



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

**Report No. 36**

### **Business and Industrial Zones**

- **Business Overview**
- **Industrial Overview**
- **Business 3 Zone**
- **Industrial 1 Zone**
- **Industrial 1A Zone**

**8-9 June 2015, 9.00am  
COUNCIL CHAMBERS  
CIVIC ADMINISTRATION BUILDING**

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SENIOR POLICY PLANNER**

**Peer Reviewed by: Dan Wells  
JOHN EDMONDS AND ASSOCIATES LTD**

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# 1. EXECUTIVE SUMMARY

This report is the first report looking at Business and Industrial Zone provisions from the Proposed District Plan. This report focuses on the Business and Industrial Overview sections, which set the basic framework for the different zones. I also cover the submissions raised on the Business 3 Zone and the Industrial 1 Zone.

To aid in development of recommendations on this report an economic assessment of the provisions in the Proposed District Plan was commissioned. Guided by the key issues identified during the submissions process, Market Economics Ltd carried out an independent economic assessment of the proposed provisions. The assessment is included in **Appendix 3** of this report.

The Proposed District Plan provisions addressed in this report have introduced 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. To support these centres a number of changes have been introduced into the Proposed District Plan. One of the bigger changes was made to what was the Enterprise Sub-Area in the Operative District Plan. What was a very permissive zone, has been split up into a range of business and industrial zones with the introduction of greater restrictions on what activities are permitted.

This report includes recommendations in response to approximately 70 submission points along with the associated 245 further submission points. Recommendations on these submissions are included in **Appendix 1**. The key issues addressed in this report are:

- Hierarchy of Zones
- Removal of the Enterprise Sub-Area
- Business 3 Zone
- Industrial 1 Zone
- Showgrounds Development

The recommendations in this report are relatively supportive of the overall approach to the Business and Industrial Zone provisions in the Proposed District Plan as notified. I have recommended removing the restriction of hours of operation and the maximum size of sites in the Industrial 1 Zone. The other more significant change that I have recommended relates to retail activities permitted in the Business 3 Zone, changing the focus from the size of the operation to the nature of the retail sales permitted.

In this report:

- Part 2 considers several key procedural issues.
- Part 3 provides background information on the Hospital Zone provisions.
- Part 4 summarises the various statutory provisions that apply to the consideration of the Proposed District Plan.
- Part 5 assesses the relevant issues raised by the submitters.
- Part 6 provides a discussion on the Section 32 matters.
- Part 7 sets out the overall conclusions.
- Appendix 1 sets out the recommended changes to the text of the Proposed District Plan.
- **Appendix 2** sets out the recommendations on each of the submission points.

## **2. INTRODUCTION**

### **2.1 Report Author**

My name is Elizabeth Ann Devery. I am the Senior Planner – Policy, at the Invercargill City Council, a position I have held since January 2003. I have over 14 years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom. These roles have focused on both developing and implementing District Plans and planning documents. I hold the qualifications of LLB/BA (Hons I) in Geography.

### **2.2 Peer Review**

This report has been peer reviewed by Dan Wells from John Edmonds and Associates Ltd. Dan Wells is a resource management planner with a variety of experience throughout the plan change preparation process. Dan has a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University.

### **2.3 Economic Assessment**

To aid in the evaluation of submissions and to guide recommendations, Market Economics Ltd was engaged to carry out an economic assessment of the approach to the Business Zones in the Proposed District Plan as notified. This assessment has informed recommendations on submissions discussed in this report. The Assessment was authored by Derek Foy and is attached in **Appendix 3**. It should be read in conjunction with the discussions and recommendations in this report.

Derek Foy is a retail and land use planning consultant with Market Economics Ltd. Derek has a BSc in Geography and an LLB from the University of Auckland, and has 15 years' experience as an analyst and consultant on demand and population projections, market feasibility studies, infrastructure planning and retail impact assessments. Derek has undertaken policy analysis for assessments of urban form and retail and commercial land use projects, and has assisted a number of Councils in the preparation and review of District Plans and Plan Changes, including most recently in Whangarei, Rotorua and Selwyn. Derek is regularly involved with land use and retail related aspects of plan changes and resource consents, and has presented expert evidence at the Environment Court.

### **2.4 How to Read this Report**

This report is structured as follows:

- Interpretation (an explanation of some of the terms used).
- A summary of the hearing process.
- Background to the Business and Industrial Zones, and the provisions of the Proposed Invercargill City District Plan 2013.
- Description of the statutory framework within which the proposed provisions have been developed.
- Analysis of the submissions, including a discussion of the key issues raised through the submissions and further submissions received.
- Assessment of the proposed changes under Section 32 of the RMA.

- Concluding comments.
- Recommendations on individual submissions.
- Tracked changes of the Proposed District Plan provisions.
- The Market Economics report is included in Appendix 3.

To see my recommendation on an individual submission please refer to the table at the end of Appendix 1. The table sets out the name and relevant submission number of those who submitted on the Business and Industrial Zones provisions and a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

## 2.5 Interpretation

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“Hearings Committee” means the District Plan Hearings Committee

“Market Economics Report” means the *Proposed District Plan Economic Assessment*, prepared by Market Economics Ltd, dated May 2015, included in **Appendix 3**

“Operative District Plan” means the Invercargill City District Plan 2005

“Proposed District Plan” means the Proposed Invercargill City District Plan 2013

“Provisions” is a term used to collectively describe Objectives, Policies and Rules

“RMA” means the Resource Management Act 1991

“Submitter” means a submitter to the Proposed District Plan

## 2.6 The Hearing Process

A number of hearings are to be held to consider the submissions lodged to the Proposed Invercargill City District Plan 2013. The hearings have been divided up to ensure that submissions on similar issues have been grouped together and to enable the District Plan Hearings Committee to make decisions on the provisions relating to those issues. This report applies to some of the provisions of the Proposed District Plan related to the Industrial and Business Zones, specifically those relating to the Business Overview; the Business 3 Zone, the Industry Overview and the Industrial 1 and 1A Zones. Submissions on the other Business and Industrial provisions will be addressed in a later report.

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

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

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

The hearing is open to the public, and any person may attend any part of the hearing.

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

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

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

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

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



### 3. BACKGROUND

The Proposed District Plan approach to Business and Industrial Zones is quite different to that taken in the Operative District Plan. There were essentially four business sub-areas provided for within the urban areas in the Operative District Plan, being Suburban Service; Business; Business A; City Centre<sup>1</sup>. The Operative District Plan provided some guidance through the amenity values provisions and through the environmental standards as to what nature and scale of activities were anticipated within the different areas.

Also within the urban areas was the Enterprise Sub-Area, in which all activities were permitted, other than noise sensitive activities. The permissive nature of this Sub-Area was so broad that essentially a nickel smelter could locate beside a commercial retail development or hairdresser. As such, it was essentially another business area with very few amenity restrictions. It was the only urban area that provided for industrial activities as permitted activities. It is stated within the Operative District Plan that the Enterprise Sub-Area was highly permissive to “encourage enterprise” (page 4-36).

The permissive nature of the Enterprise Sub-Area has resulted in a number of adverse effects. Not only have these areas drawn retail and office based activities away from the Inner City, but issues such as noise have been problematic at the interface between the Enterprise and Domicile Sub-Areas. The cumulative effects of activities have compounded the effects in some areas.

Retail and office vacancy rates within the Inner City are reportedly increasing, and vacancies for industrial land are decreasing. The 6-monthly Thayer Todd Valuations Ltd report on the Invercargill Central Business District, as at 1 January 2015, noted a trend in new lettings for tenants to be seeking spaces out of traditional retail locations. The report also noted a drop in industrial vacancies, with limited space available in Bond and Mersey Streets. While the relationship between these two shifts cannot for all certainty be solely attributed to the approach to zoning in the Operative District Plan, it is an indication 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. 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. This impacts not only the Business areas, but also affects opportunities for industrial activities.

The *Invercargill City Centre Outline Action Plan* identified the trend of relocation of businesses and institutions (major employers) to areas outside the core of the City Centre as a threat to the City Centre. The perceived or real lack of coordinated policy and action reinforcing the role, viability and vitality of the Invercargill City Centre as the central place and hub of a provincial city of 50,000 people, a region of 100,000, and a highly productive rural hinterland was also identified as a threat.

These threats and trends led to a review of the business and industrial zone hierarchy and provisions. Compared to the Operative District Plan, the Proposed District Plan takes a more prescriptive approach to what types of activities are anticipated within the different business and industrial zones using what urban planning terminology refers to as a centres-based approach. This approach has been adopted in District Plans around the country.

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<sup>1</sup> The Rural Service Sub-Area was located in what was referred to as the country areas of the District.  
Section 42A Report  
Business and Industrial Zones

The City Centre of Invercargill has existed where it is for well over a hundred years. Key infrastructure and services are located in this area and there has been significant public investment into these. The City Centre plays an essential role for the Invercargill community's social, economic and cultural well-being. There are currently an increasing number of vacant sites in the City Centre. It is my opinion that the resources available in the City Centre should be maintained and protected from commercial sprawl. The Proposed District Plan is 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. These are key reasons for changing the approach to Business and Industrial areas of the District.

### 3.1 Business and Industry Overview

The Proposed District Plan includes Issues, Objectives and Policies that provide an overview for the approach to the Business and Industrial Zones. These sections of the Plan give a general background to the approaches in the different Zones and the Zone Specific Rules have been developed to be consistent with these provisions as well as the Zone Specific Objectives and Policies.

Section 2.21 of the Proposed District Plan sets out the Business Overview provisions. This section details the purpose of each of the Business Zones within its introduction. There are four issues identified in this section of the Plan:

1. *A lack of clear direction on the hierarchy of business areas and lack of clear policy on what goes where can lead to loss of the benefits that businesses draw from each other when they locate near to one another.*
2. *A loss of critical business mass within the Central Business District can affect its viability and vibrancy.*
3. *Greenfields development may be preferred by the developer but is not necessarily in the wider public interest.*
4. *Dispersal of business activities can lead to inefficiencies in transport and infrastructure provision.*

Addressing these issues, the development of a business hierarchy, the co-location of activities within appropriate zones and the maintenance of critical mass are identified among the four Objectives in this section of the Plan.

The two policies are:

**Policy 1 - Hierarchy:** *To restrict the range and scale of activities within each business zone.*

**Policy 2 - Zoning:** *To discourage businesses locating in isolation outside of the business groupings.*

Section 2.28 of the Proposed District Plan sets out the Industry Overview provisions. This section details the purpose of each of the Industrial Zones within its introduction. There are four issues identified in this section of the Plan:

1. *A lack of sufficient provision for industrial land can mean there is inadequate choice of sites available for any industry that wishes to locate in Invercargill.*

2. *Failure to manage the effects of industry may mean that its requirements do not integrate with transport and other infrastructure systems, and may result in industry detracting from the amenities of other land uses in other areas.*
3. *Failure to manage the amenity of the industrial areas may make them unattractive for industries to locate and do business.*
4. *Failure to manage the orderly and sequential development of the land zoned at Awarua could result in inefficient use of this area and waste of the opportunity it offers.*

Addressing these issues are four Objectives. These are similar to the Objectives in the Business Zones with a focus on critical mass, the co-location of industries within appropriate zones, and the maintenance of a hierarchy of industrial zones.

The three policies are:

***Policy 1 - Inside Built-up 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.*

***Policy 2 - Outside Built-up Areas:*** *To minimise restrictions on industrial activities located outside the built-up urban area whilst having regard to the need to maintain the amenities of the neighbouring zones.*

***Policy 3 - Zoning:*** *To discourage industries operating in isolation outside of the areas zoned for it.*

### **3.2 Zone Specific Provisions**

The Proposed District Plan provides for five Business Zones: Business 1 (Central Business District), Business 2 (Suburban Shopping and Business), Business 3 (Specialist Commercial), Business 4 (Neighbourhood Shops) and Business 5 (Rural Servicing). The Business 1 Zone provides for the Inner City as the main business centre for the District, with the Business 2 Zones providing for the community nodes. The other business zones have been developed to complement these key centres and that should not detract from their viability. The Proposed District Plan is relatively prescriptive in terms of the range and scale of activities that are considered appropriate outside the centres. The discussion within this report addresses concerns over whether the provisions will result in the outcome sought through Objectives, particularly in the Business 3 Zone.

The approach to industrial land is quite different to the Operative District Plan, which enabled a full range of activities, including offices and retail, to operate within the same urban environment of the Enterprise Sub-Area. The industrial zoning in the Proposed District Plan seeks to protect industrial activities from potential reverse sensitivity issues, whilst recognising the wider environment that those zones are located within. Industrial activities, and therefore land suitable for these activities, are important to the social and economic well-being of the community and the industrial provisions seek to provide for the demand for land for these types of activities. The infiltration of these areas by retail and office based activities can undermine this land supply, as well as create reverse sensitivity issues. In addition, uncontrolled establishment of retail and office based activities in industrial areas has the potential to undermine the Business Zones. These are key reasons for the provisions within the Industrial Zones.

There are five Industrial Zones in the Proposed District Plan as notified: Industrial 1 (Light), Industrial 1A (Marine), Industrial 2 (Urban), Industrial 3 (Heavy) and Industrial 4 (Awarua) Zones. Each of these zones provides for a different range and scale of activities, with differing expectations of amenity values.

Following is a summary of the Proposed District Plan provisions as they relate to the Business 3 and the Industrial 1 Zones<sup>2</sup>.

### 3.2.1 Business 3 (Specialist Commercial) Zone

The Business 3 Zone provides for commercial activities and service-oriented industrial activities which require a central or convenient location but not necessarily the amenities offered by the Business 1 Zone. The zones are intended for destination retailing and services, and will reflect existing commercial uses on access routes to the CBD and enable greenfield development close to the CBD. Business 3 zones are easily accessible by car but with a lesser focus on being pedestrian-friendly.

There are four objectives relating to this zone set out in section 2.24.2 as follows:

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

**Objective 2:** *Provision for a range of “destination” commercial activities and service oriented industrial activities which require a central or convenient location but are not necessarily appropriate within the compact Business 1 Zone.*

**Objective 3:** *Maintenance of the primacy of the Business 1 Zone by making a clear distinction between the activities that can locate as of right in a pedestrian friendly environment conducive to gathering, socialising and comparison shopping, and those that locate as of right in the Business 3 Zone which is vehicle oriented and “destination” in character.*

**Objective 4:** *The identification, maintenance and enhancement of the amenity values of the Business 3 Zone.*

There are 16 policies in this section of the Proposed District Plan. Most of these address a range of amenity issues. The first three, however, address the overall purpose of the Zone; as follows:

**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, 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.*

**Policy 2 - Activities:** *To provide for limited retail and office space associated with on-site activities.*

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<sup>2</sup> The other Business and Industrial Zone provisions will be summarised in a later Section 42A report.  
Section 42A Report  
Business and Industrial Zones

**Policy 3 - Protection of Business 1 Zone:** *To restrict the range and scale of activities within the Business 3 Zone to avoid erosion of critical mass within the Central Business District.*

The Zone Specific Rules for the Business 3 Zone are set out in Section 3.25 of the Proposed Plan. Permitted activities include community services, supermarkets, retail from premises of up to 400m<sup>2</sup>, childcare, light industry, takeaway food and service stations. Heavy industry activities, shopping malls and noise sensitive activities are all non-complying.

### 3.2.2 Industrial 1 (Light) Zone and Industrial 1A Zone

As stated earlier, one of the concerns with the Enterprise Sub-Area approach in the Operative District Plan is that it allowed for a full range of activities with few amenity controls. District Plan provisions for the Enterprise areas located within a residential context were the same as for Enterprise Sub-Areas located within or adjoining Business or Rural areas. Noise was one of the big issues arising at this interface. Although the Operative District Plan included noise standards that were meant to protect residential activities, some activities established as permitted within the Enterprise Sub-Area have been later found to breach noise rules. There has also been issues identified where cumulative effects of activities within the Enterprise Sub-Area has led to adverse noise effects on adjoining residential areas. Concerns have also been raised about the incompatibility of industry within residential areas, such as hazardous substances, heavy traffic movements, the scale of buildings and structures, outdoor storage, visual amenity effects on streetscapes, and lighting. The Proposed District Plan introduced the Industrial 1 Zone to enable small scale, light industry to continue within the urban environment in zoned areas within a residential context. Through the Industrial 1 Zoning, the Proposed District Plan aims to encourage light industry (which includes warehousing, storage, wholesaling and service activities) to group in specified areas, rather than having it disperse throughout the City, so as to avoid the nuisance that this type of activity can create.

The objectives relating to this zone are:

**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.*

There are 19 policies for the Industrial 1 Zone. The majority of these policies address amenity issues. Policy 1 addresses the overall purpose of the Zone and is set out as follows:

**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.*

Permitted activities within this zone are essential services, light industry, motor vehicle sales, takeaway food premises (no larger than 150m<sup>2</sup>) and land transport facilities, with limited operating hours, and on sites less than one hectare. Heavy industry activities are non-complying, and other activities are discretionary.

The Industrial 1A (Marine) Zone was developed to encourage the use of the harbourside area of the Industrial 1 Zone in Bluff or use by the boat and marine industry. The Industrial 1A Zone is essentially a sub-set of the Industrial 1 Zone and has no additional zone specific rules. It does have Issues, Objectives and Policies set out in Section 2.30 of the Proposed District Plan highlighting the purpose of the zone and the importance of maintaining pedestrian access along the waterfront.

## 4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

### 4.1 Resource Management Act 1991

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

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

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

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

#### 4.1.1 Part 2 of the RMA

Part 2 of the RMA (ss5-8) sets out its purpose and principles. The Objectives of the Proposed District Plan relevant to this report are assessed against the RMA in the Market Economics report, included in **Appendix 3** of this report. While I am in agreement with the report's assessment on this matter, following is a brief overview of the provisions in relation to Part 2 of the RMA.

The purpose of the RMA is set out in Section 5. I confirm that the provisions for the Business and Industrial Zones fall within the purpose of the RMA. In particular, the provisions provide for the people and community to provide for their social, economic and cultural well-being, whilst also seeking to avoid, remedy or mitigate adverse effects on the environment in accordance with Section 5(2)(c) of the RMA.

Section 6 of the RMA sets out matters of national importance which must be recognised and provided for. There are no matters of national importance of direct relevance to these provisions, however there are areas within the Business and Industrial areas that are identified as having historic heritage values. Heritage is addressed in the Proposed District Plan through the District Wide provisions which have already been heard by the Hearings Committee<sup>3</sup>.

Section 7 of the RMA sets out "other matters" for which particular regard shall be had. It is considered that the most relevant matters are:

- (b) *The efficient use and development of natural and physical resources*
- (ba) *The efficiency of the end use of energy*
- (c) *The maintenance and enhancement of amenity values*
- (f) *Maintenance and enhancement of the quality of the environment*

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<sup>3</sup> Report 13: Heritage August 2014  
Section 42A Report  
Business and Industrial Zones

It is considered that the provisions specific to the Industrial and Business Zones in the Proposed District Plan, discussed in this report, demonstrate particular regard to these matters.

Section 8 of the RMA obliges persons exercising functions and powers under the RMA to take account of the principles of the Treaty of Waitangi. Representatives from Te Ao Marama Inc have been part of the Plan Review process as members of the Council's Plan Group that worked on developing the Proposed District Plan. Consultation with Iwi has also occurred.

#### **4.1.2 Functions of Territorial Authorities under the RMA**

Section 31 of the RMA states the functions of a territorial authority under that Act. One of the functions set out in Section 31(1)(a) is:

*“The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.”*

Under Section 31(1)(b) of the RMA a territorial authority is required to “ ... control ... any actual or potential effects of the use, development, or protection of land ...”

Objectives, Policies and Rules have been established which are specific to the Business and Industrial Zones. The provisions ensure that operational requirements of the zones are protected whilst ensuring that adverse effects created by activities within the zone are avoided, remedied or mitigated beyond the zone boundaries.

#### **4.1.3 Consideration of alternatives, benefits, and costs**

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

Whilst a Section 32 report was released at the time of notification of the Proposed District Plan, the Council is required to carry out a further evaluation through the hearing, consideration and deliberation process before making changes on the Proposed District Plan.

### **4.2. Relevant Planning Policy Documents**

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

#### **4.2.1 New Zealand Coastal Policy Statement**

Section 75 of the RMA requires that a District Plan must give effect to any New Zealand coastal policy statement (NZCPS). There are areas within the Business and Industrial Zones that are within the Coastal Environment, as detailed in the Proposed District Plan. These areas are mainly within Bluff and Ocean Beach. There is also a small area of land zoned Industrial 2 to the east of the estuary south of Tweed Street. The natural character of these areas is minimal given historical use of the properties.



The Proposed District Plan does not change the extent of these areas, although there are areas within Bluff where the zoning has changed from Enterprise Sub-Area to Residential 2, essentially reducing the scale of these zones. As such the provisions and zoning decisions seek to consolidate effects on the coastal environment and identify those areas where such development is appropriate as required by the NZCPS.

Proposals to change the zoning along the Bluff Harbour from Seaport and Enterprise Sub-Areas to Industrial 1 and Industrial 1A were due, in part, to the recognition of the sensitivities of the Coastal Environment. Issues, such as natural hazards, access to the coastal environment and impacts on the view from the Bluff township were all considered when determining the zoning and in opting for a lighter industrial approach. By enabling the continued use of the infrastructure and built development in these areas the provisions provide for the needs of the population whilst being consistent with the NZCPS. Where resource consent is required for development within these areas, consideration of effects on the Coastal Environment will be required through the Proposed District Plan provisions.

#### **4.2.2 National Policy Statements**

In accordance with Section 75 of the RMA, a District Plan must give effect to National Policy Statements. Apart from the NZCPS, I do not consider any of the NPS are particularly relevant to this report.

#### **4.2.3 National Environmental Standards**

Section 44A of the RMA prescribes how District Plans must be amended if a rule conflicts with a National Environmental Standard.

All zone specific provisions are subject to the district wide provisions in the Proposed District Plan. The district wide provisions have been considered in relation to the National Environmental Standards through earlier Section 42A reports presented before the District Plan Hearings Committee.

The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 has some relevance to submissions made on this topic.

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 requires (amongst other matters) under certain circumstances an assessment as to the likelihood of an activity having taken place on a site which could lead to unsafe levels of soil contamination (a "HAIL assessment"). Specifically, such matters need to be considered when applications are made:

- to subdivide land; or
- to change the use of the piece of land

Many industrial and business activities would be considered HAIL activities likely to cause land contamination resulting from hazardous substance use, storage or disposal. The Proposed District Plan includes the NES. Where zoning issues are raised in submissions that would result in potential changes of use otherwise not anticipated, some consideration of the NES will be prudent.

#### 4.2.4 Regional Policy Statement

Under Section 75 of the RMA, a District Plan must give effect to an operative Regional Policy Statement.

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

**Objective 10.1**

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

**Objective 10.2**

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

**Objective 10.5**

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

**Policy 10.7**

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

The provisions seek to ensure sustainable use of existing resources and infrastructure in the built environments. The Business and Industrial Zone provisions provide for a range of industrial and business activities, however they recognise that what happens in one zone can impact on other zones. By taking a more prescriptive approach, the Proposed District Plan seeks to manage these effects and to maintain and enhance the quality of these environments.

#### 4.2.5 Proposed Regional Policy Statement

In accordance with Section 74, regard needs to be given to any proposed Regional Policy Statement. The Proposed Southland Regional Policy Statement was notified in May 2012. In developing the Business and Industrial Zone provisions regard was given to the PRPS. The following provisions are considered to be of particular relevance:

**Objective URB.1 – Urban development**

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

**Policy URB.1 – Adverse environmental effects**

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

**Policy URB.2 – Urban development**

*Manage urban growth and development in ways that:*

- a) *support existing urban areas;*
- b) *promote development and/or redevelopment of existing urban areas ahead of greenfield development;*

- c) *promote urban growth and development within areas that have existing infrastructure capacity;*
- d) *plan ahead for the expansion of urban areas; and*
- e) *promote compact urban form.*

**Policy URB.4 – High quality urban design**

*Encourage high quality urban design.*

**Policy URB.5 - Land use Activities**

*Provide for a range of land use activities within the urban areas*

**Policy URB.7 – Natural hazards**

*Avoid urban development in areas at significant risk from natural hazards unless:*

- i) *adverse effects can be completely mitigated; or*
- ii) *avoidance is impossible or impractical.*

The centres-based approach in the Proposed District Plan promotes the utilisation of the existing built form in preference over greenfields development. The Proposed District Plan provisions also seek to ensure that development within one area does not adversely impact on other areas. For example, restrictions on certain retail activities in industrial areas seek to support the existing business centres.

#### **4.2.6 Regional Plans**

In accordance with Section 74 of the RMA, a District Plan must not be inconsistent with a Regional Plan. I do not consider there to be any inconsistencies between the Business and Industrial Zone provisions and a Regional Plan.

#### **4.2.7 Iwi Management Plans**

Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority.

Ngai Tahu has lodged an Iwi Management Plan with the Council. The relevant document is the *Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Taurira*.

*Te Tangi a Taurira* seeks to protect amenity values, commenting that natural and physical characteristics contribute to and make a place of value. Protecting these values is pivotal to understanding the links between people, language and the environment.

Section 3.5.4 of *Te Tangi a Taurira* addresses industry in the Southland Plains. The provisions acknowledge that when industry is managed in a good way it gives both iwi and the wider community confidence. Whilst most of the issues raised in this section address issues relating to the natural and physical environment, such as water, air and land, the location of Industrial Zones within culturally sensitive environments is a concern. The policies on subdivision and development in section 3.5.7 of the iwi management plan focus on encouraging positive community outcomes alongside economic gain.

As representatives from Te Ao Marama were involved as part of the Plan Group that worked on the development of the Proposed District Plan, I believe local iwi had some involvement in zoning decisions, consistent with Policy 1 of Section 3.5.7 of the Iwi Management Plan.

#### **4.2.8 Management Plans and Strategies Prepared under other Acts**

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

##### **4.2.8.1 *The Big Picture***

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

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

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

*“Because it is where people gather it is where most of the shops are and they are another reason for people to gather.”* (page 14)

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

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

The importance of Industrial areas is identified through the spatial plan, however the plan also recognises issues at the interface between industrial areas and residential

areas. *The Big Picture* notes the value of managing the relationship between enterprises and residents in nearby areas to maintain what each values about the area. The Proposed District Plan has attempted to address this relationship by zoning those areas previously zoned Enterprise Sub-Area that are close to residential areas as a light industrial zone enabling a range of industrial activities to occur but seeking to ensure that development standards will not conflict with the nearby residential areas.

Changes to the zoning of Enterprise Sub-Area land in Bluff, amongst other things, sought to improve links between the town and the harbour. This was a matter raised in *The Big Picture*.

Overall, it is my opinion that the outcomes sought through *The Big Picture* have been integrated into the provisions of the Proposed District Plan with respect to the approach to the Business and Industrial Zones.

#### 4.2.8.2 *The Invercargill City Centre – Outline Action Plan*

*The Invercargill City Centre – Outline Action Plan* was drafted in December 2011 under the Local Government Act. While the details of this plan will be discussed in more detail in the Section 42A Report on the Business 1 Zone, it is relevant to this report, particularly in relation to the hierarchy of Business and Industrial Zones developed through the Proposed District Plan. The revitalisation of the City Centre was identified by the Council as one of its key priorities following concern that the viability of the City Centre was under threat.

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

The report also recommends that a clear distinction is needed between “specialist retail” e.g. boat shops and car sales yards, and the retail activities desired for the City Centre. The Proposed District Plan has gone some way by providing for motor vehicle sales, but later in this report I question whether the provisions could be improved to make a clearer distinction between the types of retail anticipated in Business areas outside of the City Centre, particularly in relation to the Business 3 Zone.

It is my opinion that the Proposed District Plan provides some support to the outcomes sought by *The Invercargill City Centre – Outline Action Plan*. Some tweaks of provisions outside the Inner City are recommended in this report, but in making these tweaks the primacy of the Inner City and the need to revitalise this area of the District is still a key priority in the Business and Industrial Zone provisions.

### **4.3 Summary**

It is considered that the purpose and principles of the RMA are met by the Business and Industrial Zone provisions set out in the Proposed District Plan. The proposed provisions fall within the functions of local authorities (minor changes are proposed to make this clearer). The requirements of Section 32 of the RMA have been met through the evaluations carried out prior to notification and in this report. The various documents required to be considered have been appropriately addressed.

## 5. ANALYSIS OF SUBMISSIONS

This report addresses approximately 70 submission points along with the associated 245 further submission points. Recommendations on these submissions are included in **Appendix 1**. This part of the report discusses some of the issues raised in the submissions in more detail.

Whilst there is some overall support for the centres-based approach to the zoning of the Business and Industrial areas in the District, submitters have raised a number of issues. There are submissions in support of the approach, particularly where provisions encourage development within the City Centre. On the other side, submissions have raised concerns that proposed zoning changes, moving away from the permissive Enterprise Sub-Area, do not provide for existing activities.

Concerns on the Industrial Zone provisions include those preferring the more permissive Enterprise Sub-Area approach, concerns about restrictions on hours of operation and maximum site area provisions.

A large proportion of the submission and further submission points relate to the zoning of the land popularly referred to as the “Showgrounds Development”, bounded by Victoria Avenue, the railway line, Beatrice Street and the river.

Due to the scale of changes made to provisions in the Proposed District Plan to the areas identified within Business and Industrial Zones, and in response to submissions, an economic assessment report was commissioned. This assessment has aided me in developing my recommendations on this report and is included in **Appendix 3** to provide further background to the approach I am suggesting.

The Issues discussed in this section of the report are:

- Hierarchy of Zones
- Removal of the Enterprise Sub-Area
- Business 3 Zone
- Industrial 1 Zone
- Showgrounds Development

### 5.1 Hierarchy of Business Zones

The hierarchy of Business and Industrial areas and the different roles of these areas in the District Plan is set out with greater strength and clarity in the Proposed District Plan than the Operative District Plan. There is general support for the zoning approach to the Business and Industrial areas from a number of submitters, including NZTA, Progressive Enterprises Ltd, Leven Development and Leven Investments et al. However, some of this support is qualified, with concerns that existing activities in certain areas are not provided for within the hierarchy.

The centres-based approach is not an approach that is unique to the Proposed District Plan. It has been used by a number of Councils throughout New Zealand. Some of these examples are detailed in the Market Economics Report. This planning approach has not only been used in the larger city districts, but also in provincial New Zealand. I am aware, for example, that Palmerston North City Council has also

introduced the centres-based approach as part of the sectional review of their District Plan.

Using population and market projections and a range of economic models, Market Economics has assessed the Proposed District Plan provisions against the Operative District Plan and the suggestions raised in submissions. The conclusion reached in this assessment was that the Proposed District Plan approach is the most appropriate to meet the objectives of supporting the key business centres, particularly the City Centre. The hierarchy of zones and the provisions for each meet the overarching purpose of the RMA. It is my opinion that these provisions should largely be retained, subject to a number of amendments, and that the hierarchy of zones be supported.

## **5.2 Removal of the Enterprise Sub-Area**

A number of submissions have sought the reintroduction of the Enterprise Sub-Area. The majority of these submissions refer specifically to land in the Showgrounds development and land owned by H W Richardson, and more generally to the Industrial 1 and Business 3 Zone provisions. However, there is concern that the provisions fail to take into consideration the underlying activities that occur on existing sites. Countering these submissions, there are others that support the changes to the Industrial Zones. Silver Fern Farms, submission 34.5, supports the provisions as it is their opinion that they identify anticipated amenity values for efficient operation without undue restriction and protect industrial areas by discouraging the inappropriate location of activities incompatible within or neighbouring industrial zones. Jenny Campbell, submission 56.4, is also supportive of the approach as she believes it will reduce retail spread.

In the late 1990s the economic situation and population growth projections were such that the policies in the Operative District Plan sought to be enabling of any commercial or industrial development and included the Enterprise Sub-Area where all activities were permitted, apart from noise sensitive activities. These areas surrounded the city centre encompassing the historically industrial areas. The Enterprise Sub-Area was the zoning for the commercial and industrial areas of Bluff. The Enterprise Sub-Area was also located in commercial and industrial areas along North Road, Clyde Street, Otepunu Avenue and Onslow Street. Some of these areas were very close to residential areas. The amenity provisions were reasonably relaxed and were "tolerant of effects which would be detrimental to the amenity and character of other Sub-Areas" (page 4-36 Operative District Plan).

In reviewing the District Plan it was recognised that these areas were not the best neighbours for residential areas. Vacancies within the City Centre are high and vacancies for industrial activities are dropping.

I believe that it is important that commercial and industrial activities are enabled to continue within the District and to develop and grow into the future. The Proposed District Plan provisions should provide opportunities for such activities. In doing so, the provisions need to be developed in the best interests of the community and on consideration of the resources available and the effects such activities can have on the environment. The Council has identified the City Centre as the key business area for the District and full consideration of the District Plan provisions is important to protect this. Statistics New Zealand is projecting reasonably slow population growth



in the District over the next 20 years and a realistic approach to this is important through development of the District Plan provisions.

The Market Economics Report considered the effects of retaining the Enterprise Sub-Area provisions for Dee Street, Clyde Street and the Showgrounds areas. The impacts of retaining the Operative District Plan zoning on the Business 1 and Business 2 Zones include a net loss of significant areas of retail and office space from the centres. Such a loss would undermine the centres-based approach favoured in the Proposed District Plan and the subsequent Objectives, Policies and Rules.

It is my opinion that it is important that there be land identified through the Proposed District Plan that will enable the continuation and development of industrial activities. This land is a valuable resource and should be protected from the sprawl of non-industrial retail and business activities on to industrial sites.

The amenity expectations for industrial activities can vary to those expected for retail and business activities. Industrial areas tend to be more utilitarian, working environments. It is important that industrial activities are not subject to reverse sensitivity issues from non-industrial activities seeking a higher amenity customer-friendly environment. Some industrial activities can involve reasonably high volumes of hazardous substances that may not be compatible with retail and office activities.

The environment catered for by the Enterprise Sub-Area provided for noise, dust, odour, transportation, lighting, signage, shading, glare that is not considered appropriate for all areas identified as Enterprise Sub-Area under the Operative District Plan. The one-size fits all planning approach was not sustainable. As a result in reviewing the Proposed District Plan, the Enterprise Sub-Area has been broken up into Industrial 1 (Light), Industrial 2 (Urban) and Business 3 (Specialist Commercial) Zones.

### **5.3 Business 3 Zone**

There are business areas leading into the city centre along Dee Street, Clyde Street, and Tay Street that are currently used for a range of light industrial and retail activities, such as car sales. The activities carried out in these areas generally complement the City Centre but do not necessarily require a City Centre location. They tend to be vehicle oriented destination activities, meaning that clients generally make a special journey to a specific premises for a special product or service. These activities are generally acceptable as residential neighbours and are often a useful buffer between residential areas and the State Highways. Part of this area was previously Zoned Business A under the Operative District Plan, but the majority was zoned Enterprise Sub-Area. These areas are not considered appropriate for heavy industry as would be permitted in the Enterprise Sub-Area provisions.

Submissions on this Zone have questioned the range of activities that are permitted in the Business 3 Zone.

#### **5.3.1 Retail Sales**

Harvey Norman through their submission 28.1 states that they consider putting a maximum floor area on retail activities will not meet the purpose of this Zone. I agree. A maximum floor limit would have the result of enabling a wide range of retail

activities that could set up within the City Centre. The alternative suggested by Harvey Norman of providing a minimum floor limit would enable large format retail stores. However, the Business 3 Zone is not where department stores, or shopping malls should ideally be located. Some large format retail stores should be encouraged to locate within the City Centre or Business 2 Zones where they can act as an anchor for other retail and business activity. Submissions, such as that from Trevor Thayer, 106.3, favour large anchor stores to locate within the city centre. In my recommendations in the Section 42A report on Definitions, I stated in response to the Bunnings Ltd submission 74.1 that the Proposed District Plan does not distinguish between the types of products that may be sold in retail stores. However, on further consideration of that submission, I believe 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 sales activity. By focusing on the type of retail sales, small destination shops would be permitted alongside bigger destination shops, whilst ensuring that the retail activities do not compromise the Business centres.

It is my recommendation that retail sales for trade supplies be permitted within this Zone. This would allow for a range of existing activities being carried out in the Zone and for a building improvement centre, as sought in the Bunnings Ltd submission. Whilst these activities may locate within the Business 1 and 2 Zones, including the City Centre, it is my opinion that permitting them to locate within the Business 3 Zone will not compromise the viability of the centres.

### **5.3.2 Office-based activities**

The Department of Corrections, submission 3.4, submitted that the Business 3 Zone fails to make adequate provision for the full range of community and government services. In my Section 42A Report on Definitions I indicated that I believe the majority of government services fall within the definition of personal and professional services. These activities are generally office based, although it is acknowledged that there can be an educational aspect to some services such as community corrections facilities.

Offices that are ancillary to the permitted uses in the Business 3 Zone are permitted and I believe this should continue to be permitted. However, a conscious decision was made to make office based activities discretionary within the Business 3 Zone as a way to encourage these activities to locate within the Business 1 and 2 Zones. There are benefits to the community and the businesses themselves in having these activities located within centres.

It is recognised that there are a number of personal and professional services located within the areas zoned Business 3. These activities can continue to operate within these areas subject to existing use rights. However, enabling the full range of office based activities as permitted within this Zone could compromise the efficiency and effectiveness of the business centres identified throughout the Proposed District Plan as being the priority areas.

### **5.4 Industrial 1 Zone**

It is my opinion that industrial land is an important resource that requires protection. I see the Industrial 1 Zone as providing for the ongoing development of industrial activities, but within areas within the context of neighbouring residential neighbourhoods.

#### **5.4.1 Hours of Operation**

H W Richardson Group Ltd, 90.15 and 90.26, have submitted concerned about the restrictions in the Industrial 1 Zones on hours of operation. They have stated that many light industrial activities operate 24/7. The restriction was originally included in the provisions to ensure that effects of activities within these zones would not adversely affect the neighbouring residential areas. However, there are performance standards that apply to the Zone and activities carried out within it. The noise provisions for the Industrial 1 Zone at night time, for example, are such that the noise from any activity operating within these areas would need to comply with the same night-time noise limits as the Residential Zones. This will affect the range of activities that could be carried out within the area during the night time hours and reduce the potential for other effects on amenity values during this time. I am recommending that the limitations on hours of operation within the Industrial 1 Zone be deleted.

I note that this recommendation is supported by Stuart Camp from Marshall Day Acoustics who provided expert advice on the noise provisions addressed in an earlier Section 42A Report.

#### **5.4.2 Size of allotments**

H W Richardson Group Ltd and Ballance Agri-Nutrients Ltd also submitted opposing the imposition of a maximum site area for the Industrial 1 Zone. They have stated that they do not believe that there is a difference in effects between one industry operating on one large site and two different activities operating on smaller sites. With environmental performance standards on height and bulk of structures, and controls over noise and transportation effects, the size of the allotment may make a great deal of difference in terms of effects.

There are currently only 20 properties in the Industrial 1 Zone that exceed one hectare. Two of these sites are Environment Southland properties adjoining the Waihopai River that are used for walkways or sit within the stopbanks. Three of the properties are located in areas where SouthPort Ltd has submitted seeking the rezoning back to Seaport Zone. Activities currently being carried out on these sites could continue to operate under existing use rights should the notified rule prevail. However, I am of the opinion that the effect of removing the provision stipulating a maximum size for sites within the Industrial 1 and Industrial 1A Zones will be minimal given the low number of sites that currently exist over one hectare. Land prices and economics may drive activities wanting larger industrial allotments out of the urban areas and the creation of new larger allotments within these areas is a low risk.

I acknowledge that enabling large allotments can have effects on the industrial land resource. Vacancies for urban industrial land are decreasing and it is important that this resource is maintained for small scale industrial activities. Activities using larger sites within these areas will reduce the amount of land available for urban scale industrial activities. The Industrial 3 and Industrial 4 Zones provide for industrial activities requiring this larger area of land.

I am recommending that the maximum site size be removed from the Industrial 1 and Industrial 1A Zones. Controls over the types of activities and environmental standards on the bulk and location of structures and screening, along with the District Wide Transportation and Hazardous Substances provisions, will ensure that the amenities of these areas and the adjoining zones will be maintained and enhanced.

I note that there were no submissions specifically referring to Rule 3.18.6(C) which makes it a non-complying activity to carry out a subdivision creating allotments of greater than one hectare. However, it is my opinion that the H W Richardson submission's overall opposition to the site size restrictions can be used to enable the removal of this provision as well. This is consistent with my recommendations.

### 5.4.3 Range of activities

A number of submissions have questioned the range of activities permitted in the Industrial 1 Zone. These submissions include those from landowners of the Showgrounds land seeking permitted activity status for all existing activities and those that have certificates of Compliance. The New Zealand Defence Force is concerned that the activities they carry out at 1 Fox Street would not be permitted. The Department of Corrections is concerned that their community corrections facilities would not be permitted. Progressive Enterprises is seeking that supermarkets could be considered for this area, subject to a number of considerations. Bunnings Ltd would like "building improvement centres" to be permitted. McDonalds would like drive through restaurants to be permitted. The Southern District Health Board has suggested that caretakers' accommodation should be permitted. The Bluff Community Board is seeking more clarity as to the type of development permitted in this area.

Rule 3.29.1 permits five different types of activities within the Industrial 1 Zone: Essential services; Light industry; motor vehicle sales; takeaway food premises not exceeding 150m<sup>2</sup>; and Land Transport Facilities. All other activities, apart from Heavy Industry, are discretionary. The limitations on the range of activities permitted in these areas were made consciously. The provisions provide for areas of land for activities of a light industrial nature that can be carried out within areas close to residential neighbourhoods. Where activities are thought to be better located within business centres it is considered that these activities be provided for elsewhere to support the business centres.

It is my opinion that office-based and retail centred activities should retain their discretionary activity status. As with supermarkets, these types of activities should be assessed on a case-by-case basis with consideration not only of the effects that these activities may have on the immediate environment but also on the wider hierarchy of zones.

While the development standards for the Industrial 1 Zone provide for lower noise limits at night, I do not believe residential activities are appropriate within this zone due to the presence of light industrial activities. The permitted noise limits for the day time are not conducive to residential activities.

As stated below, a number of properties in the Showgrounds development have certificates of compliance for a range of commercial and retail activities. There are other activities that have established through resource consent or pursuant to the rules of the Enterprise Sub-Area. I believe there are a number of activities currently carried out on some of the sites for activities that would not be considered appropriate within the Industrial 1 Zone. These activities include offices, dentists, child day care activities. In other areas of the District zoned Enterprise, there have been similar activities establish in what would be considered industrial areas, such as a hairdresser in Otepunu Avenue. These activities in my opinion are best located

within the Business Zones, and permitting these through the District Plan would have the result of undermining the effectiveness and viability of the other business centres. These activities would not be appropriate in the other Industrial 1 Zone areas either, such as along Otepunu Avenue or Nith Street.

In evidence presented at the Proposed District Plan Hearing on Definitions, dated 28 April 2015, Opus International Consultants Ltd Planner Luke McSoriley<sup>4</sup> raised concerns about the uncertainty around the definition of “Light Industry” and the activity status of certain activities operating in the Showgrounds Development. I clarify that ancillary retail sales, associated maintenance, any public display or tour operations within the land or premises and associated offices and staff facilities are covered by the definition of light industry. The definition of Motor Vehicle Sales allows for a degree of small scale retail associated with the sale of motor vehicles. As such the retail of wetsuits and life jackets could be permitted where this is ancillary to the predominant activity of selling of motor vehicles. Auto-electricians and commercial vehicle servicing would be considered industrial activities where they are focused on the repair of products or materials. The vehicle servicing could also genuinely fall within the definition of land transport facilities. It is my opinion that there are activities within this development that would be appropriate within the Industrial 1 Zone and that would be permitted under the Proposed District Plan provisions.

## **5.5 Showgrounds Development**

The area of land bounded by Victoria Avenue, the railway line, Beatrice Street and the river, commonly referred to as the “Showgrounds Development” was within the Enterprise Sub-Area in the Operative District Plan. The subdivision of this 28ha of land into 71 allotments was applied for through a number of consents over 2007/2008 and approved subject to conditions. Over 50 of these sites were proposed for industrial or commercial type purposes. The land is marketed as a “business park” and it is my understanding that over 40 of the available lots have been sold or tenanted. Not all of these sites have been developed or are currently utilised and a majority of the sites are currently vacant, although services, including roading, are in place. Prior to the notification of the Proposed District Plan certificates of compliance were applied for, for a number of the properties for a range of activities, varying from “various retail developments, not being a supermarket”, to “commercial activity (a retail store)”, “commercial activity (retail premises, not being a supermarket)”, “retail developments, including a supermarket”. These certificates of compliance were assessed against site plans, elevation plans and typical car park set out plans provided by the applicants. Certificates of compliance were issued in 2013 and expire five years after the date of issue. The zoning of this land is Industrial 1 Zone under the Proposed District Plan as notified.

Several submitters and further submitters have raised concerns about the zoning of this area. One of the core concerns for these submitters is the change to a more restrictive zoning approach that 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. The financial implications of such a change could be significant for those owners. This is something that could be taken into account when deciding upon submissions on this matter. However, those seeking to make a

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<sup>4</sup> In support of submissions received from Leven Investments Ltd, Victoria Estate Trust, Russell Cunningham Properties Ltd and Showgrounds Mall Ltd.  
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financial return from the subdivision and development of land should anticipate the possibility of changes to District Plans. The Council is not obliged to retain existing planning regimes and any assessment of economic effects needs to account for the economic impacts for the wider community and District as a whole.

### 5.5.1 Natural Hazards

It needs to be recognised that zoning decisions are informed to some degree by District Wide Issues. Natural Hazards is one of the District Wide Issues addressed in the Proposed District Plan that is of particular relevance to the zoning of the Showgrounds development. The approach to natural hazards promoted through the Proposed District Plan is more precautionary than the Operative District Plan was. The information on hazard risks has also been updated through the review process.

The Showgrounds development land is identified in the Planning Maps as being subject to Level 1 Risk of Riverine Inundation and as an area most at risk from Sea Level Rise / Storm Surge Event. In the GNS Science Consultancy Report 2012/014 (January 2012) "*Amplified ground shaking and liquefaction susceptibility, Invercargill*", authored by PJ Glassey and DW Heron, the site is identified as being located on very soft soil, which in the event of a strong distant earthquake would be likely to respond by large increases of shaking. The geological evidence suggests the presence of materials liable to liquefaction when earthquake intensity reaches Modified Mercalli VII. In other words this area is identified in the GNS Report to be at high risk of liquefaction.

To address risks from riverine inundation and storm surge events, the development on the Showgrounds Development site is subject to minimum floor levels. It should be noted that whilst the area is protected by stopbanks developed to alleviate the likelihood of flooding from the adjoining Waihopai River, the Proposed District Plan was developed on the understanding that there is a 22% chance of a flood equal to or greater than the 1984 flood occurring in the next 50 years. With potential risks from sea level rise and storm surge as well as the risks of riverine inundation, floor levels will not prevent all hazard risks.

The Proposed District Plan approach to risks from earthquakes is based on the expected ground shaking intensity for the Invercargill City for an event with 10% probability in 50 years of Modified Mercalli VII. As stated above, the GNS Report suggests that the Showgrounds Development area is at high risk of liquefaction in these events. Whilst the GNS report was not based on detailed site specific assessments, it is an indication that this area is at risk from effects caused by earthquakes.

The Natural Hazards Objectives in the Proposed District Plan as notified are:

**Objective 1:** *Actual or potential effects of natural hazards on people, communities and their businesses, property and infrastructure are understood and avoided or reduced, resulting long-term in the Invercargill community becoming more resilient.*

**Objective 2:** *The exposure of the Invercargill City District to adverse effects arising from natural hazard is reduced over time.*

The Policies include the promotion of raising awareness of risks and identification of hazards. The policies of most relevance however are those that seek to reduce

exposure to natural hazards and to take a precautionary approach to managing the effects of natural hazards.

It is my opinion that enabling the intensification of a wide range of retail and business investment and development to occur within this area, increasing the intensity of the population either visiting or working within the area, is not consistent with the Natural Hazards Objectives and Policies. The Industrial 1 Zone is consistent with the Objective of reducing the exposure of the public to these risks. It is also of value to note that the light industrial zoning permits less hazardous substances than the Enterprise Sub-Area or Industrial 2 (Urban) Zone provisions which will be a factor in the scale of the potential effects of a hazard event.

I note that in comparison the hazardscape of the Business 1 Zone is of a low risk area. There are only minimal areas on the western and southern fringe of the Business 1 Zone that are identified as being at risk from liquefaction and seismic amplification to the same degree as the Showgrounds Development. These areas are also susceptible to a Level 1 risk of riverine inundation. Promoting intensification of uses within the Business 1 Zone is not contrary to the Natural Hazards objectives.

### 5.5.2 Business 6 Zone

Submitters have raised the idea of creating a new Zone specifically for the Showgrounds development. I have attached the suggested provisions for the Business 6 Zone in **Appendix 4** of this report. Landowners in the area have also been supportive of this approach through further submissions. The Business 6 Zone would:

*“Provide for a range of commercial activities and service-oriented industrial activities located on an existing Business Park initially established in 2007. The Business 6 Zone recognises established commercial land use activities located in the area that are permitted under approved resource consents and Certificates of Compliance. It also recognises potential business development that was a permitted activity under the previous District Plan zoning. This zone is intended for “destination” retailing and services for a mix of commercial business activities.”*

Assessment of the effects of such a zone by Market Economics, included in **Appendix 3**, shows that this approach would not be in the interests of the community, and would be contrary to the objectives of supporting the Business centres.

The range of permitted activities suggested for the Business 6 Zone would be more permissive than any other Zone in the Proposed District Plan. While the developer has short term control over the range of activities that may be able to locate in this area, in the long term the rules would allow for all manner of activities. There is no guarantee that the retail activities permitted in the Zone would be “destination based” as there are no controls suggested for this zone managing the types of retail. The compatibility of the range of activities permitted is also questionable. For example, the environmental amenity expectations for a child day care activity can be quite different to those for a land transport facility. It is my opinion that the resulting zone environment would not be cohesive and would not be in the interests of the community.

### 5.5.3 Alternative assessed by Market Economics

In response to concerns raised by submitters about the limited range of activities permitted on the Showgrounds Development, I asked Market Economics to assess the option of splitting the development up by rezoning the triangular area between Bill Richardson Drive, Arena Avenue and Victoria Avenue Business 3. This scenario is discussed in the assessment report in **Appendix 3**.

Within the Business 3 Zone, I am recommending permitting trade retail activities. A number of the activities carried out on the Showgrounds Development could arguably fall within this definition. The assessment showed this option to be much more favourable than both options of introducing the Business 6 zoning or returning to the Enterprise Sub-Area provisions. However, the option still had a greater adverse effect on the Business Centres than the Proposed District Plan provisions. Given the objectives to support the Business 1 Zone, I am recommending that the Industrial 1 Zoning be retained as notified.



## **6. DISCUSSION OF SECTION 32 MATTERS**

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

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

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

- Identify the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth);
- Identify other reasonably practicable options for achieving the objectives; and
- Assess the efficiency and effectiveness of the provisions in achieving the objectives.

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

Section 32AA of the RMA requires a further evaluation to be released with decisions, outlining the costs and benefits of any amendments made after the Proposed Plan was notified.

Section 32 states that Evaluation Reports need to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. This means that if in its decision the Hearings Panel recommends minor changes from what was in the Proposed Plan, a further evaluation can be relatively brief.

### **6.1 Section 32AA Further Evaluation**

Listed below are the matters considered relevant for further evaluation under Section 32AA of the RMA:

#### **Business 3 Zone**

- Policy on CPTED
- Inclusion of drive-through restaurants as a permitted activity
- Retail sales – change from focus on size of activity to the nature of the retail activity

#### **Industrial 1 Zone**

- Removal of restriction on hours of operation
- Encouraging amenity screening and landscaping along street frontages

Recommended amendments to wording in introductory paragraphs and technical redrafting of policies that will retain the overall intention of the provision have been recommended in this report. These are not addressed in this evaluation.

### **6.1.1 Business 3 Zone**

#### *6.1.1.1 Policy on CPTED*

I have recommended the addition of a new policy to encourage the incorporation of CPTED principles into site management and design.

This policy is consistent with the Objectives of maintaining and enhancing the amenity values of the Business 3 Zone. It addresses a significant resource management issue, in particular the health and well-being of the community. The only direct costs that would result from this policy will be borne by the Council and ratepayers in terms of staff time and resources involved in any discussions with developers or in providing any guidance material. It should be noted that this policy is consistent with policies in other Business Zones and as such the costs relevant to the introduction of this policy will not be significant. The policy does not *require* any action from developers, although if the principles are followed then they may need to increase resources in developing an appropriate design. The benefits of a safer environment will be enjoyed by the public and staff visiting the sites. As a result land owners may benefit from maintaining their customer base.

The alternatives to that recommended are the status quo with no CPTED policy or including a provision requiring consideration of these policies. It is my opinion that the recommended option takes the middle ground. Providing a safe environment is desirable and should be encouraged as best practice. There are similar policies in the Business 1 and 2 Zones. This Zone seeks to attract public and providing for their safety and well-being is important. However, submitters to other parts of the Proposed District Plan have raised concerns over policies requiring the introduction of these principles into the design and management of sites. It is considered that these principles are relatively broad and provisions would need to be very detailed to be enforceable. These principles are best applied on a case-by-case basis and a range of different approaches could be used to reach a desirable outcome.

#### *6.1.1.2 Inclusion of drive through facilities as a permitted activity*

It is recommended that drive through facilities be included as a permitted activity within the Business 3 Zone. This is consistent with the Objectives and Policies of the Plan. These activities are “destination” activities. They are vehicle oriented. The benefits of permitting these activities will be felt by the developer providing an extended area in the District for these types of activities to occur. As the Business 3 Zones are predominantly found along major arterial roads, these activities will need to be developed in consideration of effects on the transportation network. The alternative of retaining the discretionary activity status for these activities, as per the Proposed District Plan as notified, would limit where these activities could occur as permitted to other Business Zones. It is my opinion that enabling drive through facilities will not have a significant effect on the viability of these other Zones.

### 6.1.1.3 *Retail sales*

I have recommended that “retail sales, from premises with a floor area smaller than 400 square metres and other than in the context of a shopping mall” be removed from the list of permitted activities and replaced with a provision focusing on the type of retail sales. This is consistent with the Objectives in the Proposed District Plan of supporting the Business 1 and Business 2 Zones as the key retail and business centres in the District. The alternative of enabling small scale retail activities has the potential of enabling retail sales that could otherwise be provided for within the Business 1 and Business 2 Zones. These activities may not necessarily be destination based and vehicle oriented retail activities. The alternative of limiting retail sales to trade suppliers will ensure that activities that complement the business centres and that do not require a central location are provided for, regardless of scale. The restriction to the particular types of retail could be seen as a cost to developers wishing to provide for other retail activities. However, those developers wishing to establish a trade supply activity will attain the benefits of being able to develop these types of activities with floor areas exceeding 400m<sup>2</sup> if necessary. The community benefits from having a regulatory regime that supports the business centres as the main locations for retail activity.

## 6.1.2 **Industrial 1 Zone**

### 6.1.2.1 *Removal of restriction on hours of operation*

Recommendations in this report include removing restrictions on hours of operation for activities within the Industrial 1 Zone. Amendments are recommended to policies and rules, as well as the introductory provisions in section 2.29. The Industrial 1 Zones are located in areas close to residential and business areas. The amendments will result in provisions that are still consistent with the Objectives of the Proposed District Plan. The Proposed District Plan includes environmental standards that recognise that activities in this Zone should not compromise the amenity values of these other areas. The alternative of retaining the provisions as notified could potentially limit activities that would otherwise meet the environmental standards from operating to their capacity. The recommended approach relies on the environmental standards for the zone to protect amenity values. It is considered that provisions on noise, lightspill and transportation, for example, acknowledge the context of this zone and should act to address any risks of enabling activities to operate 24 hours a day. The costs of this approach may include enforcement and monitoring of the environmental standards by the Council. The key benefit will be enjoyed by the activities carried out on the site and any flow on benefits for the wider community from having areas available to provide for a wider range of businesses generating income and employment opportunities.

### 6.1.2.2 *Removal of maximum site size*

Recommendations in this report include removing the maximum site size for activities within the Industrial 1 and Industrial 1A Zones. These recommendations include amendments to the introductory paragraphs to the Industrial 1 Zone provisions, amendments to policies and also changes to Zone specific and subdivision rules. The changes will result in provisions that are still consistent with the Objectives of the Proposed District Plan. The Proposed District Plan includes environmental standards that will ensure that activities in this Zone do not compromise the amenity values of other areas, such as controls on the range of activities permitted, the scale,

bulk and location of any structure on the site along with other rules such as those addressing Transportation and Hazardous Substances. The alternative of retaining the provisions as notified may have benefits in protecting the availability of land within zoned areas for small scale light industrial activities by encouraging larger industrial activities to locate in other zones. However, there are costs associated with these provisions as notified, such as the potential restrictions from further development on a small number of existing sites. It may also limit options for the location of light industrial activities that would otherwise meet the environmental standards. The risks associated with amending the provisions are small, given the existence of other District Plan controls over the development of the Industrial 1 and 1A Zones.

#### 6.1.2.3 *Encouraging amenity screening and landscaping along street frontages*

I have recommended that 2.29.3 Policy 18 be amended to include provision for encouraging screening and/or landscaping along street frontages of sites within the Industrial 1 Zone. This policy is consistent with the Objectives recognising the context of this zone. It addresses the significant resource management issue of maintaining and enhancing amenity values.

The only direct costs that would result from this amendment will be borne by the Council and ratepayers in terms of staff time and resources involved in any discussions with developers or in providing any guidance material. The policy does not *require* any action but from developers, although if the landscaping or screening was carried out then they may need to increase resources in developing and maintain these parts of their sites. The benefits of such landscaping or screening will be enjoyed by the public and staff visiting the sites or passing through them. The residential or business areas adjoining the Zone would also benefit from a potentially improved physical and visual boundary treatment. As a result land owners may benefit from maintaining their customer base.

The alternatives would be either to retain the status quo of not referring to the treatment of the street front boundaries, or alternatively including provisions requiring landscaping and screening along these street frontages. The recommended alternative is considered to be most appropriate as it provides an opportunity for each site to be considered on a site by site basis by developers and decision makers. Communities can work with landowners to develop guidelines as to what type of screening or landscaping is considered appropriate for the different areas. This policy is not a regulatory approach but it provides an opportunity for the landowner to buy in to the concept and to develop a site management plan which is important for the long term maintenance of these areas.

## 7. CONCLUDING COMMENTS

The Proposed District Plan introduces a centres-based approach to the Business and Industrial Zone provisions. The provisions seek to encourage retail and office based activities to be located within the city centre and the suburban nodes. Industrial areas are identified in the Proposed District Plan and provisions seek to protect this land from non-industrial development to ensure that this resource is available for this important sector of the business community. This report addresses about 70 submission points and 245 further submission points. Some of these submissions are supportive of the Proposed District Plan approach and associated provisions, whilst a number have submitted in opposition.

This approach has resulted in a significant change to the provisions as they apply to areas that were previously zoned Enterprise Sub-Area in the Operative District Plan. The removal of the permissive Enterprise Sub-Area provisions has been the subject of a number of submissions.

Questions were also raised about the range of activities that are permitted in the Industrial 1 and Business 3 Zones. I have recommended that a couple of changes be made to the list of activities permitted in the Business 3 Zone. Arguably the biggest change recommended is to change the focus on retail sales in this area from rules limiting the scale of the activity to looking at the types of retail activities. It is considered that the changes will reduce the potential adverse impacts on the City Centre and suburban nodes.

An economic assessment was commissioned to aid in the development of my recommendations on the submission points from Market Economics Limited. The overall conclusions of this report were relatively supportive of the provisions in the Proposed District Plan as notified and as such very few amendments are recommended.

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## APPENDIX 1: Recommendations in response to submissions

### Business Overview

Submitter	Submission	Recommendation
<b>GENERAL</b>		
<b>3.3(a)</b> <b>Department of Corrections</b>	<p>Activity Status</p> <p>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><b>RELIEF SOUGHT:</b></p> <p>That community based Corrections services are provided for as permitted activities in the Business Zones.</p>	<p><b>Accept in part</b></p> <p>The recommendations on submissions in the Section 42A Report on Definitions included an amendment to the definition of “Personal and Professional Services”. The recommendations sought to expand the definition to specifically include government services.</p> <p>Personal and Professional Services are permitted activities in the Business 1 and 2 Zones. Rule 3.25.2 deems these types of activities to be discretionary in the Business 3 Zone. The intention of this is to support the hierarchy of business zones, and to encourage office based activities to locate within the Business 1 and 2 Zones.</p> <p>It is my opinion therefore that the Proposed District Plan does provide for social and government services.</p>
<b>53.33</b> <b>NZ Transport Agency</b>	<p>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.</p> <p><b>RELIEF SOUGHT:</b></p> <p>Retain the general approach taken within the Business Zones of the City.</p>	<p><b>Accept</b></p> <p>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.</p>

Submitter	Submission	Recommendation
<p><b>81.1</b> <b>Progressive Enterprises Ltd</b></p>	<p>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><b>RELIEF SOUGHT:</b> Support</p> <p><b>FS45.2 - Leven Development Ltd</b></p> <p><b>Support in part submission 81.1</b> The further submitter agrees that the Plan should provide for business areas of the City and acknowledge the role and function of these areas in providing for the needs of the whole community.</p> <p>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 “Showgrounds”.</p> <p>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><b>Accept</b></p> <p>It is recommended that the centres-based approach is retained.</p> <p>It is recognised that this approach involves the rezoning of areas of the District in the Proposed District Plan to zones that are more restrictive in terms of the types of activities that are anticipated than in the Operative District Plan. These changes have been made in support of the centres-based approach and support the sustainable management of the District’s resources as well as the economic and social well-being of the community.</p> <p>Section 5 of this report discusses the approach to the Showgrounds development in more detail.</p>
<p><b>84.4</b> <b>Leven Investments Ltd, Victoria Estate Trust, Russell Cunningham Properties Ltd and Showgrounds Mall Ltd</b></p>	<p>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.</p> <p>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><b>Reject</b></p> <p>See Section 5 of this report for further discussion on this submission.</p> <p>Creating a Business 6 Zone as proposed by the submitter for the properties on the land between Victoria Avenue, the railway line, Beatrice Street and the Waihopai River is contrary to Council-wide policies of supporting the City Centre. The Invercargill City District would have difficulty sustaining this type of Zone.</p> <p>The Proposed District Plan will not stop activities being carried out under existing use rights and resource consents. There are a number of certificates of compliance for properties in this area to</p>



Submitter	Submission	Recommendation
	<p><b>RELIEF SOUGHT:</b> Introduce plan provisions for a new Business 6 Zone (details of the proposed Business 6 Zone set out in submission).</p> <p><b>AND</b></p> <p>Change the proposed zoning of the land from Industrial 1 to Business 6 Zone</p> <p><b>AND</b></p> <p>Amend Planning map 8 to show Business 6 Zone in this area.</p> <p><b>FS23.1 - South Light Development Ltd, Sonya Crook and Ian Crook</b>  <b>FS37.1 - Peter Cooper</b>  <b>FS40.1 - Bill Fraser</b>  <b>FS42.1 - Neville Hayes</b>  <b>FS43.1 - Dave Edminston</b>  <b>FS45.3 - Leven Development Ltd</b>  <b>FS47.1 - Paul Ruddenklau</b>  <b>FS48.1 - Allan McPhee</b>  <b>FS50.1 - Chris O’Sullivan</b>  <b>FS51.1 - Stephen Winter</b></p> <p><b><i>Support submission 84.4</i></b>  The further submitters consider that the Industrial Zone proposed for the former showgrounds’ site does not adequately cover all established business land use activity in this area.</p> <p>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.</p> <p>The further submitters endorse the suggested introduction of plan provisions for a new Business 6 Zone.</p>	<p>carry out a range of commercial and retail activities under the Operative District Plan. These certificates expire in 2018. However, the Proposed District Plan sets out Council’s policy as to where it would like to see these types of activities setting up in the future. It should also be noted that some of the activities currently carried out on the Showgrounds development would be considered permitted activities under the Proposed District Plan.</p> <p>Supported by the Market Economics Report, set out in <b>Appendix 3</b>, it is my opinion that the Industrial 1 Zoning of this land, as per the Proposed District Plan, provides the optimal result in terms of impacts on the well-being of the community.</p>

Submitter	Submission	Recommendation
	<p><b>FS38.1 - Murray Cruickshank</b></p> <p><b>Support submission 84.4</b>  The further submitter 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 also provided future expansion options for the submitter's operation.</p> <p>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.</p> <p>The further submitter considers that the Industrial Zone proposed for the former showgrounds' site does not adequately cover all established business land use activity in this area.</p> <p>The further submitter considers this part of the City is a mixed use business zone and has been able to develop as such under the Operative Plan.</p> <p>The further submitter endorses the suggested introduction of plan provisions for a new Business 6 Zone.</p>	
<p><b>85.1</b>  <b>R J Cunningham</b>  <b>Family Trust</b></p>	<p>The submitter is concerned that proposed business zoning does not always reflect the established activities.</p> <p>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><b>RELIEF SOUGHT:</b>  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><b>Reject</b></p> <p>The review of the Proposed District Plan provides the Council with an opportunity to look at what has developed under the Operative District Plan and determine whether those subdivision and land use activities are sustainable into the future. As stated above, those activities that are operating under existing use rights will be able to continue under the Proposed District Plan. However, the Proposed District Plan sets policy as to the preferred location for these types of activities in the future. The Proposed District Plan is not obliged to retain historic zoning decisions. However, any change should be justified.</p>

Submitter	Submission	Recommendation
	<p><b>FS11.8 – H W Richardson Group Ltd</b>  <b>Support in part submission 85.1</b>  The further submitter supports this submission 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><b>FS23.2 - South Light Development Ltd, Sonya Crook and Ian Crook</b>  <b>FS37.2 - Peter Cooper</b>  <b>FS38.2 - Murray Cruickshank</b>  <b>FS40.2 - Bill Fraser</b>  <b>FS42.2 - Neville Hayes</b>  <b>FS43.2 - Dave Edminston</b>  <b>FS45.4 - Leven Development Ltd</b>  <b>FS46.4 - Leven Investments Ltd and others</b>  <b>FS47.2 - Paul Ruddenklau</b>  <b>FS48.2 - Allan McPhee</b>  <b>FS50.2 - Chris O'Sullivan</b>  <b>FS51.2 - Stephen Winter</b></p> <p><b>Support submission 85.1</b></p> <p>The further submitters consider 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.</p> <p>The further submitters oppose the zoning of the Showgrounds as it is inconsistent with existing permitted uses.</p>	<p>Spot zoning for existing businesses would be problematic and would not necessarily result in the development of cohesive and efficient environments.</p> <p>As per the discussion in Section 5 of this report, the Business Zone provisions provide the Invercargill City District with the more sustainable option going into the future.</p>
<b>SECTION 2.21 ISSUES, OBJECTIVES AND POLICIES</b>		
<b>81.2</b> <b>Progressive Enterprises Ltd</b>	<p>The submitter generally supports the objectives and policies for the Business Zones.</p> <p>The submitter notes difficulties in expanding its existing assets within the</p>	<p><b>Accept</b></p> <p>It is noted that in some parts of the Business and Industrial Zones there are areas comprised of multiple parcels of land with multiple</p>

Submitter	Submission	Recommendation
	<p>current zones due to problems associated with land ownership and multiple parcels of land being required.</p> <p><b>RELIEF SOUGHT:</b> General support.</p>	<p>owners. This is historical. The Proposed District Plan is not able to change this.</p> <p>There is nothing in the Proposed District Plan that prevents developers from amalgamating properties. The ability to purchase the required properties will depend on the motivations of the parties involved.</p>
<b>2.21.1 Objectives</b>		
<p><b>106.3</b> <b>Trevor Thayer</b></p>	<p>Supports objectives set out in 2.21.2 – Objectives 1-4.</p> <p>The submitter believes the vision required in the plan is to picture the city in the next decade ahead.</p> <p>The submitter believes 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.</p> <p>The submitter would like to support some CBD parking that is not piecemeal.</p> <p><b>RELIEF SOUGHT:</b> Supports objectives set out in 2.21.2 – Objectives 1-4.</p>	<p><b>Accept</b></p> <p>The provisions in the Proposed District Plan are drafted to encourage large anchor developments back to the City Centre and into existing business centres.</p> <p>Car parking activities are permitted in the Business 1 Zone. Business decisions on how this car parking activity is accumulated are not the realm of the District Plan or the RMA.</p>
<b>2.21.3 Policies</b>		
<p><b>53.34</b> <b>NZ Transport Agency</b></p>	<p>Support Policy 2 - Zoning.</p> <p>The submitter considers that the expectation that businesses locate within their anticipated zone supports an integrated planning approach and a sustainable transport infrastructure.</p> <p><b>RELIEF SOUGHT:</b> Retain Policy 2 as proposed.</p>	<p><b>Accept</b></p>

# Business 3 Zone

Submitter	Submission	Recommendation
<b>SECTION 2.24 - ISSUES, OBJECTIVES AND POLICIES</b>		
<b>Introduction</b>		
<b>65.61 ICC Environmental and Planning Services</b>	<p>The submitter notes that there are no areas zoned as Business 3 that fit within the definition outlined in (C).</p> <p><b>RELIEF SOUGHT:</b> Remove clause (C) from the introduction.</p>	<p><b>Accept</b></p> <p>RECOMMENDATION: Remove clause (C) from the introduction.</p>
<b>Objectives and Policies</b>		
<b>3.4 Department of Corrections</b>	<p>The Objectives and Policies in the proposed plan fail to make adequate provision for the full range of community and government services.</p> <p><b>RELIEF SOUGHT:</b> Amend the explanation to Policy 1 by deleting the last sentence as follows:</p> <p><b>“Explanation: ...</b></p> <p>The zone is not intended to make provision for the likes of a shopping mall, where retail franchises are grouped within a hall or building and the retail activity is more “comparison” in nature. <del>Neither is the zone intended to make provision for office buildings.”</del></p> <p><b>FS46.6 - Leven Investments Ltd and others Support submission 3.4</b> The further submitter considers that 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><b>Reject</b></p> <p>The business zones within the Proposed District Plan have been developed using a centres-based approach. The Proposed District 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. There are many benefits of clustering these types of activities together and discouraging them to spread out into the wider district. For example, clustering offices and personal and professional services within a centre enables interagency relationships. There are efficiencies in terms of transportation. Retail and service activities benefit from the concentration of workers and the accessibility to this share of market. These benefits are further expanded in the Market Economics Report in <b>Appendix 3</b> and in Section 5 of this report. It is my opinion that enabling office buildings to locate outside the business centres has the potential to disintegrate the effectiveness and efficiencies of the District’s business centres.</p> <p>Community services are permitted activities in the Business 3 Zone. As stated in my Section 42A Report on Definitions, I do not consider that government services fall within the definition of “Community Services” in the Proposed District Plan. They do, however fall within the definition of “Personal and Professional Services”. The intention of the Business 3 Zone is not to provide for these types of activities.</p>

Submitter	Submission	Recommendation
<p><b>65.62</b> <b>ICC</b> <b>Environmental and Planning Services</b></p>	<p>Support 2.24.3 Policy 1 Business 3 (Specialist Commercial) Zone subject to amendment of typo</p> <p><b>RELIEF SOUGHT:</b> Remove comma between the words “locations” and “which”.</p>	<p><b>Accept</b></p> <p>RECOMMENDATION:</p> <p>Amend Policy 1 Business 3 (Specialist Commercial) Zone by removing the comma between the words “locations” and “which”.</p>
<p><b>28.2</b> <b>Harvey Norman Properties (NZ) Ltd and Harvey Norman Stores (NZ) Pty Ltd</b></p>	<p>Oppose 2.24.3 Policy 2 Activities and Policy 3 Protection of Business 1 Zone.</p> <p>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.</p> <p><b>RELIEF SOUGHT:</b> Delete Policy 2</p> <p>Amend Policy 3 as follows: <i>“Protection of Business 1 Zone: To <del>restrict</del> manage the range and scale of activities within the Business 3 zone to avoid erosion of critical mass within the Central Business District.”</i></p> <p><b>FS46.7 - Leven Investments Ltd and others</b> <b>Support submission 28.2</b> The further submitter supports the proposed amendment and 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><b>Reject</b></p> <p>The intention of the Business 3 Zone is to provide for a limited range of retail activity. It was not the intention of this Zone to provide for small scale retail activities such as boutique fashion shops for example. The Zone was also not intended to provide for office buildings, but to enable offices associated with other permitted activities. As such, Policy 2 is accurate, in that it does provide for limited retail and office space. Recommendations in this report do include amendments to the types of activities permitted in these areas, however, the provisions will continue to restrict certain activities within this Zone.</p> <p>Policy 3, as notified, also accurately sets out the intention of the Business 3 Zone. The City Centre is offered primacy in the Proposed District Plan as the key commercial centre for the Invercargill City District. It is important the provisions in the other Zones do not conflict with this and that provisions within the Proposed District Plan restrict the range and scale of activities that can set up outside of the Business 1 Zone.</p> <p>How the Rules and Methods are drafted to achieve these policies has been the subject of submissions and it is my opinion that this is where amendments could be made.</p> <p>RECOMMENDATION:</p> <p>Retain 2.24.3 Policy 2 Activities and Policy 3 Protection of Business 1 Zone.</p>

Submitter	Submission	Recommendation
<p><b>103.55 Invercargill Airport Ltd</b></p>	<p>Support 2.24.3 Policy 15 Height of Structures.</p> <p>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.</p> <p><b>RELIEF SOUGHT:</b> Retain Policy 15 as notified.</p>	<p><b>Accept</b></p> <p>RECOMMENDATION: Retain 2.24.3 Policy 15 as notified.</p>
<p><b>65.64 ICC Environmental and Planning Services</b></p>	<p>Additional policy on CPTED.</p> <p>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><b>RELIEF SOUGHT:</b> Include a Policy – Crime Prevention Through Environmental Design (CPTED) <u>“To encourage the following CPTED principles are incorporated into the design of buildings and public spaces:</u> (A) <u>Awareness of the environment</u> (B) <u>Visibility by others</u> (C) <u>Finding help”</u></p>	<p><b>Accept</b></p> <p>The policy as sought by the submitter does not require developers to do anything, but encourages them to at least consider crime prevention in the design of their premises. Given, for example, that the types of activities anticipated within this Zone are vehicle oriented and can involve large areas of car parking and may not be pedestrian friendly, it would be sound planning practice to consider the types of matters that are covered in the policy sought.</p> <p>This policy is consistent with the policies in the other Business Zones in the Proposed District Plan.</p> <p>RECOMMENDATION: Include an additional policy and explanation as follows:</p> <p><b><u>“Policy 17 Crime Prevention through Environmental Design (CPTED):</u></b> To encourage the incorporation of the following CPTED principles into the design of buildings and public spaces: (A) <u>Awareness of the environment</u> (B) <u>Visibility by others</u> (C) <u>Finding help</u></p> <p><b><u>Explanation:</u></b> <i>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.”</i></p>

Submitter	Submission	Recommendation
<b>3.25 RULES</b>		
<b>74.11 Bunnings Ltd</b>	<p>Support bulk and location rules.</p> <p>The submitter considers these provisions provide an acceptable balance between enabling developing and maintaining amenity.</p>	<p><b>Accept</b></p>
<b>75.16 McDonalds Restaurants (NZ) Ltd</b>	<p>Support bulk and location rules.</p> <p>The submitter considers these provisions provide an acceptable balance between enabling developing and maintaining amenity.</p>	<p><b>Accept</b></p>
<b>28.1 Harvey Norman Properties (NZ) Ltd and Harvey Norman Stores (NZ) Pty Ltd</b>	<p>Oppose 3.25.1 (H).</p> <p>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.</p> <p>The submitter notes that the proposed Business 1, Business 2 and Business 4 Zones all allow retail sales regardless of size.</p>	<p><b>Accept in part</b></p> <p>It is accepted that Rule 3.25.1(H) does not provide for the intention of the Zone. I am recommending a number of changes in relation to the types of retail activity that are permitted within this Zone.</p> <p>It is my opinion that putting a maximum floor space limit on retail activities will essentially allow small or boutique type retail activities, that could otherwise fit within the Business 1 Zone, to locate within the Business 3 Zone. However, there may be certain types of retail that are appropriate regardless of scale in the Business 3 Zone.</p> <p>It is also my opinion that large format retail activities could be located within the Business 1 Zone and act as anchor stores supporting development within the city centre. Some of these large format retail stores, such as department stores, would be more appropriate within the Business 1 Zone than the Business 3 Zone. It is unlikely that some of these types of stores would locate within the Priority Redevelopment Precinct or the Pedestrian Friendly Frontages Precinct due to the need for associated car parking, and this type of development is provided for within the Business 1 Zone.</p> <p>Instead of putting a maximum or minimum floor area on all retail activities, after considering the range of submissions for this Zone, I am recommending that the outcome sought for the Business 3 Zone would be best met by managing the type of retail activities permitted.</p>



Submitter	Submission	Recommendation
	<p><b>RELIEF SOUGHT:</b> Amend Rule 3.25.1(H) to allow for retail stores with a Gross Floor Area of greater than 400m<sup>2</sup> as a permitted activity.</p> <p><b>FS46.8 - Leven Investments Ltd</b> <b>Support submission 28.1</b> The further submitter considers that 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.</p> <p>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>Trade related retail could be appropriate within the Business 3 Zone without compromising the Business 1 Zone. A minimum floor area for these types of activities would not be necessary. These types of activities are currently located on the fringe of the CBD. A detailed definition of trade related retail would be necessary to support this.</p> <p>RECOMMENDATION</p> <p>Amend Rule 3.25.1 by deleting 3.25.1(H) and replacing it with the following:</p> <p><b>“Permitted activities:</b> The following are permitted activities within the Business 3 Zone:</p> <p><del>(H) Retail sales, from premises with a floor area smaller than 400 square metres and other than in the context of a shopping mall.</del></p> <p><u>(H) Trade Suppliers</u></p> <p>AND</p> <p>Include definitions as follows:</p> <p><b><u>“Trade Suppliers means a business engaged in sales to business and institutional customers and may also include sales to the general public, and wholly consists of suppliers of goods in one or more of the following categories:</u></b></p> <ul style="list-style-type: none"> <li>• <u>Automotive and marine suppliers</u></li> <li>• <u>Building suppliers</u></li> <li>• <u>Catering equipment suppliers</u></li> <li>• <u>Farming and agricultural suppliers</u></li> <li>• <u>Garden and patio suppliers</u></li> <li>• <u>Hire premises, except hire or loan of books, video, DVD and other similar home entertainment items</u></li> <li>• <u>Industrial clothing and safety equipment suppliers</u></li> <li>• <u>Office furniture, equipment and systems suppliers”</u></li> </ul>

Submitter	Submission	Recommendation
<b>74.4 Bunnings Ltd</b>	<p>Support 3.25.1 in part.</p> <p>The submitter considers that “Building Improvement Centres” 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><b>RELIEF SOUGHT:</b> Amend 3.25.1 by inserting “Building Improvement Centres”.</p>	<p><b>Accept in part</b></p> <p>It is accepted that certain types of retail activities may be appropriate within the Business 3 Zone but that the term trade suppliers with a definition as set out in response to submission 28.1 Harvey Norman Properties (NZ) Ltd and Harvey Norman Stores (NZ) Pty Ltd above covers a greater range of activities that are appropriate within this Zone. This definition would in my opinion cover building improvement centres.</p>
<b>75.2 McDonalds Restaurants (NZ) Ltd</b>	<p>Support 3.25.1 in part.</p> <p>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><b>RELIEF SOUGHT:</b> Amend 3.25.1 by inserting “Drive-through restaurants”.</p>	<p><b>Accept</b></p> <p>It is accepted that “drive through facilities” are similar to “take-away food premises” in that they do not include the option of dining on the premises, like a traditional restaurant. They are vehicle-based. It should be noted that the Business 3 Zone is predominantly located along key roading networks and any drive-through restaurant would need to be carefully designed to ensure that the entry and exit points are compatible with the effective and efficient operation of the transportation network.</p> <p>It should be noted that a definition of “drive through facility” was recommended to be included in the Proposed District Plan in my Section 42A report on Definitions.</p> <p><b>RECOMMENDATION</b></p> <p>Amend 3.25.1 by inserting “Drive-through restaurants”.</p>
<b>117.44 Southern District Health Board</b>	<p>Support 3.25.1 in part subject to amendment.</p> <p>The submitter believes that caretaker / custodian accommodation should be a permitted activity, subject to acoustic insulation rules.</p> <p><b>RELIEF SOUGHT:</b> Amend 3.25.1 by adding a new item: “(M) Caretaker/custodian accommodation complying with Rule 3.13.7”</p>	<p><b>Reject</b></p> <p>Residential activities are best dealt with as discretionary activities in this Zone. The provisions permit light industry in these Zones and other activities that may not be compatible with residential activities. These types of activities can also raise reverse sensitivity effects. The provisions in the Proposed District Plan also seek to encourage residential activities in other Zones and by enabling them to locate within this Zone may be seen as a contradiction of these other policies. It is my opinion that residential activities, in the form of caretaker/custodian accommodation are best dealt with as discretionary activities.</p>

Submitter	Submission	Recommendation
<b>101.14 NZ Fire Service Commission</b>	<p>Support 3.25.1 Permitted activities.</p> <p>The submitter supports this provision given that it provides for the establishment of NZFS fire stations.</p> <p><b>RELIEF SOUGHT:</b> Retain 3.25.1.</p>	<p><b>Accept</b></p>
<b>28.4 Harvey Norman Properties (NZ) Ltd and Harvey Norman Stores (NZ) Pty Ltd</b>	<p>Support 3.25.4 (A).</p> <p>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><b>Accept</b></p>
<b>101.15 NZ Fire Service Commission</b>	<p>Oppose 3.25.4 Height of Structures.</p> <p>The submitter is concerned that the height provision does not allow for fire hose drying towers.</p> <p><b>RELIEF SOUGHT:</b> Amend 3.24.4 by including the following exemption: <u>“Except: that the maximum building height for hose drying towers associated with fire stations is 15 metres.”</u></p>	<p><b>Reject</b></p> <p>Without a definition of what a hose drying tower is I believe this exemption has the potential to be contentious. I acknowledge that these structures may be an integral requirement for the operation of a fire station, however, there are no dimensions provided for this type of structure and as such they could potentially result in effects such as shading on neighbouring properties. 15 metres exceeds the maximum height for all structures in the Business 3 Zone by over a storey and, depending on the bulk of the structure, may not be compatible with adjoining land uses.</p> <p>I do note that the definition of height as it is notified does exempt “towers” from the calculation of height. I have recommended in the Section 42A report on Definitions that a variation be initiated to qualify the exemptions to the height calculation, as there is no bulk limitations or requirement that these exempted architectural elements be attached to an existing building.</p>

Submitter	Submission	Recommendation
<b>ZONING</b>		
<b>28.3</b> <b>Harvey Norman Properties (NZ) Ltd and Harvey Norman Stores (NZ) Pty Ltd</b>	<p>Support Zoning in part.</p> <p>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><b>Accept</b></p>
<b>99.1</b> <b>Sandra Cooper</b>	<p>Oppose zoning in part.</p> <p>The submitter considers that 102, 110, 116 and 120 Elles Road should be rezoned Business 3, not Residential 1.</p> <p>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.</p> <p>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><b>RELIEF SOUGHT:</b>  Rezone 102, 110, 116 and 120 Elles Road as Business 3.</p>	<p><b>Reject</b></p> <p>It is acknowledged that there are a number of properties along Elles Road that are currently being used for non-residential activities. However, these activities have been developed over time through various consent processes. The most recent resource consent for 110, 116 and 120 Elles Road was for a McDonalds Restaurant. These processes have involved consultation with the owners and occupiers of neighbouring residential properties and consideration of the residential context and anticipated amenity values. Zoning these properties Business 3 would enable a wide range of activities that may not be appropriate in a residential neighbourhood and that may generate adverse effects such as noise, signage, odour, and require large areas for car parking and storage.</p> <p>It should also be noted that Veterinary Services are not permitted activities in the Business 3 Zone.</p>
<b>90.54</b> <b>90.55</b> <b>H W Richardson Group Ltd</b>	<p>Oppose zoning in part.</p> <p>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><b>RELIEF SOUGHT:</b>  In relation to 35 Inglewood Road, 3 Inglewood Road, 24 Anglem Street, 4* Anglem Street, 11 Inglewood Road, and 9 Inglewood Road:</p>	<p><b>Reject</b></p> <p>The properties referred to in this submission have historically been used by the submitter for a range of uses, from industrial activities to professional and personal services. The sites comprise of a discrete block within an otherwise residential context. 4* and 24 Anglem Street and 3, 9 and 11 Inglewood Road has a resource consent 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. Consent was granted subject to a number of conditions.</p>

Submitter	Submission	Recommendation
	<p>Retain the Enterprise Sub-Area zone</p> <p>OR</p> <p>Rezone as Business 2, and amend Rule 3.24.1 by removing the proviso restricting the floor area of premises</p> <p>OR</p> <p>Rezone as Business 3, and amend 3.25.1 to include Communal Activity, Educational Activity and Restaurants, and Cafes as permitted activities.</p>	<p>The subject properties can continue to operate pursuant to existing use rights under the RMA.</p> <p>It is accepted that the Proposed District Plan zoning provisions will not permit as of right the range of uses existing and proposed for these properties. Under the Enterprise Sub-Area provisions in the Operative District Plan, a wide range of activities were permitted, excluding noise sensitive activities. This permitted the variety of uses existing on the sites. However, as set out in discussions in Section 5 of this report, retaining the Enterprise Zoning is not in the best interests of the community and is not recommended for this site.</p> <p>The area in question does not fit within the Business 2 Zone. This Zone, as will be discussed in a later Section 42A report, is developed to provide for the key suburban nodes in the District. These are areas identified as the focus for businesses such as supermarkets and other business activities that have a local clientele and which draw mutual benefit from being near to each other. The Proposed District Plan objectives and policies are specific as to the location of these zones, being at Windsor, Waikiwi, Glengarry, South City and Bluff. Zoning the subject area as Business 2 would not be consistent with the Objectives and Policies of the Plan. It is also my opinion that the subject site is not developed to cater for local clientele. It is an isolated area providing for mixed use and is more of a destination site providing for clientele from the wider community.</p> <p>The Business 3 Zone may be more appropriate for this area, given the destination function of the uses on the site. However, the site is not in a central location adjacent to the CBD so would not neatly meet the Objectives of the Proposed District Plan. It is also worth noting that the Business 3 Zone would not provide for the range of uses on the properties in question and existing use rights will still need to be relied on.</p> <p>The submitter has suggested permitting Communal Activities, Educational Activities, and restaurants and cafes within the Business 3 Zone. Including these activities would result in permitting a number of the activities carried out on the sites, subject to this submission. The activities permitted in the Business 3 Zone are limited, due to the purpose of this Zone and to ensure</p>

Submitter	Submission	Recommendation
		<p>that the activities carried out within this Zone do not compromise the business centres. This is the key reason for retaining the list of permitted activities as notified (subject to amendment in relation to retail sales). Restaurants and cafes, for example, are encouraged through the Proposed District Plan to locate within the Business Centres rather than the outlying areas. One of the key reasons for this is that these types of activities draw the public into the centres and add to the vibrancy of these areas during the day and into the evening. The only Zones that educational activities are permitted in in the Proposed District Plan are the Business 1 and 2 Zones. Sites designated for educational purposes and existing educational activities listed in Appendix V of the Proposed District Plan are provided for elsewhere, but these activities are again encouraged to locate in the centres.</p>

## Industry Overview

Submitter	Submission	Recommendation
<b>General</b>		
<b>2.2</b> <b>Bluff Community Board</b>	<p>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><b>FS34.16- ICC Environmental Health and Compliance Services</b>  <b>Support submission 2.2</b>                      The further submitter considers there is a need for a further clarification of which industries are allowed in the medium and heavy industry zones.</p>	<p><b>Reject</b></p> <p>The definitions of Industrial activity, light industry and heavy industry, alongside the Schedule of Heavy Industries determine what type of activities fall within these terms. The Rules in the Industrial Zones also set out the activity status for a range of other activities. It is quite clear what is a heavy industry and these are set out in the schedule. I do not believe that the provisions require further refinement.</p>
<b>34.5</b> <b>Silver Fern Farms Ltd</b>	<p>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><b>RELIEF SOUGHT</b>                      Retain industry specific zoning.</p> <p>Retain policies to discourage inappropriate activities locating inside or neighbouring industrial zoned areas.</p> <p><b>FS6.5 - Alliance Group Limited</b>  <b>Support submission 34.5</b>                      The further submitter considers that this approach should also be afforded to Alliance's existing Lorneville Plant.</p>	<p><b>Accept</b></p> <p>It is my opinion that Industrial Zones provide an important function and are vital to the social and economic well-being of the District. Protecting these areas from incompatible development has been a key consideration in the zoning within the Proposed District Plan.</p> <p>The zoning of the Alliance Group Ltd's property and the land surrounding it will be discussed in response to their submission point 5.1 in a later Section 42A report.</p>
<b>56.4</b> <b>Jenny Campbell</b>	<p>The submitter agrees with the promotion of industrial outlets with limited retail and believes that this will reduce retail spread.</p>	<p><b>Accept in part</b></p> <p>It is important to protect industrial land for industrial purposes, whilst recognising that some industrial activities have an element of retail.</p>

Submitter	Submission	Recommendation
<b>56.5</b> <b>Jenny Campbell</b>	The submitter 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.	<b>Noted</b>  Industrial activity requires a resource consent within the Rural Zones and the Objectives and Policies of the Proposed District Plan in relation to soils and energy may be relevant to these resource consent applications.
<b>56.6</b> <b>Jenny Campbell</b>	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.	<b>Noted</b>  See recommendation in response to the Bluff Community Board's submission 2.3 below.
<b>SECTION 2.28 – ISSUES, OBJECTIVES POLICIES</b>		
<b>Introduction</b>		
<b>65.70</b> <b>ICC</b> <b>Environmental and Planning Services</b>	Support subject to amendment of drafting error.  <b>RELIEF SOUGHT:</b> Amend Introduction as follows: "...1 <b>Light Industry:</b> There are several areas for <u>where</u> light industry will generally be acceptable..."	<b>Accept</b>  This is a minor typographical amendment that will not affect the overall intention of the paragraph.  <b>RECOMMENDATION:</b>  Amend Introduction as follows: "...1 <b>Light Industry:</b> There are several areas for <u>where</u> light industry will generally be acceptable..."
<b>90.12</b> <b>H W Richardson Group Ltd</b>	Oppose. The submitter opposes the proposed deletion of the Enterprise Sub-Area and the Industrial and Business Zoning regime introduced in the Proposed Plan.  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.	<b>Reject in part</b>  As discussed in Section 5 of this report and supported by the Market Economics Report appended to this report in <b>Appendix 3</b> , the centres-based zoning approach in the Business and Industrial Zones within the Proposed District Plan is important for the social and economic well-being of the District.  It should also be noted that the interface between industrial and residential zones has been the subject of numerous complaints and issues over the life of the Operative District Plan. The introduction of a zone that caters for light industrial activities seeks to enable the continuation of these types of



Submitter	Submission	Recommendation
	<p><b>RELIEF SOUGHT:</b> Retain the Enterprise Sub-Area zoning as it pertains to the submitter's landholdings</p> <p>OR</p> <p>Rezone the submitter's land.</p> <p><b>FS46.9 - Leven Investments Ltd and others</b> <b>Support submission 90.12</b> The further submitter opposes the deletion of the Enterprise Sub-Area and the Industrial and Business zoning regime in the Proposed Plan.</p> <p>The further submitter 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>activities whilst recognising that they have a responsibility to consider the environmental context. It was recommended in the Section 42A report on Definitions that the hours of operation be removed from the definition of Light Industry. In areas close to residential areas the scale of the activities permitted should be restricted to ensure that they are compatible with the residential amenities anticipated nearby. I am recommending in this report that the maximum size for sites in the Industrial 1 and 1A Zones be removed (see Section 5 of this report and recommendations in response to submissions below). However recommendations on similar provisions for the Industrial 2 Zone will be discussed in a later Section 42A report. The provisions will, however, continue to seek some fragmentation of the industrial areas by ensuring the range of activities is appropriate to the environmental context and that the scale of effects are addressed through environmental standards and District Wide Rules.</p> <p>The intention of the Industrial Zone provisions is to consolidate the industrial activities. It is my opinion that enabling the full range of commercial and retail activities within these areas, as per the Enterprise Sub-Area provisions, would result in a further fragmentation of industrial activities.</p> <p>When reviewing a District Plan the Council has the opportunity to revise its policy direction and set a vision for the future. While this includes consideration of the underlying activities, the Council is not bound by existing uses. These activities can either carry on using existing use rights, certificates of compliance or rely on resource consents.</p> <p>The Industrial zoning of some of the submitter's properties is addressed in this report. Those that are within the Industrial 2 Zone, as notified, will be addressed in a later Section 42A report.</p>
<b>2.28.3 Policies</b>		
<p><b>15.4</b> <b>Ballance</b> <b>Agri-Nutrients</b> <b>Ltd</b></p>	<p>Oppose 2.28.3 Policy 1 – Inside Built-up Areas in part.</p> <p>The submitter is concerned that 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.</p>	<p><b>Accept in part</b></p> <p>I do not believe that there is any ambiguity in the Policy, especially when read with other provisions in the relevant Industrial Zones.</p>

Submitter	Submission	Recommendation
	<p>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.</p> <p>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><b>RELIEF SOUGHT:</b></p> <p>i. Amend Policy 1 as follows:  Policy 1 –Inside Built-Up <u>Urban</u> Areas  <del>“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 areas, whilst managing potential effects at the interface with residential areas and on the City’s transportation and infrastructure networks.”</del></p> <p>ii. Any similar amendments to like effect.</p> <p>iii. Any consequential amendments that stem from the amendment set out above.</p> <p><b>FS11.9 – H W Richardson Group Ltd</b>  <b>Support submission 15.4</b>  The further submitter agrees 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>To be consistent with recommendations I have made in response to other submissions in this report and recommendations in my Section 42A report on Definitions relating to the hours of operation, I believe that this policy could be amended.</p> <p>I continue to believe that the scale of industrial activities within the urban areas of the District should be different those in the Industrial 3 and 4 Zones. Should an industry require larger structures within the urban area to carry out its operation, I believe it is reasonable to require these activities to address environmental effects through the resource consent process.</p> <p>I believe that there is some merit in encouraging the larger scale industrial activities to locate outside of the urban area to leave the sites within the urban area available for smaller scale industrial activities.</p> <p>I believe the policy could be amended along the lines of the relief sought by the submitter with minor amendment.</p> <p><b>RECOMMENDATION:</b></p> <p>Amend 2.28.3 Policy 1 as follows:</p> <p><b>“Policy 1: Inside Built-Up <u>Urban</u> Areas:</b> <del>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 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.</del></p>

Submitter	Submission	Recommendation
<p><b>90.13</b> <b>H W Richardson</b> <b>Group Ltd</b></p>	<p>Oppose Policy 1 - Inside Built-up Areas.</p> <p>The submitter considers that the development of Zones based on the protection of adjoining land uses does not take into account legally established businesses.</p> <p>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><b>RELIEF SOUGHT:</b> Retain the existing Enterprise Zone and associated provisions</p> <p>OR</p> <p>Rezone the submitter's properties</p> <p>AND/OR</p> <p>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.</p> <p>AND</p> <p>Amend Policy 1 as follows: "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><b>Accept in part</b></p> <p>Whilst consideration of existing land uses was considered through the development of the Proposed District Plan, the Council is not obligated to retain the same planning provisions through its review to cater for these. The Plan review process enables the Council to develop a planning policy direction going forward.</p> <p>As set out in discussions in Section 5 of this report, retaining the Enterprise zoning is not in the best interests of the community.</p> <p>I do accept that the hours of operation could be removed from the Industrial 1 Zone, noting that the activities carried out within that Zone will be required to meet the noise limits of the adjoining Zones at the Zone boundary. These limits are relatively low during the night-time and may restrict the operation of industrial activities during these hours anyway.</p> <p>In respect to the suggested recommendation for the explanation to 2.28.3 Policy 1, I note that noise is not the only nuisance that can be caused by industries operating at night. There may, for example, be issues relating to lightspill from security lighting. The explanation is best left to refer to nuisances in general.</p> <p><b>RECOMMENDATION:</b></p> <p>Delete the Hours of Operation for activities within the Industrial 1 Zone as follows:</p> <p><b>"3.29.1 Permitted activities - ...</b> Provided that: <del>(A) The premises shall operate only between the hours of 7.00 am to 10.00 pm..."</del></p> <p>AND</p> <p>Amend 2.28.3 Policy 1 as set out in response to submission 15.4 Ballance Agri-Nutrients Ltd above.</p>

Submitter	Submission	Recommendation
	<p><b>Explanation:</b> 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 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><b>FS46.10 - Leven Investments Ltd and others</b> <b>Support submission 90.13</b></p> <p>The further submitter considers that zoning based on the protection of adjoining land uses fails to take into account legally established businesses.</p> <p>The further submitter has property where a range of activities are permitted and that would be contrary to the rules of the Industrial zoning.</p> <p>The further submitter is concerned that whilst existing use rights apply, any further development on these sites may need resource consent.</p> <p>The further submitter is concerned that conflict may arise between existing uses and new uses and that the zoning is less attractive to future investment in the City.</p> <p>The further submitter supports retention of the Enterprise zoning, or the development of a new Business 6 Zone.</p>	<p>AND</p> <p>Amend the explanation to 2.28.3 Policy 1 as follows:</p> <p><b>Explanation:</b> 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>AND</p> <p>Amend 2.29.3 Policy 1 and supporting explanation as follows:</p> <p><b>Policy 1 Industrial 1 (Light) Zone:</b> To provide for a range of light industrial, wholesaling, warehousing and service activities of a nature, size and scale appropriate near residential areas; <del>operating within the normal working day (7.00 am – 10.00 pm) and requiring sites of less than one hectare.</del></p> <p><b>Explanation:</b> <i>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.</i></p> <p><del>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.</del></p> <p><i>The activities carried out within the Industrial 1 Zones are to be of a scale appropriate to the urban environment.</i></p>

Submitter	Submission	Recommendation
<p><b>15.5 Ballance Agri-Nutrients Ltd</b></p>	<p>Support Policy 2 – Outside Built-up Areas in part.</p> <p>The submitter considers that the balance struck within Policy 2 – Outside Built-Up Areas 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><b>RELIEF SOUGHT:</b></p> <p>i. Amend Policy 2 as follows:  “Policy 2 – Outside Built-Up <u>Urban Areas</u>  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 <u>amenities anticipated for activities within of the</u> neighbouring <u>urban</u> zones.”</p> <p>ii. Any similar amendments to like effect.</p> <p>iii. Any consequential amendments that stem from the amendment set out above.</p>	<p><b>Accept in part</b></p> <p>It is accepted that some of the amendments to 2.28.3 Policy 2 suggested by the submitter clarify the intention of the provisions.</p> <p>I believe that activities carried out in the Industrial 3 and 4 Zones should be able to be carried out subject to few restrictions, however consideration of the adjoining zones is relevant, whether the adjoining zone is an urban zone or a rural zone.</p> <p>RECOMMENDATION:</p> <p>Amend 2.28.3 Policy 2 as follows:  “Policy 2 – Outside Built-Up <u>Urban Areas</u>  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 <u>amenities anticipated for activities within of the</u> neighbouring zones.”</p>
<p><b>90.14 H W Richardson Group Ltd</b></p>	<p>Support Policy 2 – Outside Built-up Areas in part.</p> <p>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 provide for its economic well-being.</p> <p><b>RELIEF SOUGHT:</b>  Retain Policy 2</p> <p><b>FS46.11 - Leven Investments Ltd</b>  <b>Support submission 90.14</b></p> <p>The further submitter considers that 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><b>Accept</b></p> <p>See recommendation in response to submission 15.5 Ballance Agri-Nutrients Ltd above.</p>

Submitter	Submission	Recommendation
<p><b>34.6</b> <b>Silver Fern Farms Ltd</b></p>	<p>Support Policy 3 – Zoning in part.</p> <p>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><b>RELIEF SOUGHT:</b> Retain intent of 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><b>FS28.31 NZ Transport Agency</b> <b>Support submission 34.6</b> The further submitter supports the use of activity zones which assists infrastructure planning.</p>	<p><b>Accept</b></p> <p>It is my opinion that the Proposed District Plan should be discouraging activities from locating in isolation outside their specifically zoned areas. This applies to industrial activities locating outside the appropriate Industrial Zones, as well as unanticipated activities locating within Industrial Zones.</p>
<p><b>53.47</b> <b>NZ Transport Agency</b></p>	<p>Support Policy 3 – Zoning.</p> <p>The submitter's task of planning infrastructure for the future is enhanced by development occurring as anticipated by the District Plan.</p> <p><b>RELIEF SOUGHT:</b> Retain Policy 3 as proposed.</p> <p><b>FS46.12 - Leven Investments Ltd</b> <b>Support submission 53.47</b> The further submitter supports 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><b>Accept</b></p> <p>See discussion in response to submission point 34.6 Silver Fern Farms Ltd.</p>

Submitter	Submission	Recommendation
<b>ZONING</b>		
<p><b>90.42</b> <b>H W Richardson Group Ltd</b></p>	<p>Rezone 1/50 Clyde Street, 50 Clyde Street, and 47-50 Clyde Street from Business 3 to Enterprise Sub-Area zoning.</p> <p><b>RELIEF SOUGHT:</b> In relation to 1/50 Clyde Street, 50 Clyde Street, and 47-50 Clyde Street:</p> <p>Retain the Enterprise Sub-Area zone</p> <p>OR</p> <p>Rezone as Business 3.</p>	<p><b>Accept in part</b></p> <p>As discussed in Section 5 of this report, returning to the planning regime that included the permissive Enterprise Sub-Area is not considered to be in the best interests of the District.</p> <p>The properties referred to in this submission are zoned Business 3. The relief sought seeks this zoning as an alternative. It is my opinion that this zoning is appropriate.</p> <p>It is noted that the submission states that these properties are used for plant and automotive repair workshop and associated offices. Under the Business 3 zoning, light industry is permitted. So long as the activities carried out on the site do not involve processes that fall within the schedule of heavy industries in Appendix IX of the Proposed Plan, these types of activities, with associated offices, would be permitted. Any relevant existing use rights would also apply to activities on the site.</p> <p><b>RECOMMENDATION:</b></p> <p>Retain the Business 3 Zoning of 1/50 Clyde Street, 50 Clyde Street, and 47-50 Clyde Street.</p>
<p><b>86.1</b> <b>Leven Developments Ltd</b></p>	<p>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.</p> <p>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.</p> <p>The submitter considers that hazard risks can be addressed by requiring minimum floor levels for buildings in the area.</p>	<p><b>Reject</b></p> <p>4 Beatrice Street is a property comprising of 85,135m<sup>2</sup> of bare land. This land was zoned Rural in the Operative District Plan and Rural 2 in the Proposed District Plan. The land has historically and continues to be used for agricultural purposes.</p> <p>The property is identified as being an area with Level 1 risk of riverine inundation. The Proposed Planning Maps show the property as having a very high susceptibility to liquefaction.</p>

Submitter	Submission	Recommendation
	<p><b>RELIEF SOUGHT:</b> 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><b>FS39.23 - Environment Southland</b></p> <p><b><i>Oppose submission 86.1</i></b> The further submitter comments 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><b>FS45.2 - Leven Investments Ltd and others</b></p> <p><b><i>Support submission 86.1</i></b> The further submitter supports the rezoning of 4 Beatrice Street as Business 6. The further submitter considers 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>Changing the zoning from rural to business would enable a number of activities to be permitted that were not previously anticipated. The submitter has not provided any information in relation to the site NES for Assessing and Managing Contaminants in Soil to Protect Human Health.</p> <p>While the property is separated from the Residential 1 Zone by the railway line and Philip Street, the proposed rezoning will permit activities of a range and scale that have the potential to change the amenity values of the site and the adjoining areas.</p> <p>No evidence is provided of consultation with KiwiRail. Impacts on the roading network have also not been detailed. Given the increase in traffic generated by the Showgrounds development along Fox Street, consideration of traffic impacts, and a structure plan showing any roading plan would need to be considered prior to any rezoning.</p> <p>The effects on the economic and social well-being of the community as a whole are also not detailed. Given the matters discussed in Section 5 of this report, it is anticipated that this rezoning may enable development that would have a detrimental effect on the current business zones. The impacts of a further extension of the Business areas have not been detailed as part of this submission.</p> <p>The property, being over eight hectares, is capable of being utilised for a range of permitted activities, including agricultural activities. This is larger than a number of properties within the Rural 1 and Rural 2 Zones. Also, under the Rural 2 Zone it could potentially be subdivided into four separate lots. However, it should be noted that this would be a discretionary activity and effects on the transportation network, among other things, would be a consideration.</p> <p>It is my opinion that the rezoning proposed by the submitter 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 affected parties.</p>



Submitter	Submission	Recommendation
<p><b>53.93</b> <b>NZ Transport Agency</b></p>	<p>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><b>RELIEF SOUGHT:</b> Adopt the proposed change in zoning from Domicile Sub-Area to Industrial 1 Zone for 461 and 471 Bluff Highway.</p> <p><b>FS11.1 – H W Richardson Group Ltd</b> <b>Support submission 53.93</b> The further submitter agrees that the land should be rezoned. The further submitter considers that reverse sensitivity effects could arise if the property remained residential.</p>	<p><b>Accept</b></p> <p>RECOMMENDATION:</p> <p>Retain the Industrial 1 Zoning for 461 and 471 Bluff Highway.</p>
<p><b>20.1</b> <b>William and Julie Smellie</b></p>	<p>The submitter opposes their property at 208 Gore Street, Bluff, being zoned Residential 2.</p> <p>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.</p> <p>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><b>RELIEF SOUGHT:</b> Planning Map 30 and any other relevant documentation be adjusted to zone 208 Gore Street, Bluff as industrial.</p>	<p><b>Reject</b></p> <p>208 Gore Street is a vacant property that previously housed a small dwelling. The file history shows that this dwelling was erected around 1948. There were issues with the derelict nature of the dwelling in 2006. The dwelling is no longer present on the site. The property has no history of any use other than residential.</p> <p>The property was within the Enterprise Sub-Area in the Operative District Plan. Because of the historic and current use of the property and those directly adjoining it, it is my opinion that this site retain its Residential 2 zoning. The site is surrounded on all sides by Residential 2 zoned properties.</p> <p>Following consultation leading up to the notification of the Proposed District Plan, the provisions within the Proposed District Plan seek to consolidate the location of non-residential activities within Bluff and to protect the amenity values for those within residential areas. This approach has involved the rezoning of a number of properties in the Bluff township, particularly along the entranceway to the town.</p> <p>RECOMMENDATION: Retain the Residential 2 Zoning for 208 Gore Street, Bluff.</p>

# Industrial 1 and 1A Zones

Submitter	Submission	Recommendation
<b>General</b>		
<p><b>2.1</b> <b>Bluff</b> <b>Community</b> <b>Board</b></p>	<p>Details need to be more prescriptive for new building in this zone regarding what is and is not allowed.</p>	<p><b>Reject</b></p> <p>The Objectives and Policies, and supporting explanations, for the Industrial 1 Zone set out the expectations for activities carried out in these areas. The rules include height and setback requirements, as well as requirements for screening of outdoor storage areas, where the buildings adjoin a residential area. Rules on signage, lightspill and transportation also manage the scale of activities carried out within these areas and effects on amenity.</p> <p>The character of the Industrial 1 Zones varies across the District and different types of structures may be absorbed into some of these areas better than others. The range of activities permitted in this Zone is such that the structural needs for these different activities will vary. The District Plan can provide parameters for development and enable developers to design structures that meet their needs within the context of the site.</p> <p>Communities may wish to develop design guidelines, or to work with land owners to determine appropriate designs for structures, however, it is my opinion that the provisions in the Proposed District Plan are sufficient.</p>
<p><b>2.3</b> <b>Bluff</b> <b>Community</b> <b>Board</b></p>	<p>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><b>Reject in part</b></p> <p>Each development within the Industrial 1 Zone will have different requirements in relation to how their sites need to be managed. The Proposed District Plan requires screening of outdoor storage areas from adjoining residential areas. However, the Proposed District Plan does not directly address amenity values for those viewing the properties from the street.</p> <p>I accept that landscaping along street fronts can act to soften the industrial nature of some sites and that there is value in providing landscaping particularly where the site faces on to a residential area or a key</p>

Submitter	Submission	Recommendation
		<p>transportation route. However, 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. Some of the complicating factors relate to issues such as what plant types and heights may be appropriate, the range of growth rates and long term maintenance requirements.</p> <p>The explanation to 2.29.3 Policy 18 states that “ideally this amenity planting or screening will also provide a more pleasant frontage when viewed from the street or adjoining properties”. Explanations have no regulatory standing under the RMA. Strengthening the actual policy itself will enable decision makers to consider such landscaping when a resource consent application is being processed within these Industrial 1 Zones.</p> <p>RECOMMENDATION:</p> <p>Amend 2.29.3 Policy 18 as follows:</p> <p><b>Policy 18 Amenity and Screening:</b> 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><i><b>Explanation:</b> Where an Industrial 1 Zone adjoins a Residential Zone screening and amenity planting will be required to avoid, remedy or mitigate any adverse effects of the Industrial Activity on the more sensitive residential neighbour by providing a physical, visual boundary. Ideally this amenity planting or screening will also provide a more pleasant frontage when viewed from the street or adjoining properties.</i></p>

Submitter	Submission	Recommendation
<p><b>116.5</b> <b>Kylie Fowler</b></p>	<p>Oppose Industrial 1A Zone</p> <p>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><b>Reject</b></p> <p>This submission was discussed briefly in the context of the Section 42A Report on the Seaport Zone. SouthPort had submitted seeking the extension of the proposed Seaport Zone boundaries to reflect the boundaries of that Zone as set in the Operative District Plan. Should the Committee opt to accept the SouthPort submission, it should be noted that there is still an area of Industrial 1A land that was previously Enterprise Sub-Area that would still retain its Industrial 1A Zoning.</p> <p>A large proportion of this land is railway land. There are large areas of car parking, there are also a range of industrial activities. Rezoning this area to a Business Zone to allow activities such as cafes has the potential to raise NES issues in relation to potential contamination of land.</p> <p>Controls in the Industrial 1 Zone provisions will manage the scale of activities within this area. Any non-permitted activity would require a resource consent and be assessed on its merits.</p> <p>Whilst accept there are merits to the submission, I also believe that the critical mass of the Bluff Business 2 Zone should be supported by the provisions in the Proposed District Plan, and that this Business 2 Zone is the priority area for cafes and tourism providers.</p>
<p><b>SECTION 2.29 ISSUES. OBJECTIVES AND POLICIES</b></p>		
<p><b>General</b></p>		
<p><b>84.2</b> <b>Leven Investments Ltd, Victoria Estate Trust, Russell Cunningham Properties Ltd and Showgrounds Mall Ltd</b></p>	<p>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.</p> <p>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 do not reflect the nature of activities already established on this area of land.</p>	<p><b>Reject in part</b></p> <p>See discussion in Section 5 of this report.</p> <p>It is my opinion that the Business 6 Zone as proposed by the submitter is not a sustainable option or in the best interests of the wider community. The range of activities suggested by the submitter as being permitted in this area would compromise the viability of other business centres in the District.</p>

Submitter	Submission	Recommendation
	<p><b>RELIEF SOUGHT:</b> Introduce plan provisions for a new Business 6 Zone (details of the proposed Business 6 Zone set out in submission)</p> <p>AND</p> <p>Change the proposed zoning of the land from Industrial 1 to Business 6 Zone</p> <p>AND</p> <p>Amend Planning map 8 to show Business 6 Zone in this area</p> <p><b>FS5.40 - Invercargill Airport Ltd</b> <b><i>Oppose in part / Support in part submission 84.42</i></b> 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 should be consistent with the operation and noise management requirements of the airport</p> <p><b>FS11.10 – H W Richardson Group Ltd</b> <b><i>Support in part submission 84.42</i></b> The further submitter supports this submission 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>As stated in response to a number of submissions above, while the Plan Group did consider existing activities, the Council is not obliged to develop a District Plan that caters for these activities. The Plan Review process enables the Council to consider its priorities and to identify how the District's resources could be best managed into the future. This process enables changes of Objectives, Policies and Rules as well as zoning.</p>
<b>Introduction</b>		
<p><b>90.15</b> <b>H W Richardson Group Ltd</b></p>	<p>Oppose Introduction.</p> <p>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.</p>	<p><b>Accept in part</b></p> <p>The Industrial 1 Zone provisions were drafted in recognition that these areas adjoin more sensitive environments, with particular concern related to the potential effects of industrial activities on residential activities. This Zone allows for light industry, and a range of other compatible activities.</p>

Submitter	Submission	Recommendation
	<p><b>RELIEF SOUGHT:</b> Amend the Introduction to 2.29 as follows: “...In order not to unduly affect or dominate nearby residential areas, activities within the Industrial 1 Zone will be required to manage their operations <del>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)</del> in accordance with the performance standards relevant to the zone.”</p> <p><b>FS23.3 - South Light Development Ltd, Sonya Crook and Ian Crook</b> <b>FS37.3 - Peter Cooper</b> <b>FS38.3 - Murray Cruickshank</b> <b>FS40.3 - Bill Fraser</b> <b>FS42.3 - Neville Hayes</b> <b>FS43.3 - Dave Edminston</b> <b>FS45.5 - Leven Development Ltd</b> <b>FS46.13 - Leven Investments Ltd</b> <b>FS47.3 - Paul Ruddenklau</b> <b>FS47.3 - Allan McPhee</b> <b>FS50.3 - Chris O’Sullivan</b> <b>FS51.3 - Stephen Winter</b></p> <p><b>Support submission 90.15</b> The further submitter considers that the restriction of hours of operation is unnecessary. The further submitter considers 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><b>FS24.17 - Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</b> <b>Support submission 90.15</b> The further submitter notes 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>It is my opinion that there is merit in restricting the scale of industrial activities within these Industrial 1 Zones. The Zone is to service activities that are compatible with the nearby residential areas and larger scale development should be encouraged to locate in less sensitive environments. However, I am recommending that the maximum size of allotments be removed as discussed in Section 5 of this report.</p> <p>I have recommended that the hours of operation be removed from the Industrial 1 Zone. The Noise provisions for this Zone and adjoining Zones will restrict the nature of activities that can be carried out during the night and will address one of the key effects on amenity values.</p> <p>RECOMMENDATION:</p> <p>Amend the Introduction to 2.29 as follows:</p> <p>“... 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, and 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>”</p>

Submitter	Submission	Recommendation
<b>SECTION 3.29 - RULES</b>		
<p><b>26.1 NZ Defence Force</b></p>	<p>Oppose 3.29 in part.</p> <p>The submitter considers that the list of activities permitted in the Industrial 1 Zone does not appropriately capture NZDF's operations at their Fox Street site.</p> <p>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><b>RELIEF SOUGHT:</b> 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><b>FS38.4 - Murray Cruickshank FS45.6 - Leven Development Ltd FS46.14 - Leven Investment Ltd and others</b></p> <p><b>Support submission 26.1</b> The further submitter agrees that the list of activities does not appropriately capture the submitter's operations.</p> <p>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.</p> <p>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><b>Reject</b></p> <p>The property at 1C Fox Street owned by the submitter was within the Enterprise Sub-Area in the Operative District Plan. Under the Proposed District Plan as notified the site is within the Industrial 1 (Light) Zone.</p> <p>It is unclear from the submission what "defence activities" are carried out on the submitter's property at 1C Fox Street. A definition of this term would be required in the Proposed District Plan should this be listed as an activity and before a full assessment of the effects of enabling these types of activities to locate within the Industrial 1 Zone can be carried out.</p> <p>Industrial zoned land is an important resource in the District and it is important that the Industrial 1 Zone is protected from incompatible land uses.</p> <p>It was not intended that the Industrial 1 Zone be utilised for office-based activities. These types of activities are encouraged throughout the Proposed District Plan provisions to locate within the key business centres, being the Business 1 and Business 2 Zones.</p> <p>The activities currently being carried out on 1C Fox Street can continue subject to existing use rights. However, the activity status for any future development or extensions on the site will depend on the nature, scale and intensity of the activity. I note that the Minister of Defence has the ability to apply for a designation for the property through the RMA.</p> <p>See Section 5 of this report for a more detailed discussion on the Industrial 1 Zone.</p>

Submitter	Submission	Recommendation
<p><b>3.3(b)</b> <b>Department of Corrections</b></p>	<p>Oppose 3.29.</p> <p>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><b>RELIEF SOUGHT:</b> That community based Corrections services are provided for as permitted activities in the Industrial 1 (Light) Zone.</p> <p><b>FS38.5 - Murray Cruickshank</b> <b>FS45.7 - Leven Development Ltd</b> <b>FS46.15 - Leven Investment Ltd and others</b></p> <p><b>Support submission 3.3(b)</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><b>Reject</b></p> <p>As stated in response to submission 26.1 above, it was not intended that the Industrial 1 Zone be utilised for office-based activities. These types of activities are encouraged throughout the Proposed District Plan provisions to locate within the key business centres, being the Business 1 and Business 2 Zones.</p> <p>The submitter appeared at the Proposed District Plan Hearing on 28 April 2015 to address submissions on Definitions. My interpretation of the evidence tabled at that Hearing is that the activities carried out by the Department of Corrections at their Community Corrections Facilities involve administrative and non-custodial services. These services include workshops and education activities. The offices are also used as a meeting point for community work groups.</p> <p>The evidence stated: “We would look to locate where our requirements are best met including public transport, ability to work with agencies, sufficient space, ability to be discretely positioned and being able to offer an accessible location to offenders.”</p> <p>In my opinion, one of the Business Zones would be more appropriate to this type of activity, as opposed to an Industrial area. The Business Zones are more readily serviced by public transport than the Industrial 1 Zones. The Business Zones seek to encourage the co-location of administrative activities, which should provide for the need to work with other agencies. There is a range of site sizes within the Business Zones. It should also be noted that there is only a portion of the Business 1 Zone identified for pedestrian friendly frontages and that the remainder of the Zone can be developed within the performance standards to provide for access and discretion.</p> <p>The existing Community Corrections Facility on Eye Street can continue subject to existing use rights. However, the activity status for any future development or extensions on the site will depend on the nature, scale and intensity of the activity.</p>



Submitter	Submission	Recommendation
<p><b>81.3 Progressive Enterprises Ltd</b></p>	<p>Oppose 3.29.</p> <p>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"> <li>• 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;</li> <li>• The extent to which the overall availability and accessibility or commercial and community services and facilities will be maintained in any existing business centre;</li> <li>• 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;</li> <li>• The extent to which the benefits of a new development are able to directly or indirectly mitigate any adverse effects listed above; and</li> <li>• Any traffic, social, economic effects and any cumulative effect associated with the additional activity on any other area within the District</li> </ul> <p><b>RELIEF SOUGHT:</b> That large format retailing activities are provided for where other locations have been ruled out as not available (Suggested assessment criteria included in submission).</p> <p><b>FS23.4 - South Light Development Ltd, Sonya Crook and Ian Crook</b>  <b>FS37.4 - Peter Cooper</b>  <b>FS38.6 - Murray Cruickshank</b>  <b>FS40.4 - Bill Fraser</b>  <b>FS42.4 - Neville Hayes</b>  <b>FS43.4 - Dave Edminston</b>  <b>FS45.8 - Leven Development Ltd</b>  <b>FS46.16 - Leven Investment Ltd and others</b>  <b>FS47.4 - Paul Ruddenklau</b></p>	<p><b>Reject</b></p> <p>Supermarkets are provided for within the Proposed District Plan as permitted activities in the Business 1, 2 and 3 Zones. A proposal to develop a supermarket outside of these Zones would require a resource consent. Such consent should address the matters listed in the submission. Determining whether a supermarket is appropriate in any other area would depend on the proposed site along with full consideration of the matters listed in the submission and the site development details of the proposed supermarket and the provisions of the Proposed District Plan.</p> <p>The Proposed District Plan provisions seek to encourage retail activities to locate within the identified Business Zones and to avoid these types of activities locating in isolation alongside incompatible activities.</p> <p>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.</p>

Submitter	Submission	Recommendation
	<p><b>FS48.4 - Allan McPhee</b>  <b>FS50.4 - Chris O'Sullivan</b>  <b>FS51.4 - Stephen Winter</b></p> <p><b><i>Support submission 81.3</i></b>  The further submitter considers that the Zone should make provision for large retail stores, which already exist in parts of the Zone, particularly in the “showgrounds” development.</p> <p>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.</p> <p>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><b>FS46.16 - Leven Investment Ltd and others</b>  <b><i>Support submission 81.3</i></b>  The further submitter considers that the Zone should make provision for large retail stores, which already exist in parts of the Zone, particularly in the “showground” development.</p> <p>The further submitter considers that that Proposed Plan fails to make adequate provision for the range of existing activities already present in the zone.</p>	
<p><b>74.5</b>  <b>Bunnings Ltd</b></p>	<p>Oppose 3.29.1 in part.</p> <p>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.</p>	<p><b>Reject in part</b></p> <p>As discussed in Section 5 of this report, and stated in response to submission 81.3 above, the Business Zones are the preference for retail activities. I have recommended above that activities similar to “building improvement centres” could be permitted in the Business 3 Zone. The industrial land is a valuable resource that should be utilised primarily for industrial purposes. Allowing retail sales not associated with the industrial activities, particularly large format retailing, would not only affect the supply</p>

Submitter	Submission	Recommendation
	<p><b>RELIEF SOUGHT:</b> Amend to include “Building Improvement Centres”.</p> <p><b>FS23.5 - South Light Development Ltd, Sonya Crook and Ian Crook</b>  <b>FS37.5 - Peter Cooper</b>  <b>FS38.7 - Murray Cruickshank</b>  <b>FS40.5 - Bill Fraser</b>  <b>FS43.5 - Dave Edminston</b>  <b>FS45.9 - Leven Development Ltd</b>  <b>FS46.17 - Leven Investment Ltd and others</b>  <b>FS47.5 - Paul Ruddenklau</b>  <b>FS48.5 - Allan McPhee</b>  <b>FS50.5 - Chris O’Sullivan</b>  <b>FS51.5 - Stephen Winter</b></p> <p><b><i>Support submission 74.5</i></b>  The further submitter considers that the Zone should make some provision for “Building Improvement Centres”.</p> <p>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>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>of industrial land, but also undermine the purpose of the Business Zones, particularly the Business 3 Zone.</p>
<p><b>75.3</b>  <b>McDonald’s</b>  <b>Restaurants (NZ)</b>  <b>Ltd</b></p>	<p>3.29.1</p> <p>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><b>RELIEF SOUGHT:</b> Amend to include “Drive-through restaurants”.</p>	<p><b>Reject</b></p> <p>The Industrial 1 Zone is intended to be an industrial zone, not a destination for public retail. The inclusion of small scale takeaway food premises as a permitted activity within this Zone was to provide for the “truckstop” scenario, and small scale food stores catering for workers either employed within the Zone or servicing the area.</p>

Submitter	Submission	Recommendation
<p><b>84.3</b> <b>Leven Investments Ltd, Victoria Estate Trust, Russell Cunningham Properties Ltd and Showgrounds Mall Ltd</b></p>	<p>Oppose 3.29.1.</p> <p>The submitter opposes the 400m<sup>2</sup> 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.</p> <p>The submitter is also concerned that Commercial Activities and 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><b>RELIEF SOUGHT:</b></p> <p>Widen the list of permitted activities to incorporate all those currently undertaken in the area.</p> <p>Introduce plan provisions for a new Business 6 Zone (details of the proposed Business 6 Zone set out in submission).</p> <p>AND</p> <p>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</p> <p>AND</p> <p>Amend Planning Map 8 to show Business 6 Zone in this area.</p>	<p><b>Reject</b></p> <p>I note that Rule 3.29.1 details the permitted activities within the Industrial 1 (Light) Zone. The submission is flawed in that it incorrectly refers to the rule permitting retail sales with a maximum floor area of 400m<sup>2</sup>. Rule 3.29.1 does not permit retail sales, unless it falls within the definition of Essential Services, Light Industry, Motor Vehicle Sales, Takeaway food premises or land transport facilities.</p> <p>The relief sought however, seeks an amendment of the list of permitted activities to enable all those currently undertaken in the area, or alternatively to rezone the Showgrounds development as Business 6.</p> <p>As discussed in Section 5 of this report, I do not believe Business 6 zoning of this land would be in the best interests of the community as a whole.</p>
<p><b>90.26</b> <b>H W Richardson Group Ltd</b></p>	<p>Oppose 3.29.1.</p> <p>The submitter considers the clauses restricting hours of operation and the size of sites to be overly onerous and not effects based.</p> <p><b>RELIEF SOUGHT:</b></p> <p>Retain the Enterprise Zoning and associated provisions;</p>	<p><b>Accept in part</b></p> <p>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.</p> <p>I believe that there is merit in restricting the scale of industries operating within the urban areas of the District.</p>

Submitter	Submission	Recommendation
	<p>OR</p> <p>Rezone all of the submitter's sites</p> <p>AND</p> <p>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><b>FS23.6 - South Light Development Ltd, Sonya Crook and Ian Crook</b>  <b>FS37.6 - Peter Cooper</b>  <b>FS38.8 - Murray Cruickshank</b>  <b>FS40.6 - Bill Fraser</b>  <b>FS42.5 - Neville Hayes</b>  <b>FS43.6 - Dave Edminston</b>  <b>FS47.6 - Paul Ruddenklau</b>  <b>FS48.6 - Allan McPhee</b>  <b>FS50.6 - Chris O'Sullivan</b>  <b>FS51.6 - Stephen Winter</b></p> <p><b>Support submission 90.26</b>  The further submitter considers the clauses restricting hours of operation and the size of sites to be overly onerous and not effects based.</p> <p>The further submitter supports 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><b>FS24.17 - Z Energy Ltd, BP Oil NZ Ltd and Mobil Oil NZ Ltd</b>  <b>Support submission 90.26</b>  The further submitter notes 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>The Industrial 1 Zone is located in the vicinity of residential areas and, as such, the intention of the zone provisions is to ensure that the scale of activities within this Zone is compatible with these adjoining areas.</p> <p>I acknowledge that there are benefits of retaining the maximum lot size, such as encouraging those larger scale activities to consider locating in the Industrial 3 or 4 Zones and ensuring that there are sites available within the District for the smaller scale industrial activities to locate. However, I am recommending that the site size provisions be removed from the Industrial 1 and 1A Zones as I believe the environmental standards and other District Plan provisions will ensure that development within these areas is of a type and scale that is compatible with the adjoining environments.</p> <p>Rezoning the Industrial 1 Zone back to provisions used for the Enterprise Sub-Area in the Operative District Plan is not considered to be in the interests of the wider community, as set out in response to other submission points above, in Section 5 of this report and in the Market Economics Report in <b>Appendix 3</b>.</p> <p>RECOMMENDATION:</p> <p>Amend Rule 3.29.1 as follows:</p> <p><b>3.29.1 Permitted Activities:</b> The following are permitted activities in the Industrial 1 and Industrial 1A Zones:</p> <ul style="list-style-type: none"> <li>(A) Essential services</li> <li>(B) Light industry</li> <li>(C) Motor vehicle sales</li> <li>(D) Takeaway food premises not exceeding 150 square metres</li> <li>(E) Land transport facility</li> </ul> <p>Provided that:</p> <p><del>(A) The premises shall operate only between the hours of 7.00 am to 10.00 pm.</del></p>

Submitter	Submission	Recommendation
	<p><b>FS45.10 - Leven Development Ltd</b>  <b>Support submission 90.26</b>  The further submitter considers the clauses restricting hours of operation and the size of sites to be overly onerous and not effects based.</p> <p>The further submitter supports 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; and the rezoning of 4 Beatrice Street to either Enterprise Zoning or as a new Business 6 Zone.</p> <p><b>FS46.18 - Leven Investment Ltd and others</b>  <b>Support submission 90.26</b>  The further submitter considers the clauses restricting hours of operation and the size of sites to be overly onerous and not effects based.</p> <p>The further submitter supports rezoning all of the submitter’s sites back to Enterprise along with the rezoning of the submitters’ properties and 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><b>FS35.2 - Vibrant Invercargill</b>  <b>Oppose submission 90.26</b>  The further submitter opposes the zoning of the Showgrounds business park as Enterprise on the following grounds:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• The employment shift from the CBD would have detrimental effect on existing businesses.</li> <li>• The CBD needs protected from commercial/retail sprawl and there should be economic and social impact safekeeping.</li> </ul>	<p><del>(AB) — The total site area shall not exceed one hectare.</del></p> <p>AND</p> <p><b>3.18 Subdivision</b></p> <p>Protected Areas and Minimum Lot Sizes</p> <p><b>3.18.6</b> Subdivision is a non-complying activity where it would create lots as follows:</p> <p><del>(C) — Within Industrial 1, Industrial 1A (Marine) and Industrial 2 Zones: Allotments of greater than one hectare.</del></p>

Submitter	Submission	Recommendation
<b>117.46</b> <b>Southern District Health Board</b>	Support in part 3.29.1  The submitter supports the provision in part subject to amendment. The submitter believes that caretaker / custodian accommodation should be a permitted activity, subject to acoustic insulation rules.  <b>RELIEF SOUGHT:</b> Amend 3.29.1 by adding a new item: "(M) Caretaker/custodian accommodation complying with Rule 3.13.7."	<b>Reject</b>  See recommendation in response to the Southern District Health Board's submission 117.44 above.
<b>101.18</b> <b>NZ Fire Service Commission</b>	Support 3.29.1  The submitter supports this provision given that it provides for the establishment of NZFS fire stations.  <b>RELIEF SOUGHT:</b> Retain 3.29.1	<b>Accept</b>
<b>75.10</b> <b>McDonald's Restaurants (NZ) Ltd</b>	Support 3.29.2  The submitter supports the default discretionary activity status for activities not otherwise provided for.  <b>RELIEF SOUGHT:</b> Retain 3.24.2	<b>Accept</b>
<b>90.27</b> <b>H W Richardson Group Ltd</b>	Oppose 3.29.4 Height of Structures  The submitter considers the 12m height restriction as overly onerous, particularly given the nature of its existing business interests and operation needs for large warehouse buildings.  <b>RELIEF SOUGHT:</b> Retain the existing Enterprise Zone and associated provisions;  OR Rezone all of the submitter's sites	<b>Reject</b>  A 12m high structure is taller than the average three-storey building. This is quite a substantial structure and buildings exceeding this may not be appropriate within the Industrial 1 Zone which is located within a residential context. The other Industrial Zones provide for buildings up to 25 metres tall. It is my opinion that consideration of the effects of structures exceeding 12m is appropriate within the Industrial 1 Zone.  It is my opinion that returning to the Enterprise Sub-Area provisions is not in the interests of the wider environment.

Submitter	Submission	Recommendation
	<p>AND/OR</p> <p>Delete the 12m height requirement as it applies to the Industrial 1 Zone, particularly to the submitter's land</p> <p>AND/OR</p> <p>Increase the permitted height within the Industrial 1 Zone to 25m.</p> <p><b>FS5.41 - Invercargill Airport Ltd</b>  <b><i>Oppose in part / Support in Part submission 90.27</i></b>  The further submitter has no particular difficulty with the submission except that it 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><b>FS37.7 - Peter Cooper</b>  <b>FS38.9 - Murray Cruickshank</b>  <b>FS40.7 - Bill Fraser</b>  <b>FS42.6 - Neville Hayes</b>  <b>FS43.7 - Dave Edminston</b>  <b>FS47.7 - Paul Ruddenklau</b>  <b>FS48.7 - Allan McPhee</b>  <b>FS50.7 - Chris O'Sullivan</b>  <b>FS51.7 - Stephen Winter</b></p> <p><b><i>Support submission 90.27</i></b>  The further submitters 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.</p> <p>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>The zoning of the submitter's properties is the subject of a number of other submission points. Some of these are dealt with later in this report, others will be considered in a later Section 42A report addressing Industrial 2, 3 and 4 Zones.</p>



Submitter	Submission	Recommendation
	<p><b>FS45.11 - Leven Development Ltd</b>  <b>Support submission 90.27</b>  The further submitter 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.</p> <p>The further submitter supports 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; and the rezoning of 4 Beatrice Street to either Enterprise Zoning or as a new Business 6 Zone.</p> <p><b>FS46.19 - Leven Investment Ltd</b>  <b>Support submission 90.27</b>  The further submitter 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.</p> <p>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><b>FS35.2 - Vibrant Invercargill</b>  <b>Oppose submission 90.27</b>  The further submitter opposes the zoning of the Showgrounds business park as Enterprise on the following grounds:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• The employment shift from the CBD would have detrimental effect on existing businesses.</li> </ul>	

Submitter	Submission	Recommendation
	<ul style="list-style-type: none"> <li>The CBD needs protected from commercial/retail sprawl and there should be economic and social impact safekeeping.</li> </ul>	
<b>101.19 NZ Fire Service Commission</b>	<p>Oppose. The submitter is concerned that the height provision does not allow for fire hose drying towers.</p> <p><b>RELIEF SOUGHT:</b></p> <p>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><b>Reject</b></p> <p>See recommendation in response to submission point 101.15 above.</p>
<b>ZONING</b>		
<b>22.1 Rockgas Limited</b>	<p>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><b>Accept</b></p> <p>The activities currently being undertaken by the submitter will continue to have existing use rights under the Proposed District Plan. The activity status for any alterations to their activity will need to be assessed on a case-by-case basis based on the nature, scale and intensity of the proposal. The activities carried out by the submitter will be subject to the District Wide provisions as well, including the hazardous substances provisions.</p>
<b>116.2 Kylie Fowler</b>	<p>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.</p> <p>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.</p> <p>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><b>Reject</b></p> <p>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. As such the zoning enabled a wide range of business and industrial activities with very few restrictions in respect of amenity.</p> <p>The zoning in the Proposed District Plan for this area is quite different. Some properties are rezoned as residential, reflecting the current and historic use of the sites. An area from just west of Lee Street down to Henderson Street has been zoned Business 2 in recognition of the role</p>

Submitter	Submission	Recommendation
		<p>the area plays as a community centre and to encourage the co-location of business activities including tourist based non-industrial activities. The Proposed District Plan provisions for the Business 2 Zone reflect higher amenity expectations.</p> <p>The remainder of the properties on Gore Street that were previously Enterprise Sub-Area have been zoned Industrial 1. This zoning reflects historic and current land use activities on these sites. It is accepted that these activities may include storage facilities. The Industrial 1 zoning recognises to some extent the context of these sites with controls on the nature and scale of activities.</p> <p>It should also be noted that activities carried out in these areas are subject to the District Wide provisions. Transportation provisions address access issues, including parking and manoeuvring. Screening of parking and outdoor storage areas is required where sites adjoin residential properties. There are also Hazardous Substances provisions which address the different types and quantities of hazardous substances allowed on these sites.</p> <p>If activities affect the physical footpaths and roading networks the Council's Works and Services Department will become involved.</p>
<b>Zoning of "Showgrounds area"</b>		
<p><b>44.1</b> <b>Nind Electrical</b></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"> <li>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.</li> <li>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.</li> </ol>	<p><b>Reject</b></p> <p>For reasons discussed in more detail in Section 5 of this report and in the Market Economics Report in Appendix 3, it is my opinion that rezoning the "Showgrounds" development back to Enterprise Sub-Area would not be in the best interests of the wider community.</p> <p>The Business 6 Zone provisions raised by further submitters are discussed in Section 5 of this report and in response to submission 84.4 above.</p> <p>The zoning of 4 Beatrice Street is discussed in response to submission 86.1 above.</p>

Submitter	Submission	Recommendation
	<p>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.</p> <p>4. The submitter is concerned that the change in zoning is an attempt to direct larger industries to the Industrial 4 (Awarua) Zone.</p> <p>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.</p> <p>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.</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><b>RELIEF SOUGHT:</b> Retain current Enterprise Zoning.</p> <p><b>FS11.11 – H W Richardson Group Ltd</b> <b><i>Support in part submissions 44.1</i></b></p> <p>The further submitter supports these submissions insofar as they seek to retain the flexibility provided by the Enterprise Sub-Area as outlined in the Operative District Plan.</p>	

Submitter	Submission	Recommendation
	<p>The further submitter also considers that the provisions should reflect the underlying legally established activities occurring on sites throughout the City.</p> <p><b>FS23.8 - South Light Development Ltd, Sonya Crook and Ian Crook</b>  <b>FS37.8 - Peter Cooper</b>  <b>FS38.10 - Murray Cruickshank</b>  <b>FS40.8 - Bill Fraser</b>  <b>FS42.7 - Neville Hayes</b>  <b>FS43.8 - Dave Edminston</b>  <b>FS46.20 - Leven Investment Ltd and others</b>  <b>FS47.8 - Paul Ruddenklau</b>  <b>FS48.8 - Allan McPhee</b>  <b>FS50.8 - Chris O'Sullivan</b></p> <p><b><i>Support submission 44.1</i></b>  The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>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><b>FS45.12 - Leven Development Ltd</b>  <b><i>Support submission 44.1</i></b>  The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>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>The further submitter further supports the rezoning of 4 Beatrice Street to either Enterprise Zoning or as a new Business 6 Zone.</p>	

Submitter	Submission	Recommendation
	<p><b>FS35.2 - Vibrant Invercargill</b>  <b>Oppose submission 44.1</b></p> <p>The further submitter opposes the zoning of the Showgrounds business park as Enterprise on the following grounds:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• The employment shift from the CBD would have detrimental effect on existing businesses.</li> <li>• The CBD needs protected from commercial/retail sprawl and there should be economic and social impact safekeeping.</li> </ul>	
<p><b>49.1</b>  <b>Fraser Family Trust</b></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"> <li>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.</li> <li>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.</li> <li>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.</li> </ol>	<p><b>Reject</b></p> <p>For reasons discussed in more detail in Section 5 of this report and in the Market Economics Report in Appendix 3, it is my opinion that rezoning the “Showgrounds” development back to Enterprise Sub-Area would not be in the best interests of the wider community.</p> <p>The Business 6 Zone provisions raised by further submitters are discussed in Section 5 of this report and in response to submission 84.4 above.</p> <p>The zoning of 4 Beatrice Street is discussed in response to submission 86.1 above.</p>

Submitter	Submission	Recommendation
	<p>4. The submitter is concerned that the change in zoning is an attempt to direct larger industries to the Industrial 4 (Awarua) Zone.</p> <p>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.</p> <p>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.</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><b>FS11.11 – H W Richardson Group Ltd</b>  <b><i>Support in part submissions 49.1</i></b>  The further submitter supports these submissions insofar as they seek to retain the flexibility provided by the Enterprise Sub-Area as outlined in the Operative District Plan.</p> <p>The further submitter also considers that the provisions should reflect the underlying legally established activities occurring on sites throughout the City.</p> <p><b>FS23.9 - South Light Development Ltd, Sonya Crook and Ian Crook</b>  <b>FS37.9 - Peter Cooper</b>  <b>FS38.11 - Murray Cruickshank</b>  <b>FS42.8 - Neville Hayes</b>  <b>FS43.9 - Dave Edminston</b>  <b>FS46.21 - Leven Investment Ltd and others</b>  <b>FS47.9 - Paul Ruddenklau</b>  <b>FS48.9 - Allan McPhee</b>  <b>FS50.9 - Chris O'Sullivan</b></p>	

Submitter	Submission	Recommendation
	<p><b>FS51.8 - Stephen Winter</b></p> <p><b><i>Support submission 49.1</i></b>  The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>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><b>FS45.13 Leven Developments Ltd</b></p> <p><b><i>Support submission 49.1</i></b>  The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>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>The further submitter also supports the rezoning of 4 Beatrice Street to either Enterprise zoning or as a new Business 6 Zone.</p> <p><b>FS35.2 Vibrant Invercargill</b></p> <p><b><i>Oppose submission 49.1</i></b></p> <p>The further submitter opposes the zoning of the Showgrounds business park as Enterprise on the following grounds:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>	



Submitter	Submission	Recommendation
	<ul style="list-style-type: none"> <li>• The employment shift from the CBD would have detrimental effect on existing businesses.</li> <li>• The CBD needs protected from commercial/retail sprawl and there should be economic and social impact safekeeping.</li> </ul>	
<b>61.1 Blackwood Protector</b>	<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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. The submitter is concerned that the change in zoning is an attempt to direct larger industries to the Industrial 4 (Awarua) Zone.</li> <li>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.</li> <li>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.</li> <li>7. The development is an asset to the City, not a threat to the CBD.</li> <li>8. The development provides for businesses that would have had difficulties locating in the City Centre for reasons such as size of sites,</li> </ol>	<p><b>Reject</b></p> <p>For reasons discussed in more detail in Section 5 of this report and in the Market Economics Report in Appendix 3, it is my opinion that rezoning the “Showgrounds” development back to Enterprise Sub-Area would not be in the best interests of the wider community.</p> <p>The Business 6 Zone provisions raised by further submitters are discussed in Section 5 of this report and in response to submission 84.4 above.</p> <p>The zoning of 4 Beatrice Street is discussed in response to submission 86.1 above.</p>

Submitter	Submission	Recommendation
	<p>need for on-site parking, and consent requirements associated with heritage sites.</p> <p><b>RELIEF SOUGHT:</b> Retain current Enterprise Zoning</p> <p><b>FS11.11 – H W Richardson Group Ltd</b> <b><i>Support in part submissions 61.1</i></b></p> <p>The further submitter supports these submissions insofar as they seek to retain the flexibility provided by the Enterprise Sub-Area as outlined in the Operative District Plan.</p> <p>The further submitter also considers that the provisions should reflect the underlying legally established activities occurring on sites throughout the City.</p> <p><b>FS23.10 - South Light Development Ltd, Sonya Crook and Ian Crook</b>  <b>FS37.10 - Peter Cooper</b>  <b>FS38.12 - Murray Cruickshank</b>  <b>FS40.9 - Bill Fraser</b>  <b>FS42.9 - Neville Hayes</b>  <b>FS43.10 - Dave Edminston</b>  <b>FS46.22 - Leven Investment Ltd and others</b>  <b>FS47.10 - Paul Ruddenklau</b>  <b>FS48.10 - Allan McPhee</b>  <b>FS50.10 - Chris O’Sullivan</b>  <b>FS51.9 - Stephen Winter</b></p> <p><b><i>Support submission 61.1</i></b> The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>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>	

Submitter	Submission	Recommendation
	<p><b>FS45.14 - Leven Development Ltd</b>  <b>Support submission 61.1</b>  The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>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>The further submitter also supports the rezoning of 4 Beatrice Street to either Enterprise zoning or as a new Business 6 Zone.</p> <p><b>FS35.2 Vibrant Invercargill</b>  <b>Oppose submission 61.1</b>  The further submitter opposes the zoning of the Showgrounds business park as Enterprise on the following grounds:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• The employment shift from the CBD would have detrimental effect on existing businesses.</li> <li>• The CBD needs protected from commercial/retail sprawl and there should be economic and social impact safekeeping.</li> </ul>	
<p><b>84.1</b>  <b>Leven Investments Ltd, Victoria Estate Trust, Russell Cunningham</b></p>	<p>Oppose the zoning of land between Victoria Avenue, the railway line, Beatrice Street and the Waihopai River.</p> <p>The submitter considers that the proposed 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.</p>	<p><b>Reject</b></p> <p>For reasons discussed in more detail in Section 5 of this report and in the Market Economics Report in Appendix 3, it is my opinion that rezoning the “Showgrounds” development to reflect the Business 6 Zone provisions suggested by the submitter would not be in the best interests of the wider community.</p>

Submitter	Submission	Recommendation
<p><b>Properties Ltd and Showgrounds Mall Ltd</b></p>	<p>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><b>RELIEF SOUGHT:</b> Introduce plan provisions for a new Business 6 Zone (details of the proposed Business 6 Zone set out in submission).</p> <p>AND</p> <p>Change the proposed zoning of the land from Industrial 1 to Business 6 Zone</p> <p>AND</p> <p>Amend Planning Map 8 to show Business 6 Zone in this area.</p> <p><b>FS5.42 - Invercargill Airport Ltd</b> <i>Oppose in part / Support in part submission 84.1</i> 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 should be consistent with the operation and noise management requirements of the airport.</p> <p><b>FS11.11 – H W Richardson Group Ltd</b> <i>Support in part submissions 84.1</i> The further submitter supports these submissions insofar as they seek to retain the flexibility provided by the Enterprise Sub-Area as outlined in the Operative District Plan.</p> <p>The further submitter also considers that the provisions should reflect the underlying legally established activities occurring on sites throughout the City.</p>	

Submitter	Submission	Recommendation
	<p><b>FS29.1 Robert Todd</b> <b><i>Oppose Submission 84.1</i></b></p> <p>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"> <li>1. The Enterprise Sub-Area was too permissive allowing developments within an area that should be utilised for light industry.</li> <li>2. Many of the businesses in the area are more suited to a CBD or fringe CBD location.</li> <li>3. Allowing further development of office premises within a light industrial area will be to the detriment of the CBD.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>7. There is a risk of sea level rise and flooding.</li> <li>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.</li> </ol> <p>The further submitter considers that the submission is not in the best interests of the city.</p>	

Submitter	Submission	Recommendation
<p><b>98.1</b> <b>Ian and Sonya Crook</b></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"> <li>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.</li> <li>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.</li> <li>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. The Enterprise Zoning reduced compliance costs.</li> <li>4. The submitter is concerned that the change in zoning is an attempt to direct larger industries to the Industrial 4 (Awarua) Zone.</li> <li>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.</li> <li>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.</li> <li>7. The development is an asset to the City, not a threat to the CBD. It is located just outside the CBD with a future transport link to the north.</li> <li>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.</li> </ol>	<p><b>Reject</b></p> <p>For reasons discussed in more detail in Section 5 of this report and in the Market Economics Report in Appendix 3, it is my opinion that rezoning the “Showgrounds” development back to Enterprise Sub-Area would not be in the best interests of the wider community.</p> <p>The Business 6 Zone provisions raised by further submitters are discussed in Section 5 of this report and in response to submission 84.4 above.</p> <p>The zoning of 4 Beatrice Street is discussed in response to submission 86.1 above.</p>

Submitter	Submission	Recommendation
	<p>9. The establishment of the business park involved considerable investment.</p> <p>10. The area appeals to businesses with mixed trading.</p> <p><b>RELIEF SOUGHT:</b> Retain current Enterprise Zoning.</p> <p><b>FS11.11 HW Richardson Group Ltd</b> <b><i>Support in part submissions 98.1</i></b> The further submitter supports these submissions insofar as they seek to retain the flexibility provided by the Enterprise Sub-Area as outlined in the Operative District Plan.</p> <p>The further submitter also considers that the provisions should reflect the underlying legally established activities occurring on sites throughout the City.</p> <p><b>FS37.11 - Peter Cooper</b> <b>FS38.13 - Murray Cruickshank</b> <b>FS40.10 - Bill Fraser</b> <b>FS42.10 - Neville Hayes</b> <b>FS43.11 - Dave Edminston</b> <b>FS46.23 - Leven Investment Ltd and others</b> <b>FS47.11 - Paul Ruddenklau</b> <b>FS48.11 - Allan McPhee</b> <b>FS50.11 - Chris O’Sullivan</b> <b>FS51.10 - Stephen Winter</b></p> <p><b><i>Support submission 98.1</i></b> The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>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>	

Submitter	Submission	Recommendation
	<p><b>FS45.15 - Leven Development Ltd</b>  <b>Support submission 98.1</b>  The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>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>The further submitter also supports the rezoning of 4 Beatrice Street to Enterprise zoning or as a new Business 6 Zone.</p> <p><b>FS35.2 - Vibrant Invercargill</b>  <b>Oppose submission 98.1</b></p> <p>The further submitter opposes the zoning of the Showgrounds business park as Enterprise on the following grounds:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Developing a mall in the Showgrounds property would further draw people from the CBD – E.G. Leven St development has drawn foot traffic away from CBD, along with lower rents and free parking for consumers.</li> <li>• The employment shift from the CBD would have detrimental effect on existing businesses.</li> <li>• The CBD needs protected from commercial/retail sprawl and there should be economic and social impact safekeeping.</li> </ul>	
<b>108.1</b> <b>Brendan</b> <b>Akeroyd –</b> <b>Stonewood</b> <b>Homes</b>	<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"> <li>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.</li> </ol>	<p><b>Reject</b></p> <p>For reasons discussed in more detail in Section 5 of this report and in the Market Economics Report in Appendix 3, it is my opinion that rezoning the “Showgrounds” development back to Enterprise Sub-Area would not be in the best interests of the wider community.</p>



Submitter	Submission	Recommendation
	<p>2. The submitter states that the development on the site reflects the policy direction and zoning of the Operative District Plan.</p> <p>3. Developers have purchased property in the area with a view to developing commercial activities in the future.</p> <p><b>RELIEF SOUGHT:</b> Retain current Enterprise Zoning.</p> <p><b>FS11.11 – H W Richardson Group Ltd</b> <b><i>Support in part submissions 108.1</i></b></p> <p>The further submitter supports these submissions insofar as they seek to retain the flexibility provided by the Enterprise Sub-Area as outlined in the Operative District Plan.</p> <p>The further submitter also considers that the provisions should reflect the underlying legally established activities occurring on sites throughout the City.</p> <p><b>FS23.11 - South Light Development Ltd, Sonya Crook and Ian Crook</b>  <b>FS37.12 - Peter Cooper</b>  <b>FS38.14 - Murray Cruickshank</b>  <b>FS40.11 - Bill Fraser</b>  <b>FS42.11 - Neville Hayes</b>  <b>FS43.12 - Dave Edminston</b>  <b>FS46.24 - Leven Investment Ltd</b>  <b>FS47.12 - Paul Ruddenklau</b>  <b>FS48.12 - Allan McPhee</b>  <b>FS50.12 - Chris O’Sullivan</b>  <b>FS51.11 - Stephen Winter</b></p> <p><b><i>Support submission 108.1</i></b> The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>The further submitter supports the retention of the Enterprise Zone and associated provisions and the rezoning of the submitter’s properties and</p>	<p>The Business 6 Zone provisions raised by further submitters are discussed in Section 5 of this report and in response to submission 84.4 above.</p> <p>The zoning of 4 Beatrice Street is discussed in response to submission 86.1 above.</p>

Submitter	Submission	Recommendation
	<p>the “showgrounds” development site to either the existing Enterprise Sub-Area zoning or a new Business 6 Zone.</p> <p><b>FS45.16 - Leven Development Ltd</b>  <b>Support submission 108.1</b>  The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>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>The further submitter also supports the rezoning of 4 Beatrice Street as Enterprise zoning or as a new Business 6 Zone.</p> <p><b>FS35.2 - Vibrant Invercargill</b>  <b>Oppose submission 108.1</b></p> <p>The further submitter opposes the zoning of the Showgrounds business park as Enterprise on the following grounds:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• The employment shift from the CBD would have detrimental effect on existing businesses.</li> <li>• The CBD needs protected from commercial/retail sprawl and there should be economic and social impact safekeeping.</li> </ul>	

Submitter	Submission	Recommendation
<p><b>110.1</b>  <b>Dave Edminston</b>  <b>(Invercargill</b>  <b>Glass &amp; Mirror</b>  <b>Ltd)</b></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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. The submitter is concerned that the change in zoning is an attempt to direct larger industries to the Industrial 4 (Awarua) Zone.</li> <li>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.</li> <li>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.</li> <li>7. The development is an asset to the City, not a threat to the CBD.</li> <li>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.</li> </ol> <p><b>RELIEF SOUGHT:</b>  Retain current Enterprise Zoning.</p>	<p><b>Reject</b></p> <p>For reasons discussed in more detail in Section 5 of this report and in the Market Economics Report in Appendix 3, it is my opinion that rezoning the “Showgrounds” development back to Enterprise Sub-Area would not be in the best interests of the wider community.</p> <p>The Business 6 Zone provisions raised by further submitters are discussed in Section 5 of this report and in response to submission 84.4 above.</p> <p>The zoning of 4 Beatrice Street is discussed in response to submission 86.1 above.</p>

Submitter	Submission	Recommendation
	<p><b>FS11.11 – H W Richardson Group Ltd</b>  <b><i>Support in part submissions 108.1</i></b>  The further submitter supports these submissions insofar as they seek to retain the flexibility provided by the Enterprise Sub-Area as outlined in the Operative District Plan.</p> <p>The further submitter also considers that the provisions should reflect the underlying legally established activities occurring on sites throughout the City.</p> <p><b>FS23.12 - South Light Development Ltd, Sonya Crook and Ian Crook</b>  <b>FS37.13 - Peter Cooper</b>  <b>FS38.15 - Murray Cruickshank</b>  <b>FS40.11 - Bill Fraser</b>  <b>FS42.12 - Neville Hayes</b>  <b>FS46.25 - Leven Investment Ltd and others</b>  <b>FS47.13 - Paul Ruddenklau</b>  <b>FS48.13 - Allan McPhee</b>  <b>FS50.13 - Chris O’Sullivan</b>  <b>FS51.12 - Stephen Winter</b></p> <p><b><i>Support submission 110.1</i></b>  The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>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><b>FS45.17 - Leven Development Ltd</b>  <b><i>Support submission 110.1</i></b>  The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>The further submitter supports the retention of the Enterprise Zone and associated provisions and the rezoning of the submitter’s properties and</p>	

Submitter	Submission	Recommendation
	<p>the “showgrounds” development site to either the existing Enterprise Sub-Area zoning or a new Business 6 Zone.</p> <p>The further submitter also supports the rezoning of 4 Beatrice Street to either an Enterprise zoning or as a new Business 6 Zone.</p> <p><b>FS35.2 - Vibrant Invercargill</b> <b><i>Oppose submissions 110.11</i></b></p> <p>The further submitter opposes the zoning of the Showgrounds business park as Enterprise on the following grounds:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• The employment shift from the CBD would have detrimental effect on existing businesses.</li> <li>• The CBD needs protected from commercial/retail sprawl and there should be economic and social impact safekeeping.</li> </ul>	
<p><b>111.1</b> <b>Neville Hayes</b></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"> <li>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.</li> <li>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.</li> <li>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</li> </ol>	<p>For reasons discussed in more detail in Section 5 of this report and in the Market Economics Report in Appendix 3, it is my opinion that rezoning the “Showgrounds” development to reflect the Business 6 Zone provisions suggested by the submitter would not be in the best interests of the wider community.</p>

Submitter	Submission	Recommendation
	<p>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> <p>4. The submitter is concerned that the change in zoning is an attempt to direct larger industries to the Industrial 4 (Awarua) Zone.</p> <p>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.</p> <p>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.</p> <p>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> <p><b>RELIEF SOUGHT:</b> 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><b>FS5.43 - Invercargill Airport Ltd</b> <i>Oppose in part / Support in part submission 111.1</i> 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 should be consistent with the operation and noise management requirements of the airport</p> <p><b>FS23.13 - South Light Development Ltd, Sonya Crook and Ian Crook</b> <b>FS37.14 - Peter Cooper</b> <b>FS38.16 - Murray Cruickshank</b> <b>FS40.13 - Bill Fraser</b> <b>FS43.13 - Dave Edminston</b></p>	

Submitter	Submission	Recommendation
	<p><b>FS46.26 - Leven Investment Ltd</b>  <b>FS47.14 - Paul Ruddenklau</b>  <b>FS48.14 - Allan McPhee</b>  <b>FS50.14 - Chris O’Sullivan</b>  <b>FS51.13 - Stephen Winter</b></p> <p><b><i>Support submission 111.1</i></b>  The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>The further submitter supports the retention of the Enterprise Zone and associated provisions and/or a new Business 6 Zone.</p> <p><b>FS45.18 - Leven Development Ltd</b>  <b><i>Support submission 111.1</i></b>  The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>The further submitter supports the retention of the Enterprise Zone and associated provisions and/or a new Business 6 Zone.</p> <p>The further submitter also supports the rezoning of 4 Beatrice Street to Enterprise zoning or as a new Business 6 Zone.</p> <p><b>FS35.2 Vibrant Invercargill</b>  <b><i>Oppose submissions 111.1</i></b>  The further submitter opposes the zoning of the Showgrounds business park as Enterprise on the following grounds:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>	

Submitter	Submission	Recommendation
	<ul style="list-style-type: none"> <li>The employment shift from the CBD would have detrimental effect on existing businesses.</li> <li>The CBD needs protected from commercial/retail sprawl and there should be economic and social impact safekeeping.</li> </ul>	
<b>112.1 Marine South Limited</b>	<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"> <li>The submitter bought properties on Bill Richardson on the grounds that the Enterprise zoning ensured “future proofing” for their business.</li> <li>The Industrial 1 zoning would devalue their property.</li> <li>The zoning does not reflect the current use of the area as mixed-use commercial development.</li> <li>The Council has tried to attract new business into the area and is now changing its view.</li> </ol> <p><b>RELIEF SOUGHT:</b> Retain the current District Plan provisions as they relate to the Bill Richardson Drive area.</p> <p><b>FS11.11 – H W Richardson Group Ltd</b> <i>Support in part submissions 112.1</i> The further submitter supports these submissions insofar as they seek to retain the flexibility provided by the Enterprise Sub-Area as outlined in the Operative District Plan.</p> <p>The further submitter also considers that the provisions should reflect the underlying legally established activities occurring on sites throughout the City.</p> <p><b>FS23.14 - South Light Development Ltd, Sonya Crook and Ian Crook</b> <b>FS37.15 - Peter Cooper</b> <b>FS38.17 - Murray Cruickshank</b> <b>FS40.14 - Bill Fraser</b> <b>FS42.13 - Neville Hayes</b> <b>FS43.14 - Dave Edminston</b></p>	<p><b>Reject</b></p> <p>For reasons discussed in more detail in Section 5 of this report and in the Market Economics Report in Appendix 3, it is my opinion that rezoning the “Showgrounds” development back to Enterprise Sub-Area would not be in the best interests of the wider community.</p> <p>The Business 6 Zone provisions raised by further submitters are discussed in Section 5 of this report and in response to submission 84.4 above.</p> <p>The zoning of 4 Beatrice Street is discussed in response to submission 86.1 above.</p>



Submitter	Submission	Recommendation
	<p><b>FS46.27 - Leven Investment Ltd</b>  <b>FS48.15 - Allan McPhee</b>  <b>FS50.15 - Chris O’Sullivan</b>  <b>FS51.14 - Stephen Winter</b></p> <p><b><i>Support submission 112.1</i></b>  The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>The further submitter supports the retention of the Enterprise Zone and associated provisions and/or a new Business 6 Zone.</p> <p><b>FS45.19 - Leven Development Ltd</b>  <b><i>Support submission 112.1</i></b></p> <p>The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>The further submitter supports the retention of the Enterprise Zone and associated provisions and/or a new Business 6 Zone.</p> <p>The further submitter also supports the rezoning of 4 Beatrice Street as either Enterprise zoning or as a new Business 6 Zone.</p> <p><b>FS35.2 - Vibrant Invercargill</b>  <b><i>Oppose submissions 112.1</i></b></p> <p>The further submitter opposes the zoning of the Showgrounds business park as Enterprise on the following grounds:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>	

Submitter	Submission	Recommendation
	<ul style="list-style-type: none"> <li>The employment shift from the CBD would have detrimental effect on existing businesses.</li> <li>The CBD needs protected from commercial/retail sprawl and there should be economic and social impact safekeeping.</li> </ul>	
<p><b>113.1</b> <b>Allan McPhee</b> <b>and John Lyons</b> <b>(A J Auto</b> <b>Electrical)</b></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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>The submitter is concerned that the change in zoning is an attempt to direct larger industries to the Industrial 4 (Awarua) Zone.</li> <li>The submitter believes that the zone change is contrary to the Council’s aim of providing for the future wellbeing of the community through the creation and maintenance of jobs.</li> <li>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.</li> <li>The development is an asset to the City, not a threat to the CBD.</li> <li>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.</li> </ol>	<p><b>Reject</b></p> <p>For reasons discussed in more detail in Section 5 of this report and in the Market Economics Report in Appendix 3, it is my opinion that rezoning the “Showgrounds” development back to Enterprise Sub-Area would not be in the best interests of the wider community.</p> <p>The Business 6 Zone provisions raised by further submitters are discussed in Section 5 of this report and in response to submission 84.4 above.</p> <p>The zoning of 4 Beatrice Street is discussed in response to submission 86.1 above.</p>

Submitter	Submission	Recommendation
	<p><b>RELIEF SOUGHT:</b> Retain current Enterprise Zoning.</p> <p><b>FS11.11 – H W Richardson Group Ltd</b> <b><i>Support in part submissions 113.1</i></b></p> <p>The further submitter supports these submissions insofar as they seek to retain the flexibility provided by the Enterprise Sub-Area as outlined in the Operative District Plan.</p> <p>The further submitter also considers that the provisions should reflect the underlying legally established activities occurring on sites throughout the City.</p> <p><b>FS23.15 - South Light Development Ltd, Sonya Crook and Ian Crook</b>  <b>FS37.16 - Peter Cooper</b>  <b>FS38.18 - Murray Cruickshank</b>  <b>FS40.15 - Bill Fraser</b>  <b>FS42.14 - Neville Hayes</b>  <b>FS43.15 - Dave Edminston</b>  <b>FS45.20 - Leven Development Ltd</b>  <b>FS46.28 - Leven Investment Ltd and others</b>  <b>FS47.15 - Paul Ruddenklau</b>  <b>FS50.15 - Chris O’Sullivan</b>  <b>FS51.15 - Stephen Winter</b></p> <p><b><i>Support submission 113.1</i></b> The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>The further submitter supports the retention of the Enterprise Zone and associated provisions and/or a new Business 6 Zone.</p> <p><b>FS35.2 Vibrant Invercargill</b> <b><i>Oppose submissions 113.1</i></b> The further submitter opposes the zoning of the Showgrounds business park as Enterprise on the following grounds:</p>	

Submitter	Submission	Recommendation
	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• The employment shift from the CBD would have detrimental effect on existing businesses.</li> <li>• The CBD needs protected from commercial/retail sprawl and there should be economic and social impact safekeeping.</li> </ul>	
<p><b>114.1</b> <b>Chris O'Sullivan</b></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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. The submitter is concerned that the change in zoning is an attempt to direct larger industries to the Industrial 4 (Awarua) Zone.</li> <li>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.</li> </ol>	<p><b>Reject</b></p> <p>For reasons discussed in more detail in Section 5 of this report and in the Market Economics Report in Appendix 3, it is my opinion that rezoning the “Showgrounds” development back to Enterprise Sub-Area would not be in the best interests of the wider community.</p> <p>The Business 6 Zone provisions raised by further submitters are discussed in Section 5 of this report and in response to submission 84.4 above.</p> <p>The zoning of 4 Beatrice Street is discussed in response to submission 86.1 above.</p>

Submitter	Submission	Recommendation
	<p>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.</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><b>RELIEF SOUGHT:</b> Retain current Enterprise Zoning.</p> <p><b>FS11.11 – H W Richardson Group Ltd</b> <b><i>Support in part submissions 114.1</i></b> The further submitter supports these submissions insofar as they seek to retain the flexibility provided by the Enterprise Sub-Area as outlined in the Operative District Plan.</p> <p>The further submitter also considers that the provisions should reflect the underlying legally established activities occurring on sites throughout the City.</p> <p><b>FS23.16 - South Light Development Ltd, Sonya Crook and Ian Crook</b> <b>FS37.17 - Peter Cooper</b> <b>FS38.19 - Murray Cruickshank</b> <b>FS40.16 - Bill Fraser</b> <b>FS42.15 - Neville Hayes</b> <b>FS43.16 - Dave Edminston</b> <b>FS46.29 - Leven Investment Ltd and others</b> <b>FS47.16 - Paul Ruddenklau</b> <b>FS48.16 - Allan McPhee</b> <b>FS51.16 - Stephen Winter</b></p> <p><b><i>Support submission 114.1</i></b> The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p>	

Submitter	Submission	Recommendation
	<p>The further submitter supports the retention of the Enterprise Zone and associated provisions and/or a new Business 6 Zone.</p> <p><b>FS45.21 - Leven Development Ltd</b>  <b>Support submission 114.1</b></p> <p>The further submitter also opposes the rezoning of the “showgrounds” development from Enterprise to Industrial 1 Zone.</p> <p>The further submitter supports the retention of the Enterprise Zone and associated provisions and/or a new Business 6 Zone.</p> <p>The further submitter also supports the rezoning of 4 Beatrice Street to Enterprise zoning or as a new Business 6 Zone.</p> <p><b>FS35.2 - Vibrant Invercargill</b>  <b>Oppose submissions 114.1</b></p> <p>The further submitter opposes the zoning of the Showgrounds business park as Enterprise on the following grounds:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• The employment shift from the CBD would have detrimental effect on existing businesses.</li> <li>• The CBD needs protected from commercial/retail sprawl and there should be economic and social impact safekeeping.</li> </ul>	

## APPENDIX 2 - RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN

(Underline indicates recommended additions, ~~strikethrough~~ indicates recommended deletions.)

### SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

#### 2.21 BUSINESS OVERVIEW

No change

##### 2.21.1 Issues

**The significant resource management issues with respect to the Business Zones are:**

1. No change
2. No change
3. No change
4. No change

##### 2.21.2 Objectives

**Objective 1:** No change

**Objective 2:** No change

**Objective 3:** No change

**Objective 4:** No change

##### 2.21.3 Policies

**Policy 1 Hierarchy:** No change  
***Explanation:*** No change

**Policy 2 Zoning:** No change  
***Explanation:*** No change

## 2.24 BUSINESS 3 (SPECIALIST COMMERCIAL) ZONE

These zones provide for a range of commercial activities and service-oriented industrial activities which require a central or convenient location but not necessarily the amenities offered by the Business 1 Zone. These zones are intended for “destination” retailing and services, meaning that clients will generally make a special journey to a specific premises for a specific product or service.

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.~~

The zones are intended to be easy to get around by motor vehicle with direct connections to the main elements of the city’s roading hierarchy, but are not intended to be pedestrian-friendly or to offer the experience of a retail environment such as a shopping mall.

Activities in these zones will generally be acceptable as residential neighbours “in the next block” and the Business 3 zones have a useful function of providing a buffer between the residential areas and the State Highway.

### 2.24.1 Issues

**The significant resource management issues for the Business 3 (Specialist Commercial) Zone are:**

1. No change
2. No change
3. No change

### 2.24.2 Objectives

**Objective 1:** No change

**Objective 2:** No change

**Objective 3:** No change

**Objective 4:** No change

### 2.24.3 Policies

**Policy 1 Business 3 (Specialist Commercial) Zone:** No change  
**Explanation:** No change



- Policy 2** **Activities:** No change  
**Explanation:** No change
- Policy 3** **Protection of Business 1 Zone:** No change  
**Explanation:** No change
- Policy 4** **Access and connectivity:** No change  
**Explanation:** No change
- Policy 5** **Noise:** No change  
**Explanation:** No change
- Policy 6** **Odour:** No change  
**Explanation:** No change
- Policy 7** **Glare:** No change  
**Explanation:** No change
- Policy 8** **Electrical Interference:** No change  
**Explanation:** No change
- Policy 9** **Lighting:** No change  
**Explanation:** No change
- Policy 10** **Signage:** No change  
**Explanation:** No change
- Policy 11** **Billboards:** No change  
**Explanation:** No change
- Policy 12** **Hazardous Substances:** No change  
**Explanation:** No change
- Policy 13** **Dilapidated structures and ill-maintained lands:** No change  
**Explanation:** No change
- Policy 14** **Demolition and removal activities:** No change  
**Explanation:** No change
- Policy 15** **Height of Structures:** No change  
**Explanation:** No change
- Policy 16** **Connectivity and circulation:** No change  
**Explanation:** No change
- 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

**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.*

#### **2.24.4 Methods of Implementation**

**Method 1** No change

**Method 2** No change

**Method 3** No change

**Method 4** No change

**Method 5** No change

**Method 6** No change

**Method 7** No change

**Method 8** No change

**Method 9** No change

## 2.28 INDUSTRY OVERVIEW

Maintenance of “critical mass” - creation and maintenance of jobs - is the most important overall issue on enabling the Invercargill community to provide for its future well-being. The Council wishes the District Plan to be part of an overall strategy supporting job creation and maintenance. Provision of industrial zoning will enable industry to locate in a variety of areas within the Invercargill city district. Amenity standards which make it convenient and attractive for them to do so, are also an important part of this overall strategy.

Four Industrial Zones have been identified to reflect the widely varying nature of industrial activity that currently exists in Invercargill, its varying degrees of compatibility with other land uses, and to make provision for a variety of future growth possibilities both short and long-term.

1. **Light Industry:** There are several areas ~~for~~ where light industry will generally be acceptable as residential neighbours “in the next street block” but not normally right next door.
2. **Light Industry (Marine):** There is an opportunity along the waterfront at Bluff for light industry which is oriented to and services the marine sector and which also makes a feature of the Bluff waterfront providing an interesting, vibrant and attractive environment for businesses to work in, tourists to visit and the town to overlook.
3. **Urban Industry:** Large industrial, processing, warehousing, service and transport activities which are likely to need to operate up to 24 hours a day, seven days a week, but which are of a size and scale that they are appropriate in a separate zone but within the urban area.
4. **Large Industry:** Large industrial, processing, warehousing, service and transport activities which are likely to need to operate up to 24 hours a day, seven days a week, and which, because of their scale, are inappropriate within the urban area, require dedicated zoned areas.
5. **Awarua:** Here, land has been zoned for large industry in anticipation of development. The Awarua area, with its proximity to both the city of Invercargill and the port of Bluff, its location adjacent to State Highway 1 and the Bluff branch railway, is located adjacent to an existing Industrial 3 Zone. These factors contribute to its potential as an industrial site.

### 2.28.1 Issues

**The significant resource management issues with respect to industry are:**

1. No change
2. No change
3. No change
4. No change

## 2.28.2 Objectives

**Objective 1:** No change

**Objective 2:** No change

**Objective 3:** No change

**Objective 4:** No change

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

***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.*

**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.

***Explanation:** Large industries requiring extensive sites should not be restricted from operating 24 hours a day, seven days a week, if required by the nature of their business. Perceived effects need to be controlled only at or beyond the boundary of the zone.*

**Policy 3** **Zoning:** No change  
***Explanation:*** No change

## 2.29 INDUSTRIAL 1 (LIGHT) ZONE

This zone provides for light industry (as defined in this Plan) to locate near or adjacent to, but not scattered throughout, residential areas.

Making provision for light industry to group within specified areas will help maintain the integrity of residential and other business zones.

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, and 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).~~

### 2.29.1 Issues

**The significant resource management issues for the Industrial 1 (Light) Zone are:**

1. No change
2. No change

### 2.29.2 Objectives

**Objective 1:** No change

**Objective 2:** No change

**Objective 3:** No change

### 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.~~

***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.*~~

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

**Policy 2 Noise:** No change

**Policy 3 Noise:** No change  
***Explanation:*** No change

**Policy 4 Odour:** No change  
***Explanation:*** No change

**Policy 5 Glare:** No change  
***Explanation:*** No change

**Policy 6 Electrical Interference:** No change  
***Explanation:*** No change

- Policy 7 Lighting:** No change  
*Explanation:* No change
- Policy 8 Lightspill:** No change  
*Explanation:* No change
- Policy 9 Signage:** No change  
*Explanation:* No change
- Policy 10 Signage:** No change  
*Explanation:* No change
- Policy 11 Hazardous Substances:** No change  
*Explanation:* No change
- Policy 12 Dilapidated structures and ill-maintained lands:** No change  
*Explanation:* No change
- Policy 13 Demolition and Removal Activities:** No change  
*Explanation:* No change
- Policy 14 Height of Structures:** No change  
*Explanation:* No change
- Policy 15 Connectivity and Circulation:** No change
- Policy 16 Connectivity and Circulation:** No change
- Policy 17 Connectivity and Circulation:** No change  
*Explanation:* No change
- Policy 18 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.  
*Explanation:* Where an Industrial 1 Zone adjoins a Residential Zone screening and amenity planting will be required to avoid, remedy or mitigate any adverse effects of the Industrial Activity on the more sensitive residential neighbour by providing a physical, visual boundary. Ideally this amenity planting or screening will also provide a more pleasant frontage when viewed from the street or adjoining properties.
- Policy 19 Site Utilisation:** No change  
*Explanation:* No change

#### **2.29.4 Methods of Implementation**

**Method 1** No change

**Method 2** No change

**Method 3** No change

**Method 4** No change

**Method 5** No change

**Method 6** No change

**Method 7** No change

**Method 8** No change

**Method 9** No change

**2.30 INDUSTRIAL 1A (MARINE) ZONE**  
No change

**2.30.1 Issues**

**The significant resource management issues for the Industrial 1A (Marine) Zone are:**

1. No change
2. No change
3. No change

**Note:** No change

The following are the additional Objectives and Policies that apply within the Industrial 1A Zone:

**2.30.2 Objectives**

**Objective 1:** No change

**Objective 2:** No change

**2.30.3 Policies**

**Policy 1 Industrial 1A (Marine) Zone:** No change  
**Explanation:** No change

**Policy 2 Waterfront Access:** No change  
**Explanation:** No change

**2.30.4 Methods of Implementation**

**Method 1** No change

**Method 2** No change

**Method 3** No change

## SECTION THREE RULES - ZONE SPECIFIC

### 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.~~

### 3.25 BUSINESS 3 (SPECIALIST COMMERCIAL) ZONE

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

- (A) Child day care activity
- (B) Commercial recreation activity
- (C) Community service
- (D) Drive-through restaurants
- (E) Essential services
- ~~(F) Healthcare activity~~
- ~~(G) Light industry~~
- ~~(H) Motor vehicle sales~~
- ~~(H) Retail sales, from premises with a floor area smaller than 400 square metres and other than in the context of a shopping mall~~
- (I) Trade Suppliers
- ~~(J) Service stations~~
- ~~(K) Supermarkets~~
- ~~(L) Takeaway food premises~~
- (M) Temporary activities

3.25.2 **Discretionary activities:** The following are discretionary activities within the Business 3 Zone:

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

3.25.3 **Non-complying activities:** The following are non-complying activities within the Business 3 Zone:



- (A) Heavy industry.
- (B) Shopping mall.
- (C) Noise sensitive activity, other than child day care activity

**Height of Structures**

- 3.25.4 No change
- 3.25.5 No change
- 3.25.6 No change

**Side and rear yards**

- 3.25.7 No change
- 3.25.8 No change
- 3.25.9 No change

**Outdoor Storage**

- 3.25.10 No change
- 3.25.11 No change
- 3.25.12 No change

**3.29 INDUSTRIAL 1 (LIGHT) AND INDUSTRIAL 1A (MARINE) ZONES**

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

- (A) Essential services
- (B) Light industry
- (C) Motor vehicle sales
- (D) Takeaway food premises not exceeding 150 square metres
- (E) Land transport facility

~~Provided 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.~~

**3.29.2 Discretionary activities:** The following are discretionary activities in the Industrial 1 and 1A Zones:

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

**3.29.3 Non-complying activities:** The following are non-complying activities in the Industrial 1 and 1A Zones:

(A) Heavy industry.

#### **Height of Structures**

**3.29.4** No change

**3.29.5** No change

**3.29.6** No change

#### **Side and rear yards**

**3.29.7** No change

**3.29.8** No change

**3.29.9** No change

#### **Outdoor Storage**

**3.29.10** No change

**3.29.11** No change

**3.29.12** No change

### **SECTION FOUR DEFINITIONS**

**Trade Suppliers** means a business engaged in sales to business and institutional customers and may also include sales to the general public, and wholly consists of suppliers of goods in one or more of the following categories:

- Automotive and marine suppliers
- Buildings suppliers
- Catering equipment suppliers
- Farming and agricultural suppliers
- Garden and patio suppliers
- Hire premises, except hire or loan of books, video, DVD and other similar home entertainment items
- Industrial clothing and safety equipment suppliers
- Office furniture, equipment and systems suppliers

## **APPENDIX 3 – MARKET ECONOMICS REPORT**

**Market Economics Limited (May 2015) *Proposed District Plan Economic Assessment*, prepared for Invercargill City Council**

**(Pages 119 to 176 inclusive)**

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## APPENDIX 4 – BUSINESS 6 ZONE AS SUGGESTED BY SUBMITTERS

### BUSINESS 6 (BUSINESS PARK) ZONE

This Zone provides for a range of commercial activities and service-oriented industrial activities located on an existing Business Park initially established in 2007. The Business 6 Zone recognises established commercial land use activities located in the area that are permitted under approved resource consents and Certificates of Compliance. It also recognises potential business development that was a permitted activity under the previous District Plan zoning. This Zone is intended for “destination” retailing and services for a mix of commercial business activities.

The zone:

- (A) Recognises that a wide range of business activity is able to be undertaken in the Business Park under approved resource consents and Certificates of Compliance.
- (B) Reflects a mix of existing commercial uses within the Business Park.

The Zone is intended to be easy to get around by motor vehicle with direct connections to the main elements of the city’s roading hierarchy, but are not intended to be pedestrian-friendly or to offer the experience of a retail environment such as a shopping mall.

Activities in this Zone will generally be acceptable as residential neighbours “in the next block”.

### Issues

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

1. The Zone recognises the mix of existing business activity located within the Business Park and those activities that able to be undertaken as permitted activities at the time the District Plan became operative.
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.

### Objectives

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

**Objective 2:** Provision for a range of “destination” commercial activities and service oriented industrial activities which require a central or convenient location but are not necessarily appropriate within the compact Business 1 Zone.

**Objective 3:** The identification, maintenance and enhancement of the amenity values of the Business 6 Zone.

## Policies

**Policy 1 Business 6 (Business Park) Zone:** To provide for a range of business, commercial and servicing activities that may require dedicated areas of parking, in locations, which do not detract from the amenity of adjoining areas, 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 Business 6 (Business Park) Zone:** To recognise the mix of existing business activity located within the Business Park and those activities that able to be undertaken as permitted activities at the time the District Plan became operative.

***Explanation:** This zone provides for a range of commercial activities and service-oriented industrial activities located on an existing Business Park initially established in 2007. The Business 6 Zone recognises established commercial land use activities located in the area that are permitted under approved resource consents and Certificates of Compliance.*

**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 commercial and business activity to locate close to the Business 1 Zone.

***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.
- (C) To acknowledge and accommodate the operational requirements of the airport, roading networks and the railway.

**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. The airport, the roading network and the railway all have operational requirements involving generation of varying levels of noise and it is important that the operation of these essential utilities is not compromised by reverse sensitivity issues.*

**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 ensure freedom from electrical interference.

**Explanation:** *Specialist commercial and business uses are entitled to freedom from electrical interference.*

**Policy 9****Lighting:**

- (A) To provide for lighting associated with businesses and activities within the area, including security lighting consistent with CPTED principles.
- (B) To manage the effects of lightspill on adjoining Residential Zones.

**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. It is necessary that District Plans establish limits around the amount of lightspill that can occur.*

## Policy 10

### Signage:

- (A) To provide for signage associated with business and activities within the Business 6 Zone, while avoiding nuisance to users of the airport, the State Highway and the Railway.
- (B) To manage the effects of signage on adjoining Residential Zones.

**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

**Billboards:** To prohibit billboards (both fixed and electronic) in the Business 6 Zones.

**Explanation:** Electronic billboards are a visual intrusion in the context of the Business 6 Zone.

## Policy 12

**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 13

**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 14

### Demolition and removal activities:

- (A) To manage the adverse effects of demolition or removal on amenity values by requiring the clean-up, screening and maintenance of sites.
- (B) To encourage active utilisation of sites post-demolition by encouraging their prompt redevelopment.

**Explanation:** 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.



**Policy 15 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 16 Connectivity and circulation:**

- (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.*

**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.

## **BUSINESS 6 (BUSINESS PARK) ZONE**

**Permitted Activities: The following are permitted activities within the Business 6 Zone:**

- (A) Child day care activity
- (B) Commercial recreation activity
- (C) Community service
- (D) Essential services
- (E) Healthcare activity
- (F) Light industry
- (G) Motor vehicle sales
- (H) Retail sales other than in the context of a shopping mall
- (I) Service stations
- (J) Supermarkets
- (K) Takeaway food premises and cafes'
- (L) Temporary activities
- (M) Car parking
- (N) Communal service activity
- (O) Educational activity
- (P) Residential care activity
- (Q) Professional and personal services
- (R) Land transport activity

**Discretionary activities: The following are discretionary activities within the Business 6 Zone:**

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

**Non-complying activities: The following are non-complying activities within the Business 6 Zone:**

- (A) Heavy industry
- (B) Shopping mall

**Height of Structures**

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: 25 metres.
- (B) Recession plane: Infogram 4 applies in relation to any boundary with any residential zone:

Where an activity does not comply with Rule 3.25.4 above, the activity is a discretionary activity.

Applications under Rule 3.25.5 above shall address the following matters, which will be among those taken into account by the Council:

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

A side and/or rear yard of at least four metres shall be provided for non-residential activities where the site adjoins a residential zone.

Where any activity does not comply with Rule 3.25.7 above, the activity is a discretionary activity.

Applications under Rule 3.25.8 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**

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.

Where an activity does not comply with Rule 3.25.10 above, the activity is a discretionary activity.

Applications under Rule 3.25.11 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.