

BEFORE THE INVERCARGILL CITY COUNCIL HEARINGS COMMISSIONER

IN THE MATTER OF the Resource Management Act 1991 (“the Act”)

AND

IN THE MATTER OF RMA/2020/3 and RMA/2020/4, being an application for resource consent to subdivide an existing 19,876m² section containing an established church and associated car parking area into two new allotments, and establish and operate a mini supermarket activity from a new 500m² commercial building on one of the new lots

BETWEEN **Invercargill Gospel Hall Trust**
Applicant

AND **Invercargill City Council**
Local Authority

**SECTION 42A REPORT OF GARETH CLARKE, CONSULTANT PLANNER, ON
BEHALF OF INVERCARGILL CITY COUNCIL**

10 JUNE 2020

Applicant	Invercargill Gospel Hall Trust
Application	<p>Subdivision consent to subdivide an existing 19,876m² section in the Rural Zone containing an established church building and car parking area into two new allotments.</p> <p>Land use consent to establish and operate a mini supermarket activity from a new 500m² commercial building constructed on one of the new lots.</p>
Site	277 Racecourse Road, Invercargill
Legal Description	Lot 1 DP 14735
Classification	Rural Zone of the Invercargill City District Plan 2019 (the District Plan).
Activity Status	Non-complying.
Process	The application was limited notified under Section 95B of the Resource Management Act 1991 (the Act).
Background	<p>The application was received on 17 January 2020. On 20 February 2020 the Group Manager of Environmental and Planning Services considered the matter of notification and decided that the application required limited notification under Section 95B of the Act. The reason for this decision was that while the proposed activity is not likely to have more than minor adverse effects on the environment beyond the adjoining properties, not all parties who may be considered to be adversely affected by the activity have provided written approval. The application was notified on 4 March 2020 and three submissions were received within the submission timeframe. Two submissions are in opposition to the application and one is in support.</p>
Issues	The key issue for this application is the potential effects on rural and residential character and amenity values.

1. INTRODUCTION

My name is Gareth Clarke and I am currently employed as a Senior Planning Consultant at WM Compliance Solutions Limited. I hold a Bachelor of Arts majoring in Geography from the University of Otago. I have 12 years' experience in district and regional planning working in New Zealand and the United Kingdom with much of my work experience relating to the processing of resource consent applications.

I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses and, while this is not an Environment Court hearing, I agree to comply with the code. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

This report has been prepared to assist the Commissioner. It contains a recommendation that is in no way binding. It should not be assumed that the Commissioner will reach the same conclusion.

2. BACKGROUND TO THE APPLICANT AND THE SITE

The application site occupies a block of land at the no-exit end of Chelmsford Street, east of the intersection with Racecourse Road. The site is located entirely within the Rural Zone, except for a small portion of the main access to the site off Racecourse Road, which is zoned Residential 1. The site is also identified on the District Plan maps as having high value soils.

The application does not provide any information with regard to the applicant's existing activities on the site and the consenting history of these activities. The Council's property information database indicates that a Certificate of Compliance (HPC/1997/2267) was granted in August 1997 confirming that the establishment and operation of a Church, including the construction of a 680m² building, was a permitted activity under the Invercargill Transitional District Plan, the operative District Plan of the time. The proposed church activity was described in the application as involving church meetings for *"the worship of God including the Lord's Supper, Prayer, Gospel preachings and Bible readings"*. It was also stated that no social activities or entertainment were to be held in the premises, and hours of operation for the use of the building for meetings etc. were described as being any day of the week between 6am and 10pm. The applicant has also now clarified that the church currently has 190 members.

The application also does not provide any background as to the reasons why the applicant is seeking consent to develop a commercial supermarket activity on a rural site adjacent to an established residential area. The application does state that Campus Trading (branded as Campus & Co.) operate a number of stores throughout the country, including an existing store in Invercargill. On 18 May 2020 the applicant provided additional information to clarify that Campus Trading is a commercial entity run by volunteer members of the church community for the community, and they will lease the building from the church. It is noted that the existing store in Invercargill is located within a former church/scout hall in a residential part of the city, though it is not clear how the scale of the existing activity compares with the proposed development.

3. APPLICATION DETAILS

The application is for both subdivision and land use consents. The subdivision aspect of the proposal seeks to divide an existing 19,876m² section of land containing an established church building and car parking area into two new allotments. Lot 1 will be 3101m² of vacant land on which the proposed mini supermarket activity will be located. Lot 2 will be 1.68 hectares of land containing the existing church and car parking, plus an area of pasture.

The land use element of the application consists of the construction of a 500m² commercial building from which a mini supermarket will be operated. The proposed supermarket will stock goods typically found in most supermarkets and will be open from 7:00am to 9:00pm seven days a week. The

supermarket will primarily operate on a self-service basis with no staff on site, although on Tuesdays and Thursdays between 9:30am and 11:30am the store will be staffed by volunteers. It is anticipated that less than 10 customers will visit the store each day.

An open day will be held once a month on a Saturday where between the hours of 11:00am and 12:30pm up to 50 people are anticipated to visit the site for “*coffee and home baked sweets*”. These open day events will coincide with other events at the neighbouring church site.

Daily courier deliveries are anticipated between the hours of 8:00am and 10:00am, with one small commercial truck delivery per week also.

Fourteen off-street car parks will be provided to the north and east of the building, with a loading area located on the western side. Vehicle access will be via an existing vehicle crossing from Chelmsford Street only. No vehicle access through to Racecourse Road via the church car park will be provided.

Hedging of at least 1.8 metres in height will be planted along the northern and western boundaries in addition to the existing hedge between the proposed internal boundary between Lots 1 and 2. A fence will be constructed along the eastern boundary.

No signage is proposed.

4. SITE DESCRIPTION

The site to which the application relates is located at the end of a ‘no-exit’ section of Chelmsford Street to the east of Racecourse Road. The total area of the property is 19,876m², with approximately half of the site (9,800m²) being occupied by an existing 950m² church building located near the southern boundary of the site, with 116 associated car parks. The balance of the site to the north and east of the car park area is occupied by flat to undulating pasture. The car park and church are separated from the remainder of the site and the adjoining properties by large and well-established hedgerows.

There are currently two vehicle accesses to the site with primary access that services the church and car park being a leg-in access off Racecourse Road. The secondary access to the site is located off the no-exit end of Chelmsford Street. This access crosses a portion of private property in the ownership of 362 and 364 Chelmsford Street, for which there is a right of way easement in place.

Being located on the very outskirts of urban Invercargill, the Chelmsford Street/Racecourse Road areas consist of a mixture of land uses including residential, rural lifestyle and network utility providers. While the application site is located entirely within the Rural Zone, the land immediately adjoining the application site to the west is located within the Residential 1 Zone and is occupied by urban scale residential activity. The land to the north of the application site is zoned Rural and is occupied by rural-residential activity. The land immediately adjoining the application site to the east and south is zoned Rural and is mainly pastureland owned by The Power Company. The main offices for Powernet are located nearby to the south of the application site, while the main electricity substation for Invercargill is located to the east of the application site

5. PROCESS

The application, plans and supporting information were received on 17 January 2020. Further information was requested on 23 April 2020 and this information was provided by the applicant on 18 May 2020.

On 20 February 2020 the Group Manager of Environmental and Planning Services, acting under delegated authority, decided under the provisions of Section 95 of the Resource Management Act 1991 (the Act) that the application required notification under Section 95B.

The reasons for the decision were:

1. Taking into account the exclusions in section 95E, it is considered that the proposed activity is likely to have adverse effects on the environment beyond the adjoining properties that are more than minor.

The application was notified on 4 March 2020 and three submissions were received by the time the statutory submission period ended. Two of the submissions were in opposition to the application and one was in support. One of the submitters requested to have their submission heard. However, as the submission period closed after the country had entered the national Level 4 lockdown as a result of the Covid-19 pandemic, a hearing was unable to be held in person and the submitter indicated that they were unable to participate in a 'virtual' hearing. Consequently, the hearing was delayed until the lockdown restrictions were eased. On 31 March 2020 the Group Manager of Environmental and Planning Services granted an extension to processing timeframes under section 37 of the Act on the grounds that the national lockdown presented special circumstances that may impact on the ability to process the application within the normal timeframes provided for in the Act.

6. PLANNING FRAMEWORK

The Invercargill City District Plan 2019

As discussed above, the application site is located entirely within the Rural Zone of the District Plan. The introduction to the Rural Zone provisions of the Plan states that:

“the Rural Zone provides for rural activities such as agriculture, horticulture and forestry and residential activities on larger land allotments that are of sufficient size to effectively deal with the disposal of wastewater on-site, and give a character of openness to the Zone”.

The application site can be found on Map 12 of the District Planning Maps and the corresponding Hazard Information Maps. With the exception of high value soils, the site is not identified as having any special characteristics or values that are specifically provided for within the District Plan.

The Assessment of Environmental Effects (AEE) submitted with the application identifies those provisions of the District Plan that the proposal does not comply with. The activity requires resource consent for three reasons:

- (1) The proposed subdivision requires resource consent for a **non-complying activity** under Rule SUB-R6. This is because the proposal would create two new allotments in the Rural Zone of less than 2 hectares.
- (2) The proposed supermarket requires resource consent for a **non-complying activity** under Rule RURZ-R3. This is because retail activities are not listed as either permitted, discretionary or prohibited in the Rural Zone. It is noted that while the activity is described in the application as being a mini supermarket, the proposal does not meet the District Plan definition of a supermarket as it has less than 500m² of retail floor space. The activity is instead considered a retail sales activity. While the activity does not fit neatly into this definition either as the market is not directly selling to the general public, it is considered the closest fit for what the application proposes.
- (3) The proposed supermarket also requires resource consent for a **discretionary activity** under Rule RURZ-R7. This is because the supermarket is a non-residential activity that does not provide a 4-metre-deep rear yard along the southern boundary of proposed Lot 1 (it is proposed to provide a yard of only 3.5 metres).

Overall the activity status for the proposal is considered to be **non-complying**.

7. SUBMISSIONS

A copy of the three submissions received are attached as Appendix 2. Each of the submissions are summarised below.

Two of the submitters, Matthew Malcolm and Jeremy Hawkes, indicated they did not wish to be heard in support of their submission, and the other, Jason McNaught and Nadine Carnie-McNaught, indicated they did wish to be heard.

Submitter	Summary of Submission and Relief Sought
Matthew Malcolm	<p>The submitter identifies as the owner/occupier of 360A Chelmsford Street, a rural-residential property directly to the north of the application site.</p> <p>The submitter supports the application and has no objection to the creation construction and operating of a mini-market for church community use only. The submitter has lived in Chelmsford Street for ten years and considers that the road already experiences a reasonable flow for a no exit street, and that all projects like this are a positive for the city. The submitter welcomes this development.</p>
Jason McNaught & Nadine Carnie-McNaught	<p>The submitters are the owner/occupiers of the residential property at 358 Chelmsford Street, directly to the northeast and on the opposite side of Chelmsford Street from the application site.</p> <p>The submitters oppose the application and consider that the proposed access road is narrow, and cars parked on either side would leave little room for trucks. The submitters also consider that the appeal of their house and its residential/rural outlook with little road noise, would be lost. The submitters believe that the refrigeration units would make a constant noise and the hours of operation would exacerbate noise and traffic effects.</p> <p>Relief Sought: The submitters have provided an annotated copy of the site plan that shows the proposed supermarket building being relocated to the eastern side of the property adjacent to the hedge that currently screens the church car park, with vehicle access via the existing church car park access. The submitters believe that these changes to the proposal will solve all potential issues.</p>
Jeremy Hawkes	<p>The submitter is the owner/occupier of the residential property that directly adjoins the application site to the west.</p> <p>The submitter opposes the application and states that they purchased their property for three main reasons: access to morning sun; its rural outlook; and it being a quiet cul-de-sac with minimal traffic. The submitter believes that these three elements will be adversely affected by the granting of the consent. The submitter is also concerned about noise levels from chiller units and trucks.</p> <p>Relief Sought: The submitter provided an annotated copy of the site plan indicating their preferred location of the activity. The submitter believes there is enough room for the supermarket to be located to the east of the church with access provided via the existing vehicle access and through the church car park. The submitters would have no objection to the activity were it sited in this area.</p>

8. ENVIRONMENTAL EFFECTS

The following consideration of effects on the environment has been carried out in accordance with Section 104(1) of the Resource Management Act 1991. As a non-complying activity, the Council's assessment is unrestricted and all actual and potential effects of the proposal must be considered, with particular consideration given to the guidance contained in the list of assessment matters detailed in the relevant rules of the Invercargill City District Plan 2019. The main issues relevant to this application relate to the character and amenity values of both the Residential 1 and Rural Zones, including noise; and effects on the transportation network. Each of these matters are considered in further detail below.

Amenity

The application concludes that the proposal will result in minor effects on amenity, pointing out that the site already has an urban "feel" to it as a result of the establishment of the church and associated car park. The application states that the land upon which the market is to be located is open grassland, but that the view is generally dominated by the church and grounds.

It is accepted that the proximity of the application site to existing urban scale built development does give rise to an amenity that is not strictly rural in nature. That said, the site currently consists of vacant paddocks that retain a level of openness that is a key characteristic of amenity in rural areas of the District. Furthermore, the existing screening around the church site means that its presence is not particularly noticeable from the market site. As such it is considered that the proposal will result in a development that will be commercial in appearance and incongruous with the existing rural-residential character of the area. The application does, however, propose landscaping measures to help screen the site and reduce its impact on visual amenity. The proposed landscaping consists of hedgerows of no less than 1.8 metres in height planted along both the northern and western boundary, and fencing along the eastern boundary.

It is accepted that the proposed landscaping will largely mitigate the adverse visual effects of the market when viewed from adjoining residential properties and the public realm. However, it will also have the effect of reducing the open rural vistas across the site and beyond. These effects are likely to be only minor, however, as hedgerows such as those proposed, and shelterbelts are common features within the rural environment and are therefore a visual effect that is anticipated by the Plan.

The application states that the noise generated by the site will primarily be as a result of delivery vehicles and customer vehicles. As is discussed further below, the frequency of these vehicle movements is low and so any potential adverse effect on the amenity of occupants of adjoining properties is also expected to be low. The hedging proposed along the western and southern boundaries and the separation distance between the market and the property boundary (at least 16m) will also help mitigate noise effects on neighbours. It is considered, however, that the level of mitigation offered by the hedging is likely to be low and so it is necessary to also include conditions of consent to ensure that deliveries to the site only occur during certain hours.

Similarly, the screening provided by the proposed hedging should ensure that any potential adverse effects of lightspill from the security lighting on the market site is appropriately mitigated. The application has explained that all lighting will be directed downwards or inwards so that no glare is experienced on neighbouring properties.

The minimum lot size in the Rural Zone is 2 hectares. This is the size that the District Plan deems an appropriate density for permitted activities in the Rural Zone to establish and operate. The proposed subdivision will mean that Lot 1, the lot containing the proposed market, will be well below this minimum. The size proposed for Lot 1, at around 3000m², will not be sufficient to enable any viable, standalone agricultural or rural residential activities that are otherwise permitted within the Rural Zone. However, the application is clear that the neither of the new lots created are intended to be used either of these types of activities. Instead the application demonstrates the

proposed market is clearly intended to be operated in conjunction with the existing communal activity currently operating from the site.

Given the connection evident between the market and the church activity, and the stated intention that they be operated as part of one larger community, it is not clear from the application why the market building and church building need to be located on separate properties that could then be sold off as individual entities. In response to a request for clarification on this issue the applicant has stated that the rationale behind having the church facility and market building on separate titles is *“to keep the commercial entity separate from the church”*. Given the separation of activities that the applicant is seeking, I considered it necessary to impose a condition on the consent to ensure that the consent is personal to the applicant, and limit the use of the market to members of the church community only. This will ensure that the market is only operated in conjunction with the church activity, even if the church facility was to be sold and the church activity relocated to a different site. These conditions will also ensure that the market is not operated at a more intensive scale and to a wider consumer group than what is proposed in the application. Such a change in circumstances could generate a greater level of adverse effects on neighbouring residential amenity than what has been considered as part of the assessment of the current application, and therefore would need to be addressed through a fresh resource consent application.

Despite conditions restricting how the market operates and who operates it, the sale of either of the allotments and their existing buildings to other entities, and for other uses, could still occur. The commercial nature of the buildings could be seen to lend themselves to other commercial, industrial or communal uses that may give rise to adverse effects of a different scale and nature of those resulting from the proposed market activity. Generally speaking, any new land use activity will require a fresh resource consent to be able to establish an operation on the site, the exception being veterinary clinics, animal boarding facilities and agricultural activities. Each of these activities are listed as permitted activities in the Rural Zone and could operate from the same premises with far less restrictions and a far greater level of adverse effects than what is likely to occur from the applicant's proposed market activity.

It is noted that the District Plan does not include any controls on maximum or minimum sizes for these activities. On a 2-hectare rural site, one or more of each of these activities could be established as of right as a permitted activity. That being the case, and also in recognition of the applicant's clear intention that the new allotments are not to be used for residential or agricultural purposes, it is considered that the proposed lots are of sufficient size to enable some, but not all, permitted activities within the Rural Zone without giving rise to undue adverse environmental effects on both rural and residential character and amenity.

Transport and Vehicle Access

The site is currently accessed via an existing vehicle crossing off the end of Chelmsford Street that was formed to Council standards as part of an earlier consent process. This access is currently used as a secondary access to the church, but the application explains that there will no longer be any direct vehicle access between the church site and the market site (an existing pedestrian gateway through the hedgerow will continue to provide pedestrian access between the sites). This will mean that the current vehicle access to proposed Lot 1 will be used for access to the market only.

It was not clear in the original application how the closure of vehicle access between the market site and the church site will be managed, particularly given the access is to remain within the ownership of the Church site (i.e. Lot 2) with an easement (Right of Way C) established to enable access to the market site (i.e. Lot 1). In response to a request for clarification on this issue the applicant has stated that the gate is generally always locked to prevent church members from passing between the two pieces of land, only being unlocked at times where there are large gatherings at the church, which occur once every two years. It is considered appropriate to impose conditions on the consent to ensure there is no thoroughfare between the respective market and church accesses. Should this access still be considered necessary for occasional events that result in large gatherings, it may be possible to provide for these in the conditions without giving

rise to any significant adverse effects, though the applicant may need to provide some further detail on these events at the hearing.

Based on similar activities operated elsewhere by the applicant, customer numbers are anticipated to be up to 10 per day, with one courier vehicle delivery per day and one larger truck delivery weekly. The store will also have two volunteer staff on site twice a week. This level of anticipated activity equates to between 20 and 28 vehicle movements a day. The application has assessed this volume of vehicle movements to be relatively low and notes that it is not comparable to a typical store of this type that is open to the general public. The application further notes that while there will be an increase in vehicle movements on the site as a result of the market, the effects of these vehicle movements on the surrounding area and roading network will be less than minor.

With the current level of vehicle movements in and out of the Chelmsford Street entrance under its current function as a secondary access to the church almost non-existent, the increase in vehicle movements as a result of the market would lead to an increase in vehicle movements that may be more noticeable to neighbours. However, it is accepted that the volume of traffic movements is still likely to be low and the associated effects on the environment less than minor. It is proposed that the activity will operate over a 14-hour period between 7:00am and 9:00pm. This means that on its busiest day when the site receives 10 customers, two staff, a courier delivery and a truck delivery, vehicle movements will average only two per hour. Even if it is assumed that all vehicle movements would occur during the peak time stated in the application (i.e. 9am to 5pm), the average number of vehicle movements will be less than four per hour. Even in a low density rural-residential area this level of increase in vehicle movements is not likely to have any more than a minor effect of the amenity of the area and the functioning of the roading network.

This section of Chelmsford Street is relatively small in length and serves just seven residences, meaning there is little risk of conflict between road users on Chelmsford Street. Chelmsford Street then connects to Racecourse Road, which is a primary collector road that can experience high volumes of traffic, particularly around school start and finish times. The additional pressure on Racecourse Road and its intersection with Chelmsford Street as a result of up to four additional vehicle movements an hour from the market is likely to be less than minor.

The application states that the 14 car parks provided will be in excess of the 12 parks that are required for an activity of this type under the Transportation rules of the District Plan. The proposed plans show that the car park spaces and circulation routes have been designed to comply with the standards of the District Plan. Overall the onsite parking and manoeuvring space is considered to be sufficient for an activity of this scale and nature during normal operation.

It is noted, however, that the open days that are proposed to be held once a month do have the potential to result in a higher than normal parking demand for a short period of time. The application explains that these open days are to be held in conjunction with events on the church grounds, and so it is anticipated that patrons will simply walk from the church site to the market site via the existing pedestrian access through the hedgerow and no additional car parking demand will be experienced on the market site itself.

The Council's Roding Manager has considered the application and has not raised any significant concerns with the proposal. He has recommended that the existing vehicle crossing in Chelmsford Street is sealed to the boundary, and the existing kerbing in Chelmsford Street be extended to direct runoff to the existing sump. The Roding Manager's recommendations have been included as proposed conditions of consent.

Drainage Services

The application does not provide any detail as to how the site is to be serviced for stormwater and foul sewer. However, it is noted that reticulated foul sewer services are available at the end of Chelmsford Street and easements will be provided to enable the application site to be connected to these services. It is further noted that the existing site has an easement to discharge stormwater to a water course on the adjoining property at 40* Findlay Road, and it is proposed to establish an

easement over proposed Lot 2 to enable the market development to utilise this discharge point also.

The Council's Drainage Manager has considered the application and noted that there is a 100 mm gravity main that terminates at the frontage of 359 Chelmsford Street and a low-pressure sewer main servicing 360 Chelmsford Street. As the proposed allotments are less than two hectares in size and there is a foul sewer main nearby, the Drainage Manager requires that both lots be provided with a reticulated sewer connection to the nearest connection point. The Drainage Manager has noted that while the low pressure main is likely to be able to accommodate the sewer flows from the proposed activity, this will require a pumped system as a gravity connection will not be possible given the relative levels of the site.

The Drainage Manager has also noted that there are no existing stormwater mains in close proximity to the subdivision and so alternative methods of disposing of stormwater will be required and can be dealt with through the building consent process.

Overall, it is not anticipated that there will be any significant adverse effects in terms of drainage infrastructure and servicing, and the Drainage Manager's recommendation that both lots be connected to reticulated sewerage services has been included as a proposed condition of consent (noting that the existing church building is in fact already connected to the reticulated sewerage system).

Water Services

The application does not provide any detail as to how the site is to be serviced for a water supply. However, it is noted that Council's reticulated water supply service is available at the end of Chelmsford Street and easements will be provided to enable the application site to be connected to these services.

The Council's Water Manager has considered the application and considers there is insufficient cover for fire protection for proposed Lot 1, with the nearest fire hydrant being some 80 metres away on Chelmsford Street west of the Racecourse Road intersection. The Water Manager has recommended that the development be serviced by a fire fighting water supply either provided onsite in accordance with rules RURZ-R14 to R14 of the District Plan, or provided through an arrangement for the Council to install a fire hydrant at the applicant's expense at the eastern end of Chelmsford Street. The applicant has indicated a preference for the hydrant option, and so the Water Manager's recommendation with respect to this option has been included as a proposed condition of consent.

Overall, it is not anticipated that there will be any significant adverse effects in terms of water supply infrastructure and servicing.

Earthworks

The application has detailed that the total volume of earthworks anticipated in developing the site is approximately 1000m³. This is well within the District Plans permitted activity standards for earthworks activities in the Rural Zone. While the site is identified as having high value soils, the modest level of earthworks proposed relative to the overall application site, and the sites recent history of being associated with a non-productive land use, means that effects of the loss of high value production land in this case is minor.

It is noted that earthworks activities can generate dust, noise and transport network effects that can adversely impact on the amenity of the occupants of neighbouring properties. However, these effects are temporary in nature, and given the separation distances involved in this case, are likely to be minor. Conditions of consent can be imposed to ensure appropriate mitigation measures are employed during the construction phase and the effects of earthworks and construction activities are minimised.

National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)

The NESCS applies to a piece of land on which an activity listed on the Hazardous Activities and Industries List has been, or is more likely than not to have been, undertaken on it. The application notes that the applicant is not aware of any existing or historic activities that may have been a source of land contamination on the site. Environment Southland also do not hold any record of any such activity on the site, and this corresponds with the Council's information on the file for this property. Nothing was observed during the inspection of the site to suggest a history of hazardous activities and industries. It is accepted, therefore, that the NESCS does not apply to this proposal.

Overall it is considered that the proposed activity will not result in adverse environmental effects beyond the land adjacent to the application site that are more than minor.

Reverse Sensitivity

The main purpose of the Rural Zone is to provide for a wide range of rural and agricultural activities, which can produce noise, odours and disturbance not considered pleasant by residential standards. Therefore, legitimate rural activities should be protected against the risk of complaints arising from the increased urbanisation of the rural landscape. In this regard the application has noted that market activity is not an activity that will be sensitive to any noise resulting from typical rural activities that could occur as of right on the adjoining rural properties. This assessment is accepted. It is also considered that the sites proximity to the nearby electricity substation, transmission lines and distribution company depot, and the urban residential environment, plus the limited means of access to the area, mean that the surrounding rural area does not generally lend itself to larger economic farming units activities that are commonly found in rural areas and employ more intensive production systems that can have negative effects on more sensitive land uses.

Permitted Baseline

There is no permitted baseline for the subdivision of land in the Rural Zone into individual allotments less than 2 hectares in area. There is also no permitted baseline to allow for the establishment and operation of supermarket activities, and/or communal activities such as churches. As discussed above, however, both veterinary clinics and animal boarding activities of any size and scale are permitted activities on any size of property within the Rural Zone. While these activities are related to rural activities, they are often of a similar commercial scale and nature to the market activity proposed by this application, and so their potential environmental effects are relatively comparable. Veterinary clinics and animal boarding activities therefore provide a permitted baseline that is a relevant and appropriate consideration when assessing the effects of this application.

Precedent and Plan Integrity

Precedent occurs when an activity is used as an example or instance to justify later, similar activities. It is possible that approval of this application could be used as an example of precedent by other landowners seeking to develop undersized allotments and/or commercial activities in other rural parts of the district. This would mean that the implications of the decision would extend beyond the immediate surroundings and test the integrity of the District Plan.

In this case, however, it is considered that the characteristics of the site and the proposed activity are unique enough that the risk of this proposal creating an undesirable precedent for others to later follow is low. Despite being part in the Rural Zone, the site contains a well-established non-residential, non-rural activity of some scale. The proposed activity that is subject of this application will be directly linked to this existing activity. The site has not been used for either intensive agriculture or rural-residential activity for a number of years, and its location on the edge of the urban area with somewhat inconvenient access, and the high density of non-rural and potentially sensitive land uses means it's likely to remain undesirable for productive uses. The continued use and development of the site for church related activities is therefore likely to be a pattern of development that is anticipated by the local community. This has been borne out by the notification process, which resulted in only two submissions in opposition to the activity. It is noted that each of those submissions indicated that their concerns were more related to the way in which

the activity was designed and operated rather than the nature of the activity itself. The number of existing properties within the Rural Zone that lend themselves to a similar form of development, that is undertaken in conjunction with an existing and well-established non-residential, non-rural activity on a site adjoining an established residential area, is likely to be very low. Therefore, the proposed development is unlikely to be one that is easily replicated.

The underlying zoning of the Proposed District Plan does not anticipate sections of this size being used for residential development in the Rural Zone. However, the application is clear that there is no intention for either of the two allotments created in this case to be used for residential activity. For that reason, it is considered that the application is not directly challenging the residential density in the Rural Zone and will not set an undesirable precedent for others seeking to develop undersized rural allotments for residential purposes to follow. The integrity of the Plan is not considered to be being challenged in this case.

Consideration of Alternatives

The application does not provide any clear rationale for the site design and layout that has been chosen, and no assessment of potential alternative locations or methods for the proposed activity. The two submissions in opposition to the application have provided details of an alternative site layout that they consider will achieve better environmental outcomes. While it is accepted that these alternatives would reduce the potential for adverse effects on the submitters properties, the assessment of effects above has concluded that due to the restrictions on the scale and operation of the supermarket activity, the level of effects associated with the proposal will be less than minor, and any effects can be adequately mitigated by conditions of consent. It is also considered that it is possible funneling all access to and from the site via the Racecourse Road entrance could result in a greater level of impacts on the transportation network, and the amenity of nearby residential properties on Racecourse Road, compared to using the controlled intersection at Chelmsford Street and Racecourse Road.

9. STATUTORY CONSIDERATION

Section 104(1) sets out the matters which the Council must have regard to when considering an application for a resource consent:

When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to-

- (a) any actual and potential effects on the environment of allowing the activity; and
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
- (b) any relevant provisions of-
 - (i) a national environmental standard;
 - (ii) other regulations;
 - (iii) a national policy statement;
 - (iv) a New Zealand coastal policy statement;
 - (v) a regional policy statement or proposed regional policy statement;
 - (vi) a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Part 2 of the Resource Management Act 1991

Part 2 of the Act sets out its purpose and principles. The purpose of the Act is described in Section 5 as *to promote the sustainable management of natural and physical resources*. Sustainable management is defined in the same section as:

managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being while:

- (a) Sustaining the potential of natural and physical resources to meet the foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 6 lists the matters of national importance that need to be recognised and provided for when making decisions under the Act, while Section 7 lists other matters that particular regard is to be given to, and Section 8 requires the principles of the Treaty of Waitangi to be taken into account.

I do not consider there to be any matters of national importance in Section 6 of the Act that are directly relevant to this application.

The matters in Section 7 of the Act that I consider to be relevant to this application are:

- (b) the efficient use and development of natural and physical resources*
- (c) the maintenance and enhancement of amenity values*
- (f) maintenance and enhancement of the quality of the environment*

The effects of the proposal on residential and rural character and amenity values, and the transportation network, are discussed in the sections above.

No cultural matters under Section 8 arise in the consideration of this proposal.

Overall, as concluded in the assessment of environment effects above, the adverse effects of the proposed activity on the environment are considered to be appropriately avoided, remedied or mitigated. The application is therefore considered to be in keeping with the primary purpose of the Act and supports the sustainable management of resources and the matters listed under Part 2.

National Environmental Standards, National Policy Statements and other Regulations

Regard has been given to all existing national environmental standards, national policy statements and other regulations. It is considered that there are no standards, policy statements or other regulations relevant to this application.

Southland Regional Policy Statement 2017

Regard has been given to the Southland Regional Policy Statement 2017 (RPS). The provisions below are considered to be the most relevant to the application.

Objective RURAL.1 - Sustainable use of rural land resource

Achieve sustainable use of Southland's rural land resource, in respect of:

- (a) Agriculture and primary sector activities;
- (b) Subdivision, use and development activities;
- (c) Earthworks and vegetation clearance activities;
- (d) The use of soil resources;
- (e) Mineral extraction activities; and
- (f) On-site wastewater systems.

Objective RURAL.2 - Life-supporting capacity of soils

Safeguard the life-supporting capacity, mauri and health of soils in rural areas, and prevent or minimise soil erosion and sedimentation from land use soil disturbance.

Policy RURAL.1 - Social, economic and cultural wellbeing

Recognise that use and development of Southland's rural land resource enables people and communities to provide for their social, economic and cultural wellbeing.

Policy RURAL.2 - Land use change and land development activities

Manage subdivision, land use change and land development activities in rural areas of Southland, in a way that maintains or enhances rural amenity values and character.

Policy RURAL.4 - Loss of high value soils from productive use

Avoid the irreversible loss of high value soils from productive use, through inappropriate subdivision, use and development.

Objective TRAN.1 - Transport and land use

Development of transport infrastructure and land use take place in an integrated and planner manner which:

- (a) Integrates transport planning with land use;
- (b) Protects the function, safety, efficiency and effectiveness of the transport system;
- (c) Minimises potential for reverse sensitivity issues to arise from changing land uses;
- (d) Provides for positive social, recreational, cultural and economic outcomes;
- (e) Minimises the potential for adverse public health and environment effects;
- (f) Enhances accessibility and connectivity, maximising transport choice for users of the transport system.

Policy TRAN.3 - Integration of existing and future transport infrastructure

Integrate land use planning with transport infrastructure planning and make provision for future transportation requirement

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.3 – Urban intensification

Encourage opportunities for urban intensification and redevelopment within Southland's existing urban areas.

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.

Comment: With respect to rural character and amenity, the application concludes that the site is located in an area with reduced rural amenity and although the proposal will directly result in a change to the visual amenity of the area, the scale of these effects is considered to be minor with the site retaining a low site coverage and landscaping on all boundaries providing screening from surrounding sites and Chelmsford Street.

Policy RURAL.2 specifically requires the maintenance or enhancement of rural amenity values and character. The applicant's opinion that the site currently has a generally urban feel to it with the view dominated by the Church and grounds is arguable. As viewed from the end of Chelmsford Street the application site consists of open paddocks of pasture set against a backdrop of a larger expanse of farmland to the east. While it is accepted that the backdrop to the site when looking to the north and west is more residential in nature, when looking south and east the existing church development is largely hidden from view by well-established plantings and hedging on all sides. The establishment of the supermarket operation will lead to a commercialisation of the application site, which will not serve to enhance the rural character and amenity of the area. However, the mitigation measures proposed by the application, and in particular the landscape screening measures proposed, will ensure the effects on the visual amenity and rural character of the area will be minor.

Policies RURAL.1 and RURAL.4 relate to the management of the region's soil resource, and in particular the protection of high value soils. The application states that while the proposal will take a portion of the high value soils identified on the site out of production, the site has not been used for intensive agricultural purposes for many years as a result of it being part of the church site. The applicant's assessment is accepted. While the proposal will result in a loss of productive capacity of an area of high value soils, the site itself does not appear to lend itself high production capacity land uses due to its location on the edge of the urban area with somewhat inconvenient access, and the high density of non-rural and potentially sensitive land uses. The overall area of soils impacted is relatively small and given the sites lack of recent history for productive land uses, and the unlikelihood that it will be used for such purposes again in the future, the effect of the loss of productive capacity is less than minor. For that reason, the proposal is not considered an inappropriate development in terms of its effects of high values soils.

The proposal has included vehicle access provisions that, subject to conditions of consent, will ensure the proposal does not unduly impact on the safety and functioning of the transport network. Additionally, the Council's Roading Manager has considered the application and has not identified any significant concerns with the proposal. The proposal is therefore considered to be consistent with the Transport provisions of the RPS.

Overall, the proposal is considered to be in general accordance with the objectives and policies of the RPS relating to rural character and amenity, high values soils and transportation.

Invercargill City District Plan 2019

A full copy of the applicable objectives and policies from the District Plan discussed below are included in full in Appendix 3 to this report. The following provisions relating to the Soils Minerals and Earthworks, Subdivision, Transportation, Residential 1 Zone and Rural Zone are considered the most relevant:

Soil, Minerals and Earthworks

Objective 1: *Invercargill's soils are managed sustainably.*

Policy 3 **Protection of high value soils:** *To protect the District's high value soils from the expansion of urban development.*

Transportation

TRA-O1 *Development of transport infrastructure and land use take place in an integrated and planner manner which:*

- 1. Integrates transport planning with land use;*
- 2. Protects the function, safety, efficiency and effectiveness of the transport system;*
- 3. Minimises potential for reverse sensitivity issues to arise from changing land uses;*
- 4. Provides for positive social, recreational, cultural and economic outcomes;*
- 5. Minimises the potential for adverse public health and environment effects;*

TRA-P1 **Infrastructure:** *To provide for the safe and efficient operation, improvement and protection of transport infrastructure.*

TRA-P5 **Adverse effects:** *To manage subdivision, use and development adjacent to transport infrastructure in such a way as to avoid, remedy or mitigate potential effects, including reverse sensitivity effects on transportation infrastructure.*

TRA-P6 **Integration:** *To integrate the planning of land use with existing transport infrastructure and provide for future transportation requirements.*

Subdivision

SUB-O1 *Subdivision and development is integrated with existing communities, infrastructure and public spaces.*

SUB-O2 *Subdivision and development maintains and enhances the character and amenity of Invercargill.*

SUB-O3 *Subdivision and development preserves the productive capability of rural land and high value soils.*

SUB-O8 *The subdivision of land is undertaken in accordance with the Objectives for zones and resources of the City recognising that because subdivision sets the long-term pattern of development, subdivision is a major determinant of how land is used and therefore of the environmental effects of land use.*

- SUB-O9** *The process of creating allotments through subdivision is integrated with planning for the relevant utilities and services and infrastructure to which it is anticipated the allotments will be connected.*
- SUB-P1** **Adverse Effects:** *To ensure in the creation of new allotments any adverse effects on the environment are avoided, remedied or mitigated.*
- SUB-P2** **Zoning:** *To ensure subdivision design gives effect to the District Plan's Objectives and Policies for the zone and enables uses permitted in the zone.*
- SUB-P4** **Transportation Networks:** *To avoid ribbon development and the adverse effects that such subdivision can have on existing communities while promoting connectivity to the existing transportation network.*
- SUB-P5** **Reticulated Services:** *To avoid the adverse effects that subdivision and subsequent development can have on the physical and economic sustainability of reticulated services.*

Residential 1 Zone

- RES1Z-O1** *The maintenance and ongoing development of the zoned areas as residential neighbourhoods offering a high degree of amenity to their inhabitants is provided for and encouraged.*
- RES1Z-O2** *Adverse effects of urban development on the environment are avoided, remedied or mitigated.*
- RES1Z-O8** *The amenity values of the Residential 1 Zone are maintained and enhanced.*
- RES1Z-P8** **Ambient Noise:** *To maintain low daytime ambient noise levels and lower night time ambient noise levels consistent with residential use of the area.*
- RES1Z-P11** **Glare:** *To ensure freedom of nuisance from glare.*
- RES1Z-P13** **Lightspill:** *To avoid, remedy or mitigate the adverse effects of lightspill.*

Rural Zone

- RURZ-O1** *The rural environment is maintained and enhanced while allowing for productive rural activities to be undertaken.*
- RURZ-O2** *Provide for the use and development of land within the rural area while maintaining, and where practical enhancing, amenity values*
- RURZ-P1** **Rural Zone:** *To require rural allotments to be of a size and nature than enables rural activities and maintains the rural character and visual amenity of the Rural Zone.*

RURZ-P3 ***Non rural activities:** To avoid activities that do not have a need to locate within the Rural Zone and which would result in adverse effects inconsistent with the function, character and amenity provided for by the Rural Zone.*

RURZ-P4 ***Soils:** To maintain the life supporting capacity and productive value of the soil resource in the Rural Zone.*

RURZ-P13 ***Ambient Noise:** To maintain ambient noise levels to protect health and amenity of Noise Sensitive Activities, whilst allowing agricultural activities, and to recognise that some parts of the zone are subject to higher levels of noise generated by farm activities.*

RURZ-P16 ***Glare:** To ensure freedom of nuisance from glare.*

RURZ-P18 ***Lightspill:** To avoid, remedy or mitigate the adverse effects of lightspill.*

Comment: The District Plan's objectives and policies in relation to subdivision state that subdivision and development should be integrated with existing communities, infrastructure and public spaces; should maintain and enhance the character and amenity of Invercargill; and should achieve good urban design outcomes. Any adverse effects on the environment associated with the creation of new allotments are to be avoided, remedied or mitigated, and subdivision design is to give effect to the District Plan's provisions for the Zone.

It is accepted that the proposed development can be well integrated with the existing community and infrastructure in the Racecourse Road/Chelmsford Street area. The immediate area is characterised by smaller residential allotments adjacent to larger rural residential allotments that contribute to the open space amenity that the District Plan anticipates for the Rural Zone. While the development may not enhance the existing character and amenity of this part of the Rural Zone, provided the landscape screening mechanisms proposed by the applicant are implemented, it is considered to be a form of development that will not be detrimental to that character and amenity. Therefore, while the proposal will not fully accord with the objectives and policies relating to subdivision, overall it is not considered to be directly contradictory to them.

It is noted that policy SUB-P2 requires that subdivision design enables uses permitted in the zone. The subdivision will result in two relatively small allotments in the context of the Rural Zone and these lots will not generally be conducive to rural residential or agricultural activities that are typical in this area. However, it is considered that the application site in its current form also does not lend itself to many of the land uses in the Rural Zone, and so the application will not have any more detrimental an impact in that regard than the existing situation. It is noted, however, that vet clinics and animal boarding activities are provided for as permitted activities within the Rural Zone, and the nature of the allotments being created and their location in close proximity to the urban environment could lend themselves to these uses. In that sense the policy is being given effect to.

The provisions of the District Plan that relate to high value soils, the transportation network and the character and amenity of the Rural Zone seek the same, or very similar, outcomes to the RPS. The District Plan provisions are, however, much stronger and more directive than those of the RPS, particularly with respect to non-rural activities in the Rural Zone. Policy 3 seeks to avoid non-rural activities establishing in the Rural Zone if they do not have a need to locate there and they have adverse effects that conflict with the values of the Rural Zone.

It is not clear from the application why the proposed commercial activity is required to be located in the Rural Zone, particularly given it's proximity to the established urban Invercargill area that

already accommodates a number of retail activities very similar in nature to the proposed activity. However, given the strong links to the church group and the restrictions proposed to limit the activity to use by this sector of the community only, it is considered that proposal can be seen more as an extension to the existing communal activity than a standalone commercial activity. The applicant's conclusion that the effects of the proposal on the visual amenity will be no more than minor, having taking into account the existing residential and infrastructure activities in the area, and the landscape screening proposed as part of the application, is accepted. The effects of introducing a large commercial development on land that is currently characterised by large, open vistas that are an important feature of the Rural Zone, can in this case be sufficiently mitigated to ensure they will have no undue impact on rural amenity.

As discussed above, the proposal has provided appropriate vehicle access arrangements that are to the satisfaction of the road controlling authority. This will ensure that in accordance with the objectives and policies relating to Transportation, the effects of the activity on the functioning and safety of the transportation network are mitigated.

The District Plan's objectives and policies in relation to the neighbouring Residential 1 Zone seek to ensure that the amenity values of the Residential 1 Zone are maintained and enhance. The Residential 1 Zone offers a high degree of amenity to its inhabitants and the Plan encourages development that provides for this high level of amenity and supports existing urban areas while avoiding remedying or mitigating adverse environmental effects. Commercial activity such as supermarkets have potential to significantly impact on that residential amenity. However, given the low intensity of the proposed activity and the restrictions, controls and mitigation measures proposed by the applicant, it is considered that the any adverse effects can be appropriately managed by conditions of consent.

Overall, the application is considered to be generally in accordance with the objectives and policies of the District Plan relating to high value soils, Transportation, Subdivision, and the Residential 1 and Rural Zones.

Section 104D of the Resource Management Act 1991

Under Section 104 of the Resource Management Act 1991, before making a decision whether or not to grant a resource consent application for a non-complying activity, a consent authority must be satisfied that either the adverse effects of the activity on the environment will be minor (s104 (1)(a)), or the proposed activity will not be contrary to the objectives and policies of a proposed plan and/or plan (s104 (1)(b)).

This consideration for non-complying activities is commonly known as the 'threshold test' or the 'gateway test'. If either of the limbs of the test can be passed, then the application is eligible for approval, but the proposed activity must still be considered under Section 104.

It is my opinion that overall, the application passes both arms of the gateway test. The application site currently retains a rural character and amenity that will not be unduly impacted when viewed from adjoining properties and the public realm, despite the addition of a commercial building. The way in which the market activity is linked to the existing communal activity that is well established on the site, and the scale and intensity of the activity is to be controlled, it is accepted that the site is an appropriate location for the activity. Overall, I consider the proposal adequately mitigates the potential adverse effects on the environment and is generally in keeping with the objectives and policies of the District Plan, the Regional Policy Statement, and the purpose and principles of the Act.

CONCLUSION

The proposal is for land use consent to establish and operate a small-scale supermarket activity in the Rural Zone. The key issues for the application is whether the commercialisation of the site as proposed will maintain and enhance the rural environment without having adverse effects that are inconsistent with the function, character and amenity of the Rural Zone, or that are detrimental to the residential amenity of the adjoining Residential 1 Zone.

Having considered the scale of activity, it's potential to result in adverse effects, the mitigation measures proposed to address those effects, and their significance against the objectives and policies of the District Plan, I consider the application is in general accordance with Part 2 of the RMA represents sustainable management of the rural land resource. Based on these conclusions, resource consent to the application should be **granted** subject to the attached conditions.

10. RECOMMENDATION

It is recommended that on the basis of the information provided with the application and for the reasons outlined above, the application is granted under Sections 104, 104B and 104D of the Act for the following reasons:

1. Adverse effects relating to rural character and amenity are minor.
2. The proposal is not contrary to the objectives and policies of the Southland Regional Policy Statement and the Invercargill City District Plan.
3. The proposal represents sustainable management of the rural land resource.

APPENDIX 1 - Proposed Conditions

Proposed Conditions - RMA/2020/3

The following conditions were imposed under sections 108 and 220 of the Resource Management Act 1991:

1. The subdivision is to be undertaken in accordance with the scheme plan and supporting information submitted with the application RMA/2020/3 received by the Council on 17 January 2020 and additional information received on 18 May 2020, except where modified by conditions of consent.
2. The easements shown on the scheme plan received on 17 January 2020 are to be duly reserved and granted.
3. The existing vehicle crossing on Chelmsford Street is to be sealed back to the property boundary.
4. The existing kerbing in Chelmsford Street is to be extended to direct runoff from the vehicle crossing and application site to the existing sump.
5. Interceptor drainage and a sump to stop water runoff to the street is to be provided on the application site where more than 40m² of impermeable area is graded towards the street.
6. A new fire hydrant is to be installed to Council standards in Chelmsford Street at the entrance to Right of Way C to provide fire protection for Lot 1.
7. Lot 2 may retain the existing water connection, but any existing water supply and drainage plumbing which currently extends into the new Lot 1 must be curtailed within Lot 2.
8. The proposed building on Lot 1 is to be connected to the nearest or most convenient foul sewer main at the time of building consent.
Note: There is no gravity foul sewer connection available for Lot 1. A low-pressure sewer system, including boundary kit, will be required for the foul sewer connection.
9. A consent notice is to be issued with respect to condition 8 above.

Proposed Conditions - RMA/2020/4

The following conditions were imposed under section 108 of the Resource Management Act 1991:

1. The supermarket activity is to be undertaken in accordance with the plans and supporting information submitted with the application RMA/2020/3 received by the Council on 17 January 2020 and additional information received on 18 May 2020, except where modified by conditions of consent.
2. The supermarket building is to be no more than 500m² in area and is to be design in sited in accordance with layout shown on the plan entitled "Site Usage Plan, Job No. 7057 Sheet 2 Rev C", dated 16/01/2020.
3. This resource consent is personal to the applicant, the Invercargill Gospel Hall Trust.
4. The supermarket is to be accessible to members of the consent holder's church community only, plus any contractors and goods deliverers/couriers servicing the activity. This consent prohibits onsite sales from the supermarket to the general public.
5. The supermarket activity shall only operate between the hours of 7am and 9pm daily
6. All deliveries to the site shall occur between the hours of 8am and 6pm only. Deliveries by any Class 2 vehicles or above shall be restricted to one delivery per week.
7. Open day events are to be limited to one event each month and are to be held on Saturdays between 11:00 am and 12:30 pm only.
8. Noise shall be limited to 40dB L_{Aeq} and 70dB L_{Amax} between 10:00pm and 7:00am and 55dB L_{Aeq} and 80dB L_{Amax} at all other times.
9. The gate over Right of Way C is to remain locked during regular church events to prevent the movement of vehicles over the common boundary between the supermarket site and the church site.
10. There shall be no signage on the site other than window poster signs and signage for traffic control or health and safety purposes.
11. All lighting on the site is to be designed so that lightspill does not extend beyond the site boundary.
12. Prior to the activity commencing on the site fourteen (14) car parks to serve the supermarket activity are to be formed, sealed and marked out in accordance the plan received 17 January 2020 and entitled "Site Usage Plan, Job No. 7057 Sheet 2 Rev C", dated 16/01/2020, and Appendix 11 - Transport Standards of the Invercargill City Council 2019.
13. Any earthworks associated with the development and any material stockpiled on the site shall be managed in such a manner as to prevent the discharge of dust, sediment or other contaminants to air.
14. The consent holder shall advise Council's Planning Department at least 10 working days prior to the supermarket commencing operation.
15. Prior to the commencement of the supermarket activity a Landscaping Plan is to be submitted to the Council for approval by the Group Manager of Environmental and Planning Services that demonstrates how the planting and fencing along the northern, western and eastern boundaries of the site will be undertaken and maintained to ensure the site is screened to a height of at least 1.8m along these boundaries. The Landscaping Plan is to be prepared by a suitably qualified or experienced person and include the following information:

- a. The species used and why;
- b. Details of maintenance requirements and how the establishment and maintenance of the landscaping will be managed;
- c. Details of any fencing

The landscaping is to be carried out in accordance with the approved Landscaping Plan.

16. The consent holder shall maintain a written Complaints Register at the property detailing any complaints brought to their attention and describing what actions were undertaken to rectify the complaint. This register shall be available to Council staff on request.
17. In accordance with Sections 128 and 129 of the Resource Management Act 1991, the Council may serve notice to the consent holder of its intention to review the conditions of this resource consent. Such notice may be served not less than three months of the activity commencing and/or any other time Council has received substantiated complaints about a potentially adverse effect on the environment arising from the activity, whether the effects are within or near the site, and which are appropriate to deal with at a later stage.

APPENDIX 2 - Copy of Submissions

**SUBMISSION ON An Application for Resource Consent Publicly Notified
Under Section 95(A) or Notice Which is Served Under Section 95(B)**



SECTIONS 41D, 95(A), 95B, 95C, 96, 127(3) AND 234(4) RESOURCE MANAGEMENT ACT 1991

Submitter Details

Full name and address: Mathias Malcolm
Email Address*: 360 A Chelmsford St, Invercargill
mathias@ssosweet.co.nz
Contact Phone Number: 021 241 8195
Postal Address: as above.

* All Council correspondence will be sent to the email address provided.

Application Details

This is a submission on an application from
Full Name of Applicant: Invercargill Gospel Hall Trust
Details of application (Briefly describe the proposed activity):
on a new lot. Construction of a mini supermarket
Location of the application: 277 Racecourse Road.

Submission

- My submission is to include
- I support the application
 - I am neutral regarding the application or specific parts of it
 - I oppose the application or specific parts of it

The reasons for my submission are [continue on separate page if required]

As an adjoining land owner, we have no objection to the creation of a new lot + construction + operating of the mini market for church community use only.

We have lived in Cleburne St opposite this site for 10 yrs and with an extra house + busier neighbors, this road already experiences a reasonable flow for a no exit street. All projects like this are a positive for the city + all members of this property welcome this development.

My submission would be met by the Council making the following decision:
 (give precise details, including the general nature of any conditions sought. Continue on separate page if required).

I do do not (tick one) wish to be heard in support of my submission.
 (A hearing of the application may not occur if all affected parties state that they do not wish to be heard).

If others make a similar submission, I will will not (tick one) consider presenting a joint case with them at a hearing.

I am am not (tick one) a trade competitor for the purposes of section 308B of the Resource Management Act 1991 (refer to note to submitter)

Note to Submitter

- The closing date for serving a submission on the Council is the 20th working day after public or limited notification is given.
 - You must serve a copy of your submission on the applicant as soon as reasonably practicable after you have served your submission on the Council.
 - If you are a trade competitor your right to make submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
 - If you make a request under section 100 of the Act for a Hearing Commissioner to hear this application, you must do so in writing to the Council no later than 5 days after the close of submissions. You may be liable to meet or contribute to the costs of the Hearings Commissioner.
- Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following matters apply to the submission or part of the submission.
- it is frivolous or vexatious.
 - it discloses no reasonable or relevant case.
 - it would be an abuse of the hearing process to allow the submission (or the part of the submission) to be taken further.
 - it contains offensive language.
 - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Signature of Submitter



Signature of person making submission or person authorised to sign on behalf of person making submission.
(Signature is not required if the submission is made by electronic means).

23/3/2020.
(Date Submitted)

Send the completed submission or hand in to us at:

Environmental and Planning Services
Invercargill City Council
Private Bag 90104
Invercargill
Email: ResourceConsents@icc.govt.nz

Submission On An Application for Resource Consent Publicly Notified Under Section 95(A) or Notice Which Is Served Under Section 95(B)



SECTIONS 41D, 95(A), 95B, 95C, 96, 127(3) AND 234(4) RESOURCE MANAGEMENT ACT 1991

Submitter Details

Full name and address Jason McNaught & Nadine Carnie-McNaught
358 Chelmsford Street, Invercargill
Email Address* jayandnadine@xtra.co.nz
Contact Phone Number 03 2170 556 or 027 288 1973
Postal Address

* All Council correspondence will be sent to the email address provided.

Application Details

This is a submission on an application from

Full Name of Applicant Invercargill Gospel Hall Trust

Details of application (Briefly describe the proposed activity)

mini-supermarket, carpark.

Location of the application

277 Racecourse road (Lot 1 DP 14735)

Submission

My submission is to include

- I support the application
- I am neutral regarding the application or specific parts of it
- I oppose the application or specific parts of it

The proposed access road is narrow and with cars parked either side there would be little room for trucks. The appeal of this house and residential/rural outlook with little road noise, This would be lost.



Submission - Continued

The reasons for my submission are [continue on separate page if required]

The refrigeration units would make a constant noise. The active hours of the store, that were given further feed into the noise/traffic complaint, as they are 7am-9pm Seven days.

My submission would be met by the Council making the following decision;
(give precise details, including the general nature of any conditions sought. Continue on separate page if required).

move the mini-supermarket to whats pictured in the map use the already existing church access, then that solves all issues

I do do not (tick one) wish to be heard in support of my submission.
(A hearing of the application may not occur if all affected parties state that they do not wish to be heard).

If others make a similar submission, I will will not (tick one) consider presenting a joint case with them at a hearing.

I am am not (tick one) a trade competitor for the purposes of section 308B of the Resource Management Act 1991 (refer to note to submitter)



Note to Submitter

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- You must serve a copy of your submission on the applicant as soon as reasonably practicable after you have served your submission on the Council.
- If you are a trade competitor your right to make submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
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Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following matters apply to the submission or part of the submission.

- it is frivolous or vexatious.
- it discloses no reasonable or relevant case.
- it would be an abuse of the hearing process to allow the submission (or the part of the submission) to be taken further.
- it contains offensive language.
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Signature of Submitter



Signature of person making submission or person authorised to sign on behalf of person making submission.
(Signature is not required if the submission is made by electronic means).

22-3-20

(Date Submitted)

Send the completed submission or hand in to us at:

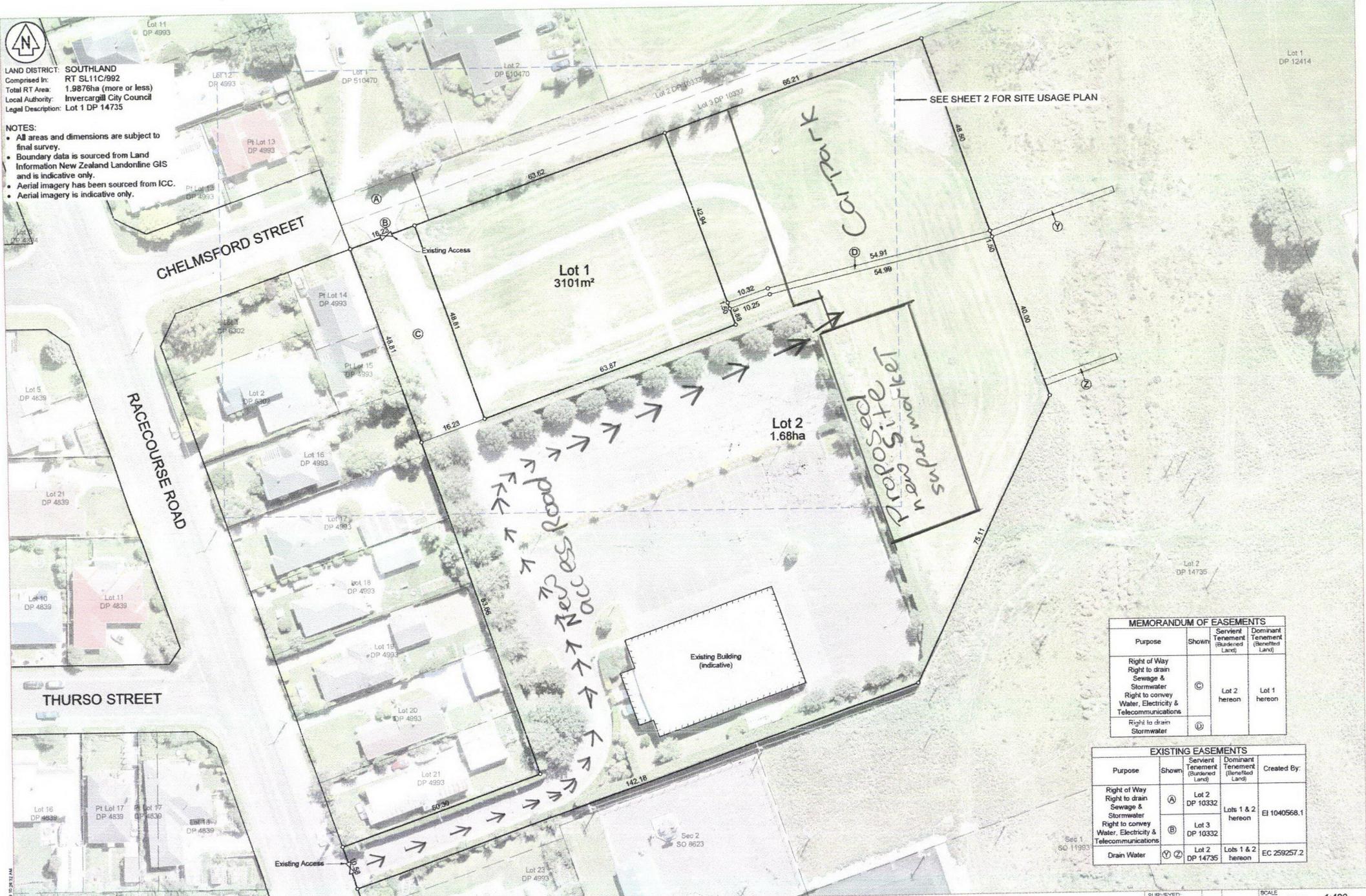
Environmental and Planning Services
Invercargill City Council
Private Bag 90104
Invercargill
Email: ResourceConsents@icc.govt.nz



LAND DISTRICT: SOUTHLAND
 Comprised In: RT SL11C/992
 Total RT Area: 1.9876ha (more or less)
 Local Authority: Invercargill City Council
 Legal Description: Lot 1 DP 14735

NOTES:

- All areas and dimensions are subject to final survey.
- Boundary data is sourced from Land Information New Zealand Landonline GIS and is indicative only.
- Aerial imagery has been sourced from ICC.
- Aerial imagery is indicative only.



SEE SHEET 2 FOR SITE USAGE PLAN

MEMORANDUM OF EASEMENTS			
Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)
Right of Way Right to drain Sewage & Stormwater Right to convey Water, Electricity & Telecommunications	Ⓒ	Lot 2 hereon	Lot 1 hereon
Right to drain Stormwater	Ⓓ		

EXISTING EASEMENTS				
Purpose	Shown	Servient Tenement (Burdened Land)	Dominant Tenement (Benefited Land)	Created By:
Right of Way Right to drain Sewage & Stormwater Right to convey Water, Electricity & Telecommunications	Ⓐ	Lot 2 DP 10332	Lots 1 & 2 hereon	EI 1040568.1
	Ⓑ	Lot 3 DP 10332		
Drain Water	Ⓔ	Lot 2 DP 14735	Lots 1 & 2 hereon	EC 259257.2

REV	DESCRIPTION	DATE
A	Drawn - for client comment	
B	Consent Issue	

bonisch consultants
 03 218 2546 03 214 4285 0800 802 346
 19 The Clarendon, P.O. Box 1243, Invercargill 9840
 admin@bonisch.co.nz www.bonisch.co.nz

CLIENT: INVERCARGILL GOSPEL HALL TRUST

PROJECT: LAND DEVELOPMENT, 277 RACECOURSE ROAD, WAVERLY, INVERCARGILL

SHEET TITLE: SCHEME PLAN

SURVEYED:		SCALE (ORIGINAL SIZE A1)	
DESIGNED:	CHM	27/08/2019	1:400
DRAWN:	CEM	28/08/2019	DATE ISSUED
DESIGN CHECK:	CEM	28/08/2019	02/09/2019
APPROVED:	CEM	28/08/2019	7057
			1 of 2

Land Created: 2019/08/28 10:28:32 AM
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J:\Bonisch\Surveyors\7007 - Invercargill Gospel Hall Trust, Campus trading development, 277 Racecourse Road, Invercargill & AutoCAD\2019\SP1.dwg

Submission On An Application for Resource Consent Publicly Notified Under Section 95(A) or Notice Which Is Served Under Section 95(B)



SECTIONS 41D, 95(A), 95B, 95C, 96, 127(3) AND 234(4) RESOURCE MANAGEMENT ACT 1991

Submitter Details

Full name and address Jeremy David Hawkes
jezza359@icloud.com
Email Address* ~~359 CHEUMSFORD STREET, INVERCARGILL~~
Contact Phone Number 0275-828-252
Postal Address 359 CHEUMSFORD STREET, INVERCARGILL

* All Council correspondence will be sent to the email address provided.

Application Details

This is a submission on an application from

Full Name of Applicant INVERCARGILL GOSPEL HALL TRUST

Details of application (Briefly describe the proposed activity)

SUBDIVIDE EXISTING SECTION & BUILD COMMERCIAL BUILDING.

Location of the application

277 RACECOURSE ROAD.

Submission

My submission is to include

- I support the application
- I am neutral regarding the application or specific parts of it
- I oppose the application or specific parts of it



Submission - Continued

The reasons for my submission are [continue on separate page if required]

THE 3 MAIN REASONS I BOUGHT MY HOUSE WERE :
MORNING SUN, RURAL OUTLOOK, AND A QUIET
CUL DE SAC WITH MINIMAL TRAFFIC. THESE 3 THINGS
WILL ALSO BE THE MAIN SELLING POINTS WHICH
IS SOMETHING WE WANT TO LOOK AT IN THE NEXT
FEW YEARS. ALL 3 OF THESE THINGS ARE GOING TO
BE ADVERSLEY AFFECTED SHOULD THIS CONSENT BE
GRANTED. I'M ALSO CONCERNED OF NOISE LEVEL FROM
CHICER UNITS, & TRUCKS.

My submission would be met by the Council making the following decision;
(give precise details, including the general nature of any conditions sought. Continue on separate page if required).

I BELIEVE THERE IS ENOUGH ROOM TO THE
EAST OF THE ~~CHURCH~~ CHURCH, AND ACCESS COULD BE MADE
THROUGH THE RACECOURSE RD GATE & THROUGH THE CARPARK.
I WOULD HAVE NO OBJECTION TO THIS LOCATION BEING
USED, AS HIGHLIGHTED ON THE ATTACHED MAP.

I do do not (tick one) wish to be heard in support of my submission.
(A hearing of the application may not occur if all affected parties state that they do not wish to be heard).

If others make a similar submission, I will will not (tick one) consider presenting a joint
case with them at a hearing.

I am am not (tick one) a trade competitor for the purposes of section 308B of the
Resource Management Act 1991 (refer to note to submitter)

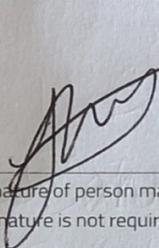
Note to Submitter

- The closing date for serving a submission on the Council is the 20th working day after public or limited notification is given.
- You must serve a copy of your submission on the applicant as soon as reasonably practicable after you have served your submission on the Council.
- If you are a trade competitor your right to make submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.
- If you make a request under section 100 of the Act for a Hearing Commissioner to hear this application, you must do so in writing to the Council no later than 5 days after the close of submissions. You may be liable to meet or contribute to the costs of the Hearings Commissioner.

Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following matters apply to the submission or part of the submission.

- it is frivolous or vexatious.
- it discloses no reasonable or relevant case.
- it would be an abuse of the hearing process to allow the submission (or the part of the submission) to be taken further.
- it contains offensive language.
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Signature of Submitter



Signature of person making submission or person authorised to sign on behalf of person making submission.
(Signature is not required if the submission is made by electronic means).

31/3/20

(Date Submitted)

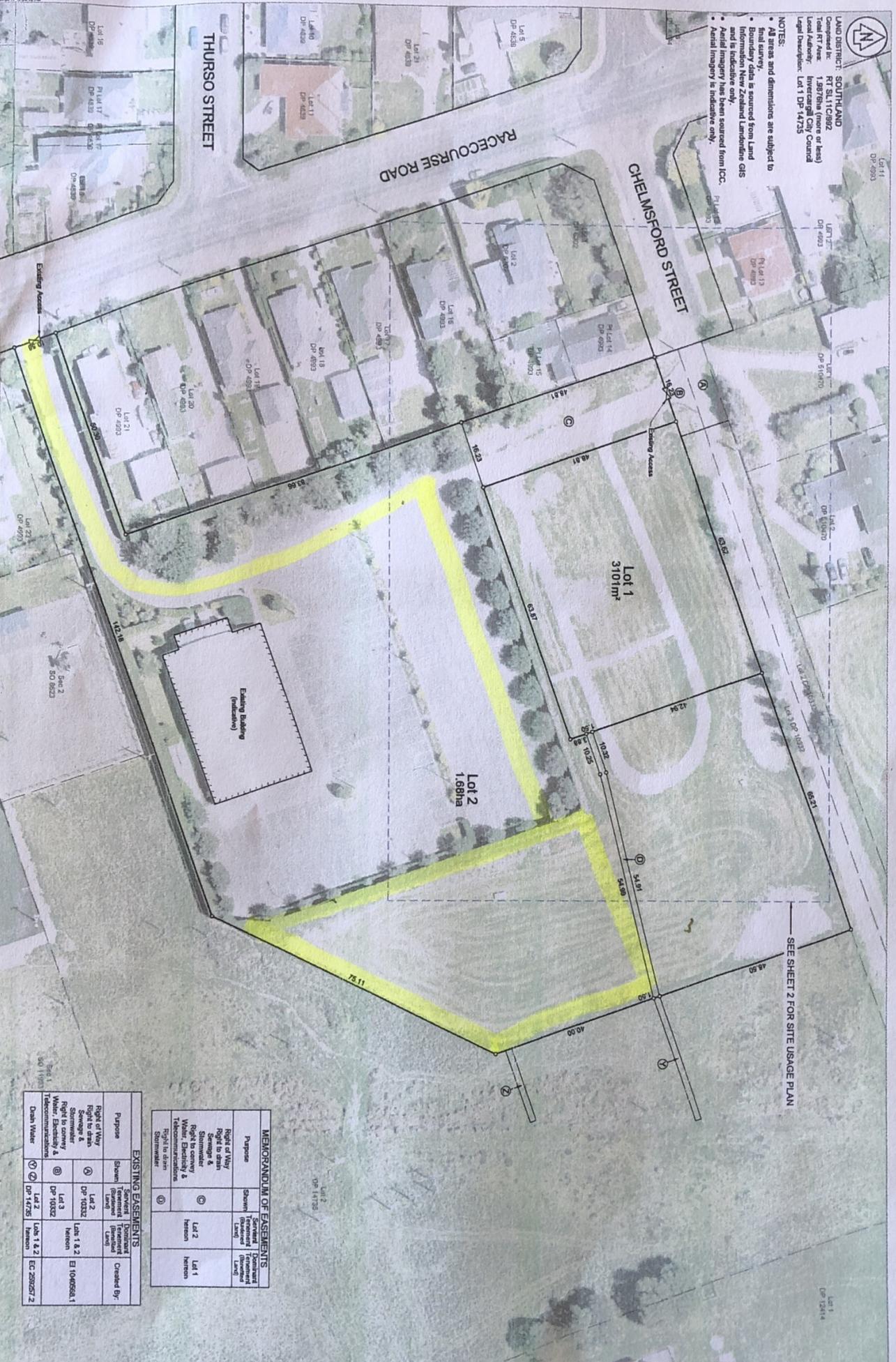
Send the completed submission or hand in to us at:

Environmental and Planning Services
Invercargill City Council
Private Bag 90104
Invercargill
Email: ResourceConsents@icc.govt.nz



LAND DISTRICT: **SOUTHLAND**
 Compised by: **RT S/L1/C/692**
 Total RT Area: **1,997.6ha** (more or less)
 Local Authority: **Invercargill City Council**
 Legal Description: **Lot 1 DP 14725**

- NOTES:
- All areas and dimensions are subject to final survey.
 - Boundary data is sourced from Land Information New Zealand Landline GIS and is indicative only.
 - Aerial imagery has been sourced from ICC.



SEE SHEET 2 FOR SITE USAGE PLAN

MEMORANDUM OF EASEMENTS

Purpose	Shown	Subsequent Interest (Beneficial Land)	Precedent Interest (Beneficial Land)	Created By
Right of Way	ⓐ	Lot 2 DP 14725	Lot 1 & 2 E1 1040584.1	
Right to own	ⓑ	Lot 2 DP 14725	Lot 1 E1 1040584.1	
Right to convey	Ⓒ	Lot 2 DP 14725	Lot 1 E1 1040584.1	
Water, Electricity & Telecommunications	Ⓓ	Lot 2 DP 14725	Lot 1 & 2 E1 259257.2	

EXISTING EASEMENTS

Purpose	Shown	Subsequent Interest (Beneficial Land)	Precedent Interest (Beneficial Land)	Created By
Right of Way	ⓐ	Lot 2 DP 14725	Lot 1 & 2 E1 1040584.1	
Right to own	ⓑ	Lot 2 DP 14725	Lot 1 E1 1040584.1	
Right to convey	Ⓒ	Lot 2 DP 14725	Lot 1 E1 1040584.1	
Water, Electricity & Telecommunications	Ⓓ	Lot 2 DP 14725	Lot 1 & 2 E1 259257.2	

bonisch CONSULTANTS
INVERCARGILL
GOSPEL HALL TRUST

LAND DEVELOPMENT,
277 RACECOURSE ROAD,
WMAVERLY, INVERCARGILL

SCHEME PLAN

NO.	DATE	DESCRIPTION	BY	CHKD BY
1	02/09/2019	ISSUED FOR COMMENT	CEM	CEM
2	02/09/2019	ISSUED FOR COMMENT	CEM	CEM
3	02/09/2019	ISSUED FOR COMMENT	CEM	CEM
4	02/09/2019	ISSUED FOR COMMENT	CEM	CEM
5	02/09/2019	ISSUED FOR COMMENT	CEM	CEM
6	02/09/2019	ISSUED FOR COMMENT	CEM	CEM
7	02/09/2019	ISSUED FOR COMMENT	CEM	CEM
8	02/09/2019	ISSUED FOR COMMENT	CEM	CEM
9	02/09/2019	ISSUED FOR COMMENT	CEM	CEM
10	02/09/2019	ISSUED FOR COMMENT	CEM	CEM

REVISIONS	DATE	BY	CHKD BY	SCALE
1	02/09/2019	CEM	CEM	1:400
2	02/09/2019	CEM	CEM	1:400
3	02/09/2019	CEM	CEM	1:400
4	02/09/2019	CEM	CEM	1:400
5	02/09/2019	CEM	CEM	1:400
6	02/09/2019	CEM	CEM	1:400
7	02/09/2019	CEM	CEM	1:400
8	02/09/2019	CEM	CEM	1:400
9	02/09/2019	CEM	CEM	1:400
10	02/09/2019	CEM	CEM	1:400

APPENDIX 3 - Relevant Objectives and Policies of Proposed Invercargill City District Plan 2016

Objectives and Policies

The most relevant objectives and policies from the Invercargill City District Plan 2019 include:

SOIL SOILS, MINERALS AND EARTHWORKS

Objectives

SOIL-01 Invercargill's soils are managed sustainably.

SOIL-03 Earthworks in Invercargill are carried out in such a way as to avoid, remedy or mitigate adverse environmental effects.

Policies

SOIL-P1 Soil:

Promote sustainable soil and land use development and management practices, particularly those that:

1. Maintain or improve soil properties
2. Minimise soil loss from erosion or earthworks
3. Minimise soil compaction and nutrient loss
4. Reduce soil disturbance
5. Maintain or improve water quality
6. Maintain or improve indigenous biodiversity.

Explanation:

The soil resource is the basis of much of the region's economic activity and wealth and for day to day production of food. Promotion of the sustainable use of Invercargill's soils will help ensure the soil resource is working to its full potential and provide the desirable range of productive uses.

SOIL-P2 High Value Soils:

To identify the high value soils of the District and to delineate these on the District Planning Maps.

Explanation:

The District's high value soils are particularly important because they comprise such a small proportion of the soil resource of the District.

SOIL-P3 Protection for High Value Soils:

To protect the District's high value soils from the expansion of urban development.

Explanation:

The District's high value soils are an important resource that should be kept available for the production of food. Urban expansion typically reduces high value soil stocks either by reducing the total area or impairing the remaining soils. Such changes are effectively irreversible, because top soils can take thousands of years to develop.

TRA TRANSPORT

Objectives

TRA-01 Development of transport infrastructure and land use takes place in an integrated and planned manner which:

1. Integrates transport planning with land use.
2. Protects the function, safety, efficiency and effectiveness of the transport network.
3. Minimises potential for reverse sensitivity effects to arise from changing land uses.
4. Provides for positive, social, recreational, cultural and economic outcomes.
5. Minimises, where practical, the adverse public health and environmental effects.

Policies

TRA-P1 Infrastructure:

To provide for the safe and efficient operation, improvement and protection of transport infrastructure.

Explanation:

Transport infrastructure is essential to the ongoing viability of most land uses and also to the functioning of the City.

TRA-P3 Roading Hierarchy:

To have regard to the Council's Roading Hierarchy when considering subdivision, use and development of land.

Explanation:

The Council's Roading Hierarchy is part of the Roading Asset Management Plan and can be found on the Council's website. The frequency and nature of vehicle movements along a road determines how that road must be managed and how adjacent land uses activities can use the road. The Roading Hierarchy also encourages heavy transport and the associated noise effects away from noise sensitive areas of the District.

TRA-P4 Standards:

To set development standards for vehicle access, loading, parking and manoeuvring facilities.

Explanation:

Minimum standards are required to ensure safe access and egress, loading and unloading, and manoeuvring for vehicles. Minimum standards are also required to provide for safe and efficient public transport, walking and cycling networks.

TRA-P5 Adverse Effects:

To manage subdivision, use and development adjacent to transport infrastructure in such a way as to avoid, remedy or mitigate potential effects, including reverse sensitivity effects on transportation infrastructure.

Explanation:

Controls are necessary so that the effects of subdivision and land use activities are not incompatible with the safe and efficient operation of transportation networks. There is a range of activities that can affect the transportation networks including land practices which encourage the congregation of birds near flight paths, land modification which creates wind shear affecting aeroplanes, and obstruction of sightlines along intersections and level railway crossings.

TRA-P9 Integration:

To integrate the planning of land use with existing transport infrastructure and provide for future transportation requirements.

Explanation:

Integrated planning will ensure the safe, efficient and effective use of the existing transport infrastructure is maintained and allow for future transport infrastructure needs where these can be determined. Measures are required to prevent ribbon development along transport infrastructure, avoid the need for additional access points to strategically important roads and to provide or maintain buffer zones between development and existing transport infrastructure so as to prevent reverse sensitivity issues arising.

SUB SUBDIVISION

Objectives

- SUB-01** Subdivision and development is integrated with existing communities, infrastructure and public spaces.
- SUB-02** Subdivision and development maintains and enhances the character and amenity of Invercargill.
- SUB-03** Subdivision and development preserves the productive capability of rural land and high value soils.
- SUB-04** Subdivision and development protects indigenous biodiversity and the cultural heritage of iwi; retains heritage; and preserves and enhances landscapes and the natural character of Southland.
- SUB-05** Subdivision and development is managed so that it avoids, remedies or mitigates adverse effects on the safe, efficient and effective operation, maintenance, upgrading and development of infrastructure.
- SUB-07** The intensity of development along strategic arterial roads is managed to reduce the cumulative adverse effects on the safe and efficient functioning of such links.
- SUB-08** The subdivision of land is undertaken in accordance with the Objectives for zones and resources of the City recognising that because subdivision sets the long-term pattern of development, subdivision is a major determinant of how land is used and therefore of the environmental effects of land use.
- SUB-09** The process of creating allotments through subdivision is integrated with planning for the relevant utilities and services and infrastructure to which it is anticipated the allotments will be connected.
- SUB-010** Subdivision will result in good urban design outcomes.

Policies

- SUB-P1 Adverse Effects:**

To ensure in the creation of new allotments any adverse effects on the environment are avoided, remedied or mitigated.

Explanation:

In order to avoid the adverse effects of subdivision and subsequent development, it is necessary to develop assessment criteria to ensure that the lot is appropriate for the intended use. For example, if new lots are unable to dispose of waste water effectively, subdivision and development should not be located in that position.

SUB-P2 Zoning:

To ensure subdivision design gives effect to the District Plan's Objectives and Policies for the zone and enables uses permitted in the zone.

Explanation:

The subdivision and the resultant size and shape of allotments determines the future use of the property and this can influence the amenities of the zone.

SUB-P3 Urban Design:

To include urban design considerations in preparing applications for subdivision consent.

Explanation:

Subdivision is a prime determinant of land use and strongly influences the quality of the urban design outcomes.

SUB-P4 Transportation Networks:

To avoid ribbon development and the adverse effects that such subdivision can have on existing communities while promoting connectivity to the existing transportation network.

Explanation:

Subdivision along the Invercargill City District's State Highways and other strategic arterial roads needs to be carefully controlled to ensure that the consequent development does not adversely affect the safe and efficient use of the roading network, not only in terms of site specific matters, such as the safety of proposed access points and the effects of traffic generation, but also the cumulative effects of ribbon development brought about by ongoing development along key routes.

SUB-P5 Reticulated Services:

To avoid the adverse effects that subdivision and subsequent development can have on the physical and economic sustainability of reticulated services.

Explanation:

Subdivision and development can adversely affect the sustainability of reticulated services. The full cost associated with the connection to, and any upgrading of, existing reticulated services which is brought about by subdivision and subsequent development, shall be met by the developer.

SUB-P9 Infrastructure:

To recognise the operational, maintenance, upgrading and development requirements and manage the reverse sensitivity issues associated with infrastructure including the National Grid, electricity lines, State Highways, railways and the airport.

Explanation:

Subdivision and development activities can have adverse effects on the operation, maintenance, upgrading and development of nearby infrastructure. Potential

reverse sensitivity issues resulting from new subdivisions need to be managed to allow the infrastructure to continue to operate.

SUB-P10 Contaminated Land:

To have regard to any history of site contamination as part of the subdivision process.

Explanation:

This is standard practice under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011.

RES1 RESIDENTIAL 1 ZONE

Objectives

RES1Z-01 The maintenance and ongoing development of the zoned areas as residential neighbourhoods offering a high degree of amenity to their inhabitants is provided for and encouraged.

RES1Z-02 Adverse effects of urban development on the environment are avoided, remedied or mitigated.

RES1Z-03 Opportunities for urban intensification and redevelopment are encouraged within Invercargill's existing urban areas.

RES1Z-04 Provision is made for good accessibility to service and retail activities, educational establishments, and to places of employment.

RES1Z-05 High quality urban design is incorporated into new development and redevelopment.

RES1Z-07 Urban growth and development is managed in ways that:

1. Support existing urban areas
2. Promote development of existing urban areas ahead of greenfield development
3. Promote urban growth and development within areas that have existing infrastructure capacity
4. Plan ahead for the expansion of urban areas
5. Promote compact urban form.

RES1Z-08 The amenity values of the Residential 1 Zone are maintained and enhanced.

Policies

RES1Z-P1 Residential 1 Zone:

To provide for suburban residential development by zoning within the existing urban area for dwellings on lots 400m² in size or larger.

Explanation:

The following considerations favour minimising peripheral expansion of the built-up area:

1. *As a compact City originally planned on a grid street system, Invercargill enjoys the advantages of convenience, accessibility and short travel times. This could be compromised by sporadic peripheral expansion.*

2. *The current housing stock contains a significant proportion of dwellings built prior to 1930, particularly south of Tay Street. Many are obsolete in terms of current health standards and expectations and the best option in many cases is renewal and infill development. Renewal may be delayed or not occur if there are more convenient development opportunities elsewhere.*
3. *To the north of the current built up area are highly versatile soils which in the long term should not be alienated from their potential to grow food. The ability to grow food locally may well be an important dimension to long term sustainability.*
4. *Population projections indicate that the rate of growth will at best be slow, and at worst population decline is a possibility. The age distribution inevitably will become older. Keeping the infrastructure of the City affordable is an issue. Unnecessary extensions to services that are expensive long term to maintain should be avoided.*
5. *Lots 400m² and larger can offer the desired level of amenity for residential living in Invercargill. Housing on smaller lots needs to be designed comprehensively to achieve satisfactory levels of amenity.*

RES1Z-P3 Urban Design:

To encourage good urban design in terms of:

1. Context
2. Character
3. Choice
4. Connections
5. Creativity
6. Custodianship
7. Collaboration.

Explanation:

Promoting good urban design in the suburban areas of the City is an important part of reinforcing their function as the City's day to day living spaces.

There are seven essential design qualities:

1. **Context:**
Seeing that buildings, places and spaces are part of the whole town or City.
2. **Character:**
Reflecting and enhancing the distinctive character, heritage and identity of our urban environment.
3. **Choice:**
Ensuring diversity and choice for people.
4. **Connections:**
Enhancing how different networks link together for people.
5. **Creativity:**
Encouraging innovative and imaginative solutions.

6. **Custodianship:**
Ensuring design is environmentally sustainable, safe and healthy.
7. **Collaboration:**
Communicating and sharing knowledge across sectors, professions and with communities.

RES1Z-P8 Ambient Noise:

To maintain low daytime ambient noise levels and lower night time ambient noise levels consistent with residential use of the area.

Explanation:

The residential areas of the City have the lowest tolerance to noise of any of the City environments. 'Peace and tranquility' are important dimensions to residential amenity for most people. Excess noise, especially if it occurs repeatedly, can engender a reaction of increased intolerance. Noise is the most common issue in neighbourhood disputes in which the Council has to become involved.

RES1Z-P9 Noise from Transportation Networks:

To recognise that some parts of the zone are subject to higher levels of noise generated by the transportation networks and to avoid, or mitigate reverse sensitivity effects associated with those activities.

Explanation:

Residential 'peace and tranquility' can be affected by major transportation infrastructure, in particular the State Highways, the railway and the airport. However, it is important that the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this. The location, design and operation of Noise Sensitive Activities should involve the consideration of these existing noise sources.

RES1Z-P10 Odour:

To ensure absence of nuisance from objectionable odour.

Explanation:

People expect not to be bothered by objectionable odour in residential areas.

RES1Z-P11 Glare:

To ensure freedom of nuisance from glare.

Explanation:

People expect not to be bothered by glare from the built environment in residential areas.

RES1Z-P13 Lightspill:

To avoid, remedy or mitigate the adverse effects of lightspill.

Explanation:

Lightspill (e.g. from security lighting) can be a source of annoyance to residents. The character of the night sky, with its starscapes, cloud effects and occasional glimpses of the Aurora Australis, is also an amenity of the residential areas of Invercargill and can be masked by light 'pollution'. Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.

RES1Z-P15 Signage:

To protect residential amenity by controlling the size and nature of signage.

Explanation:

In residential areas there is an expectation that the use of buildings and property will be predominantly residential. Signage of sufficient size and clarity to enable people to find someone offering a professional service from home is appropriate. Signage which hints at a residential property being used for predominantly non-residential purposes is likely to be seen as a visual intrusion. Advertising signage which does not relate to the activity on the site is not appropriate in a residential area.

RES1Z-P20 Height and Location of Structures:

To maintain a 1-2 storey scale for development.

Explanation:

The great majority of housing in Invercargill is single storey stand-alone dwellings and set back from front, side and rear boundaries. A minority of houses are two storeys. While redevelopment and 'infill' development can achieve high levels of amenity, the overall characteristic of Invercargill is of structures of modest height placed with space around them on individual sections. This characteristic is an important dimension of amenity.

RES1Z-P21 Car Parking and Vehicle Manoeuvring:

To maintain road safety by providing for residents to park their vehicle(s) on site and to manoeuvre them safely on and off the formed road.

Explanation:

Provision for off street car parking and manoeuvring minimises the adverse effects on the safety and efficiency of the road. It also enables the retention of on-street parking for short term visitors and improves the visual amenity of the streets by reducing the level of long term on-street parking.

RURZ RURAL ZONE

Objectives

RURZ-01 The rural environment is maintained and enhanced while allowing for productive rural activities to be undertaken.

RURZ-02 Provide for the use and development of land within the rural area while maintaining, and where practical enhancing, amenity values.

Policies

RURZ-P1 Rural Zone:

To require rural allotments to be of a size and nature that enables rural activities and maintains the rural character and visual amenity of the Rural Zone.

RURZ-P2 Rural Activities:

To provide for rural activities to establish and operate within the Rural Zone.

RURZ-P3 Non-Rural Activities:

To avoid activities that do not have a need to locate within the Rural Zone and which would result in adverse effects inconsistent with the function, character and amenity provided for by the Rural Zone.

Explanation:

The primary purpose of the Rural Zone is to provide for rural activities such as agriculture, horticulture and forestry. A minimum lot size of two hectares for rural properties will provide for sustainable 'lifestyle' properties that are not connected to reticulated services. These activities give a characteristic of openness to the area. Regulatory controls will ensure that the amenity of the Rural Zone is maintained and enhanced to provide for the ongoing operation of rural production activities.

RURZ-P4 Soils:

To maintain the life supporting capacity and productive value of the soil resource in the Rural Zone.

Explanation:

Fragmentation of rural properties, non rural land uses and poor soil management practices can reduce the productive use of land in the Rural Zone.

RURZ-P13 Ambient Noise:

To maintain ambient noise levels to protect health and amenity of Noise Sensitive Activities, whilst allowing agricultural activities, and to recognise that some parts of the zone are subject to higher levels of noise generated by farm activities.

Explanation:

Low ambient noise levels, particularly at night, are an important dimension to the amenity of the Rural Zone. However, it is important to recognise that the Rural Zone is a working environment and rural activities such as agriculture, horticulture and forestry need to be provided for to ensure they are not compromised by reverse sensitivity issues involving noise.

RURZ-P14 Noise from Transportation Networks:

To recognise that some parts of the Rural Zone are subject to higher levels of noise generated by the transportation networks and to avoid, or mitigate reverse sensitivity effects associated with those activities.

Explanation:

'Peace and tranquility' can be affected by major transportation infrastructure, in particular the railways, State Highways and the airport. However, it is important that the functioning of this infrastructure is not compromised by reverse sensitivity issues involving noise, and provisions in the District Plan are necessary to achieve this. The location, design and operation of Noise Sensitive Activities should involve the consideration of these existing noise sources.

RURZ-P15 Odour:

To accept that intermittent emissions of agricultural related odours will occur within the Rural Zone.

Explanation:

It is important to recognise that the Rural Zone is a working environment and rural activities such as agriculture and horticulture need to be provided for to ensure they are not compromised by reverse sensitivity issues involving intermittent emissions of odour.

RURZ-P16 Glare:

To ensure freedom of nuisance from glare.

Explanation:

Significant amounts of glare from the built environment are not anticipated in rural areas. Glare can become a major nuisance or even a hazard if not considered in the design of building elevations. Nuisance from glare should be avoided where practicable, or otherwise remedied or mitigated.

RURZ-P18 Lightspill:

To avoid, remedy or mitigate the adverse effects of lightspill.

Explanation:

Lightspill (e.g. security lighting on a neighbouring property) can be a source of annoyance to residents. The character of the night sky, with its starscapes, cloud effects and occasional glimpses of the Aurora Australis, is also an amenity of rural areas and can be masked by light 'pollution'. Lightspill can also cause a hazard to transportation networks, including to aircraft, vehicles, trains, cyclists and pedestrians.

RURZ-P20 Signage:

To protect the amenity of the Rural Zone by controlling the size and nature of signage and require that any signage should relate to the activity being carried out on the site.

Explanation:

In rural areas signage of sufficient size and clarity to enable people to find rural activities or home occupations occurring on a site is considered appropriate. Advertising signage which does not relate to the activity on the site is not appropriate in rural areas.

RURZ-P24 Hazardous Substances:

To provide for the opportunity to store and use moderate amounts of hazardous substances.

Explanation:

Some substances used in normal domestic living and rural activities are potentially hazardous. There is a need to control the storage of more than domestic quantities of hazardous material.

RURZ-P25 Height and Location of Structures:

To manage the scale of development in rural areas is an important dimension of amenity, recognising that the height and location of structures are main components of that.

Explanation:

The great majority of housing in rural areas is set on larger allotments. In some areas houses are set on smaller historic allotments. The scale, form and location of new buildings should be designed to maintain high levels of amenity by adhering to the overall characteristic of structures of modest height placed with space around them on individual sections. This characteristic is an important dimension of rural amenity.

RURZ-P26 Car Parking and Vehicle Manoeuvring:

To recognise that the opportunity for residents on smaller rural lots to park their vehicle(s) on site is an important dimension of amenity.

Explanation:

Provision for off street car parking and manoeuvring minimises the adverse effects on the safety and efficiency of the road. It also enables the retention of on-street parking for short term visitors and improves the visual amenity of the streets by reducing the level of long term on-street parking.