

SCANNED 07 DEC 2016

03 DEC 2016

W.D. J.A. Snellie
549 Omai Rd
RD 11

Invercargill 9877
6-12-16

Planning Services,
Invercargill City Council
Private Bag 90104
Invercargill
9840

Dear Sir/Madam

Enclosed is copy of appeal against
ICC regarding zoning of Section 208 Gore
St Bluff.

Yours sincerely

Julie Snellie
03 2140011

Resource Management (Forms, Fees, and Procedure) Regulations 2003 (as at 03 March 2015)

Form 7

Notice of appeal to Environment Court against decision on proposed policy statement or plan or change or variation

Clause 14(1) of Schedule 1, Resource Management Act 1991

**To the Registrar
Environment Court
P O Box 2069
DX: WX 11113,
Christchurch, 8013**

**I, William David and Julie Ann Smellie, T/A Southern Fresh Blue Cod and Seafoods Ltd, appeal against a decision of Invercargill City Council on the following plan :
ICC District Plan 2013 .**

I made a submission on that plan.

I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

**I am directly affected by an effect of the subject of the appeal that—
(a) adversely affects the environment;**

†Select one.

I received notice of the decision on 31st October 2016.

The decision was made by Invercargill City Council

The decision that I am appealing is:

The rezoning of 208 Gore Street, Bluff from Enterprise to Residential 2.

The reasons for the appeal are as follows:

(P.S. Reference numbers donate documentation in order of relevance to dialog.)

The ICC have taken away our opportunity to develop our freehold section (208 Gore St, Bluff), as an industrial site, which was our plan when purchased. This section was purchased in 2006, under the name of our Company, Southern Fresh Blue Cod and Seafoods Ltd .

The long narrow section had a Council Stormwater drain running North/South right through the middle of it, making it a very undesirable property for residence.

Ref : 1

When purchasing the section , an old dilapidated dwelling that had been erected around 1948

Ref: 2

existed amongst long dry grass, being a risk of fire and danger to children who were playing in the area, and was of grave concern to the Council.

Ref: 2A

After consultation with ICC regarding demolition of the dwelling and an easement over the

Ref: 3

drain, we accepted the conditions.

Ref: 4

Believing that as an industrial site, these conditions could be worked around, possibly by placing inspection plates for the drain, at each end of our proposed shed.

Hence, we removed the house and have mowed and fenced the section leaving a very tidy site, which pleased the Council.

Ref: 5

It was only by chance that we learned of the proposed plan change when a councillor said in passing “ Hi Bill, You will be pleased to know that your section will be rezoned to residential” !!!

Otherwise, we would never have known about the proposed changes in time to submit. No immediate neighbours placed submissions. Therefore, they don't mind what the zoning is, or like us, had no idea that it was about to be changed.

We feel the council should have individually notified each section owner on such a serious change of zoning.

Ref: 6

In the submission summary's , we note that the council rejected our submission

Ref: 7

However Julie spoke at the Council hearings

Ref: 8

emphasizing that industrial sections were only 1 along on the East and 5 along on the West, from ours, hence industrial all around.

Ref: 9 & 10

Also revisited the drain issue, as who, in today's environment would risk building a dwelling over a drain? Health issues being of major concern.

And if you were to buy this section to build a house, you certainly would have to purchase it at giveaway prices to compensate for relocating the drain.

The view from the section is limited so would add no extra value.

Adding to the hearing, Some years previous, three out of the four persons on the hearing panel had been in a heated hearing panel, with us. At the same dispute, two of the Council Planners that were involved in this decision, were present. Hence a conflict.

The hearing panel declined our application.

Ref: 11

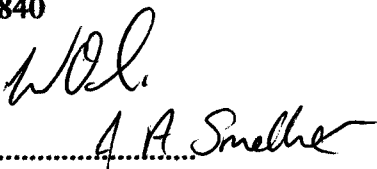
I seek the following relief:

Decision 36/33 be overturned and section 208 Gore St , Bluff, stays as Enterprise/ Industrial zone. Or the section is replaced with like.

I attach the following documents to this notice:

Documents are referenced in number order, making easy access to relevant info relating to the reasons.

A copy of this notice will be served to
Environmental & Planning Services Directorate
Invercargill City Council
Private Bag 90104
Invercargill
9840


.....
Signature of appellant
(or person authorised to sign
on behalf of appellant)


.....
Date

Address for service of appellant:
Telephone: 03 2140011

Mobile Phone 021 368756
email: billsmellie@velocitynet.co.nz
Contact person: Bill Smellie, Manager

Cheque of \$511.11 enclosed.

Note ; Please email upon receiving this appeal form, as confirmation it has been received in time.

Identifier

SL165/254

Vol. 33, Page 195 & 196
Transfer No. 90081
Application No.
Order for R.C. No.

NEW ZEALAND REGISTER



Vol. 165, Page 296

Land and Services



165/254

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate, issued this 1st day of February 1980, is shown and handed out to the Registrar of Land under the hand and seal of the District Land Registrar of the Land Registration District of Southland, New Zealand, in accordance with the provisions of the Land Transfer Act, 1952.

In respect of an estate in fee simple (subject to such covenants, restrictions, encumbrances, leases, and interests as are notified by memorial under registration or otherwise known) subject also to any existing rights of the Crown to take and lay off roads under the provisions of any Act of the General Assembly of New Zealand in the said land hereafter described, as the same is delineated by the plan annexed hereto, and to the several other matters mentioned therein, that in as much as all these parcels of land containing one acre (0.1) more or less, situated in the Borough of Bluff, being Section 131, Block 17, of the Public Map of the Town of Bluff, Bluff.

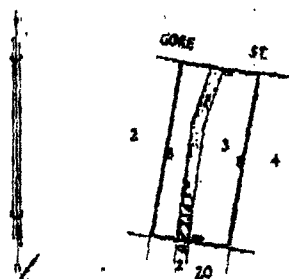
EQUIVALENT METRIC
AREA IS 10.12 ares



[Signature]
District Land Registrar

[Signature]
Sec. J. D. M. Jones of Campbelltown
0-1-80

Image Quality due
to Condition
of Original



Scale 1 chain to an inch

Transfer No. 90081, Grant of, Drainage, Rights over Lot 1, Plan No. 2911, shown coloured, blue, on diagram, herein in favour of The Mayor, Councillors and Burgesses of the Borough of Bluff.

[Signature]
Transfer No. 90081, Grant of, Drainage, Rights over Lot 1, Plan No. 2911, shown coloured, blue, on diagram, herein in favour of The Mayor, Councillors and Burgesses of the Borough of Bluff.

054513.1 Transmission to The Public Trustee 1.2.1980 at 1.40 p.m.

054513.2 Transfer to Pamela Dawn Currie of Christchurch Married Women and Donald Denton Wishart of Bluff Waterside Worker as tenants in common in equal shares 1.2.1980 at 1.40 p.m.

OVER

2

198/00

Ref: Property

23 January 2006

00470575

FILE NOTE

208 GORE STREET, BLUFF

At the request of Principal Officer Building Code, Mr Simon Tonkin to check the state of the existing dwelling, which is a single storied timber frame and hardi flex clad bungalow situated at 208 Gore Street Bluff. Building is uninhabitable and although not unsafe is insanitary. All exterior windows have been broken to the north. All internal linings have been removed. Sections of floor within the laundry, bathroom and northwest bedroom have been removed. Wall framing around these areas have also deteriorated to the extent where the studs are non-existent in some locations. Exterior cladding is solid plaster over hardi flex. No building papers etc noticed. Ground conditions around the dwelling are very dry and the grass has grown up to a height of approximately 6 to 700mm above ground level and could be endanger of being set fire by children who apparently in and around this building. Digital photographs taken.



Craig Ralston

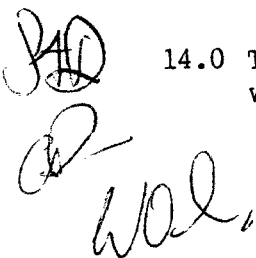
BUILDING CODE INSPECTOR

CR:mk

SEVENTH EDITION (3) JULY 1999

FURTHER TERMS OF SALE

14.0 The vendors agree to secure the property, i.e. nailing windows with ply and nailing doors shut, by possession date.



Please Contact: Mr Tonkin

Property

31 January 2006

Whitby Fishing Co Ltd
C/- G Okey
1 Morris Street
STEWART ISLAND

Dear Sir/Madam

208 GORE STREET, BLUFF

Council have been notified that the abovementioned dwelling is being used by the neighbourhood children as a playground.

The area Building Inspector visited the property on 23 January 2006 and noted parts of the building have been removed i.e. interior linings, some flooring bearers and joists and most windows broken.

Please advise your intentions with this building within 30 days of the date of this letter. Obviously Council consider the building should be secure to prevent entry and would appreciate this being carried out asap.

Yours faithfully



S J Tonkin
PRINCIPAL OFFICER – BUILDING CODE

SJT: mgg

3

2nd November 2005

Invercargill City Council
Atten: Richard King
Private Bag 90104
Invercargill

Dear Richard

RE: 208 Gore Street, Bluff

Further to our conversation relating to the property at 208 Gore Street, Bluff in regards to the water pipe, I wish to discuss the following request.

Malcolm Loan at the Drainage Department has indicated to myself that the Invercargill City Council would like to have a 4m easement on the north Boundary of the above property for a relocation of a water main.

My proposal is in return the Invercargill City Council demolishes and disposes of the existing dwelling on the property in Lou of the easement. I believe this would be a win - win situation for both parties, having the property tidied up.

The dwelling is cladded with plaster on top of polite, corrugated iron roof, timber framing and concert piles and foundations.

Southland Insulation has quoted \$5,000.00 to remove and dispose of the cladding and a further cost for removing the remains of the dwelling of approximately \$2,000.00 to 3,000.00.

I have this property signed up subject to due diligence and would appreciate your prompt attention on this proposal.

Please do not hesitate to contact me on 03 214 0011 to discuss anything further.

Yours Faithfully

Bill Smellie

*Tara Downs
549 Omaui Road
RD 11
Invercargill*

11 November 2005

Mr Bill Smellie
Tara Downs
549 Omaui Rd
RD 11
INVERCARGILL

OK
Brett Hamilton

Dear Mr Smellie

208 GORE STREET, BLUFF

Thank you for your letter of 2 November. Unfortunately, we are unable to agree to your proposal.

At present a stormwater pipe runs under the existing dwelling and this is protected by an easement which entitles Council and its contractors access for maintenance or replacement of the pipe. This means that if the dwelling is demolished Council would be entitled to protect its rights to access by declining consent to rebuild over the easement.

However, in view of the difficulty of redeveloping the site without building over the easement, Council would consent to rebuilding subject to the following conditions:

- The building is piled to below the pipe invert level to provide protection from damage in the event of failure of the pipe or its surrounding material.
- An alternative easement of at least 4 metres width is provided to enable Council to realign the pipeline if necessary in the future. This new alignment to be clear of all buildings.
- You would be responsible for costs associated with these conditions.

Bond Contracts are not certified for asbestos removal; Southern Insulation being one of the few that are. Asbestos must be taken direct to Kings Bend near Winton for dumping.

Yours sincerely



Richard King
CHIEF EXECUTIVE OFFICER

LJ/N13452

Office of the Chief Executive Officer

5

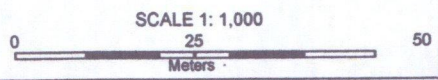


- Legend**
- District Boundary
 - Railway
 - Transpower Structures
 - Transpower Overhead Line
 - Foulsewer Features**
 - Other
 - Blank End
 - Chamber
 - Cleaning Eye
 - Flow Meter
 - Chamber
 - Free End
 - Inlet / Outlet
 - Manhole
 - Node
 - Pump Station / Structure
 - Valve
 - Foulsewer Pipes**
 - Other
 - Rising Main
 - Gravity, Private
 - Abandoned
 - Stormwater Features**
 - Other
 - Blank End
 - Chamber
 - Cleaning Eye
 - Node
 - Free End
 - Inlet / Outlet
 - Manhole
 - Pump Station / Structure
 - Sump
 - Valve - Non Return
 - Valve
 - Stormwater Pipes**
 - Other
 - Pumped, Sealed; Offflow
 - Gravity, Ditches; Ditch - Timbered 1 side, Active; (Dummy Asset); Field Tile
 - Abandoned
 - Water Features**
 - Other
 - Blank End
 - Meter
 - Free End
 - Hydrant
 - Node
 - Outlet
 - Structure
 - Valve - Air
 - Valve - Non Return
 - Valve
 - Valve Chamber
 - Water Pipes**
 - Other

208 Gore Street



Date Printed: 14 November 2016



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Authority Owner, E & E.O.
Connection
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Boundary
Kerbs

**SUBMISSION ON A PUBLICLY NOTIFIED REVIEW
OF THE INVERCARGILL CITY DISTRICT PLAN**

**CLAUSE 6 OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT
1991, FORM 5 OF THE RESOURCE MANAGEMENT (FORMS, FEES AND
PROCEDURE) REGULATIONS 2003**

Submissions lodged on the Proposed Invercargill City District Plan 2013 should be set out in the following form. Please note that submissions are required to be received by Invercargill City Council no later than **21 October 2013**

**TO: Environmental and Planning Services
Invercargill City Council
101 Esk Street
Private Bag 90104
Invercargill**

**Email: districtplan@icc.govt.nz
Telephone: 03 211 1777
Fax: 03 211 1431**

Name of submitter (in full): W.D. J.A. Snellie

This is a submission on the **Proposed Invercargill City District Plan 2013**

The specific provisions of the Proposed Invercargill City District Plan 2013 that my submission relates to are as follows (Please use as many additional pages as you require to adequately outline the matters you wish to raise):

Map 30, 2-38 Residential 2 (Bluff + Otago) Zone
3-36 Residential 2 (Bluff + Otago) Zone

My submission is that: (State in summary the nature of your submission. Clearly indicate whether you **support** or **oppose** the specific provisions or wish to have amendments made, giving reasons. Please use as many additional pages as you require to adequately outline the matters you wish to raise):

We oppose section 208 GORE ST, Bluff becoming zoned
as residential.

Any rezoning changes in the I.C.C. Draft District Plan should
give consideration to ensure existing owners of the properties
are not disadvantaged in any way!

For example 208 is a situation that has very limited
use as a residential section - A council drain runs through
the middle of the long North / South section (meaning
North facing is not the predominant area) Therefore
acquiring a consent to build a house in current/and proposed
requirements, would be virtually impossible.

This section was industrial zoned when purchased
7 years ago, hence reasons for our purchase were
industrial minded. There are already sections nearby
on either side of 208 that are not changed ^{to residential} in your draft
plan, therefore one more section, considering the drain matter,
should not matter.

We would ask you to adjust your map 30 and any
industrial sections 208 Gore St as industrial

I seek the following decision from the Invercargill City Council (Please use as many additional pages as you require to adequately outline the matters you wish to raise):

Map 30 on ICC proposed district plan be altered to shade section 208 Gore St as industrial zoned as sections nearby are.

And after any other relevant documentation in your draft plan accordingly. We would ask you to adjust your map 30 and any other relevant documentation to zone 208 Gore St, Bluff, as industrial, as other sections nearby are.

I (do) ~~(do not)~~ wish to be heard in support of my submission. (Please delete the statement in brackets which you do not want)

If others make a similar submission I (would) (would not) be prepared to consider presenting a joint case with them at any hearing. (Please delete the statement in brackets which you do not want)

I ~~(could)~~ (could not) gain an advantage in trade competition through this submission (Please delete the statement in brackets which you do not want)

If you could gain an advantage in trade competition through this submission please complete the following:

I (am) (am not) directly affected by an effect of the subject matter of this submission that:

- a) Adversely affects the environment, and
- b) Does not relate to trade competition or the effects of trade competition

(Please delete the statement in brackets which you do not want)

Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of part 1 of the Resource Management Act 1991.

(Signature of person making submission
or person authorised to sign on behalf of
person making submission)

(Date)

(A signature is not required if you make your submission by electronic means)

Address for service of person making submission:

~~W.D. & J.A. Smellie~~
Southern Fresh Blue Cod Seafoods Ltd
549 Omani Road, RD 11, Invercargill 9817

Telephone No: 03 2140011

Email Address: jbsmellie@woosh.co.nz

Fax No: 03 2140033

Contact person: (name and designation, if applicable) Bill Smellie, Manager/Owner

Note: Your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as to the Council.

Submitter	Submission	Recommendation
53.93 NZ Transport Agency	<p>The submitter supports the change in zoning for two properties located at 461 and 471 Bluff Highway. There is potential for reverse sensitivity issues to arise from use of the State Highway and rail corridor if these properties were developed for residential purposes. The submitter considers that they are not well suited to residential development and as such should be rezoned as proposed.</p> <p>RELIEF SOUGHT: Adopt the proposed change in zoning from Domicile Sub-Area to Industrial 1 Zone for 461 and 471 Bluff Highway.</p> <p>FS11.1 – H W Richardson Group Ltd Support submission 53.93 The further submitter agrees that the land should be rezoned. The further submitter considers that reverse sensitivity effects could arise if the property remained residential.</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>Retain the Industrial 1 Zoning for 461 and 471 Bluff Highway.</p>
20.1 William and Julie Smellie	<p>The submitter opposes their property at 208 Gore Street, Bluff, being zoned Residential 2.</p> <p>They believe any zoning changes should give consideration to ensuring existing property owners are not disadvantaged. They give an example of their property 208 Gore Street which has limited use as a residential section and was purchased for potential to carry out industrial land uses under the current industrial zoning. They point out that there are already non-residential sections nearby and one more non-residential section should not matter.</p> <p>They also believe that having tidy industrial type businesses, relating to a port town, along the main street is an added tourist attraction to Bluff.</p> <p>RELIEF SOUGHT: Planning Map 30 and any other relevant documentation be adjusted to zone 208 Gore Street, Bluff as industrial.</p>	<p>Reject</p> <p>208 Gore Street is a vacant property that previously housed a small dwelling. The file history shows that this dwelling was erected around 1948. There were issues with the derelict nature of the dwelling in 2006. The dwelling is no longer present on the site. The property has no history of any use other than residential.</p> <p>The property was within the Enterprise Sub-Area in the Operative District Plan. Because of the historic and current use of the property and those directly adjoining it, it is my opinion that this site retain its Residential 2 zoning. The site is surrounded on all sides by Residential 2 zoned properties.</p> <p>Following consultation leading up to the notification of the Proposed District Plan, the provisions within the Proposed District Plan seek to consolidate the location of non-residential activities within Bluff and to protect the amenity values for those within residential areas. This approach has involved the rezoning of a number of properties in the Bluff township, particularly along the entranceway to the town.</p> <p>RECOMMENDATION: Retain the Residential 2 Zoning for 208 Gore Street, Bluff.</p>



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

B and J Smellie

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

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

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

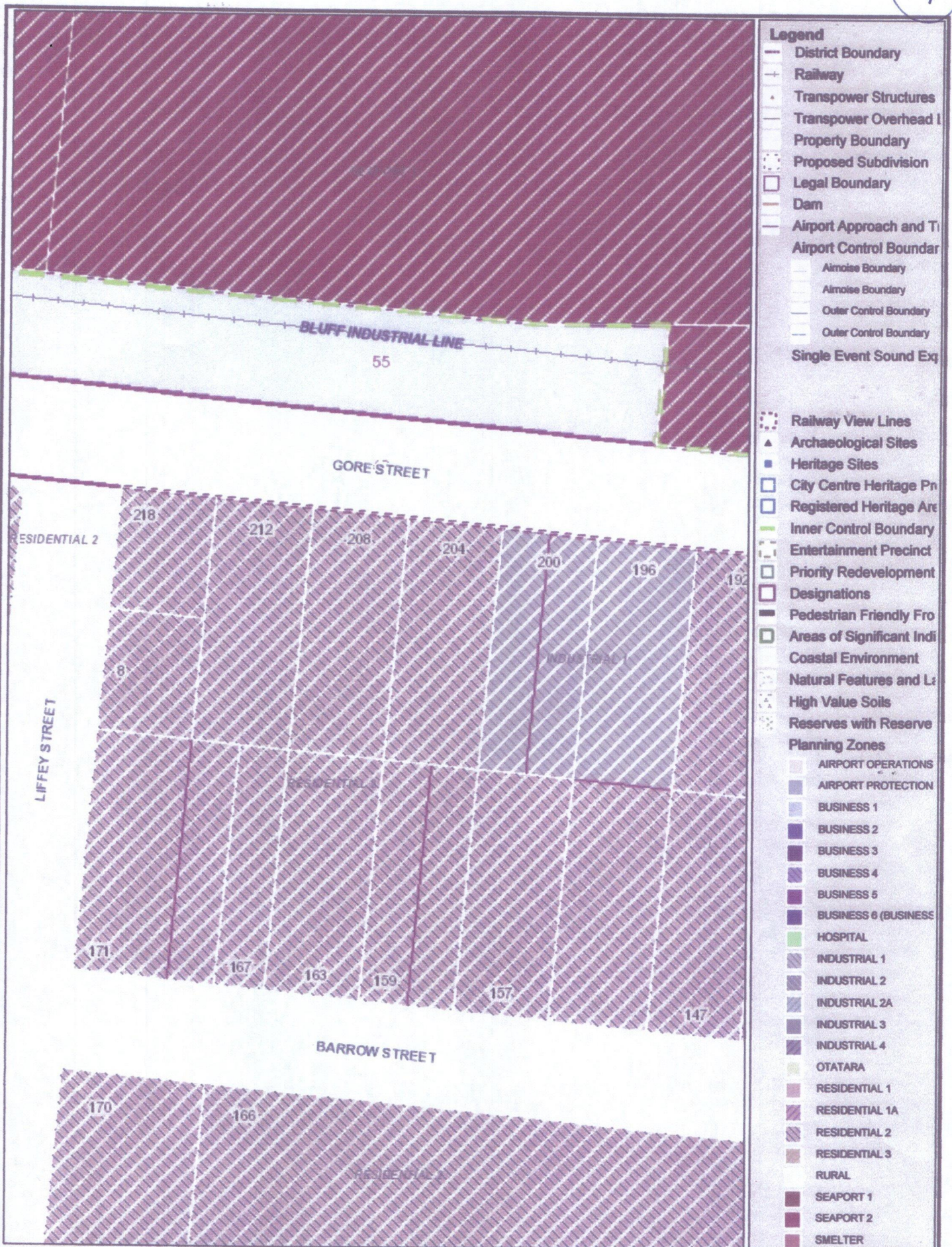
Leven Developments Limited

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

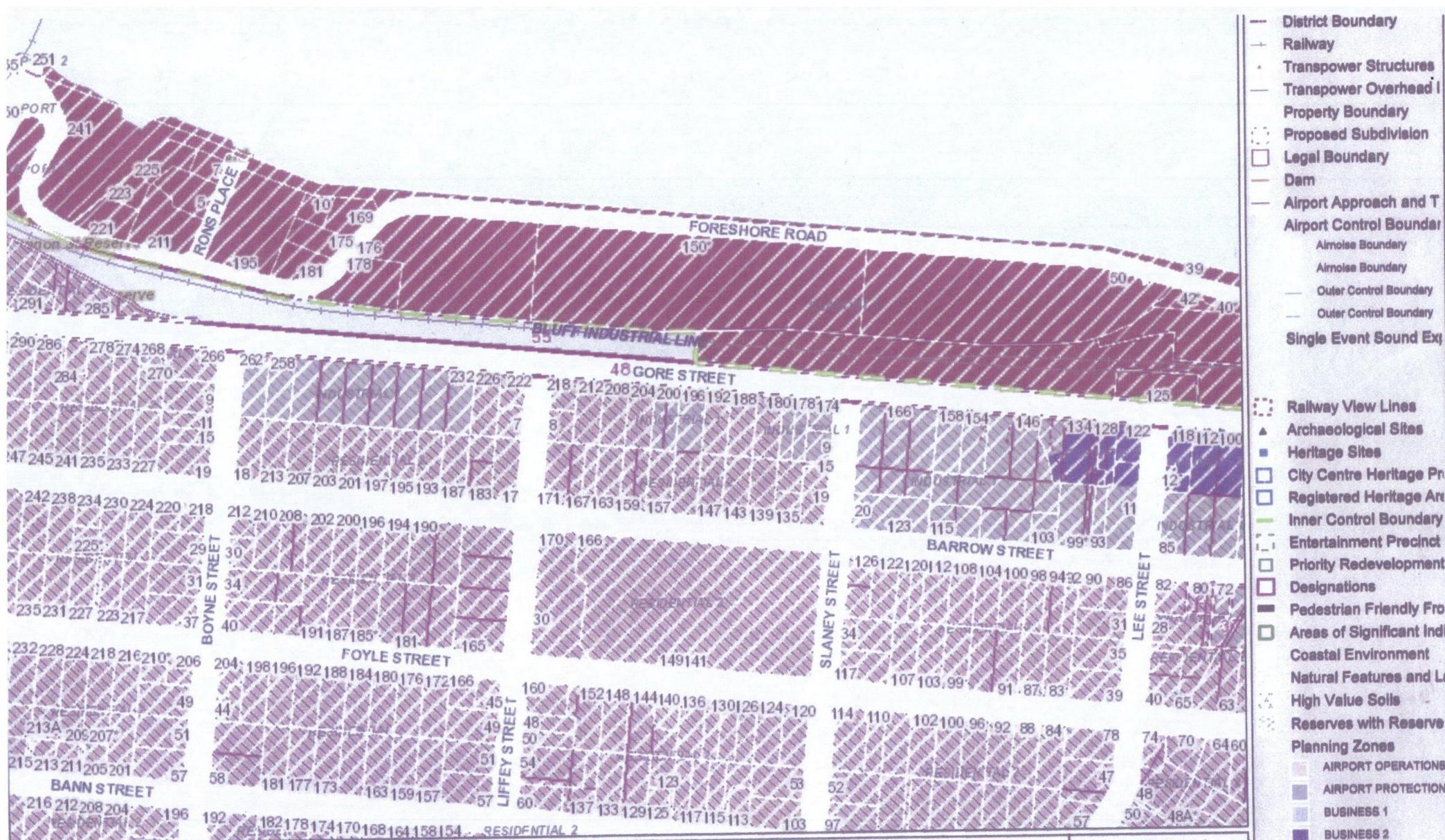
With reference to the permitted activities in the Rural 2 Zone Mr McSoriley indicated that the land could be developed for rural-residential purposes into four allotments with access from Beatrice Street to the south. He considered this an inefficient use of the land given the nearby availability of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

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

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



208 Gore Street - Proposed Plan

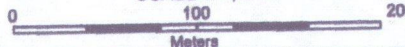


Gore Street - Zoning



Date Printed: 14 November 2016

SCALE 1: 4,000



Information shown is the currently assumed knowledge as at date printed. If the information is vital, confirm with the Authoritative Owner. E & E.O.

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APPENDIX 1 - DECISIONS ON SUBMISSIONS

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

