



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 37

Business Zones

**Business 1 (CBD) Zone
Business 2 (Suburban Shopping and Business) Zone
Business 4 (Neighbourhood Shops) Zone
Business 5 (Rural Service) Zone**

**13 – 15 July 2015, 9.00 am
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

The Proposed District Plan includes five business zones, each with a specific role. The provisions for each of these zones are designed to complement and support the other business zones. This report covers submission and further submission points that relate to the Business 1, 2, 4 and 5 Zones¹. There are approximately 70 submission points along with the associated 16 further submission points discussed in this report. Recommendations on these submissions are included in **Appendix 1**.

The Business 1 and 2 Zones are identified through the Proposed District Plan as the priority centres for retail and commercial development. The Business 4 Zone caters for the small clusters of convenience shops located within residential areas. The Business 5 Zone reflects the Rural Service Sub-Area developed for the Operative District Plan through a Private Plan Change that caters for activities providing specifically rural services and that comply with a concept plan.

While submissions on the Business 1, 2 and 4 zones were relatively supportive seeking minor changes, submissions on the Business 5 Zone question the existence and scope of this zone. The recommendations I have made in this report in response to submissions support the Proposed District Plan provisions as notified, with a number of what I consider relatively minor amendments.

The majority of the amendments that I am recommending in this report seek to improve the clarity and enforceability of provisions. The issues discussed in detail in this report are:

- Inner City Action Plan.
- Urban Design and Crime Prevention Through Environmental Design (CPTED) Principles.
- Business 5 (Rural Servicing Zone).

In this report:

- Part 2 considers several key procedural issues.
- Part 3 provides background information on the provisions for the Business 1, 2, 4 and 5 Zones.
- 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.

¹ The Business 3 Zone has been addressed in Section 42A Report 36 – Business and Industrial Zones.

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

It is recommended that the Section 42A Report 36 Business and Industrial Zones be read alongside this report. Report 36 assessed the submissions on the business overview provisions. 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 informed recommendations on submissions discussed in that report².

The author of the Market Economics Report was Derek Foy, who 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 1, 2, 4 and 5 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.

² I have not attached that assessment to this report, but it did guide recommendations on the zoning hierarchy that supports the provisions for the different Business Zones discussed in this report.

- 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 Zone 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 Section 42A Report 36, available for viewing on Council’s website.

“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 addresses the provisions of the Proposed District Plan related to the Business Zones, specifically those relating to the Business 1, 2, 4 and 5 Zones. Submissions on the other Business Zone provisions have been addressed in an earlier Section 42A report, Report 36 Business and Industrial – Part 1³.

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

³ Section 42A Report 36 – Business and Industrial Part 1 is available for viewing on the Council’s website www.icc.govt.nz, under Public Documents – District Plan Proposed.

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

This report addresses submissions on provisions in the Business 1 (CBD) Zone, Business 2 (Suburban Shopping and Business) Zone, Business 4 (Neighbourhood Shops) Zone and Business 5 (Rural Service) Zone. The submissions on the Business 3 (Specialist Commercial) Zone were addressed in Section 42A Report 36 – Business and Industrial Zones.

The Proposed District Plan approach to Business Zones is quite different to that taken in the Operative District Plan. There were four business sub-areas provided for within the urban areas in the Operative District Plan, being Suburban Service; Business; Business A; City Centre. The Rural Service Sub-Area was located in what was referred to as the country area of the District. 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.

The Operative District Plan also included the Enterprise Sub-Area that, due to its permissive nature and the range of activities permitted in these areas, was essentially another Business Zone.

As was discussed in the Section 42A report on the Business and Industrial Zone hierarchy in the Proposed District Plan, the economics of allowing this large area of the District to provide for commercial and business activities includes threats to the viability of the District's centres. The business and industrial zone hierarchy and provisions in the Operative District Plan were reviewed and a more prescriptive approach to the types of activities anticipated in the different business areas was developed, using what urban planning terminology refers to as a centres-based approach. This approach has been adopted around the country, not only in the larger city centres but also in provincial New Zealand.

3.1 Business Overview

The Business Overview provisions were discussed in detail in the Section 42A Report 36. However, I believe there is value in repeating that discussion in this report as it provides some background as to the hierarchy of the Business Zones.

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.*

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 while not detracting 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 in the Business 1, 2, 4 and 5 Zones.

3.2.1 Business 1 (Central Business District) Zone

The Business 1 Zone seeks to maintain and reinforce the viability and vibrancy of Invercargill's city centre as the primary commercial and retail area by enabling a wide range of activities, by encouraging and maintaining a high level of amenity and by encouraging good urban design.

There are five objectives relating to this zone set out in Section 2.22.2 as follows:

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

Objective 2: *Inner city living is part of the land use mix within the Invercargill Central Business District other than in the Entertainment Precinct.*

Objective 3: *Identification, maintenance and enhancement of the amenity values of the Business 1 Zone.*

Objective 4: *Protection of the heritage values of the Central Business District.*

Objective 5: *An holistic approach to economic, social and geographical issues in the Central Business District is complemented through the District Plan.*

The Business 1 (Central Business District) Zone encompasses the areas that were previously zoned City Centre Sub-Area and Business Sub-Area in the Operative District Plan⁴.

⁴ With minor modifications that reduce the area covered marginally.

The City Centre and Business Sub-Areas in the Operative District Plan were reasonably similar in scope, with very few differences in the range of activities permitted. However, there were differences between the amount of signage that was permitted in the two Sub-Areas, with the City Centre Sub-Area being more permissive. The noise rules were the same, except for a 5dB difference in the permitted L_{Amax} levels. More hazardous substances were permitted in the Business Sub-Area than the City Centre. In terms of height of structures, the City Centre had no height limit, where the Business Sub-Area allowed for structures up to 25m. The biggest difference between the two Sub-Areas related to transportation and on-site car parking requirements. One of the benefits of developing in the City Centre Sub-Area was that no on-site car parks or on-site loading and manoeuvring spaces were required. Essentially this allowed built development over the majority of the sites.

By combining these two Sub-Areas, the Proposed District Plan has removed some of these differences. However, in an attempt to focus different types of redevelopment into particular areas of the Business 1 Zone, the Proposed District Plan introduced precincts.

The Priority Redevelopment Precinct is an area that is similar to, but slightly larger than, the City Centre Sub-Area under the Operative District Plan. In this part of the Business 1 Zone, as in the City Centre Sub-Area of old, the Council has accepted responsibility for the provision of car parking as a bonus for redevelopment in these areas, enabling utilisation of a greater proportion of the site for car parking. The range of activities permitted in this part of the CBD Zone excludes motor vehicle sales, service stations and supermarkets. The Height of Structure provisions are similar to the remainder of the Business 1 Zone, but require buildings on corner sites to be three storeys over at least 50% of the footprint of the building with the taller part of the building facing the public street.

The Entertainment Precinct is an area identified within the Business 1 Zone where entertainment premises are encouraged to co-locate. This precinct is located in a similar area to the City Centre Sub-Area from the Operative District Plan. In this part of the Zone, the noise provisions have been drafted to require any residential or noise sensitive activities within these areas to be developed to take responsibility for noise attenuation. This precinct has been addressed in relation to the noise provisions in the Section 42A Report 33 Noise.

To provide a safe, comfortable and attractive location for pedestrians, the Pedestrian Friendly Frontages Precinct has been identified in the Business 1 Zone. This precinct is also focused on the part of the Business 1 Zone that was previously the City Centre Sub-Area in the Operative District Plan. This part of the Business 1 Zone is subject to provisions that require specific site management in relation to the treatment of the street front of the buildings at pedestrian level, the height of buildings and weather protection. It is the intention the activities attracted to develop within these areas are the finer grained retail, food and entertainment activities. In saying this, the same activities are permitted in these areas as the wider Business 1 Zone, apart from motor vehicle sales and service stations. The Pedestrian Friendly Frontages Precinct is also the only area in the District where flashing signage is permitted.

The Zone Specific Rules for the Business 1 Zone are set out in Section 3.23 of the Proposed District Plan. Permitted activities include a range of activities from: commercial recreation, professional and personal services, retail and hospitality to residential, educational and community services. Any activity not listed as permitted

(other than heavy industry) is discretionary up to 5,000m² total floor space. Non complying activities include heavy industry and any activity that is not a permitted activity and is over 5,000m² total floor space.

3.2.2 Business 2 (Suburban Shopping and Business) Zone

The Business 2 Zones provide for the city's suburban business, commercial, cultural and social activities serving suburban communities centred at Waikiwi, Windsor, Glengarry and South City, and for the town centre at Bluff. Most parts of the urban area are within 10 minutes' walk or easy driving distance of these areas and they are seen as the focus for businesses, such as supermarkets and cafes, that have a local clientele and which draw mutual benefit from being near to each other. These areas are identified as community nodes that should be protected from dispersal of commercial activities.

There are two objectives relating to this zone set out in Section 2.23.2 as follows:

Objective 1: *A range of business, commercial, cultural and social activities serving communities within the catchments of the Waikiwi, Windsor, Glengarry, and South City suburban centres, and Bluff town centre.*

Objective 2: *To identify, maintain and enhance the amenity values of the Business 2 Zone.*

There are 20 policies for the Business 2 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 Business 2 (Suburban Shopping and Business) Zone: *To establish and implement Business 2 Zoning at Waikiwi, Windsor, Glengarry, and South City suburban centres, and Bluff town centre.*

The Zone specific rules for the Business 2 Zone are set out in Section 3.24 of the Proposed District Plan. Permitted activities within this zone are very similar to the Business 1 Zone. The key differences are that a floor limit of 400m² is imposed on all activities, apart from supermarkets. Light industrial activities are permitted in the Business 3 Zone, but car parking is a discretionary activity. Heavy industry activities are non-complying, and other activities are discretionary.

3.2.3 Business 4 (Neighbourhood Shop) Zone

Scattered around the residential areas of the District, there are small clusters of shops that provide local "convenience" retail and service options which are zoned Business 4 in the Proposed District Plan. This zone recognises these groups of shops that have established historically throughout the City. Some areas remain in a convenience role. Other areas provide a location for small or "nursery" enterprises. These are the areas of the District, for example, where there are typically groupings of activities such as dairies, takeaway shops and hairdressers.

There are three objectives relating to this zone set out in Section 2.25.2 as follows:

Objective 1: *The maintenance and ongoing development of the zoned areas for "convenience" retailing and other businesses offering day to day services to the neighbourhood.*

Objective 2: *Groupings of small retail enterprises and other businesses serving a local community and located in existing groups of shop type buildings in the residential area of Invercargill.*

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

There are 13 policies in this section of the Proposed District Plan. Most of these address a range of amenity issues. The first policy addresses the overall purpose of the Zone as follows:

Policy 1: Business 4 (Neighbourhood Shop) Zone: *To establish and implement Business 4 zones at identified groups of shop style buildings occupied by establishments whose business is predominantly retail.*

The Zone Specific Rules for the Business 4 Zone are set out in Section 3.26 of the Proposed District Plan. The following activities are permitted in this zone provided that the premises are open to the public only from the hours of 6.30 am to 10.00 pm and that the premises shall have a floor area of less than 300m²: community service, communal activities, essential services, healthcare activities, light industries (provided no more than three people are employed on the site at any one time), professional and personal services, retail sales other than from supermarkets and other than in the context of a shopping mall, and temporary activities. Residential activities are discretionary and any activity not listed as permitted or discretionary is non-complying.

3.2.4 Business 5 (Rural Service) Zone

This Zone was introduced into the Operative District Plan through the Private Plan Change Process, instigated by Goldpine Properties Ltd in 2007. The Zone provides for services catering to the needs of the rural sector that generally require large amounts of storage and display space and do not normally attract large numbers of clients at any one time. Due to the Zone's location in relation to two State Highways a concept plan addressing connectivity issues is included in the Proposed District Plan. The concept plan also details landscaping between the sites and the State Highways. The Zone has one access point to minimise the need for movements on to and across the State Highway.

There are two Objectives relating to this Zone set out in 2.26.2 as follows:

Objective 1: *Enterprises which offer services predominantly to the rural sector are enabled to locate conveniently near to the built up area of the city but not necessarily within it.*

Objective 2: *Identification, maintenance and enhancement of the amenity values of the Business 5 Zone.*

There are 17 policies in this section of the Proposed Plan. Most of these address a range of amenity issues, or relate to the concept plan. The first policy addresses the overall purpose of the Zone, as follows:

Policy 1 Business (Rural Service) Zone: *To establish and implement a Business 5 Zone at or near the intersection of State Highways 6 and 98 and on the east side of State Highway 6, in order to provide an appropriate and convenient location for activities which:*

- (A) *Supply goods and services primarily to the rural sector and*
 - (B) *Which require easy and convenient access to the rural sector*
- without perpetrating ribbon development.*

The Zone specific rules for the Business 5 Zone are set out in Section 3.27. There are no permitted activities in this zone. Discretionary activities are limited to rural servicing activity developed in accordance with the Rural Service Zone Concept Plan included in Appendix X. All other activities are non-complying.

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 overall Business Zone Objectives of the Proposed District Plan were assessed against the RMA in the Section 42A Report 36 – Business and Industrial Zones - Part 1.

The purpose of the RMA is set out in Section 5. I confirm that the provisions for the Business 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. The Business Zone provisions do this.

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 provision, however, there are areas within the Business areas that are identified as having historic heritage values. Policies in the Business 1 Zone, for example, promote the retention of the character and scale of the heritage structures, buildings and places within the city centre. Heritage is addressed in the Proposed District Plan through the District Wide provisions, which have already been heard by the Hearings Committee⁵.

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*

⁵ Report 13: Heritage August 2014, currently available for viewing on the Council’s website, www.icc.govt.nz

It is considered that the provisions specific to the 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 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). The Business 2 area in Bluff is within the Coastal Environment, as detailed in the Proposed District Plan. The natural character of these areas is minimal given historical use of the properties.

Zoning changes within Bluff in the Proposed District Plan include areas where the zoning has changed from Enterprise Sub-Area to Business 2, essentially reducing the potential scale of effects in these areas. 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.

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. 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 relevant to submission made in 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

Some 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 would 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 provisions for the business zones provide for a range of industrial and business activities, however they recognise that what happens in one zone can impact on other zones. 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. Decisions were released on the Proposed Regional Policy Statement on 6 June 2015. In developing the Business and Industrial Zone provisions regard was given to the Proposed Regional Policy Statement as notified. For the purposes of this report, the decisions on submissions to that policy statement form part of the considerations. 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 avoided, remedied or mitigated.

Policy URB.2 – Urban development

Manage urban growth and development in ways that:

- (a) support existing urban areas;*
- (b) promote development and/or redevelopment of existing urban areas ahead of greenfield development;*
- (c) promote urban growth and development within areas that have existing infrastructure capacity;*
- (d) promote the progressive upgrading of infrastructure and improvement of the quality of sewage and stormwater discharges;*
- (e) provide potable water supply;*
- (f) plan ahead for the expansion of urban areas;*
- (g) promote compact urban form; and*
- (h) promote appropriate site and building orientation that supports the principles of optimum energy efficiency and solar energy gain.*

Policy URB.4 – High quality urban design

Encourage high quality urban design.

Policy URB.5 - Land use Activities

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

Objective NH.1 – Communities becoming more resilient

The risks to people, communities, their businesses, property and infrastructure from the effects of natural hazards are understood and avoided, remedied or mitigated, resulting in communities becoming more resilient.

Policy NH.3 – Precautionary approach

Take a precautionary approach towards managing the effects of climate change and sea level rise, and any associated changes in the scale and frequency of natural hazards, to ensure potential adverse effects are avoided or mitigated.

Policy NH.4 – Management priorities

In managing natural hazards, the following implementation priorities are to be adopted:

- 1. avoid exposure to areas at significant risk from natural hazards where practicable by adopting a precautionary approach;*
- 2. mitigate the effects of natural hazards by managing land use in areas known to be susceptible to the effects of natural hazards;*
- 3. undertake physical works needed to reduce the potential for the natural hazard to affect people and infrastructure*

The centres-based approach in the Proposed District Plan promotes the utilisation of the existing built form in preference over greenfield development. The Proposed District Plan Business Zone 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 some business areas seek to support the existing business centres.

Focusing commercial and business activity within those areas where risks of natural hazards are not significant is consistent with the precautionary approach promoted by the PRPS and the land use and development Natural Hazards policies. The PRPS encourages local authorities to promote land use practices that reduce exposure to natural hazard risk. This has been considered through development and consideration of the different Business Zone provisions.

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 provisions for the Business Zones 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.

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.

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 addressed in this section address issues relating to the natural and physical environment, such as water, air and land, the location of industrial activities within culturally sensitive environments is a concern.

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.

Among other things, the Spatial Plan identifies heritage values as relevant within the City Centre, as well as the need for consideration of car parking options.

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.

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*. 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. Consolidating the area zoned for commercial and community activity is a move to maintain critical mass within a core area, which is one of the points 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 in respect to the approach to the Business Zones.

4.2.8.2 The Invercargill City Centre – Outline Action 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. *The Invercargill City Centre – Outline Action Plan* was drafted in December 2011 under the Local Government Act.

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 in the Section 42A Report 36 Business and Industrial Zones – Part 1, 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 in relation to the Business 3 Zone.

The Concept Plan for the CBD included in Appendix X of the Proposed District Plan is taken from the 2013 revision of the City Centre Action Plan and is consistent with the Invercargill Inner City Revitalisation, Master Plan Report, August 2013.

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 provisions for the Business Zones.

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 16 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.

There is support for the overall approaches to the Business 1, 2 and 4 Zones, with submissions raising issues on technical points. However, the Business 5 Zone has been challenged not only for its overall provisions and purpose, but also in relation to the positioning of the boundaries of this Zone.

The majority of the amendments that I am recommending in this report seek to improve the clarity and enforceability of provisions. Below is a discussion of some of the key issues raised in submissions. These issues are:

- Inner City Action Plan
- Urban Design and Crime Prevention Through Environmental Design (CPTED) Principles
- Business 5 (Rural Servicing Zone)

5.1 Inner City Action Plan

A number of submitters have used the District Plan submission process to question the work carried out by the Council's Inner City Working Group and the action plans that have resulted from that work. Many of these comments are outside the scope of the RMA. I note that it is important the objectives and policies of the District Plan are consistent with other Council-wide policies. As such, I recommend that the concept plan developed through the Inner City Working Group's processes be retained in the Proposed District Plan as notified.

5.2 Urban Design and Crime Prevention Through Environmental Design (CPTED) Principles

There are policies in the Business 1 and Business 2 Zones that cover the issues of urban design and CPTED. Progressive Enterprises Ltd, Foodstuff (South Island) Properties Ltd and ICC Environmental and Planning Services have submitted on these policies, supporting the general concept but questioning how these policies will be applied and enforced. There are no distinct rules requiring consideration of these design principles. There are, however, Methods of Implementation that state that resource consent applications should include an analysis of the proposal in relation to the principles of good urban design. The Methods also state that the Council will initiate environmental advocacy for the promotion of principles of CPTED. Amending the policies to focus on encouraging the consideration of the design principles is more consistent with the approach promoted through the Proposed District Plan. Each resource consent should be assessed on its merits and how the principles of good urban design and CPTED are incorporated for each development may differ. Because of the differences between sites and proposals it is difficult to come up with a specific formula for how these principles should be applied.

5.3 Business 5 Zone

While the New Zealand Transport Agency has submitted in general support of the Business 5 Zone, Simpson Architects (107.24), Federated Farmers (88.25, 88.93), K G Richardson and Sons Ltd (93.1, FS44.1) and Donald Marshall (FS93.1) have all raised points of opposition.

The Business 5 Zone reflects the Rural Service Sub-Area from the Operative District Plan. The Rural Service Sub-Area was developed through the Private Plan Change process, instigated by the landowner Goldpine Properties Ltd in 2007. The activity status for rural service activities has been amended from being restricted discretionary under the Operative District Plan, to being full discretionary under the Proposed District Plan. The key reason for the restricted discretionary activity status under the Operative District Plan was that it enabled the Council to include a provision that stated that applications for resource consent should be decided without notification and/or service unless special circumstances exist. This clause has been removed and is not in the Proposed District Plan. I note that Goldpine Properties Ltd has not submitted on the Proposed District Plan.

During the consultation phase of developing the Plan provisions, landowners in the Business 5 Zone stated that development was occurring at a pace consistent with the existing zoning. There was a belief that there was sufficient land zoned for the next 10-20 years. While it is acknowledged that the landowner has an interest in retaining the zone boundaries as they were, they did raise a valid point in relation to the projected growth in the District. Statistics New Zealand data projects slow population growth, with the average projections for an increase of 2,200 people between 2013 - 2036. The Business Zone provisions in the Proposed District Plan recognise these projections and seek to encourage businesses to locate within specific areas as opposed to expanding the Business Zones further and enabling these activities to occur on an ad hoc basis. While it is acknowledged that this approach has economic implications for landowners wanting to establish businesses on their property, there are benefits to the wider public. Demand for additional or improved infrastructure is one such economic cost that will be borne by the community as a result of provisions enabling rural servicing activities to locate in a wider area.

The Business 5 Zone is consistent with the approach to business activities throughout the Proposed District Plan. The Proposed District Plan as a whole is more restrictive than the Operative District Plan in relation to where different types of activities can locate. This does not remove existing use rights for current activities that are being carried out legitimately. It does, however, guide developers as to where the community would like to see certain activities located.

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

Federated Farmers has suggested in their submission 88.25 that new rural businesses should be able to utilise premises outside the Zone that have previously

been used for rural servicing activities. This is consistent with their submission 88.95 discussed in Section 42A Report 35 Rural Zones that they suggested that farmers should be afforded the ability to undertake businesses in the rural areas without the cost and trouble of a consent application. The recommendation in response to that submission was to retain the activity status for activities within the Rural Zone as notified. As stated above, rural servicing activities could be carried out on sites previously used for these types of activities if existing use rights could be established. However, in the absence of existing use rights, under the provisions of the Proposed District Plan rural service activities would be non-complying activities (unless the specific proposal falls within one of the other activity types). The nature, scale and character of rural servicing activities can vary and it is appropriate for these to be considered on a case-by-case basis through the resource consent process and assessed against the Objectives and Policies of the Plan. I note that even within the Business 5 Zone, rural service activities require a resource consent.

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 be 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 1 Zone

- Objective 1 – amend scope of objective
- Policy 3 – Urban Design
- Policy 19 – CPTED
- Permitted activity status for drive through facilities
- Change to height rule to clarify the application of the height requirements

Business 2 Zone

- Objective 1 – amend scope of objective
- Addition of new Objective on residential activities
- Policy 2 – Urban Design
- Policy 14 – Height of structures
- Policy 16 - CPTED

Business 4 Zone

- Policy 1 - amend to acknowledge effects of activities beyond the sites and the zone.

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 1 (Central Business District) Zone

6.1.1.1 Objective 1

I have recommended amendments to 2.22.2 Objective 1 that increase the scope of the provision to recognise that the Zone also provides for social and educational services.

The Business 1 Zone is an appropriate location for co-locating social and educational activities within the mixed-use environment. The amendment clarifies the intention of the Zone and addresses Issue 1 identified in the Business Overview section of the plan that states that lack of clear policy on what activities go where can lead to the loss of the benefits that activities draw from each other when they locate near to one another.

The rules in the Proposed District Plan deem educational and social services permitted activities. There are no significant recognisable costs in amending the Objective as it reflects the intention of the Zone and the other Proposed District Plan provisions.

The alternative of retaining the Objective as notified will result in provisions that are inconsistent. There would be no Objective or policy supporting the permitted activity status of these activities.

6.1.1.2 Urban Design Policy

I have recommended that 2.22.3 Policy 3 – Urban Design, be amended. The changes recommended change the focus of the policy from maintaining and enhancing the principles of urban design, to encouraging the incorporation of these principles into design processes. This is a subtle change but in my opinion is more directive in terms of what is expected of the Council and of developers.

This policy is consistent with 2.22.2 Objective 3 of maintaining and enhancing the amenity values of the Zone. Incorporating the principles of good urban design is also consistent with Objective 1, which seeks the maintenance and enhancement of this Zone as the primary business area of the district. Good urban design will result in an environment that is more user-friendly and welcoming to activities and the general public.

The 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. The policy does not *require* any specific action from developers, but encourages the incorporation of the principles. If the principles are followed then the developer may need to increase resources to develop an appropriate design. The benefits of a development incorporating good

urban design principles will be enjoyed by the public and staff working in the area. As a result, the landowners may benefit from maintaining their customer base.

The alternatives to that recommended are the status quo or amending the provision to *require* the incorporation of these principles. I believe that the principles are guidelines that are, by their nature, broad and not easily enforced as rules. Each site and environment differs and the principles should be applied with the context in mind. The status quo is a policy that I believe is not directive enough. It is worded in the vernacular of the Objectives. I have recommended similar amendments to similar policies in other Business Zones.

6.1.1.3 CPTED Policy

I have recommended amending the 2.22.3 Policy 19 Crime Prevention Through Environmental Design (CPTED). The changes I am recommending seek to encourage the implementation of the CPTED principles, as opposed to the notified version that sought to require their incorporation.

The amended policy is consistent with the Objectives of maintaining and enhancing amenity values of the Business 1 Zone. It addresses a significant resource management issue, in particular the health and well-being of the community.

As with the Urban Design principles, the CPTED principles are not readily enforceable as they provide guidelines for development and will be implemented on a case-by-case basis. The Proposed District Plan rules do not require the incorporation of these principles. I believe encouraging their incorporation will highlight the importance of the issues, but enable developers and decision makers to determine how they can be implemented for each individual development.

The only direct costs that would result from this amended 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 recommendations on similar 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, landowners may benefit from maintaining their customer base.

The alternatives to that recommended are the status quo, including a provision requiring consideration of these policies, or to have no CPTED policy. 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 2 and 3 Zones. This Zone seeks to attract public and providing for their safety and well-being is important. 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.

6.1.1.4 Drive Through Facilities

I have recommended that drive through facilities be expressly provided for in the activity status provisions for the Business 1 Zone. Unless where otherwise provided

for, drive through facilities fall within the Definition of takeaway food premises. The amendments acknowledge that drive through facilities are appropriate within the Business 1 Zone, but due to their vehicle oriented nature would not fit within the Pedestrian Friendly Frontages Precinct.

This amendment is consistent with the Objectives and Policies of the Plan, particularly those referring to the Pedestrian Friendly Frontages precinct.

There are currently none of these activities being carried out within this precinct. The amendment will increase costs for landowners and/or developers wanting to establish a drive through facility in this area. The benefits of this amendment include the protection of this part of the Business 1 Zone for pedestrian oriented activities. This is in the interests of the health and well-being of the community by discouraging vehicle-oriented activities within a pedestrian area.

6.1.1.5 Height Provision

The drafting of the Height provisions for the Business 1 Zone as notified did not provide a height limitation for alterations to existing buildings in the Pedestrian Friendly Frontages Precinct or the Priority Redevelopment Precinct as the rule only refers to new buildings. In the areas of the Priority Redevelopment Precinct that are not in the Pedestrian Friendly Frontages Precinct, no height rules are included at all, except for those buildings on corner sites. Through a recommended wording change to Rule 3.23.11 Height of Structures the wording should fix this oversight.

The height rules are consistent with the Objective of identifying, maintaining and enhancing the amenity values of the Business 1 Zone. The key policy that this rule gives effect to is 2.22.3 Policy 16 Height of structures.

One of the main costs of the recommended change will fall on developers wishing to build within the Business 1 Zone. Under the notified version, there would have been fewer restrictions on the scale of development within certain areas. The recommended amendment increases the restrictions. The benefits include aesthetic coherence along frontages, the promotion of sunlight to the public street and consideration of adverse microclimate effects. These benefits will be enjoyed by the wider public and those living and working within the area.

The risk of not making this amendment will be that a number of sites within the Business 1 Zone could be developed to a scale that would not be otherwise compatible with the area without the need to consider any environmental effects.

6.1.2 Business 2 (Suburban Shopping and Business) Zone

6.1.2.1 Objective 1

I have recommended amendments to 2.23.2 Objective 1 that increase the scope of the provision to recognise that the Zone also provides for educational services and to ensure the wording of the Objective is consistent with the Objectives in other Business Zones.

The Business 2 Zone is an appropriate location for co-locating educational activities within the mixed-use environment. The amendment clarifies the intention of the Zone and addresses Issue 1 identified in the Business Overview section of the plan that

states that lack of clear policy on what activities go where can lead to the loss of the benefits that activities draw from each other when they locate near to one another.

The rules in the Proposed District Plan deem educational services permitted activities. There are no significant recognisable costs in amending the Objective as it reflects the intention of the Zone and the other Proposed District Plan provisions.

The alternative of retaining the Objective as notified will result in provisions that are inconsistent. There would be no Objective or policy supporting the permitted activity status of these activities

6.1.2.2 Addition of new Objective on residential activities

I have recommended the addition of a new Objective for the Business 2 Zone recognising residential activities as part of the land use mix in the Business 2 Zone.

The Business 2 Zone is an appropriate location for residential activities within the mixed-use environment. The amendment clarifies the intention of the Zone. The suggested Objective is consistent with the Objectives in the Business 1 Zone.

The rules deem residential activities as permitted activities within the Business 2 Zone. There are no significant recognisable costs in adding the Objective as it reflects the intention of the Zone and the other Proposed District Plan provisions.

The alternative of not including such an Objective, as notified, will result in provisions that are inconsistent. There would be no Objective or policy supporting the permitted activity status of these activities.

6.1.2.3 Urban Design Policy

I have recommended that 2.23.3 Policy 2 – Urban Design, be amended. The changes recommended change the focus of the policy from maintaining and enhancing the principles of urban design, to encouraging the incorporation of these principles into design processes. This is a subtle change but in my opinion is more directive in terms of what is expected of the Council and of developers.

This policy is consistent with 2.23.2 Objective 3 of maintaining and enhancing the amenity values of the Zone. Incorporating the principles of good urban design is also consistent with Objective 1 which seeks the maintenance and enhancement of this Zone as providing centres servicing communities. Good urban design will result in an environment that is more user-friendly and welcoming to activities and the general public.

The 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. The policy does not *require* any specific action from developers, but encourages the incorporation of the principles. If the principles are followed then the developer may need to increase resources to develop an appropriate design. The benefits of a development incorporating good urban design principles will be enjoyed by the public and staff working in the area. As a result, the landowners may benefit from maintaining their customer base.

The alternatives to that recommended are the status quo or amending the provision to *require* the incorporation of these principles. I believe that the principles are guidelines that are, by their nature, broad and not easily enforced as rules. Each site and environment differs and the principles should be applied with the context in mind. The status quo is a policy that I believe is not directive enough. It is worded in the vernacular of the Objectives. I have recommended similar amendments to similar policies in other Business Zones.

6.1.2.4 Height of Structures Policy

I have recommended that 2.23.3 Policy 14 Height of Structures be amended in recognition that height controls may not avoid all adverse effects on residential neighbours, but they can mitigate or remedy effects.

The reworded policy will continue to give effect to the Objective of maintaining and enhancing the amenity values of the Business 2 Zone. It also recognises 2.23.1 Issue 3 which notes that land use can have effects on neighbouring residential areas.

The reworded policy will benefit developers as the policy as notified set a high threshold for development in requiring the avoidance of adverse effects. Neighbouring properties may be offered less protection than the notified policy provided, in that activities that fail to meet the height rules will not be required to avoid all adverse effects.

6.1.2.5 CPTED Policy

I have recommended amending the 2.23.3 Policy 16 Crime Prevention Through Environmental Design (CPTED). The changes I am recommending seek to encourage the implementation of the CPTED principles, as opposed to the notified version that sought to require their incorporation. The changes that I have recommended for the Business 2 Zone CPTED policy are the same as the changes I have recommended for the Business 1 Zone. The analysis of costs and benefits for the changes to the Business 1 Zone policy are relevant for this Zone and need not be repeated here.

The amended policy is consistent with the Objectives of maintaining and enhancing amenity values of the Business 2 Zone. It addresses a significant resource management issue, in particular the health and well-being of the community. The change will result in a policy that is more user-friendly but will ensure that consideration of the CPTED principles is encouraged to be part of the design process where appropriate for each individual development.

6.1.3 Business 4 (Neighbourhood Shop) Zone

6.1.3.1 Policy 1

The Business 4 Zones are scattered among residential areas and comprise of small clusters of small-scale retail and service activities. A few of these areas are located along State Highways. 2.25.1 Issue 1 recognises that land use can have effects beyond the immediate sites. The Business Overview provisions acknowledge that activities within one Business Zone can affect other Business Zones. As such, the provisions recognise that the effects in the Business 4 Zone can extend beyond the

Zone boundary and I have recommended that amendments be made to 2.25.3 Policy 1.

The benefits of this suggested amendment will be felt by those areas adjoining and even further beyond the boundaries of the Business 4 Zone. Although effects of activities on the safety and efficiency of the transportation network are addressed in the Transportation provisions, this policy further recognises potential effects and benefits the transportation network operators. The costs of this policy will be on developers who will be required to consider the wider community when developing proposals for the Business 4 Zone.

7. CONCLUDING COMMENTS

The Proposed District Plan includes five Business Zones, each with a specific role. The provisions for each of these Zones are designed to complement and support the other Business Zones. This report covers submission and further submission points that relate to the Business 1, 2, 4 and 5 Zones⁶.

The Business 1 and 2 Zones are identified through the Proposed District Plan as the priority centres for retail and commercial development. The Business 4 Zone caters for the small clusters of convenience shops located within residential areas. The Business 5 Zone reflects the Rural Service Sub-Area developed for the Operative District Plan through a Private Plan Change that caters for activities providing specifically rural services and that comply with a concept plan.

While submissions on the Business 1, 2 and 4 Zones were relatively supportive seeking minor changes, submissions on the Business 5 Zone question the existence and scope of this Zone. The recommendations I have made in this report in response to submissions support the Proposed District Plan provisions as notified, with a number of what I consider relatively minor amendments.

⁶ The Business 3 Zone has been addressed in Section 42A Report 36 – Business and Industrial Zones.

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APPENDIX 1: Recommendations in response to submissions

Business 1

Submitter	Submission	Recommendation
GENERAL		
56.1 Jenny Campbell	The submitter supports creating pedestrian friendly zones as outlined, as well as bike friendly zones in the inner city to reduce traffic congestions. The submitter also considers verandas in keeping with the heritage are also essential.	Noted It is recommended in this report that the Pedestrian Friendly Precinct provisions be retained and that the requirement for weather protection in the form of verandas continues to be required in these areas.
56.2 Jenny Campbell	The submitter considers that safe night time entertainment areas with liquor bans in place would be ideal for young people and families especially.	Noted The Local Alcohol Policy sets out the Council's policies in relation to alcohol, such as areas for liquor bans. This is not a District Plan issue.
56.3 Jenny Campbell	The submitter suggests incentives to keep retail outlets in the centre of town, including rates reductions for businesses who lower rents for tenants, making it more viable for them to lease/rent. The submitter also considers that having "pop up" shops would provide interesting variety in the city, especially in shops which have been vacant for some time.	Noted The matters raised in this submission are noted, but are not issues that can be addressed in the District Plan.

Submitter	Submission	Recommendation
<p>82.1 Neil Thomas</p>	<p>Oppose.</p> <p>The submitter is opposed to the adoption of the CBD upgrade plan, specifically as it relates to proposals to reduce Dee and Tay Streets to one lane each way referring to potential safety issues, and concerns about diverting traffic from travelling through the shopping areas.</p>	<p>Noted</p> <p>The District Plan is one of the mechanisms that the Council has to give effect to the outcomes sought in the City Centre upgrade. The City Centre Outline Upgrade Plan was developed under the Local Government Act and that document was completed in December 2011 and revised in 2013.</p> <p>The Concept Plan for the CBD included in Appendix X of the Proposed District Plan is taken from the 2013 revision of the City Centre Action Plan and is consistent with the Invercargill Inner City Revitalisation, Master Plan Report, August 2013. The Concept Plan in the Proposed District Plan does not make any references to proposals to change the configurations of lanes on Dee and Tay Streets. This is a matter that is not addressed in the Proposed District Plan.</p>
<p>82.2 Neil Thomas</p>	<p>The submitter considers that all commercial buildings should be assessed for earthquake safety within the next five years and that until then all changes to the CBD should be put on hold.</p> <p>RELIEF SOUGHT: Refrain from changes in the CBD until all commercial buildings have been assessed for earthquake safety.</p>	<p>Noted</p> <p>The District Plan is only one of the mechanisms that the Council has to carry out the City Centre upgrade.</p> <p>The matter raised in the submission is not a District Plan issue.</p>
<p>95.1 Christine Shepherd</p>	<p>The submitter raises concerns about the design of the CBD upgrade plans, particularly the proposal to make Tay and Dee Street one lane, the reinstatement of righting traffic on to Esk Street, and the park on the old RSA Bowling Green site.</p>	<p>Noted</p> <p>The District Plan is only one of the mechanisms that the Council has to carry out the City Centre upgrade.</p> <p>The Concept Plan in Appendix X does indicate the direction of traffic on Esk Street and the potential for public open space to be developed at the old RSA Bowling Green site. 2.22.3 Policy 23 of</p>

Submitter	Submission	Recommendation
		<p>the Proposed District Plan supports the Concept Plan by encouraging its implementation. It is my opinion that the detail included in the Proposed District Plan is sufficiently general to be useful as a guide for potential development but not so detailed as to tie applicants to a specific design. No provisions require that the concept plan be followed, however it will need to be considered through resource consent processes.</p>
<p>107.5 A4 Simpson Architects Limited</p>	<p>The submitter supports the plan approach of zoning specifically for the CBD of the city and inclusion of rules around construction of verandas.</p> <p>RELIEF SOUGHT: Retain specific zoning for the CBD and rules requiring verandas.</p>	<p>Accept</p> <p>It is recommended that the Business 1 Zoning be retained as notified.</p> <p>See recommendations in relation to the requirements for weather protection in response to the submission from the ICC Rounding Manager (69.16) below.</p>
<p>FS35.4 Vibrant Invercargill</p>	<p>The further submitter would like to raise information on two additional points:</p> <p>a. The extension of the “priority redevelopment precinct” – the further submitter would like this area to extend to the west side of Dee Street. The further submitter considers this a priority area containing pedestrian friendly frontages, entertainment precinct, registered heritage areas, Council car park, and is in the master plan for the CBD upgrade to be redeveloped. The further submitter considers that leaving this area out on a major State Highway could in the future see a street of two halves because of this status.</p> <p>b. Historic Buildings – The further submitter considers that under the requirements to upgrade old and historic buildings to</p>	<p>Noted</p> <p>This is a comment that was drafted in the form of a further submission. Further submissions must be limited to a matter in support of or in opposition to a submission made under the RMA. Further submissions cannot extend the scope of the original submission and can only seek allowance or disallowance in whole or in part of the original submission. Because the comment does not relate to any particular submission, for technical reasons the points raised cannot be considered.</p>

Submitter	Submission	Recommendation
	<p>earthquake standards and fire compliances etc many buildings will not survive in their present form. The further submitter believes it is imperative that these buildings can be replaced/demolished/redeveloped in an effective and prompt manner by all parties.</p>	
<p>107.25 A4 Simpson Architects Limited</p>	<p>Oppose Appendix X Concept Plans in part.</p> <p>The submitter opposes the inclusion of the CBD Concept Plan in the District Plan.</p> <p>RELIEF SOUGHT: Replace the Concept Plan with an alternative concept plan developed by the submitter.</p>	<p>Reject</p> <p>The Concept Plan for the CBD included in Appendix X of the Proposed District Plan is the same as that set out in the Invercargill Inner City Revitalisation – Master Plan Report, prepared by Pocock Design Environment Ltd in August 2013.</p> <p>The Concept Plan was originally developed for the Invercargill City Centre Outline Action Plan 2011. The Action Plan was developed following investigations by the Inner City Working Group and compiled by a team of urban designers, landscape architects and planners. The Action Plan was consulted on and updated as part of the development of the Invercargill Inner City Revitalisation – Master Plan Report.</p> <p>It is appropriate that the information used in the Proposed District Plan is consistent with the information used in the development of policies under other legislation and with work developed by the wider Council.</p>
<p>SECTION 2.22 ISSUES, OBJECTIVES AND POLICIES</p>		
<p>General</p>		
<p>78.9 Ministry of Education</p>	<p>The submitter notes that there are no provisions that support the permitted activity status of education activities or other community support activities.</p>	<p>Accept in part</p> <p>2.22.2 Objective 1 refers to the City Centre as being the primary centre for retail, business, culture and entertainment services. As opposed to developing an additional Objective, as sought by the</p>

Submitter	Submission	Recommendation
	<p>RELIEF SOUGHT: Include an objective or policy that supports educational activities and other community activities required to provide for community living and working in the Business Zones.</p>	<p>submitter, there is merit in expanding on this Objective.</p> <p>Inner city living is provided for in Objective 2.</p> <p>RECOMMENDATION:</p> <p>Amend 2.22.2 Objective 1 as follows:</p> <p>“Objective 1: Maintenance and enhancement of the primacy of the Invercargill Central Business District as the primary centre for retailing, business, culture, and entertainment, <u>education and social services</u> for Invercargill city and the wider Southland region.”</p>
<p>115.1 New Zealand Historic Places Trust</p>	<p>The submitter supports 2.22.2(4) and 2.22.3(22).</p> <p>The submitter notes the Council's obligations under the RMA, in particular Section 6(f).</p> <p>The submitter notes that in addition to the specific heritage provisions, the consideration of heritage values is embedded throughout the Plan.</p> <p>The submitter considers the approach recognises that not all important heritage values are listed in the District Plan Heritage Record or covered by the heritage rules of the Plan. The submitter believes it is appropriate that the Council has the opportunity to consider effects on heritage values even where such values are not particularly identified for protection in Appendix II.</p> <p>RELIEF SOUGHT: Adopt 2.22.2(4), 2.22.3(22) these provisions as they relate to heritage values.</p>	<p>Accept</p> <p>This submission was addressed in the Section 42A Report on Heritage. However, the further submission was omitted. My recommendation in that earlier Section 42A report is repeated here.</p> <p>Given the importance of protecting heritage from inappropriate subdivision, land use and development, in the RMA there are merits in ensuring that heritage values are considered throughout the resource management processes.</p> <p>I recommend that the provisions relating to the consideration of effects on heritage values in the Business 1 Zone sections of the Plan be retained as notified.</p> <p>It is my opinion that the Objective and Policy are both drafted in such a way that they apply to “heritage structures, buildings and places” and not to non-heritage related activities. These provisions will be relevant where a resource consent is required, but also seek to encourage consideration of heritage value.</p>

Submitter	Submission	Recommendation
	<p>FS46.5 - Leven Investments Ltd</p> <p><i>Oppose submission 115.1</i></p> <p>The further submitter opposes embedding heritage values throughout the Plan. The further submitter considers that the effects on heritage values should only be considered in resource consent processing where items of historic heritage listed in Appendix II of the Plan are involved and the heritage rules of the Plan are triggered. The further submitter considers that widening the consideration of heritage values to cover activities that do not involve listed items of heritage would give rise to unnecessary regulation.</p>	<p>RECOMMENDATION:</p> <p>Subject to numbering and other formatting changes that may result from other Section 42 reports, it is recommended that the following provisions as they relate to the consideration of effects on heritage values be retained as notified:</p> <p>2.22.2(4), 2.22.3(22) - Business 1 (Central Business District) Zone</p>
2.22.2 Objectives		
<p>81.4 Progressive Enterprises Ltd</p>	<p>Support 2.22.2 Objective 1 and 3.</p> <p>RELIEF SOUGHT: Retain 2.22.1 Objectives 1 and 3 as notified.</p>	<p>Accept in part</p> <p>See recommendation for changes to Objective 1 in response to the Ministry of Education's submission 78.9 above in relation to Objective 1.</p>
2.22.3 Policies		
<p>63.1 Foodstuff (South Island) Properties Ltd</p>	<p>Support 2.22.3 Policy 1 Business 1 CBD Zone.</p>	<p>Accept in part</p> <p>See recommendation for changes to Objective 1 in response to the Ministry of Education's submission 78.9 above.</p>
<p>63.2 Foodstuff (South Island) Properties Ltd</p>	<p>Support 2.22.3 Policy 2 Precincts.</p> <p>The submitter particularly supports the provision in relation to the fact that Pak'n'Save is not located in these precincts.</p>	<p>Accept</p>

Submitter	Submission	Recommendation
<p>63.3 Foodstuff (South Island) Properties Ltd</p>	<p>Policy 3 Urban Design.</p> <p>The applicant requests that the operational constraints of supermarkets are expressly recognised and that urban design principles are only required to be applied where appropriate and practicable.</p> <p>FS27.1 - Progressive Enterprises Ltd Progressive</p> <p><i>Support submission 63.3</i></p>	<p>Reject in part</p> <p>The concepts of good urban design, as outlined in Policy 3, are valid considerations for all developments and there is no reason why these concepts should not apply to supermarkets. Where a supermarket wants to establish within the Business 1 Zone, it should be required to show that they have at least considered urban design principles. The concepts have informed the development of rules and methods of implementation.</p> <p>I agree that the wording of the provision is unclear. I believe that the policy should be focused on encouraging the consideration of the listed urban design principles, rather than the maintenance and enhancement of the principles. The policy could be amended to be consistent with the urban design policies in the Residential Zones.</p> <p>RECOMMENDATION: Amend 2.22.3 Policy 3 Urban Design as follows:</p> <p><u>“To maintain and enhance To encourage the incorporation of the following urban design principles into the design of buildings and open space:...”</u></p>
<p>81.6 Progressive Enterprises Ltd</p>	<p>Oppose 2.22.3 Policy 3 Urban Design.</p> <p>The submitter accepts the principles as an integral part of urban design, the submitter considers that it is unclear how the principles will be interpreted and do not set out what is expected in order for a development to not be inconsistent with the policies.</p> <p>RELIEF SOUGHT: Delete Policy 3 OR Reword to provide certainty of outcome.</p>	<p>Accept in part</p> <p>See recommendation in response to submission 63.3 above.</p>

Submitter	Submission	Recommendation
<p>63.4 Foodstuff (South Island) Properties Ltd</p>	<p>Support in part 2.22.3 Policy 10 Protection from weather.</p> <p>The applicant considers that operational requirements of larger size retail and vehicle oriented activities, such as supermarkets, are paramount and that it may not always be practicable to provide shelter from rain and wind on the street frontage.</p> <p>RELIEF SOUGHT Recognise that it is not always practicable to provide weather protection.</p> <p>FS27.2 - Progressive Enterprises Ltd Progressive</p> <p>Support submission 63.4</p>	<p>Reject</p> <p>With the climate of Invercargill, it is important that people are protected from the weather, particularly in areas where pedestrian movements are encouraged. Whilst the policy encourages weather protection within the City Centre, the rule requiring weather protection applies in the Pedestrian Friendly Precinct of the Business 1 Zone only. In this area, pedestrian numbers are important and encouraged as part of the move to promote commerce, activity and vibrancy into the City Centre.</p> <p>It should also be noted that the policy does not require weather protection, but requires that the design of structures have regard to the need to offer protection from the weather.</p>
<p>65.53 ICC Environmental and Planning Services</p>	<p>Support 2.22.3 Policy 16(B) Height of structures subject to amendment.</p> <p>The submitter considers that the terminology in the “soft” frontages is not used elsewhere in the Plan.</p> <p>RELIEF SOUGHT: Amend Policy 16(B): “To require that replacement buildings within the Central Business District, that are required to have <u>Pedestrian Friendly Frontages</u> “soft” frontage, shall have a two storey frontage to the public street or streets.”</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>Amend 2.22.3 Policy 16(B): “To require that replacement buildings within the Central Business District that are required to have <u>Pedestrian Friendly</u> “soft” frontage, shall have a two storey frontage to the public street or streets.”</p>

Submitter	Submission	Recommendation
<p>65.54 ICC Environmental and Planning Services</p>	<p>Support 2.22.3 Policy 19 Crime Prevention Through Environmental Design in part.</p> <p>The submitter notes that the policies and methods are inconsistent as CPTED principles are not always “required” to be incorporated into the design of structures.</p> <p>RELIEF SOUGHT:</p> <p>Either amend rules to require that CPTED principles are considered, or amend the policy to “encourage”.</p>	<p>Accept</p> <p>A rewording of the policy will ensure that developers consider the Crime Prevention Through Environmental Design (CPTED) principles through the design process. In situations where it is considered that the resulting development will have unintended effects, the CPTED principles will have been considered.</p> <p>RECOMMENDATION:</p> <p>Amend 2.22.3 Policy 19 as follows: “To require that the following “<u>To encourage the incorporation of</u> CPTED principles are incorporated into the design of buildings and open space: ...”</p>
<p>63.5 Foodstuff (South Island) Properties Ltd</p>	<p>Support in part 2.22.3 Policy 19 Crime Prevention Through Environmental Design.</p> <p>Whilst the applicant supports the consideration of CPTED principles in design, the submitter is concerned that they can be applied too rigidly, even when the operational requirements of a proposal are such that it is not practicable or safe to apply them.</p> <p>RELIEF SOUGHT:</p> <p>Recognise that applying CPTED principles in full is not always practicable or appropriate and that this can have unintended effects.</p> <p>FS27.3 - Progressive Enterprises Ltd Progressive</p> <p><i>Support submission 63.5</i></p>	<p>Accept</p> <p>See recommendation in response to submission 65.54 above.</p>

Submitter	Submission	Recommendation
SECTION 3.23 RULES		
74.9 Bunnings Ltd	Support bulk and location rules. The submitter considers these provisions provide an acceptable balance between enabling developing and maintaining amenity.	Accept
75.14 McDonalds Restaurants (NZ) Ltd	Support bulk and location rules. The submitter considers these provisions provide an acceptable balance between enabling developing and maintaining amenity.	Accept
63.16 Foodstuff (South Island) Properties Ltd	Support 3.23.1 Permitted Activities. The submitter supports that supermarkets are permitted activities. RELIEF SOUGHT: Retain 3.23.1.	Accept RECOMMENDATION: Retain “supermarkets” as permitted activities in the Business 1 Zone.
74.2 Bunnings Ltd	Support in part 3.23.1 Permitted Activities. The submitter considers that “Building Improvement Centres” should be inserted as a permitted activity as they believe they have the potential to contribute to the range of activities found within the CBD, and that they can be designed to meet amenity expectations. RELIEF SOUGHT: Amend 3.23.1 to include “ <u>Building Improvement Centres</u> ”. FS35.1 - Vibrant Invercargill <i>Support submission 74.2</i>	Accept in part It is considered that building improvement centres, as defined by the submitter, will generally fall within the definition of “retail sales” and would be permitted within the Business 1 Zone. The Business 1 Zone covers a larger area than the City Centre Sub-Area did in the Operative District Plan and could sustain a large trade retail store. There are no District Plan provisions that stipulate where “trade supplies” activities may locate. Should these activities wish to develop amongst the “high street retail” areas, they will be subject to environmental standards such as the Pedestrian Friendly Frontages provisions.

Submitter	Submission	Recommendation
	<p>The further submitter supports “building development centre/areas” within the Business 1 Zone because:</p> <ul style="list-style-type: none"> • Many older buildings may be left derelict or be demolished due to the earthquake standards. • “Building development areas” will provide an important focus and opportunities to open up attractive areas by attracting new commercial activity, community interaction and economic impact to new and existing businesses. • May provide an opportunity to reuse existing buildings. <p>The further submitter considers, however, that these centres/areas should not only be identified as exclusive for use for retail, but also include other commercial cluster uses.</p> <p>The further submitter also cautions that these centres should not redevelop properties amongst “high street retail” but on the periphery, e.g. south side of Tay/west side of Dee.</p>	<p>RECOMMENDATION:</p> <p>Amend the definition of “retail sales” as follows:</p> <p>Retail Sales: Means the direct sale or hire to the public from any site, and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment, but excludes recreational activities supermarkets, <u>service stations</u> and sale of motor vehicle <u>sales</u>. <u>Unless otherwise provided for, Retail Sales includes takeaway food premises, trade supplies and nursery activities.</u>⁷</p>
<p>75.6 McDonalds Restaurants (NZ) Ltd</p>	<p>Oppose in part 3.23.1 Permitted Activities.</p> <p>The submitter considers that “drive-through restaurants” should be permitted activities in this Zone, but acknowledges that these may not be suited in pedestrian oriented town centres and shopping malls.</p> <p>RELIEF SOUGHT: Amend to include <u>“Drive-through restaurants, except within the Pedestrian-Friendly Frontages precinct”</u>.</p>	<p>Accept</p> <p>It is accepted that the nature of drive-through restaurants has the potential to compromise the pedestrian friendly environment encouraged within certain parts of the Business 1 Zone. Making the change requested by the submitter will result in drive-through restaurants in the Pedestrian-Friendly Precinct being considered discretionary activities under Rule 3.23.2. This is considered appropriate.</p> <p>RECOMMENDATION: Amend 3.23.1 to include: <u>“Drive-through facilities, except within the Pedestrian-Friendly Frontages precinct”</u></p>

⁷ Amendments shown in blue are changes recommended in Section 42A Report 32 Definitions

Submitter	Submission	Recommendation
75.7 McDonalds Restaurants (NZ) Ltd	<p>Support in part 3.23.1 Permitted Activities.</p> <p>The submitter supports the inclusion of “restaurants” as permitted activities.</p>	<p>Accept in part</p> <p>Recommendations in response to other submissions include amendments to 3.23.1. However, the activity status of restaurants, other than drive-through restaurants, will remain as notified.</p>
78.12 Ministry of Education	<p>Support 3.23.1 Permitted Activities.</p> <p>The submitter supports the listing of educational activities as permitted activities.</p> <p>RELIEF SOUGHT: Retain 3.23.1.</p>	<p>Accept in part</p> <p>Recommendations in response to other submissions include amendments to 3.23.1. However, the activity status of educational activities will remain as notified.</p>
116.8 Kylie Fowler	<p>Support 3.23.1 Permitted Activities</p> <p>The submitter supports residential activities as permitted in the Business 1 Zone.</p>	<p>Accept in part</p> <p>Recommendations in response to other submissions include amendments to 3.23.1. However, the activity status of residential activities will remain as notified.</p>
74.8 Bunnings Ltd	<p>Support 3.23.4 – 3.23.7, 3.23.14 – 3.23.18.</p> <p>The submitter considers that restricting certain controls to the “pedestrian friendly frontages precinct” is appropriate as it will ensure high-quality outcomes for the pedestrian-oriented retail area without impinging on the practical and economic development potential of sites outside this area.</p> <p>RELIEF SOUGHT: Retain 3.23.4 – 3.23.7, 3.23.14 – 3.23.18.</p>	<p>Accept</p>

Submitter	Submission	Recommendation
<p>75.13 McDonalds Restaurants (NZ) Ltd</p>	<p>Support 3.23.4 – 3.23.7, 3.23.14 – 3.23.18.</p> <p>The submitter considers that restricting certain controls to the “pedestrian friendly frontages precinct” is appropriate, as it will ensure high-quality outcomes for the pedestrian-oriented retail area without impinging on the practical and economic development potential of sites outside this area.</p> <p>RELIEF SOUGHT: Retain 3.23.4 – 3.23.7, 3.23.14 – 3.23.18.</p>	<p>Accept</p>
<p>63.17 Foodstuff (South Island) Properties Ltd</p>	<p>Oppose 3.23.11 Height of Structures.</p> <p>The submitter considers the policy creates too strong a presumption against any building over 10m and that this is not effects based. The submitter considers that roof top plant such as vents and condenser platforms should be excluded from height.</p> <p>RELIEF SOUGHT: Exclude roof top plant, such as vents and condenser platforms from the height limitation.</p> <p>FS27.12 - Progressive Enterprises Ltd</p> <p><i>Support submission 63.17</i></p>	<p>Reject</p> <p>The definition of “Height”, in the Proposed District Plan as notified, excludes a number of architectural elements from the calculation of height, including “chimneys, ventilation shafts, water tanks, elevator lofts, steeples, towers, dormer windows, and similar parts of a building”. These elements of buildings and structures are therefore not controlled by the Height provisions. It is considered that the rule already provides the flexibility that the submitter is seeking.</p> <p>It should be noted that I have recommended in the Section 42A report 32 Definitions that a Variation be instigated addressing the scale of the exemptions to the Height calculations.</p>

Submitter	Submission	Recommendation
<p>69.16 ICC Roading Manager</p>	<p>Oppose 3.23.8 - 10 Weather Protection.</p> <p>The submitter considers that the technical requirements for verandas may be better placed within a Bylaw as these structures are typically located within a road corridor. The submitter is also concerned that where a veranda is built over a footpath then a requirement is needed to ensure appropriate lighting is provided and maintained by the owner.</p> <p>RELIEF SOUGHT: Remove the technical requirements for verandas and place them within a Council bylaw.</p>	<p>Reject</p> <p>As stated earlier in response to Foodstuff (South Island) Properties Ltd submission (63.4), weather protection is important in areas where pedestrian movements are encouraged.</p> <p>With the climate of Invercargill, it is important that people are protected from the weather, and verandas have historically been used along the frontages of buildings in these areas.</p> <p>It is acknowledged that verandas do extend over the road corridor and that the construction and ongoing maintenance of these features involves a party other than the developer. A Council bylaw may be able to address technical issues involved with the construction, location and ongoing maintenance of verandas. Until such a bylaw is developed, it is considered important to have some minimum standards for the construction of these architectural features to ensure that they are safe and integrate with the existing business environment and the adjoining roading. The provision in the Proposed District Plan has been carried through from the Operative District Plan and does not introduce new standards or requirements.</p> <p>Verandas can block light produced by street lights from extending over the footpath. Under-veranda lighting is required by the Council's Works and Services Department. The Council has a variety of agreements with landowners around who provides the under-veranda lighting, and how that lighting is maintained. While I agree that there is value in under-veranda lighting, I believe a provision requiring this lighting to be provided and maintained in the District Plan would be complicated given the number of variables.</p>

Submitter	Submission	Recommendation
<p>116.9 Kylie Fowler</p>	<p>Support 3.23.8-10 Weather protection.</p> <p>The submitter would like inner city properties to be required to have verandas for cover.</p>	<p>Noted</p> <p>Verandas are required in the Pedestrian Friendly Precinct in the Proposed District Plan.</p>
<p>65.105 ICC Environmental and Planning Services</p>	<p>Support 3.23.14 – 3.23.21 in part.</p> <p>The submitter considers the provisions do not clearly outline the expected height of buildings on all sites within the Pedestrian Friendly Frontages Precinct and the Priority Redevelopment Precinct.</p> <p>RELIEF SOUGHT: Amend rule to clarify position. If this is what is expected, make it clear that all corner sites, in both precincts, are to be three storeys over at least 50% of the footprint of the buildings ...</p> <p>AND</p> <p>That all other buildings are required to be two storeys along the street frontage.</p>	<p>Accept</p> <p>It is my opinion that the Height provisions within the Business 1 Zone are complicated and could benefit from redrafting to ensure that they apply to all sites within the Zone.</p> <p>Rule 3.23.11 Height of Structures details the height requirements for all new buildings and structures, and additions to existing buildings and structures within the Business 3 Zone but outside the Pedestrian Friendly Frontages Precinct (PFFP) and the Priority Redevelopment Precinct (PRP). Rules 3.23.14 – 3.23.21 are intended to state the height requirements for these precincts.</p> <p>Rule 3.23.14 could be redrafted. The phrase “except as provided for in Rule 3.23.19” is not necessary, as Rule 3.23.11 already states that 3.23.11 does not apply in the PFFP.</p> <p>Within the PRP, the rules only stipulate the height of structures on corners. As such, the provisions do not state a maximum height for buildings in the PRP that are outside of the PFFP and that are not on a corner.</p> <p>Rules 3.23.11 – 3.23.21 need to be redrafted to clarify the height requirements in the Business 1 Zone.</p>

Submitter	Submission	Recommendation
		<p>RECOMMENDATION:</p> <p>Amend 3.23.11 – 3.23.21 as follows:</p> <p>“Height of Structures</p> <p>3.23.11 Except <u>as otherwise provided for in Rules 3.21.14 – 3.23.21 below, within the Pedestrian Friendly Frontages Precinct and the Priority Redevelopment Precinct,</u> all new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:</p> <p>(A) Maximum height: 10 metres.</p> <p>(B) Recession plane: Infogram 4 applies in relation to any boundary with any Residential Zone.</p> <p>3.23.12 Where an activity does not comply with Rule 3.23.11 above, the activity is a discretionary activity.</p> <p>3.23.13 Applications under Rule 3.23.12 above shall address the following matters, which will be among those taken into account by the Council:</p> <p>(A) The reasons for the building or structure height.</p> <p>(B) The compatibility of the proposed building or structure with the scale of development and character of the local area.</p> <p>(C) The degree of overshadowing of neighbouring properties.</p> <p>(D) The degree of overlooking of neighbouring properties.</p>

Submitter	Submission	Recommendation
		<p>(E) The ability to mitigate any adverse effects of the increase in building or structure height.</p> <p>Street frontage and building height - Pedestrian Friendly Frontages Precinct</p> <p>3.23.14 Except as provided for in Rule 3.23.19, all new buildings within the Pedestrian Friendly Frontages Precinct are required to be two storeys high along the street frontage.</p> <p>3.23.15 The actual height of the two storeys is to be sufficient to match the first two storeys of the buildings on either side where the buildings are directly adjoining each other.</p> <p>3.23.16 Where the proposed building is to be single storey only, the additional height along the frontage is to be provided by a parapet.</p> <p>3.23.17 Any new building which does not comply with Rules 3.23.14 to 3.23.16 is a discretionary activity.</p> <p>3.23.18 Applications under Rule 3.23.17 above shall address the following matters, which will be among those taken into account by the Council:</p> <p>(A) The degree to which design of the proposed building will integrate with or complement the buildings in the immediate vicinity.</p> <p>(B) The extent to which the building contributes to the character and identity of the Priority Redevelopment Precinct.</p>

Submitter	Submission	Recommendation
		<p data-bbox="1272 233 2161 293">Corner sites and building height – Priority Redevelopment Precinct</p> <p data-bbox="1272 331 2161 499">3.23.19 New buildings within the Priority Redevelopment Precinct which are on the corner of two formed roads are to be three storeys over at least 50% of the footprint of the building and the higher part of the building shall face the public streets.</p> <p data-bbox="1272 537 2161 598">3.23.20 Any new building which does not comply with Rule 3.23.19 is a discretionary activity.</p> <p data-bbox="1272 636 2161 735">3.23.21 Applications under Rule 3.23.20 above shall address the following matters, which will be among those taken into account by the Council:</p> <ul style="list-style-type: none"> <li data-bbox="1424 774 2161 873">(A) The degree to which design of the proposed building will integrate with or complement the buildings in the immediate vicinity. <li data-bbox="1424 911 2161 1010">(B) The extent to which the building contributes to the character and identity of the Priority Redevelopment Precinct.”

Business 2 Zone

Submitter	Submission	Recommendation
SECTION 2.23 ISSUES, OBJECTIVES AND POLICIES		
General		
<p>78.10 Ministry of Education</p>	<p>Neutral.</p> <p>The submitter notes that there are no provisions that support the permitted activity status of education activities or other community support activities.</p> <p>RELIEF SOUGHT: Include an objective or policy that supports educational activities and other community activities required to provide for community living and working in the Business Zones.</p>	<p>Accept</p> <p>2.23.2 Objective 1 states that the Business 2 Zone areas provide for business, commercial, cultural and social activities serving communities within the catchment areas. Community support activities would be covered by “cultural and social activities”. There is, however, no reference to a residential activities, or educational activities. I am recommending amendments to the Objectives that are consistent with the Objectives for the Business 1 Zone.</p> <p>RECOMMENDATION:</p> <p>Amend 2.23.2 Objective 1 as follows:</p> <p>“Objective 1: <u>Maintenance and enhancement of suburban centres that provide for a A—range of business—retail, commercial, cultural, educational and social activities serving communities within the catchments of the Waikiwi, Windsor, Glengarry, and South City suburban centres, and Bluff town centre.</u>”</p> <p>AND</p> <p>Add a new Objective as follows:</p> <p><u>Objective 2: Residential activity is part of the land use mix within the Business 2 Zones.</u></p>

Submitter	Submission	Recommendation
2.23.2 Objectives		
81.5 Progressive Enterprises Ltd	Support Objectives 1 and 2. RELIEF SOUGHT: Retain Objectives 1 and 2 as notified.	Accept in part See recommendations in response to the Ministry of Education's submission 78.10 above amending Objective 1 and including an additional Objective.
2.23.3 Policies		
63.7 Foodstuff (South Island) Properties Ltd	Support Policy 1 Business 2 (Suburban Shopping and Business) Zone.	Accept
63.8 Foodstuff (South Island) Properties Ltd	Comment on Policy 2 Urban Design. The applicant requests that the operational constraints of supermarkets are expressly recognised and that urban design principles are only required to be applied where appropriate and practicable. RELIEF SOUGHT: That the operational constraints of supermarkets are expressly recognised and that urban design principles are only required to be applied where appropriate and practicable. FS27.4 - Progressive Enterprises Ltd Support submission 63.8	Reject in part The concepts of good urban design, as outlined in Policy 2, are valid considerations for all developments and there is no reason why these concepts should not apply to supermarkets. Where a supermarket wants to establish within the Business 2 Zone, it should be required to show that they have at least considered the concepts. The concepts have informed the development of rules and methods of implementation. I agree that the wording of the provision is unclear. I believe that the policy should be focused on encouraging the consideration of the listed urban design principles, rather than the maintenance and enhancement of the principles. The policy could be amended to be consistent with the urban design policies in the Residential Zones. RECOMMENDATION: Amend 2.23.3 Policy 2 Urban Design as follows: “To maintain and enhance <u>To encourage the incorporation of the following urban design principles into the design of buildings and open space:...</u> ”

Submitter	Submission	Recommendation
<p>65.55 ICC Environmental and Planning Services</p>	<p>Support Policy 2 Urban Design in part.</p> <p>The submitter notes that there is no date reference for the Urban Design Protocol in the explanation.</p> <p>RELIEF SOUGHT: Include a reference date for references to the urban design protocol.</p> <p>“... derived from the New Zealand Urban Design Protocol <u>2005</u>...”</p>	<p>Accept</p> <p>RECOMMENDATION Amend the explanation to 2.23.3 Policy 2 as follows:</p> <p>“... derived from the New Zealand Urban Design Protocol <u>2005</u>...”</p>
<p>81.7 Progressive Enterprises Ltd</p>	<p>Oppose Policy 2 Urban Design.</p> <p>The submitter accepts the principles as an integral part of urban design, the submitter considers that it is unclear how the principles will be interpreted and does not set out what is expected in order for a development to not be inconsistent with the policies.</p> <p>RELIEF SOUGHT: Delete Policy 2</p> <p>OR</p> <p>Reword to provide certainty of outcome.</p>	<p>Accept in part</p> <p>See recommendation in response to submission 63.8 above.</p>

Submitter	Submission	Recommendation
<p>63.9 Foodstuff (South Island) Properties Ltd</p>	<p>Oppose Policy 8 Protection from weather in part.</p> <p>The applicant considers that operational requirements of larger size retail and vehicle oriented activities, such as supermarkets, are paramount and that it may not always be practicable to provide shelter from rain and wind on the street frontage.</p> <p>RELIEF SOUGHT: Recognise that it is not always practicable to provide weather protection.</p> <p>FS27.5 - Progressive Enterprises Ltd</p> <p><i>Support submission 63.9</i></p>	<p>Reject</p> <p>Neither the policy on “Protection from Weather” nor the subsequent rules for the Business 2 Zone require weather protection. The policy seeks to encourage the provision of shelter and it is acknowledged in the explanation to the policy that it may be appropriate to consider design responses to the need for weather protection other than verandas.</p> <p>It is not considered necessary to amend this policy or any provisions in the Business 2 Zone in response to this submission.</p>
<p>63.10 Foodstuff (South Island) Properties Ltd</p>	<p>Oppose Policy 14 Height of Structures.</p> <p>The submitter considers the policy creates too strong a presumption against any building over 10m and that the height of the structure should be assessed on its merits.</p> <p>RELIEF SOUGHT: Amend Policy 14 as follows:</p> <p>“To control the height of structures in order to maintain scale and aesthetic coherence within the Business 2 Zone and in order to avoid <u>mitigate, or remedy</u> adverse effects on residential neighbours.</p> <p><i>Explanation:</i> <i>Any building higher than two storeys in the Business 2 Zone would <u>need to be assessed to ensure it is compatible</u> be out of scale with the neighbourhood.”</i></p>	<p>Accept</p> <p>The Business 2 Zones are located in otherwise residential areas where the maximum height of structures is 10m. The provisions in the Proposed District Plan promote this height in the Business 2 Zones to ensure compatibility of the scale of the structures in these areas. Structures in the Business 2 Zone exceeding this height will require resource consent and be assessed on its merits. It should be noted that compliance with height recession planes is also required where sites adjoin residential areas. The provisions are in favour of protecting adjoining residential properties.</p> <p>However, I do believe that the suggested amendment sought by the submitter is appropriate. Height controls may not avoid all adverse effects on residential areas, but they can mitigate them.</p>

Submitter	Submission	Recommendation
	<p>FS27.6 - Progressive Enterprises Ltd</p> <p><i>Support submission 63.10</i></p>	<p>RECOMMENDATION:</p> <p>Amend 2.23.3 Policy 14 Height of Structures as follows:</p> <p>“To control the height of structures in order to maintain scale and aesthetic coherence within the Business 2 Zone and in order to avoid <u>mitigate, or remedy</u> adverse effects on residential neighbours.</p> <p>Explanation: <i>Any building higher than two storeys in the Business 2 Zone would <u>need to be assessed to ensure it is compatible be out-of-scale with the neighbourhood.</u></i>”</p>
<p>63.11 Foodstuff (South Island) Properties Ltd</p>	<p>Oppose Policy 16 Crime Prevention Through Environmental Design in part.</p> <p>Whilst the applicant supports the consideration of CPTED principles in design, the submitter is concerned that they can be applied too rigidly, even when the operational requirements of a proposal are such that it is not practicable or safe to apply them.</p> <p>RELIEF SOUGHT: Recognise that applying CPTED principles in full is not always practicable or appropriate and that this can have unintended effects.</p> <p>FS27.7 - Progressive Enterprises Ltd</p> <p><i>Support submission 63.11</i></p>	<p>Accept</p> <p>A rewording of the policy will ensure that developers consider the Crime Prevention through Environmental Design (CPTED) principles through the design process. In situations where it is considered that the resulting development will have unintended effects, the CPTED principles will have been considered.</p> <p>RECOMMENDATION:</p> <p>Amend 2.23.3 Policy 16 as follows:</p> <p>“<u>To encourage the incorporation of</u> To require that the following CPTED principles are incorporated into the design of buildings and open space:...”</p>

Submitter	Submission	Recommendation
65.58 ICC Environmental and Planning Services	<p>Support Policy 16 Crime Prevention Through Environmental Design in part.</p> <p>The submitter notes that the policies and methods are inconsistent as CPTED principles are not always “required” to be incorporated into the design of structures.</p> <p>RELIEF SOUGHT:</p> <p>Either amend rules to require that CPTED principles are considered, or amend the policy to “encourage”.</p>	<p>Accept</p> <p>See recommendations in response to submission 65.11 above.</p>
63.12 Foodstuff (South Island) Properties Ltd	<p>Comment on Policy 17 Pedestrian-friendly frontages.</p> <p>The submitter states that given the functional requirements of supermarkets, any emphasis on building frontage may have the unintended result of supermarkets turning their back to the street or compromise pedestrian/customer safety and accessibility.</p> <p>FS27.8 - Progressive Enterprises Ltd</p> <p><i>Support submission 63.12</i></p>	<p>Noted</p> <p>See recommendations in response to submission 65.11 above.</p>
65.60 ICC Environmental and Planning Services	<p>Support Policy 20 – Freedom from Litter - Explanation in part.</p> <p>The submitter considers the wording of the explanation is inconsistent with the policy.</p> <p>RELIEF SOUGHT:</p> <p>Amend the explanation:</p> <p><u>“...Litter bins need to be provided and serviced. The provision, and subsequent servicing, of litter bins will be encouraged”</u></p>	<p>Accept</p> <p>The policy seeks to promote the provision of litter bins. The explanation takes a more stringent stance and intimates that these facilities are required. The explanation should be amended to be consistent with the policy.</p> <p>RECOMMENDATION:</p> <p>Amend the explanation to Policy 20 Freedom from Litter as follows:</p> <p><u>“...Litter bins need to be provided and serviced. The provision and servicing of litter bins is encouraged.”</u></p>

Submitter	Submission	Recommendation
SECTION 3.24 RULES		
74.10 Bunnings Ltd	<p>Support General – Bulk and location rules.</p> <p>The submitter considers these provisions provide an acceptable balance between enabling developing and maintaining amenity.</p>	Accept
75.15 McDonalds Restaurants (NZ) Ltd	<p>Support General – Bulk and location rules.</p> <p>The submitter considers these provisions provide an acceptable balance between enabling developing and maintaining amenity.</p>	Accept
14.1 NZ Racing Board	<p>Oppose in part 3.24.1.</p> <p>The submitter supports the inclusion of a TAB as the NZ Racing Board’s retail outlet in the list of permitted activities for the Business 2 Zone, in particular the TAB site at the corner of Elles Road and Janet Street.</p> <p>Under the Operative District Plan provisions, a TAB is a permitted activity at this location and the submitter considers that this activity status should continue into the Proposed Plan as this facility forms an inherent part of an active and busy shopping precinct. The submitter considers that the Elles Road TAB outlet shares characteristics similar to other retailers there with its hours of operation and store size akin to other retail outlets adjacent to it. In this regard, the submitter considers that a TAB is similar to a Lotto shop in providing a retail service to its local customer base and is complementary to other local facilities correctly provided for in this commercial/retail area.</p> <p>RELIEF SOUGHT: That the permitted activity status of a TAB as the NZ Racing Board’s retail outlet is retained in the Business 2 Zoning of its site at the Elles Road and Janet Street commercial area.</p>	<p>Accept</p> <p>It has been recommended in the Section 42A Report Definitions, in response to the Department of Corrections submission point 3.2 and the NZ Racing Board’s submission point 14.2, that the definition of Professional and Personal service be amended to expressly include reference to Totalisator Agency Boards. Professional and Personal Services are permitted activities in the Business 2 Zone. This would retain the permitted activity status for the submitter’s outlet in the Business 2 Zone at South City.</p>

Submitter	Submission	Recommendation
63.14 Foodstuff (South Island) Properties Ltd	Support 3.24.1. The submitter supports that supermarkets are permitted activities. RELIEF SOUGHT: Retain 3.24.1. FS27.10 - Progressive Enterprises Ltd <i>Support submission 63.14</i>	Accept
74.3 Bunnings Ltd	Oppose 3.24.1 in part. The submitter considers that “Building Improvement Centres” should be permitted in this Zone as they believe these may be suitably located in suburban shopping areas alongside other retail activities. RELIEF SOUGHT: Amend to include “Building Improvement Centres”.	Accept These types of activities fall within the wider definition of retail sales and would be permitted within the Business 2 Zone, depending on design, scale, bulk and compliance with the other environmental standards. I have recommended above that the definition of retail sales be amended to specifically include trade suppliers to avoid any doubt.
75.8 McDonalds Restaurants (NZ) Ltd	Support 3.24.1. The submitter supports the inclusion of “restaurants” as permitted activities. RELIEF SOUGHT: Support inclusion of restaurants.	Accept

Submitter	Submission	Recommendation
78.12 Ministry of Education	Support 3.24.1. The submitter supports the listing of educational activities as permitted activities. RELIEF SOUGHT: Retain 3.24.1.	Accept
101.12 NZ Fire Service Commission	Support 3.24.1. The submitter supports this provision given that it provides for the establishment of NZFS fire stations RELIEF SOUGHT: Retain 3.24.1.	Accept
75.9 McDonalds Restaurants (NZ) Ltd	Support 3.24.2. The submitter supports the default discretionary activity status for activities not otherwise provided for. RELIEF SOUGHT: Retain 3.24.2.	Accept

Submitter	Submission	Recommendation
<p>63.16 Foodstuff (South Island) Properties Ltd</p>	<p>Oppose 3.24.4 Height of Structures.</p> <p>The submitter considers the policy creates too strong a presumption against any building over 10m and that this is not effects based. The submitter considers that roof top plant such as vents and condenser platforms should be excluded from height.</p> <p>RELIEF SOUGHT: Exclude roof top plant, such as vents and condenser platforms from the height limitation.</p> <p>FS27.11 - Progressive Enterprises Ltd</p> <p><i>Support submission 63.16</i></p>	<p>Reject</p> <p>See recommendation in response to submission 63.17 above.</p>
<p>101.13 NZ Fire Service Commission</p>	<p>Oppose 3.24.4 Height of Structures.</p> <p>The submitter is concerned that the height provision does not allow for fire hose drying towers.</p> <p>RELIEF SOUGHT:</p> <p>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>Reject</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
ZONING		
<p>69.5 ICC Rooding Manager</p>	<p>The submitter considers the area currently used as car parking south of the Glengarry Shopping Centre in Yarrow Street, should be zoned Business 2, not Residential.</p> <p>RELIEF SOUGHT: Rezone the Glengarry car parking area along Yarrow Street as Business 2.</p>	<p>Accept</p> <p>There is an area of land at 87 Glengarry Crescent that is owned by the Invercargill City Council. This property comprises of the car parking area located to the south of the shopping centre. It also houses a bus stop.</p> <p>In the Operative District Plan, this property was identified as being within the Domicile Sub-Area but was also recognised as a reserve.</p> <p>This property does not have reserve status. While car parking activities are not a permitted activity in this Zone, the property has existing use rights and is a valuable resource for the area.</p> <p>RECOMMENDATION:</p> <p>Rezone 87 Glengarry Crescent from Residential 1 Zone to Business 2 (Suburban Shopping and Business) Zone.</p>

Business 4 (Neighbourhood Shop) Zone

Submitter	Submission	Recommendation
SECTION 2.25 – ISSUES, OBJECTIVE AND POLICIES		
2.25.2 Objectives		
<p>53.41 NZ Transport Agency</p>	<p>Suggested new objective.</p> <p>The submitter considers that the effects of spot zones have been underestimated in this section of the Plan. Neighbourhood shops as provided for are a useful method of dealing with travel demand management, however the Plan does not recognise that the traffic effects of these activities require careful management. The submitter notes that this matter has been reflected in the proposed inclusion of Policy 13, but that policy is unsupported by an appropriate objective.</p> <p>RELIEF SOUGHT: Insert a new Objective 4 as follows:</p> <p><i>The protection of the functional requirements of State Highways from the effects of small scale commercial activities on sites within the Business 4 (Neighbourhood Shop) Zone, along highways.</i></p>	<p>Reject in part</p> <p>It is accepted that there is no Objective that recognises the need for development within these areas to be compatible with adjoining areas. This is the case for all other Business and Industrial Zones within the Proposed District Plan. Effects on adjoining areas are instead raised through policies, such as the policies on noise and odour. 2.25.3 Policy 13 addresses the need for car parking. It also addresses potential effects on the functionality of the State Highway.</p> <p>It should be noted that there are district-wide Transportation Objectives and Policies that address the integration of land use activities with transportation networks. These provisions apply to all zones and need not be repeated.</p> <p>An amendment to Policy 1 addressing the wider issue of compatibility would be preferable to the submitter's suggested amendment, given that there are only four areas of Business 4 Zone along State Highways, and that there is the potential for other effects on adjoining areas beyond just effects on the transportation network. This would be consistent with other zone policies in the Proposed District Plan.</p>

Submitter	Submission	Recommendation
		<p>RECOMMENDATION:</p> <p>Amend 2.25.3 Policy 1 as follows:</p> <p>“Policy 1 Business 4 (Neighbourhood Shop) Zone: To establish and implement Business 4 Zones at identified groups of shop style buildings occupied by establishments whose business is predominantly retail, <u>which do not detract from the amenity of the adjoining areas, the safety and efficiency of the roading network, or from the consolidation of the retail areas of the Business 1 and Business 2 Zones.</u></p> <p><i>Explanation: In historical times groups of shops established along the tramlines which serviced the city, at stops, junctions or termini. These shops served the local community within walking radius of the stop. The bus services which replaced the trams stopped at the same locations and businesses survived. Increasing use of the private motor vehicle and the evolution of the supermarket have made the traditional uses of these shop buildings (grocers, butchers, maybe a fish or cake shop) redundant. In some cases the buildings have then been occupied by other retailers (e.g. takeaway food, 24 hour local dairy) and in some cases the buildings are being used by businesses other than retailing. The intention of the Zone is to recognise these businesses retailing to a local market.</i></p> <p><u>Development within these areas should be carried out in full consideration of the potential effects on the adjoining residential neighbourhoods, and in consideration of the potential effects on the adjoining transportation networks.”</u></p>

Submitter	Submission	Recommendation
2.25.3 Policies		
65.66 ICC Environmental and Planning Services	<p>Support Policy 12 Height of Structures subject to amendment of typo in the explanation.</p> <p>RELIEF SOUGHT: Reword:</p> <p>“Any building higher than the residential neighbours two storeys in the Business 4 Zone would be out of scale with the <u>residential</u> neighbourhood.”</p>	<p>Accept</p> <p>It is considered that the amended wording tidies up an awkward sentence and clarifies the intention of the policy.</p> <p>RECOMMENDATION:</p> <p>Amend the Explanation to 2.25.3 Policy 12 Height of Structures as follows:</p> <p>“Explanation: Any building higher than the residential neighbours two storeys in the Business 4 Zone would be out of scale with the <u>residential</u> neighbourhood.”</p>
SECTION 3.26 RULES		
117.45 Southern District Health Board	<p>Support 3.26.1 Permitted activities in part.</p> <p>The submitter believes that caretaker/custodian accommodation should be a permitted activity, subject to acoustic insulation rules.</p> <p>RELIEF SOUGHT: Amend 3.26.1 by adding a new item:</p> <p>“(M) Caretaker/custodian accommodation complying with Rule 3.13.7.”</p>	<p>Reject</p> <p>Residential activities are discretionary in this Zone. It would be inconsistent with this to permit caretaker/custodian accommodation. Insulation requirements would be a mitigation measure that would be considered for any resource consent application. There may also be other environmental and amenity considerations that would need to be considered when assessing applications for residential activities in these areas, such as outdoor living space and incidence of sunlight.</p> <p>RECOMMENDATION:</p> <p>Retain 3.23.1 as notified.</p>

Submitter	Submission	Recommendation
101.16 NZ Fire Service Commission	<p>Support 3.26.1 Permitted activities.</p> <p>The submitter supports this provision given that it provides for the establishment of NZFS fire stations.</p> <p>RELIEF SOUGHT: Retain 3.26.1</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>Retain 3.23.1 as notified.</p>
101.17 NZ Fire Service Commission	<p>Oppose 3.26.4 Height of Structures.</p> <p>The submitter is concerned that the height provision does not allow for fire hose drying towers.</p> <p>RELIEF SOUGHT: Amend 3.26.4 by including the following exemption: <u>“Except: that the maximum building height for hose drying towers associated with fire stations is 15 metres.</u></p>	<p>Reject</p> <p>As per my recommendation in response to submission point 101.13 above, I am recommending that the height provision remain as notified.</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>

Business 5 (Rural Service) Zone

Submitter	Submission	Recommendation
General		
<p>53.43 NZ Transport Agency</p>	<p>The submitter supports the description of the Business 5 Zone and the inclusion of a Concept Plan for this Zone. The submitter agrees with the explanation that providing for the co-location of activities in one contiguous area on one side of the highway will prevent ribbon development and minimise vehicle movements across the State Highway.</p> <p>RELIEF SOUGHT: Retain the description of the Business 5 (Rural Service) Zone as proposed.</p>	<p>Accept</p>
<p>107.24 A4 Simpson Architects Limited</p>	<p>The submitter opposes this Zone.</p> <p>The submitter states that the reasons for the existence of the Zone are not clear and is concerned that there are no permitted activities in the Zone. The submitter is concerned that the relevant Concept Plan does not detail discretionary activities.</p> <p>RELIEF SOUGHT: Delete Zone and revert to Rural Zoning.</p>	<p>Reject</p> <p>The reasons for the Zone are set out in the Introduction to Section 2.26, in the Objectives detailed in 2.26.2 and in the policies detailed in 2.26.3 of the Proposed District Plan. The Introduction to the Business Zone Overview in 2.21 of the Proposed District Plan also sets out the purpose of the Business 5 Zone.</p> <p>The Zone was developed in response to a private Plan Change instigated by Goldpine Properties Ltd who owns the land within this Zone. The provisions then became operative on 29 May 2009.</p> <p>While the discretionary activities are not detailed on the Concept Plan, they are detailed in the Proposed District Plan. The relevant Concept Plan details the expectations in relation to transportation, drainage and landscaping. Activities that do not comply with the Concept Plan are non-complying activities.</p>

Submitter	Submission	Recommendation
		<p>The zoning identifies this location as most appropriate for proposed rural servicing activities in this area. The Plan provisions promote this type of development occurring within this confined Zone as opposed to ribbon development or other areas where effects on the transportation network, for example, have not been fully assessed.</p> <p>The status of activities has been retained as per the decisions on the Private Plan Change. This was the approach sought by the applicant, who is also the landowner. This approach means that each activity proposed for the site can be assessed on a case-by-case basis to ensure it is compatible with the Zone, the environment and with the Business Zone hierarchy in the Proposed District Plan.</p>
SECTION 2.26 – ISSUES, OBJECTIVES AND POLICIES		
2.26.2 Objectives		
53.44 NZ Transport Agency	<p>Suggested new Objective.</p> <p>The submitter supports the philosophy behind the establishment of the Business 5 Zone, but considers that the effects of spot zones have been underestimated in this section of the Plan. The submitter states that appropriately located Rural Service type retail zones provide an opportunity for convenience and efficiency for rural activities, and are a useful method of dealing with travel demand management. The submitter considers, however, that the Plan does not recognise that the traffic effects of these activities require careful management. The submitter notes that this matter has been reflected in the proposed inclusion of Policies 1 and 17, but that these policies are unsupported by an appropriate objective.</p>	<p>Reject</p> <p>It is acknowledged that there is no Zone specific objective for the Business 5 Zone that refers specifically to the protection of the functional requirements of the State Highways. However, there are policies. I also note that there are District Wide Transportation and Infrastructure Objectives that are relevant and would need to be considered as part of any proposal, resource consent or rezoning decision.</p>

Submitter	Submission	Recommendation
	<p>RELIEF SOUGHT: Insert a new Objective 3 as follows:</p> <p><u>“The protection of the functional requirements of State Highways from the effects of small scale commercial activities on sites within the Business 5 (Rural Service) Zone, along highways.”</u></p>	
2.26.3 Policies		
<p>53.45 NZ Transport Agency</p>	<p>Support Policy 1 – Business (Rural Service) Zone.</p> <p>RELIEF SOUGHT: Retain Policy 1 as proposed.</p> <p>Amend typographical error in Policy 1 as follows:</p> <p>“To establish and implement a Business 5 Zone at or near the intersection of State Highways 6 and 98 99 and on the east west side of State Highway 6, in order ...”</p>	<p>Accept</p>
<p>88.25 Federated Farmers</p>	<p>Support Policy 1 – Business (Rural Service) Zone in part.</p> <p>The submitter considers that the majority of rural servicing businesses are already established outside this Zone and these businesses should be able to operate from their current locations into the future, and that this intention should be made explicit in the relevant provisions. The submitter also suggests that new rural businesses should be able to utilise premises outside the Zone previously used for rural servicing activities in order not to make the cost of setting up a rural servicing business in Invercargill uneconomic.</p> <p>RELIEF SOUGHT: Amend the wording of the policy as follows:</p>	<p>Reject</p> <p>The approach to Business Zones through the Proposed District Plan is to encourage commercial activities to locate within specific areas in a bid to avoid unnecessary sprawl and to consolidate the Business areas. This approach seeks to maintain critical mass within the Business areas and to confine potential effects to a specific area. The Business 5 Zone in particular seeks to avoid ribbon development. This is expressly set out in the Business 5 Zone Objectives and Policies. There are other benefits of locating business activities within specifically zoned areas, such as the ability to address potential effects on transportation networks. The District Wide Transportation objectives and policies support the zoning approach.</p>

Submitter	Submission	Recommendation
	<p>Policy 1 Business (Rural Service) Zone: To establish and implement a Business 5 Zone at or near the intersection of State Highways 6 and 98 and on the east side of State Highway 6, in order to provide an appropriate and convenient location for activities <u>not currently established</u>, which:</p> <p>(A) Supply goods and services primarily to the rural sector and (B) Which require easy and convenient access to the rural sector without perpetrating ribbon development.</p> <p>FS44.1 - KG Richardson and Sons Ltd</p> <p><i>Support in part submission 88.25</i></p> <p>The further submitter supports the amendment to the policy on the grounds that it considers that the amendment ensures the existing businesses located in the area are able to continue operating into the future and that rural servicing development in the area is consolidated in an established area of development which services the rural community.</p> <p>RELIEF SOUGHT: Accept relief sought but also include State Highway 99 and the west side of State Highway 6 to the policy as follows:</p> <p>“To establish and implement a Business 5 Zone at or near the intersection of State Highway 6, 98 <u>and 99 and on both sides of State Highway 6</u> in order to provide an appropriate and convenient location for activities not currently established which ...”</p>	<p>Existing activities outside appropriately zoned areas can continue to operate pursuant to existing use rights under the RMA. The Proposed District Plan sets objectives and policies looking into the long term and provides a direction as to where the Council would like to see activities develop. Activities wanting to develop outside the zoned areas should be assessed on a case-by-case basis looking at the potential effects of allowing such activities.</p> <p>It should be noted that the Proposed District Plan has sought to retain the rural zoning of adjoining properties and other properties in the Rural Zone that may be utilised for business activities. Under the Operative District Plan commercial or industrial activities in the Rural Sub-Area would be discretionary. The activity status for these activities has not changed with the Proposed District Plan.</p>

Submitter	Submission	Recommendation
SECTION 3.27 RULES		
88.93 Federated Farmers	<p>Oppose Rule 3.27.4.</p> <p>The submitter considers that a maximum building height of 10m is unrealistic considering the nature of the agricultural equipment likely to be housed in such buildings, and the land efficiencies and cost-effectiveness of having offices and staff facilities located on a storey above display areas.</p> <p>RELIEF SOUGHT: The submitter recommends a 15 metre height limit for buildings in this Zone.</p>	<p>Reject</p> <p>The height for structures in this Zone is consistent with the application for the private plan change and with subsequent decisions on that plan change. The structures currently on the site meet the 10m height rule.</p> <p>10m is consistent with the maximum height for structures in the adjoining Rural Zone. Any structures exceeding this height should be assessed on a case-by-case basis considering the effects of such a structure on the adjoining areas and on the roading network, for example.</p>
ZONING		
93.1 K G Richardson and Sons Ltd	<p>The submitter opposes the Rural 1 Zoning of the submitter's land on the north-west corner of the "Lorneville Roundabout", and considers that it should be rezoned as Business 5 (Rural Service) Zone. The submitter considers the Business 5 Zone would be more appropriate given:</p> <ol style="list-style-type: none"> The location of the land in relation to the existing Business 5 Zone and other light industry/rural servicing type activities. The location of the land in relation to transportation routes. The history of the site, including industrial, residential and commercial activities and the inability of the land to be utilised as a viable farming unit. The ability of the site to use on-site servicing options. The resource consent for the properties allowing for rural service and light industrial activities. 	<p>Reject</p> <p>The Objectives and Policies in the Proposed District Plan support retaining the zoning of this Zone specifically to the south-west of the "Lorneville Roundabout". The zoning specifically reflects decisions on the private plan change. The Business Zone Objectives and Policies seek the consolidation of Business areas.</p> <p>As stated in Section four of this report, regard must be had to management plans and strategies developed under other legislation. The spatial plan, <i>The Big Picture</i> (page 2 of 33), identifies the area to the south of the Riverton Highway and to the west of North Road as an option for rural servicing or light industrial activities oriented to the rural sector.</p>

Submitter	Submission	Recommendation
	<p>RELIEF SOUGHT: Rezone the submitter's property on the north-west corner of the "Lorneville Roundabout" Business 5.</p> <p>FS28.30 - NZ Transport Agency</p> <p><i>Oppose submission 93.1</i></p> <p>The further submitter does not support rezoning the Rural 1 Zoned land on the north-west corner of the Lorneville Roundabout to the Business 5 (Rural Service) Zone. They consider that there is already an adequate supply of Business 5 Zoned land on the south-west corner of the Lorneville Roundabout.</p> <p>FS21.1 - Donald Marshall</p> <p><i>Support submission 93.1</i></p> <p>The further submitter supports extending the Rural Service Zone on the subject land. The further submitter goes further to consider that the Rural Service Zone should be extended to all land adjoining the Lorneville Roundabout to ensure consistency, given the location and surrounding development.</p> <p>The further submitter believes that residential and heavy industry do not work side by side. The further submitter considers the rural service zoning is very light industrial and would fit within the Lorneville location.</p>	<p>It is acknowledged that there has been a history of rural servicing and industrial activities on properties to the north-west of the Lorneville Roundabout. However, existing use rights for these properties under the RMA may continue to exist, however this will depend on the nature, scale and intensity of development on the sites.</p> <p>In 2013, resource consent was granted to subdivide 20 Wallacetown Lorneville Highway into two allotments. One allotment would contain an existing dwelling and the other would contain three proposed businesses. This consent was notified and granted after considering the specific application on its merits. Retention of areas of open space of a rural scale was one of the considerations. The resource consent was for a specific range and number of activities.</p> <p>Potential effects on the transportation network are key reasons for retaining the zoning as proposed. The Concept Plan clearly stipulates one access point from the State Highways for all activities within this Zone. Extending the activities to the other corners of this intersection will increase access points onto the State Highway(s) and could encourage increased traffic movements across the State Highway.</p> <p>There is no concept plan developed for the properties to the north-west of the "Lorneville Roundabout".</p> <p>I note that in the Business 5 Zone there are no permitted activities and that any activity would need to be considered through a resource consent.</p>

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APPENDIX 2 - RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN

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

SECTION TWO - ISSUES, OBJECTIVES AND POLICIES

2.22 BUSINESS 1 (CENTRAL BUSINESS DISTRICT) ZONE

No Change.

2.22.1 Issues

The significant resource management issues for the Business 1 (Central Business District) Zone are:

1. No Change.
2. No Change.

2.22.2 Objectives

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

Objective 2: No Change.

Objective 3: No Change.

Objective 4: No Change.

Objective 5: No Change.

2.22.3 Policies

Policy 1 Business 1 CBD Zone: No Change.

Explanation: No Change.

Policy 2 Precincts: No Change.

Explanation: No Change.

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

- (A) Buildings and land uses respect their context.
- (B) Buildings and land uses reflect and enhance the character of Invercargill.
- (C) Building and land uses offer diversity and choice for people.
- (D) Building and land uses are clearly linked by appropriate connections.

- (E) Buildings and land uses demonstrate creativity, encouraging innovative and imaginative solutions.
- (F) Custodianship - Buildings and land uses should be environmentally sustainable, safe and healthy.
- (G) Collaboration – stakeholders collaborate to achieve good urban design outcomes.

Explanation: *Promoting good urban design in the CBD is an important part of reinforcing its function as the city’s primary location for business and community life. The above principles have been derived from the New Zealand Urban Design Protocol⁸ to help explain what is meant by good urban design.*

Policy 4 Pedestrian-friendly frontages: No Change.
Explanation: No Change.

Policy 5 Noise: No Change.
Explanation: No Change.

Policy 6 Odour: No Change.
Explanation: No Change.

Policy 7 Glare: To accept low levels of glare.
Explanation: No Change.

Policy 8 Electrical Interference: No Change.
Explanation: No Change.

Policy 9 Lighting: No Change.
Explanation: No Change.

Policy 10 Protection from Weather: No Change.
Explanation: No Change.

Policy 11 Signage: No Change.
Explanation: No Change.

Policy 12 Billboards: No Change.
Explanation: No Change.

Policy 13 Hazardous Substances: No Change.
Explanation: No Change.

Policy 14 Dilapidated structures and ill-maintained lands: No Change.
Explanation: No Change.

Policy 15 Demolition: No Change.
Explanation: No Change.

Policy 16 Height of structures: No Change.
Explanation: No Change.

⁸ Ministry for the Environment (2005) “Urban Design Protocol”

Policy 17 Public Open Space: No Change.

Explanation: No Change.

Policy 18 Private Open Space: No Change.

Explanation: No Change.

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

(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 a primary requirement for a viable and vibrant city centre. People need to feel safe in the area if they are to go there. Environmental design can enhance public safety.*

(A) *Awareness of the environment - refers to the layout of a place being legible and understandable, including the ability to see and to understand the significance of what is around and what is ahead.*

(B) *Visibility by others - refers to a person not being isolated when using a building or space because the design facilitates them being seen by others.*

(C) *Finding help - refers to the provision of clearly marked avenues to assistance such as emergency exits, alarms and phones.*

Policy 20 Connectivity and Circulation: No Change.

Explanation: No Change.

Policy 21 Car Parking: No Change.

Explanation: No Change.

Policy 22 Heritage Value: No Change.

Explanation: No Change

Policy 23 Concept Plan: No Change.

Explanation: No Change.

2.22.4 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

2.23 BUSINESS 2 (SUBURBAN SHOPPING AND BUSINESS) ZONE

No Change.

2.23.1 Issues

The significant resource management issues for the Business 2 (Suburban Centre) Zone are:

1. No Change.
2. No Change.
3. No Change.

2.23.2 Objectives

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

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

Objective 32: To identify, maintain and enhance the amenity values of the Business 2 Zone.

2.23.3 Policies

Policy 1 Business 2 (Suburban Shopping and Business) Zone: No Change.
Explanation: No Change.

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

- (A) Buildings and land uses respect their context.
- (B) Buildings and land uses reflect and enhance the character of Invercargill.
- (C) Buildings and land uses offer diversity and choice for people.
- (D) Buildings and land uses are clearly linked by appropriate connections.
- (E) Buildings and land uses demonstrate creativity, encouraging innovative and imaginative solutions.

- (F) Custodianship - Buildings and land uses are environmentally sustainable, safe and healthy.
- (G) Collaboration - Stakeholders collaborate to achieve good urban design outcomes.

Explanation: Promoting good urban design in the suburban shopping and business centres, and in Bluff town centre, is an important part of reinforcing their functions as foci for people to gather, do business, and socialise. The above principles have been derived from the New Zealand Urban Design Protocol 2005 to help explain what is meant by good urban design.

- 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 Protection from the weather:** No Change.
Explanation: No Change.
- Policy 9 Signage:** No Change.
Explanation: No Change.
- Policy 10 Billboards:** 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:** No Change.
Explanation: No Change.
- Policy 14 Height of structures:** To control the height of structures in order to maintain scale and aesthetic coherence within the Business 2 Zone and in order to avoid, mitigate or remedy adverse effects on residential neighbours.

Explanation: Any building higher than two storeys in the Business 2 Zone would need to be assessed to ensure it is compatible ~~be out of scale~~ with the neighbourhood.
- Policy 15 Open space:** No Change.
Explanation: No Change.

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

- (A) Awareness of the environment - refers to the layout of a place being legible and understandable, including the ability to see and to understand the significance of what is around and what is ahead.
- (B) Visibility by others - refers to a person not being isolated when using a building or space because the design facilitates them being seen by others.
- (C) Finding help - refers to the provision of clearly marked avenues to assistance such as emergency exits, alarms and phones.

Explanation: *An environment which is safe in both fact and in appearance is a primary requirement for a viable and vibrant centre. People need to feel safe in the area if they are to go there. There is much that can be done through environmental design to enhance public safety.*

Policy 17 Pedestrian-friendly frontages: No Change.

Explanation: No Change.

Policy 18 Connectivity and Circulation: No Change

Explanation: No Change.

Policy 19 Parking: No Change.

Explanation: No Change.

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

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

2.23.4 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.

2.25 BUSINESS 4 (NEIGHBOURHOOD SHOP) ZONE

No Change.

2.25.1 Issues

The significant resource management issues for the Business 4 (Neighbourhood Shop) Zone are:

1. No Change.
2. No Change.

2.25.2 Objectives

Objective 1: No Change.

Objective 2: No Change.

Objective 3: No Change.

2.25.3 Policies

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

***Explanation:** In historical times groups of shops established along the tramlines which serviced the city, at stops, junctions or termini. These shops served the local community within walking radius of the stop. The bus services which replaced the trams stopped at the same locations and businesses survived. Increasing use of the private motor vehicle and the evolution of the supermarket has made the traditional uses of these shop buildings (grocers, butchers, maybe a fish or cake shop) redundant. In some cases the buildings have then been occupied by other retailers (e.g. takeaway food, 24 hour local dairy) and in some cases the buildings are being used by businesses other than retailing. The intention of the zone is to recognise these businesses retailing to a local market.*

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

Policy 2 Noise: No Change.

Explanation: No Change.

Policy 8 Billboards: No Change.

Explanation: No Change.

Policy 9 Hazardous Substances: No Change.

Explanation: No Change.

Policy 10 Dilapidated structures and ill-maintained lands: No Change.

Explanation: No Change.

Policy 11 Demolition: No Change.

Explanation: No Change.

Policy 12 Height of structures: To control the height of structures in order to maintain scale and aesthetic coherence within the Business 4 (Neighbourhood Shop) Zones and in order to avoid adverse effects on residential neighbours.

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

Policy 13 Car Parking: No Change.

Explanation: No Change.

2.25.4 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.

2.26 BUSINESS 5 (RURAL SERVICE) ZONE

No Change.

2.26.1 Issues

The significant resource management issues for the Business 5 (Rural Service) Zone are:

1. No Change.
2. No Change.
3. No Change.

2.26.2 Objectives

Objective 1: No Change.

Objective 2: No Change.

2.26.3 Policies

- Policy 1 Business (Rural Service) Zone:** No Change.
Explanation: No Change.
- Policy 2 Noise:** No Change.
Explanation: No Change.
- Policy 3 Odour:** No Change.
Explanation: No Change.
- Policy 4 Glare:** No Change.
Explanation: No Change.
- Policy 5 Electrical Interference:** No Change.
Explanation: No Change.
- Policy 6 Lightspill:** No Change.
Explanation: No Change.
- Policy 7 Wind:** No Change.
Explanation: No Change.
- Policy 8 Signage:** No Change.
Explanation: No Change.
- Policy 9 Billboards:** No Change.
Explanation: No Change.
- Policy 10 Hazardous Substances:** No Change.
Explanation: No Change.
- Policy 11 Infrastructure:** No Change.
Explanation: No Change.
- Policy 12 Dilapidated structures and ill-maintained lands:** No Change.
Explanation: No Change.
- Policy 13 Demolition or removal activities and relocation of buildings:** No Change.
Explanation: No Change.
- Policy 14 Height of structures:** No Change.
Explanation: No Change.
- Policy 15 Open space:** No Change.
Explanation: No Change.
- Policy 16 Landscaping planting and screening:** No Change.
Explanation: No Change.
- Policy 17 Connectivity:** No Change.
Explanation: No Change.

2.26.4 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.

Method 10 No Change.

SECTION THREE - RULES

3.23 BUSINESS 1 (CENTRAL BUSINESS DISTRICT) ZONE

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

- (A) Car parking activity
- (B) Child day care activity
- (C) Commercial recreation activity
- (D) Communal activity
- (E) Community service activity
- (F) Drive through facilities, except within the Pedestrian Friendly Frontages precinct
- ~~(F)~~ Educational activity
- ~~(G)~~ Essential services activity
- ~~(H)~~ Healthcare activity
- ~~(I)~~ Hospital activity

- (JK) Motor vehicle sales, except within the Priority Redevelopment Precinct, the Entertainment Precinct and the Pedestrian-Friendly Frontages Precinct
- (KL) Professional and personal services
- (LM) Residential activity, except within the Entertainment Precinct.
- (MN) Restaurants, cafes, bars and taverns
- (NO) Retail sales
- (OP) Shopping mall activity
- (PQ) Service stations, except within the Priority Redevelopment Precinct, the Entertainment Precinct and the Pedestrian-Friendly Frontages Precinct
- (QR) Supermarkets except within the Priority Redevelopment Precinct
- (RS) Temporary activities
- (ST) Visitor accommodation

3.23.2 Discretionary activities: No Change.

3.23.3 Non-complying activities: No Change.

Pedestrian friendly frontages:

3.23.4 No Change.

3.23.5 No Change.

3.23.6 No Change.

3.23.7 No Change.

Weather protection

3.23.8 No Change.

3.23.9 No Change.

3.23.10 No Change.

Height of Structures

3.23.11 Except as otherwise provided for in rule 3.21.14 – 2.23.20 within the Pedestrian Friendly Frontages Precinct and the Priority Redevelopment Precinct, all new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

- (A) Maximum height: 10 metres.

(B) Recession plane: Infogram 4 applies in relation to any boundary with any Residential Zone.

3.23.12 No Change.

Street frontage and building height - Pedestrian Friendly Frontages Precinct

3.23.14 No Change.

3.23.15 No Change.

3.23.16 No Change.

3.23.17 No Change.

3.23.18 No Change.

Corner sites and building height – Priority Redevelopment Precinct

3.23.19 No Change.

3.23.20 No Change.

3.23.21 No Change.

Side and rear yards

3.23.22 No Change.

3.23.23 No Change.

3.23.24 No Change.

Outdoor Storage

3.23.25 No Change.

3.23.26 No Change.

3.23.27 No Change.

Crime Prevention through Environmental Design

3.23.28 No Change.

3.23.29 No Change.

3.24 BUSINESS 2 (SUBURBAN SHOPPING AND BUSINESS) ZONE

3.24.1 **Permitted Activities:** No Change.

3.24.2 **Discretionary activities:** No Change.

3.24.3 **Non-complying activities:** No Change.

Height of structures

3.24.4 No Change.

3.24.5 No Change.

3.24.6 No Change.

Side and rear yards

3.24.7 No Change.

3.24.8 No Change.

3.24.9 No Change.

Outdoor Storage

3.24.10 No Change.

3.24.11 No Change.

3.24.12 No Change.

3.25 BUSINESS 3 (SPECIALIST COMMERCIAL) ZONE

3.25.1 Permitted Activities: No Change.

3.25.2 Discretionary activities: No Change.

3.25.3 Non-complying activities: No Change.

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.

3.26 BUSINESS 4 (NEIGHBOURHOOD SHOP) ZONE

3.26.1 Permitted Activities: No Change.

3.26.2 Discretionary Activities: No Change.

3.26.3 Non-complying Activities: No Change.

Height of Structures

3.26.4 No Change.

3.26.5 No Change.

3.26.6 Applications under Rule 3.26.5 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

3.26.7 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.

3.26.8 Where an activity does not comply with Rule 3.26.7 above, the activity is a discretionary activity.

3.26.9 Applications under Rule 3.26.8 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 metres side and/or rear yard.
- (B) The scale and character of the non-residential activity, including the potential for adverse effects from noise, odour, glare, incidence of daylight and sunlight, privacy, lightspill, electrical interference and the use of hazardous substances.
- (C) The size and location of buildings and structures.
- (D) Proximity to neighbouring residential activities.
- (E) The ability to mitigate any adverse effects on adjoining sites.

Outdoor Storage

- 3.26.10** Any area utilised for outdoor storage adjoining a residential area is to be screened from that residential area by a close boarded fence, solid wall or hedge not less than 1.8 metres in height.
- 3.26.11** Where an activity does not comply with Rule 3.26.10 above, the activity is a discretionary activity.
- 3.26.12** Applications under Rule 3.26.11 above shall address the following matters, which will be among those taken into account by the Council:
- (A) The effects of the storage on the amenities of the adjoining neighbourhood.

3.27 BUSINESS 5 (RURAL SERVICE) ZONE

- 3.27.1 Permitted Activities:** The following are permitted activities in the Business 5 Zone:
- (A) No permitted activities.
- 3.27.2 Discretionary Activities:** The following are discretionary activities in the Business 5 Zone:
- (A) Rural servicing activity in accordance with the Rural Service Zone Concept Plan included in Appendix X.
- 3.27.3 Non-complying Activities:** The following are non-complying activities in the Business 5 Zone:
- (A) Any other activity not listed as permitted or discretionary.

Height of Structures

- 3.27.4** All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height:
- (A) Maximum height: 10 metres
- 3.27.5** Where an activity does not comply with Rule 3.27.4 above, the activity is a discretionary activity.
- 3.27.6** Applications under Rule 3.27.5 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.

Bulk and Location

- 3.27.7** Where the site adjoins the Rural 1 Zone there shall be a side and/or rear yard of at least four metres.
- 3.27.8** Where an activity does not comply with Rule 3.27.7 above, the activity is a discretionary activity.
- 3.27.9** Applications under Rule 3.27.8 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 metres side and/or rear yard.
 - (B) The scale and character of the non-residential 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.

SECTION FOUR – DEFINITIONS

Retail Sales: Means the direct sale or hire to the public from any site, and/or the display or offering for sale or hire to the public on any site of goods, merchandise or equipment, but excludes ~~recreational activities~~ supermarkets, ~~service stations~~ and ~~sale of~~ motor vehicle ~~sales~~. Unless otherwise provided for, Retail Sales includes takeaway food premises, trade supplies and nursery activities.⁹

SECTION FIVE – APPENDICES

Appendix X

1. Concept Plan – CBD – July 2013 – No change.

⁹ Amendments shown in blue are changes recommended in s42a Report 32 Definitions