 14 of this Decision:</p> <ol style="list-style-type: none"> 1. The laissez faire approach of the Operative District Plan is no longer appropriate, nor is it consistent with the purpose of the RMA. It is therefore not appropriate to retain the Enterprise Sub-Area. 2. Given the extent of development which has taken place within the Showgrounds Business Area and the ongoing selling and development there, the shift from Enterprise Sub-Area to Industrial 1 was not within the wider interests of business development in the City and was overly restrictive in the range of uses that could take place within the area. Of the various options promoted by submitters and Council advisers the Committee considered a new Business 6 Zone most appropriate. (Note that the provisions of the Business 6 Zone differ to those promoted by the submitters.) 3. Given the overall and zone specific objectives and policies for the Business Zones it is not appropriate to provide the full list of permitted activities sought by the submitters. 4. There was some confusion as to the extent of the CBD. This applies to all of the Business 1 Zone, including the Priority Redevelopment Precinct within which both regulatory and non-regulatory incentives are being provided to encourage development and redevelopment. 5. The extent of the Business 1 Zone does not require consideration at this time, rather assessment should be undertaken once the proposed provisions have been bedded in so that their impact can be assessed on the basis of factual information, rather than through more theoretical modelling.

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<p>City Centre it is situated close to it and is well positioned to support the commercial needs of Invercargill in a central location.</p> <p>7. The development is an asset to the City, not a threat to the CBD.</p> <p>8. The development provides for businesses that would have had difficulties locating in the City Centre for reasons such as size of sites, need for on-site parking, and consent requirements associated with heritage sites.</p> <p><u>Decision Sought:</u> Retain current Enterprise Zoning.</p> <p>98.1 Ian and Sonya Crook</p> <p>The submitters also oppose the rezoning of the “Showgrounds” development from Enterprise to Industrial 1 on the following grounds:</p> <ol style="list-style-type: none"> 1. The establishment of the business park involved considerable investment. 2. The area appeals to businesses with mixed trading. <p><u>Decision Sought:</u> Retain current Enterprise Zoning.</p> <p>108.1 Brendan Akeroyd – Stonewood Homes</p> <p>The submitter opposes the rezoning of the “Showgrounds” development from Enterprise to Industrial 1 on the following grounds:</p> <ol style="list-style-type: none"> 1. The area is a mixed-use commercial area and should not be zoned industrial, but instead should reflect the business development that has occurred in the area. 2. The submitter states that the development on the site reflects the policy direction and zoning of the Operative District Plan. 3. Developers have purchased property in the area with a view to developing commercial activities in the future. <p><u>Decision Sought:</u> Retain current Enterprise Zoning.</p> <p>111.1 Neville Hayes</p> <p>The submitter opposes the rezoning of 18 Victoria Avenue to Industrial 1 on the following grounds:</p> <ol style="list-style-type: none"> 1. The area is a mixed-use commercial area and should not be zoned industrial, but instead should reflect the business development that has occurred in the area. 2. The area was zoned Enterprise under the Operative District Plan. The development in the area has reflected the policy and zoning direction of the Operative District Plan. A change in zoning is a reversal of previous Council decisions. 3. The submitter states that the Operative District Plan policy has directed 	

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SUBMISSION	DECISION
<p>businesses to the “Showgrounds” area and changing the zone would be detrimental to businesses that have invested and/or established there. It is believed that the change in zoning will affect the ability of these businesses to operate over the long term and will discourage further investment in the area, and may mean that property owners are required to go through a resource consent process before being able to develop and operate their business.</p> <ol style="list-style-type: none"> 4. The submitter is concerned that the change in zoning is an attempt to direct larger industries to the Industrial 4 (Awarua) Zone. 5. The submitter believes that the zone change is contrary to the Council’s aim of providing for the future well-being of the community through the creation and maintenance of jobs. 6. The submitter states that while the “showgrounds” development is not in the City Centre it is situated close to it and is well positioned to support the commercial needs of Invercargill in a central location. 7. The rezoning of the land to Industrial 1 fails to recognise the activities being carried out as existing uses as well as those activities which have been issued a Certificates of Compliance in accordance with the Enterprise Sub-Area zoning. <p><u>Decision Sought:</u> Oppose the zoning of 18 Victoria Avenue as Industrial 1 and support a new Business 6 Zone (details of proposed Business 6 Zone specified in submission)</p> <p>112.1 Marine South Limited</p> <p>The submitter opposes the rezoning of the “Showgrounds” development from Enterprise to Industrial 1 on the following grounds:</p> <ol style="list-style-type: none"> 1. The submitter bought properties on Bill Richardson on the grounds that the Enterprise zoning ensured “future proofing” for their business. 2. The Industrial 1 zoning would devalue their property. 3. The zoning does not reflect the current use of the area as mixed-use commercial development. 4. The Council has tried to attract new business into the area and is now changing its view. <p><u>Decision Sought:</u> Retain the current District Plan provisions as they relate to the Bill Richardson Drive area.</p>	

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SUBMISSION	DECISION
<p>FS11.11 H W Richardson Group Ltd support in part submissions 44.1, 49.1, 61.1, 84.1, 98.1, 108.1, 110.1, 112.1, 113.1 and 114.1 insofar as they seek to retain the flexibility provided by the Enterprise Sub-Area as outlined in the Operative District Plan. The further submitter also considers that the provisions should reflect the underlying legally established activities occurring on sites throughout the City.</p> <p>FS45.12 - 21 Leven Development Ltd supports Submissions 44.1, 45.1, 98.1, 61.1, 108.1, 110.1, 111.1, 112.1, 113.1 and 114.1 opposing the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone. The further submitter supports the retention of the Enterprise Zone and associated provisions and/or a new Business 6 Zone and the rezoning of 4 Beatrice Street to Enterprise zoning or as a new Business 6 Zone.</p> <p>FS23.8 - 16 South Light Development Ltd, Sonya Crook and Ian Crook, FS37.8 - 17 Peter Cooper, FS38.10 - 19 Murray Cruickshank, FS40.8 - 16 Bill Fraser, FS42.7 - 15 Neville Hayes, FS43.8 - 16 Dave Edminston, FS46.20 - 29 Leven Investment Ltd and others, FS47.8 - 16 Paul Ruddenklau, FS48.16 Allan McPhee and FS50.16 Chris O’Sullivan support submissions 44.1, 49.1, 61.1, 98.1, 108.1, 110.1, 111.1, 112.1, 113.1 and 114.1 opposing the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone. The further submitter supports the retention of the Enterprise Zone and associated provisions and the rezoning of the submitter’s properties and the “showgrounds” development site to either the existing Enterprise Sub-Area zoning or a new Business 6 Zone.</p> <p>FS5.42 and FS5.43 Invercargill Airport Ltd Oppose in part / Support in part submissions 84.1 and 111.1 notes the location of the subject area in relation to the OCB and the SESEB and considers that any new provisions and/or rules should be consistent with the operation and noise management requirements of the airport.</p> <p>FS29.1 Robert Todd Oppose Submission 84.1 The further submitter opposes rezoning of the “Showgrounds” from “Industrial 1” to “Business 6” on the following grounds.</p> <ol style="list-style-type: none"> 1. The Enterprise Sub-Area was too permissive allowing developments within an area that should be utilised for light industry. 2. Many of the businesses in the area are more suited to a CBD or fringe CBD location. 	

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SUBMISSION	DECISION
<p>3. Allowing further development of office premises within a light industrial area will be to the detriment of the CBD.</p> <p>4. There is a significant amount of land suitable for redevelopment within and on the fringe of the CBD, with underlying land values at reasonable levels.</p> <p>5. With proposed legislation regarding earthquake strengthening or demolition of buildings under 34% NBS there will be a significant amount of land become available for redevelopment.</p> <p>6. Under the Proposed Plan, the hazard information maps identify the area as risk of hazard and therefore that land is not suitable for any activity other than light industry.</p> <p>7. There is a risk of sea level rise and flooding.</p> <p>8. The fact that consents have been issued for certain activities under the existing plan is not considered to be a reason going forward to allow further developments of this nature to occur under the Proposed Plan.</p> <p>The further submitter considers that the submission is not in the best interests of the city.</p> <p>FS35.2 Vibrant Invercargill oppose Submissions 44.1, 49.1, 61.1, 98.1, 108.1, 110.11, 111.1, 112.1, 113.1 and 114.1 and the zoning of the Showgrounds business park as Enterprise on the following grounds:</p> <ul style="list-style-type: none"> • The Enterprise Zoning is too permissive and allows retail to take place to the detriment of the CBD – and businesses that have located there are not normally seen in light industrial areas. • Developing a mall in the Showgrounds property would further draw people from the CBD – e.g. Leven Street development has drawn foot traffic away from CBD, along with lower rents and free parking for consumers. • The employment shift from the CBD would have detrimental effect on existing businesses. • The CBD needs protected from commercial/retail sprawl and there should be economic and social impact safekeeping. 	
VARIATION No. 3	
STATUS OF COMMUNITY CORRECTIONS FACILITIES	
<p>V1.1 Department of Corrections Neutral. The submitter considers that the definitions of “Commercial Service Activity” and “Office Activity” do not provide for Community Corrections Facilities.</p>	<p>Decision 36/51 This submission is rejected.</p>

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SUBMISSION	DECISION
<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><u>Decisions Sought:</u></p> <ol style="list-style-type: none"> That a separate definition for “Community Corrections Facilities” be included as follows: <p style="margin-left: 40px;">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> Provide for Community Corrections Facilities as permitted activities in the Business Zones and the Industrial 1 (Light) Zone subject to appropriate development control standards. 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>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> As set out in Decision 32, and in particular Decision 32/8, it is not appropriate to include a specific definition of “Community Corrections Facilities” in the Proposed District Plan. The activities that are covered by the submitter’s definition of “Community Corrections Facilities” are covered by the definition of “Office Activity” and these are permitted in the Business 1 and Business 2 Zones and discretionary in the Business 3 and Business 4 Zones. Office Activities are not compatible within the Industrial zones because of reverse sensitivity effects and potential impacts on the primacy of the CBD. For the same reasons that particular regard is given by the Department of Corrections in selecting sites for their use, in zones where offices are not permitted, the suitability of Corrections related services should be considered by way of resource consent.
RULE 3.23.1 – BUSINESS 1 ZONE	
<p>V2.2 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. Retain Rule 3.23.1 as notified.</p>	<p>Decision 36/52 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>
RULE 3.24.1 – BUSINESS 2 ZONE	
<p>V2.3 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</p>	<p>Decision 36/53 This submission is accepted in part.</p>

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SUBMISSION	DECISION
<p>Activity” and the removal of the definition of “Professional and Personal Services”.</p> <p>The submitter supports the inclusion of “Commercial Service Activities” and “Office Activities” as permitted activities in the Business 2 Zone.</p> <p>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 as notified. This is in line with the submitter’s submission on the Proposed Invercargill City District Plan.</p> <p><u>Decision Sought:</u> 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></p>	<p>Amendments to District Plan Clause (K) be deleted from Rule 3.24.1</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. In drafting the Variation the deletion of this clause was omitted. 2. The issues of the zoning of the submitter’s land is considered on pages 15 – 16 of this Decision and in Decision 36/19.
RULE 3.25.1 – BUSINESS 3 ZONE	
<p>V2.4 H W Richardson Group Ltd Support. The submitter considers the inclusion of “Commercial Service Activity” as a permitted activity within the Business 3 Zone is appropriate. Retain Rule 3.25.1 as notified.</p> <p>V3.2 R J Cunningham Family Trust Support in part. 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><u>Decision Sought:</u> Retain the addition of “Commercial Service Activity” in the Business 3 Zone as promoted by Variation 3.</p>	<p>Decision 36/54 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters support the provision and seek no change to it.</p>

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SUBMISSION	DECISION
<p>V3.3 R J Cunningham Family Trust</p> <p>Oppose in part. 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><u>Decision Sought:</u> Amend 3.25.1 to include "Office Activity" as a permitted activity in the Business 3 Zone; 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>Decision 36/55</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. Office activities are considered inappropriate as a permitted activity in the Business 3 Zone. The effects of such an activity requires assessment on a case by case basis having particular regard to the objectives and policies of the Proposed Plan, including those which seek to retain the dominance of business centres. 2. Existing office activities which have been legally established retain existing use rights and there is no need to specifically identify each of these in the Proposed Plan.

SECTION TWO - ISSUES, OBJECTIVES AND POLICIES

2.24 BUSINESS 3 (SPECIALIST COMMERCIAL) ZONE

The zones:

- (A) Are adjacent to the CBD to both the north on State Highway 6 and to the south on State Highway 1 and/or
- (B) Reflect existing commercial uses on principal access routes to the city centre and/or
- ~~(C) Enable greenfield development within an area in close proximity with the industrial areas and the CBD.¹~~

2.24.3 Policies

Policy 1 Business 3 (Specialist Commercial) Zone: To provide for a range of business, commercial and servicing activities, that may require dedicated areas of parking, in locations,² which do not detract from the amenity of adjoining areas, the safety and efficiency of the roading network, or from the consolidation of the inner retail areas of the CBD.

³**Policy 18 Crime Prevention through Environmental Design (CPTED):** To encourage the incorporation of the following CPTED principles into the design of buildings and public spaces:

- (A) Awareness of the environment
- (B) Visibility by others
- (C) Finding help

Explanation: An environment which is safe in both fact and in appearance is important for a viable and vibrant centre. People need to feel safe in the area if they are to go there. Environmental design can enhance public safety.

2.26A BUSINESS 6 (BUSINESS PARK) ZONE⁴

This Zone provides for a range of commercial activities and service-oriented industrial activities located on the site of the former Southland Showgrounds. The Business 6 Zone is readily accessible by heavy vehicles and is located in close proximity to central Invercargill. This zone continues to be developed for a range of light industrial and business purposes. While providing for a range of activities the Zone is not intended to compete with the City Centre as a destination retail and office area nor provide the level of pedestrian amenity that is found in the city centre.

¹ Decision 36/6

² Decision 36/8

³ Decision 36/11

⁴ Decision 36/36 and Decision 36/50

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

2.26A.1 Issues

The significant resource management issues for the Business 6 (Business Park) Zone:

1. The Zone recognises a mix of service oriented business and light industrial activity located within the Business Park
2. The wrong mix of activities in the zones could significantly affect the amenities within the zone and the viability of businesses within it.
3. Traffic to and from these zones could have adverse effects on the transportation networks and on connectivity within the urban area.

2.26A.2 Objectives

Objective 1: The maintenance and ongoing improvement and development of the zoned areas for wholesaling and other service-oriented activities, conveniently located adjacent or near to the city centre and easy to access by motor vehicle.

Objective 2: The identification, maintenance and enhancement of the amenity values of the Business 6 Zone.

2.26A.3 Policies

Policy 1 **Business 6 (Business Park) Zone:** To provide for a range of business and servicing activities that may require dedicated areas of parking, in locations which do not detract from the amenity of adjoining areas and the safety and efficiency of the roading network.

Explanation: The Council wishes to make specific provision for the kinds of activities associated with a rural servicing city which typically require showroom/warehouse/display spaces, and ample on-site car parking and loading and unloading facilities. Sales are often specialist (e.g. parts and fittings) and/or wholesale in character (e.g. building and plumbing supplies), but may be directly to the public. Enterprises in this zone may be described as “destination”, meaning that people go, almost invariably by car, to a particular business for a particular product or service. The zone will be characterised by enterprises in separate buildings. The zone is not intended to make provision for the likes of a shopping mall.

Policy 2 **Protection of the Business 1 Zone –** To control the range and scale of activities within the Business 6 zone to avoid erosion of critical mass within the Business 1 (CBD) Zone

Explanation: Council has identified a hierarchy of business areas to prevent the erosion of critical mass from the key business centres. The Council does not want to make the Business 6 Zone the “easy option” for businesses which could benefit from, and add critical mass to, the CBD.

Policy 3 **Access and connectivity:** To promote legibility of access and good connectivity to and within the Business 6 Zone to enable people to find their way around easily and conveniently, and, in particular, to encourage “destination” specialised business activity to locate close to the Business 1 Zone.

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

Explanation: Invercargill's "grid" street pattern is conducive to a convenient and easily understood urban form. The city centre is centrally located within the grid. Location of specialist commercial and service oriented industrial activities in areas that reflect the logic of the grid, and in particular that are on direct major routes to the city centre, will enable people to find their way around easily and conveniently.

Policy 4 Noise:

- (A) To provide within the Business 6 Zone for a reasonable level of noise associated with a range of business, commercial and service oriented industrial activities.
- (B) To maintain low ambient noise levels at night at the boundary of the Residential Zone.

Explanation: The character of the zone is such that reasonable levels of daytime noise should be both permitted and tolerated. Night time noise should not be objectionable in nearby residential areas.

Policy 5 Noise: To recognise that some parts of the Zone are subject to higher levels of noise generated by the transportation network and to avoid or mitigate reverse sensitivity effects associated with those activities.

Explanation: The airport, the State Highways and the railway all have operational requirements involving generation of varying levels of noise and it is important the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise. The location, design and operation of noise sensitive activities should involve the consideration of these existing noise sources.'

Policy 6 Odour: To accept low levels of odour emissions whilst ensuring the absence of nuisance from objectionable odour.

Explanation: Specialist commercial and business uses are entitled to freedom from objectionable levels of odour.

Policy 7 Glare: To accept low levels of glare whilst ensuring freedom from nuisance from glare.

Explanation: Specialist commercial and business uses are entitled to freedom from objectionable levels of glare.

Policy 8 Electrical Interference: To avoid nuisance from electrical interference.

Explanation: The possibility of electrical interference is an environmental effect that needs to be considered in the placement and maintenance of electrical equipment and machinery, including transmitting aerials.

Policy 9 Lighting:

- (A) To provide for lighting associated with businesses and activities within the area, including security lighting consistent with CPTED principles.

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

- (B) To manage the effects of lightspill on adjoining Residential Zones and transportation networks.

Explanation: Lighting can be necessary for security and can also be a legitimate way of promoting a premises or enterprise. However, lightspill causing nuisance to neighbouring properties can be an adverse environmental effect from business lighting. Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians. It is necessary that District Plans establish limits around the amount of lightspill that can occur.

Policy 10 **Signage:** To provide for signage associated with activities within the Business 6 Zone, while avoiding signage that:

- (A) Is not related to activities on the site on which the sign is situated
(B) Has the potential to:
(i) Create a nuisance to users of the airport and the railway; or
(ii) Give rise to adverse safety impacts and distraction for users of the roading network
(C) Detracts from the amenities of the area, or neighbouring residential areas, either because of its size, character or content.

Explanation: Signage is necessary to properly identify businesses and activities, and because of the vehicle oriented nature of the zone, large signs may be appropriate. It is necessary to establish maxima with respect to size and nature of signs so that signage is meaningful in terms of helping people find the services and products they require. Too many signs that are too large have the cumulative effect that any one sign becomes hard to distinguish and read.

Policy 11 **Hazardous Substances:** To provide for the storage and use of substances classed as hazardous whilst having regard to the safety needs of the general public.

Explanation: Hazardous substances are part of the normal operation of many businesses e.g. use of gas for cooking, use of fuel for heating. Storage of excessive amounts of hazardous substances may pose a risk constituting an adverse environmental effect.

Policy 12 **Dilapidated structures and ill-maintained lands:** To require that buildings within the Business 6 Zone will be sound, well maintained and tidy in appearance.

Explanation: The kinds of businesses provided for in the Zone require an environment that is tidy and well managed. Poorly maintained premises detract from this necessary amenity.

Policy 13 **Demolition or removal activities:**

- (A) To encourage owners to consider the restoration, and adaptive re-use of buildings in preference to demolition.
(B) To manage the adverse effects of demolition or removal on amenity values by requiring the clean-up, screening and maintenance of sites.

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

- (C) To encourage active utilisation of sites post-demolition by encouraging their prompt redevelopment.

Explanation: It is good practice to consider the restoration and adaptive re-use of any building or structure as part of the redevelopment process, in order to identify opportunities to reduce waste entering the waste stream and to ensure best use of existing resources and infrastructure.

Although normally temporary and localised, demolition activities can create a significant nuisance. There is an obligation to ensure that demolition materials are disposed of responsibly. There is also a need to ensure that the site is made safe, clean and tidy in a timely manner.

Vacant, derelict sites would be detrimental to the anticipated character, vibrancy, amenity and function of this Zone. Where a site is to be left empty post-demolition, adaptive ways to use the space and opportunities for active reutilisation of the sites in the interim are to be encouraged.

Policy 14 Height of Structures:

- (A) To accommodate the operational requirements of the airport.
- (B) To manage the effects of high structures on the adjoining Residential Zone.

Explanation: Significant areas of the Business 6 Zone are affected by the operational requirements of the airport. Tall structures have the potential to affect nearby residential areas adversely.

Policy 15 Car parking and service vehicles

- (A) To require the provision of adequate off-street car parking and efficient and convenient provision for service vehicles.

Explanation: In the Business 6 Zone it is the expectation that requirements for car parking and for vehicle manoeuvring, loading and unloading will be met on-site, avoiding adverse effects on the roading network.

Policy 18 Crime Prevention through Environmental Design (CPTED): To encourage the incorporation of the following CPTED principles into the design of buildings and public spaces:

- (A) Awareness of the environment
- (B) Visibility by others
- (C) Finding help

Explanation: An environment which is safe in both fact and in appearance is important for a viable and vibrant centre. People need to feel safe in the area if they are to go there. Environmental design can enhance public safety.

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

2.26A.4 Methods of Implementation

Method 1 Delineate the Business 6 Zone on the District Planning Maps.

Method 2 Include rules identifying activities that are appropriate within the Business 6 Zone.

Method 3 Identify the anticipated amenity values for the Business 6 Zone, include environmental standards to protect and enhance them, and implement through enforcement under the RMA, education, advocacy and collaborating with other Territorial Authorities.

Method 4 Include rules addressing District wide issues.

Method 5 Require all applications for resource consent to include an analysis of the proposal on the defined amenity values of the Business 6 Zone, as well as the principles of good urban design.

Method 6 Initiate environmental advocacy for:

- (A) Promotion of the qualities of good urban design.
- (B) Mitigation or avoidance of nuisance arising from glare and accentuation of windflow effects.
- (C) Promotion of well maintained structures and land.
- (D) Connectivity – connections between places.

Method 7 Identify cross boundary issues e.g. discharges.

Method 8 Consult with landowners and occupiers, iwi, other councils, Central Government and other organisations, internal Council departments and local community and business groups.

Method 9 Recognise sectorial responses, such as NZTA published guidelines.

2.28 INDUSTRY OVERVIEW

1. **Light Industry:** There are several areas ~~for~~ where⁵ light industry will generally be acceptable as residential neighbours “in the next street block” but not normally right next door.

2.28.3 Policies

Policy 1 Inside Built-up Urban Areas: ~~To restrict the range and scale of industrial activities located within the built-up area of Invercargill and to restrict the hours of operation of those industries located near to residential areas:~~ To provide for a range of industrial activities within the District’s built-up urban areas whilst managing the scale of these activities and any potential adverse effects at the

⁵ Decision 36/24

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

interface with residential and business areas and on the District's transportation and infrastructure networks⁶

Explanation: ~~Very large industries~~ which require extensive space are better located away from the built-up urban area where they would be of such a size as to dominate an area and where their presence is likely to result in inefficient use of urban services. Industries located near residential and business areas can create a nuisance if they operate during the night and should be designed and operated to minimise adverse environmental effects on activities in the adjoining zones.⁷

Policy 2 Outside Built-up Urban Areas: To minimise restrictions on industrial activities located outside the District's built-up urban areas whilst having regard to the need to maintain the amenities anticipated for activities within of the neighbouring zones.⁸

2.29 INDUSTRIAL 1 (LIGHT) ZONE

In order not to unduly affect or dominate nearby residential areas, activities within the Industrial 1 Zone will be required to manage their operations subject to performance standards compatible with the nearby residential and business areas. ~~within a site of less than one hectare. and to confine their hours of operation to the normal working day (7.00 am – 10.00 pm).~~⁹

2.29.3 Policies

Policy 1 Industrial 1 (Light) Zone: To provide for a range of light industrial, wholesaling, warehousing and service activities of a nature, size and scale appropriate near residential areas, ~~operating within the normal working day (7.00 am – 10.00 pm) and requiring sites of less than one hectare.~~¹⁰

Explanation: The Industrial 1 Zones have been identified as areas of the District that can sustain industrial activities that are good neighbours to adjoining residential areas in terms of environmental effects.

~~The hours which an activity operates can determine the level of adverse effects likely for neighbours as a result of vehicle and pedestrian movements, noise levels, loss of privacy and security and general disturbance.~~¹¹

The activities carried out within the Industrial 1 Zones are to be of a scale appropriate to the urban environment.

Policy 18~~19~~ Amenity and Screening: To require the provision of adequate screening in order to avoid, mitigate or remedy potential reverse sensitivity effects with neighbouring residential land uses and to encourage amenity landscaping along street frontages as part of site development and maintenance.¹²

⁶ Decision 36/26

⁷ Decision 36/26

⁸ Decision 36/27

⁹ Decision 36/37

¹⁰ Decision 36/26

¹¹ Decision 36/26

¹² Decision 36/23

Note: Underline indicates additions, strikethrough indicates deletions.

SECTION THREE RULES

3.9 UTILITIES¹³

Electricity lines

3.9.810 It is a permitted activity to erect new electricity lines up to (and including) 110kV in all Zones of the District, subject to the following standards:

- (A) Other than where existing support structures are used, new lines are to be located underground in the Residential 1, 1A, 2 and 3, Business 1, 2, 3, 4 and 46, Industrial 1, 1A and 2, Otatara and Hospital Zones.

Communications – Line reticulation

3.9.18 Lines used for the conveying of telecommunications, television, electronic data and other such communications are a permitted activity in all zones of the District, subject to the following standard:

- (A) Other than where existing support structures are used, such lines are located underground in the Residential 1, 1A, 2 and 3, Business 1, 2, 3, 4 and 46, Industrial 1, 1A and 2, Otatara and Hospital Zones.¹⁴

Telecommunication and Radiocommunication Facilities

- (E) No masts for telecommunication or radiocommunication facilities shall exceed a height above ground level of:
 - (a) 10 metres in the Airport Protection Zone, Residential Zones, Otatara Zone and Business 2 and 4 Zones
 - (b) 15 metres in the Business 6 Zone and Industrial 1 Zone
 - (c) 20 metres in the Business 1, 3 and 5 Zones
 - (d) 25 metres in the Industrial 2, 2A,3 and 4 Zones, Rural and Hospital Zone

3.11 LIGHTSPILL

3.11.2 The generation of lightspill, measured at the boundary of the site, shall not exceed the following:

	Sunset through midnight to sunrise
Business 1, Business 2, Business 3 and <u>Business 6</u> ¹⁵	10 lux

¹³ See Decision 19

¹⁴ Decision 19/69

¹⁵ Decision 36/36 and 36/50

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

3.13 Noise

3.13.2 Noise Levels from Activities

- (A) All activities are to be designed and operated so that the following noise limits are not exceeded:

	Day time 0700 - 2200		Night time 2200 - 0700	
	L _{Aeq}	L _{Amax}	L _{Aeq}	L _{Amax}
When measured at or <u>any point</u> ¹⁶ within the boundary of any other site within a zone:				
Business 1, 2, 3, 4, 5 and <u>6</u> ¹⁷	65dB	85dB	50dB	75dB

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 2 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 interiors.¹⁸

3.16 SIGNAGE

- 3.16.1 It is a permitted activity to erect signage that complies with the following maximum levels:

<u>Business 6 Zone</u> ¹⁹	<p>(a) <u>Signage painted on to, or attached parallel to, buildings: Maximum area: No limit;</u></p> <p>(b) <u>Free standing signage:</u></p> <p style="padding-left: 20px;">(i) <u>Maximum area: 14m²</u></p> <p style="padding-left: 20px;">(ii) <u>Maximum height: No higher than the building to which it relates; OR</u></p> <p>(c) <u>Signage attached at an angle to the building: Maximum area: 14m²; OR</u></p> <p>(d) <u>Any combination of (b) and (c) not exceeding a total of 14m²</u></p>
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¹⁶ Decision 33/19

¹⁷ Decision 36/36 and Decision 36/50

¹⁸ Decision 36/15 and Decision 36/45

¹⁹ Decision 36/36 and Decision 36/50

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

3.18 SUBDIVISION

Protected Areas and Minimum Lot Sizes

3.18.6 Subdivision is a non-complying activity where it would create lots as follows:

~~(C) Within Industrial 1, Industrial 1A (Marine) and Industrial 2 Zones:
Allotments of greater than one hectare.²⁰~~

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 services²¹~~

3.25 BUSINESS 3 (SPECIALIST COMMERCIAL) ZONE

3.25.1 **Permitted Activities:** The following are permitted activities within the Business 3 Zone:

~~(H) Retail sales, from premises with a floor area smaller than 400 square metres and other than in the context of a shopping mall²²~~

(H) Trade Retail²³

(M) Caretaker Accommodation²⁴

3.27A²⁵ BUSINESS 6 (BUSINESS PARK) ZONE

3.27A.1 Permitted Activities: The following are permitted activities within the Business 6 Zone:

(A) Car parking

(B) Commercial recreation activity

(C) Commercial service activity

(D) Community service

(E) Educational activity

(F) Essential services

²⁰ Decision 36/44

²¹ Decision 36/53

²² Decision 36/13

²³ Decision 36/13

²⁴ Decision 36/15

²⁵ Decision 36/36 and 36/50 with consequential renumbering

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

- (G) Healthcare activity
- (H) Land transport facility
- (I) Light industry
- (J) Motor vehicle sales
- (K) Retail sales, where the retail floor area exceeds 400 square metres per tenancy
- (L) Service stations
- (M) Supermarkets
- (N) Takeaway food premises
- (O) Temporary activities
- (P) Trade Retail

3.27A.2 Discretionary activities: The following are discretionary activities within the Business 6 Zone:

- (A) Any activity not listed as permitted or non-complying.

3.27A.3 Non-complying activities: The following are non-complying activities within the Business 6 Zone:

- (A) Heavy industry
- (B) Shopping mall
- (C) Any noise sensitive activity not provided for as a permitted activity

Height of Structures

3.27A.4 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:

- (A) Maximum height: 15 metres.
- (B) Recession plane: Infogram 4 applies in relation to any boundary with any Residential Zone:

3.27A.5 Where an activity does not comply with Rule 3.28.4 above, the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

- (A) Reasons for the building or structure height.

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

- (B) The compatibility of the proposed building or structure with the scale of development and character of the local area.
- (C) The degree of overshadowing of neighbouring properties.
- (D) The degree of overlooking of neighbouring properties.
- (E) The ability to mitigate any adverse effects of the increase in building or structure height.

Side and rear yards

3.27A.6 A side and/or rear yard at least four metres deep shall be provided for non-residential activities along the site boundaries adjoining a residential zone.

3.27A.7 Where any activity does not comply with Rule 3.28.6 above, the activity is a discretionary activity.

3.27A.8 Applications under Rule 3.28.7 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Reasons for the proposed activity to intrude within the four metre side and/or rear yard.
- (B) The scale and character of the activity, including the potential for adverse effects from noise, odour, glare, incidence of daylight and sunlight, privacy, lightspill, electrical interference and the use of hazardous substances.
- (C) The size and location of buildings and structures.
- (D) Proximity to neighbouring residential activities.
- (E) The ability to mitigate any adverse effects on adjoining sites.

Outdoor Storage

3.27A.9 Any area utilised for outdoor storage adjoining a residential area is to be screened from that residential area by a close boarded fence, solid wall or hedge not less than 1.8 metres in height.

3.27A.10 Where an activity does not comply with Rule 3.28.9 above, the activity is a discretionary activity.

3.27A.11 Applications under Rule 3.28.10 above shall address the following matter, which will be among those taken into account by the Council:

- (A) The effects of the storage on the amenities of the adjoining neighbourhood.

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

3.29 INDUSTRIAL 1 (LIGHT) ZONE

3.29.1 **Permitted Activities:** The following are permitted activities in the Industrial 1 and Industrial 1A Zones:

(F) Trade Retail²⁶

(G) Caretaker Accommodation²⁷

²⁸Provided that:

~~(A) The premises shall operate only between the hours of 7.00 am to 10.00 pm.~~

~~(B) The total site area shall not exceed one hectare.~~

²⁶ Decision 36/41

²⁷ Decision 36/45

²⁸ Decisions 36/26 and 36/44

Note: Underline indicates additions, strikethrough indicates deletions.

APPENDIX 2 – AMENDED DISTRICT PLAN PROVISIONS

SECTION FOUR DEFINITIONS

²⁹**Caretaker accommodation:** Means a building or part of a building used for accommodation of a caretaker, security staff, or other staff required to be located on-site, that is associated with and ancillary to a permitted activity on the site.

³⁰**Drive-through facility:** Means any land or building on or in which food and/or beverages are prepared, served and sold to the public for consumption off the premises and which are ordered and received while customers remain in their vehicles.

Noise sensitive activity: Means

...
 (l) Caretaker Accommodation³¹

³²**Take-away food premises:** Means premises where food and/or beverages are prepared and sold for consumption away from the premises and unless otherwise provided for includes "drive-through facilities".

SECTION FIVE APPENDICES

APPENDIX VII HAZARDOUS SUBSTANCES

SUBSTANCE	HSNO SUB-CLASS AND HAZARD CLASSIFICATION	SUBSTANCE	<p>GROUP 2: INDUSTRIAL 1, INDUSTRIAL 1A, BUSINESS 1, BUSINESS 2, BUSINESS 3, BUSINESS 4, BUSINESS 5, <u>BUSINESS 6</u> <u>ZONES</u>³³</p> <p>EXCLUDING RESIDENTIAL ACTIVITIES</p>
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²⁹ Decision 36/15

³⁰ Decision 36/14 and 32/2

³¹ Decision 36/15

³² Decision 36/14

³³ Decision 36/36 and Decision 36/50

Note: Underline indicates additions, strikethrough indicates deletions.