



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Decision No. 34

Residential Zones

Hearings Committee

Councillor Darren Ludlow (Chair)

Councillor Neil Boniface

Councillor Graham Sycamore

Keith Hovell

11 October 2016

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INTRODUCTION

We have been appointed by the Invercargill City Council to consider and issue decisions on the submissions lodged to the Proposed Invercargill City District Plan. In this decision we consider the submissions lodged in relation to the Residential Zones.

The Resource Management Act 1991 sets out various matters that impact on our considerations and deliberations. The key provisions are Sections 5 - 8, 32, 75 and 76 of the Act, and the Second Part of the First Schedule to the Act. The Section 42A Report prepared for the Committee considered these matters in detail and we have had regard to those matters. Where the statutory provisions are of particular significance we have referred to them within this Decision.

In this Decision, the following meanings apply:

"The Council" means the Invercargill City Council.

"FS" means Further Submission.

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

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

"IAL" means Invercargill Airport Limited.

"OCB" means Outer Control Boundary.

"Operative Plan" or "Operative District Plan" means the Invercargill City District Plan 2005.

"Proposed Plan" or "Proposed District Plan" means the Proposed Invercargill City District Plan 2013.

"RMA" means the Resource Management Act 1991.

"RPS" means Regional Policy Statement.

"SESEB" means Single Event Sound Exposure Boundary.

"Simpson Architects" means A4 Simpson Architects Limited.

"Somerset" means A4 Somerset Development Ltd.

"Submitter" means a person or body lodging a submission to the Proposed Plan.

"VFS" means a Further Submission to a Variation.

At the commencement of the hearings, Crs Boniface and Ludlow declared an interest as Directors of PowerNet Limited, Cr Sycamore declared an interest as a Director of Invercargill City Holdings Limited and Commissioner Hovell declared a conflict of interest in relation to submissions lodged by Cunningham Properties Limited. The Councillors and Commissioner took no part in deliberations in relation to the submissions of the submitters referred to.

THE HEARING

The hearing to consider the submissions lodged to the Proposed District Plan in relation matters set out in this decision was held in the Drawing Room of the Civic Theatre on 11 May 2015.

Section 42A Report

The Hearings Committee received a report from Dan Wells of John Edmonds and Associates Ltd. In his report, Mr Wells outlined concern from submitters asking if the proposed minimum lot sizes, site coverage and outdoor living space are justified, set at a reasonable level and whether they unreasonably inhibit housing development. While he considered the objectives, policies and rules relating to these matters appropriate, he recommended a small number of changes with respect to the outdoor living space, sun incidence and site coverage rules.

Mr Wells also reported on a number of submissions seeking to extend residential zones into new areas. His general approach was to recommend rejecting these submissions, primarily due to the supply of land which is available to accommodate projected growth without the need to rezone new areas for housing on the edge of the city, and towns, in a manner which would likely be at odds with the strategic direction of the Proposed Plan and the Operative and Proposed Regional Policy Statements. He also had concern that insufficient information had been supplied by submitters to assess the effects of rezoning, and that potentially affected parties had not been sufficiently consulted.

At the hearing, Mr Wells tabled a revised version of Rules 3.34.12 and 3.36. He explained that following release of the Section 42A Report he met with Council staff who had concerns with the enforceability of the changes he recommended to the rules for ensuring sufficient sunlight incidence in the main living area. Following further consideration, he modified his position and recommended adoption of the version tabled at the hearing.

Submitters Attending the Hearing

Bonisch Consultants

Christine McMillan, a planner at Bonisch Consultants, provided written evidence seeking the rezoning of the land bounded by McIvor Road, North Road, Northside Drive and Donovan Park from Rural 2 to Residential 1. She noted that the land subject to the submission was characterised by lifestyle blocks ranging in size between 1,000 square metres and two hectares, and significant development has been undertaken in the area in recent years. She referred to the Northwood Estates development to the south, stating the land was suitable for intensive residential development, given the ease of extending Council services into this area, compared to other land on the periphery of the urban area.

In response to concerns in the Section 42A Report regarding integration with the existing road layout in the area, Ms McMillan advised the Committee that in 2011 discussions were held with Council staff and the NZ Transport Agency on that issue, and it was her view that the matter could be dealt with by way of a plan change including an Outline Development Plan for the land, with development being undertaken in conformity with that. She indicated however that a lack of agreement amongst the affected landowners would mean that a private plan change request is unlikely to be achievable in the future; rather it is only practical if introduced by the Council. Ms McMillan also disagreed with the assessment in the Section 42A Report that such a rezoning was contrary to the Operative and Proposed Regional Policy Statements.

In reply to questions from the Committee, Ms McMillan indicated that the adjoining land being developed by Northwood Estates required a new access to be formed on to North Road as a condition of consent, and this would then enhance access to the land subject to the submission. Terence Boylan, Council's Planning Manager, also indicated that the Council had considered the option of designating and constructing new roads within this

area, but had not pursued it because it would be unable to recoup the associated costs within a reasonable timeframe.

Southland Racing Club

Christine McMillan, a planner at Bonisch Consultants, provided written evidence on behalf of the Southland Racing Club, seeking the rezoning of the land fronting Racecourse Road from Rural 2 to Residential 1. Ms McMillan noted that on three sides, this land abuts land zoned Residential 1 and this includes land to the north occupied by the Bupa Rest Home and Retirement Village. She added that the land subject to the submission was the only part of Racecourse Road not zoned Residential, and that reticulated services are located along the length of the road.

Ms McMillan referred to the objectives and policies for the Rural 2 Zone and was of the view that these did not fit the nature and location of the Racecourse Road land. She also rejected the notion that the land could be subject to natural hazards, and considered that any issues arising from fill on the land, and whether any contamination was present, were matters properly considered at the time of a subdivision consent.

Ms McMillan was of the view that no person could claim to be affected by the rezoning to residential for the reason that any nearby properties were all residential already. She also considered the rezoning consistent with the objectives and policies of the Operative and Proposed Regional Policy Statements.

Maurice and Margaret Casey

Christine McMillan, a planner at Bonisch Consultants, provided written evidence on behalf of the submitters, seeking the rezoning of their land at 73 Oteramika Road and the adjoining property at number 81, the land being adjacent to urban development, and the location of the land within a 50 kph speed limit area. All reticulated services are also present in the area.

Ms McMillan stated that the rezoning would enable subdivision to 2,000 square metres, as opposed to 4 ha as provided for in the Rural 1 Zone. She also disagreed with the reasons given in the Section 42A Report for not rezoning the land. In reply to questions from the Committee, Ms McMillan advised that the owner of 81 Oteramika Road was in agreement with the rezoning. A letter signed by Mr Scott to that effect was forwarded to the Council soon after the hearing.

Philip Orr

Philip Orr spoke to his submission requesting amendment to the 5.5 metre north boundary open space dimension, noting that this would result in a design and layout of dwellings that is less than desirable. This is particularly the case on smaller sites. In his view, the requirement should be amended to 5.0 metres. He highlighted that buildings can be designed to comply with the rule as notified with the required space outside the main living room if bedrooms and other rooms were able to extend closer to the boundary, but this did not provide good direct sunlight to the main living area, which was the purpose of the rule. In addition, he considered the outdoor areas created were not well suited for open space activities.

In reply to questions from the Committee, Mr Orr indicated he supported the amended rules as tabled by Mr Wells at the hearing. He did question however the need for reference to the outdoor living space being adjacent to the main living.

ICC Roading Manager

Cameron McIntosh, Director of Works and Services at the Invercargill City Council, provided comment to the Committee indicating that for the Residential 3 Zone in the Retreat Road area, Council funding was not available for reticulated sewerage. He was particularly concerned that people reading the Proposed Plan would think the Council was to fund and undertake infrastructure works in the area after 2018. Mr McIntosh stressed that the comments on page 216 of the Proposed Plan should align with the Council's Long Term Plan, which is based on the Council's infrastructure strategy, and states that no expansion of the reticulated area is proposed, other than at Awarua.

A4 Somerset Development Ltd (Somerset)

Luke McSoriley, a planner with Opus International Consultants, provided written evidence on behalf of Somerset with reference to the property at 12 Somerset Lane which is zoned part Domicile and part Rural in the Operative Plan and part Residential 1 and part Rural 2 in the Proposed Plan. He noted that a four lot subdivision of the land had already occurred and a further 16 lot subdivision was proposed. Of the latter, four lots would be zoned residential, seven rural and five would have a split zoning.

It was the view of Mr McSoriley that a split zoning is not appropriate, and all of the land should be zoned Residential 1. He considered this consistent with Submission 65.129 made by the ICC Environmental and Planning Services opposing a split zoning on another property and the recommendation in the Section 42A Report which supported a single zoning over that land, for the reason that administration of the District Plan would be made easier than if a dual zoning applied. He also considered that zone boundaries should follow property boundaries wherever possible.

Mr McSoriley then assessed the objectives and policies for the Rural 2 Zone, expressing the view that these did not reasonably apply to the subject land. Nor did he consider the uses permitted within the Rural 2 Zone suitable on the land. He was also of the view that the split zoning was contrary to the provisions of the Operative and Proposed Regional Policy Statements.

In response to matters raised in the Section 42A Report, Mr McSoriley disagreed that the potential for contamination of the land was a valid reason to retain the rural zoning. He stated that the procedures under the NES for contaminated land provided an appropriate mechanism to assess the issue. He also disagreed that a potential natural hazard risk was a relevant factor, given that flood protection works protected the site, and extensive areas of Invercargill were in the same situation.

In response to questions from the Committee, Mr McSoriley indicated that discussions had been ongoing with Council staff with regard to the ability to provide infrastructure to this land, noting that water and sewerage were available subject to Council approval. It was also his view that development of the submitter's land was preferable to expanding services into the proposed Retreat Road Residential 3 area, and was consistent with the Proposed RPS that encouraged any expansion of infrastructure to areas adjoining existing urban development.

A4 Simpson Architects Ltd

Bob Simpson, architect, provided a power point presentation, expressing concern at the changes in District Plan rules that had occurred over the years, showing examples of what he considered good design which were now not complying with the current District Plan requirements.

Material Tabled at the Hearing

Invercargill Airport Limited

Claire Hunter, of Mitchell Partnerships Ltd, forwarded a written statement of evidence on behalf of Invercargill Airport Limited, highlighting the submissions from IAL which sought in Rule 3.18.6 a residential density of one residence per 500 square metres and appropriate insulation within the Outer Control Boundary and Single Event Sound Exposure Boundary. She referred to previous Section 42A Reports which had recommended rejecting this request, and also a submission seeking prohibited activity status where there was non-compliance with the rule. She then summarised the evidence presented at other hearings, in particular that considering submissions on noise issues.

John Collins

John Collins advised the Committee by email, that he wished to change his submission to support the Residential 2 zoning for Omaui Village.

THE HEARING FOR VARIATION 8

The hearing to consider the submissions lodged to Variation 8 was held in the Council Chambers of the Invercargill City Council on 15 March 2015.

Section 42A Report

The Hearings Committee received a report from Liz Devery, Senior Policy Planner with the Invercargill City Council, in which she explained that the approach in the Proposed Plan in relation to land zoned Residential 3 (Large Lot) contained some anomalies. This arose in part from matters raised by the Director of Works and Services at the hearing to consider submissions to the Proposed Plan, where he advised there was no funding programmed by the Council for the extension or maintenance of sewerage infrastructure within the Zone. As a consequence, Variation 8 reduced the extent of the Residential 3 Zone to that able to be serviced by the Council's infrastructure. Mrs Devery considered such a reduction in area was appropriate for the additional reason that the most up-to-date population projections predict slow growth for the District. Not only will this mean that there will not be a growing ratepayer base to cover the costs of the required infrastructure, but the Residential 3 Zone as originally notified may result in an oversupply of residential land.

Submitters Attending the Variation Hearing

Ascot Projects Limited

Murray Halstead, in written evidence, outlined the history of the development of Ascot Heights following the purchase of land in 2005, and market research that suggested demand was for sections in the range of 1,500 – 2,000 square metres. He stated that at this level there was a rural outlook, but significant time was not required to maintain sections.

Mr Halstead advised that nearly \$6 million had been invested in the subdivision with infrastructure being installed in anticipation of intensification in the future to allow for a total of 150 houses. He also set out that a subdivision consent had been prepared for the undeveloped portion of the development providing sections down to 1,500 square metres, and an agreement was in place for the developer to contribute \$2,100 plus GST to the Council for each section. Taking these factors into account, Mr Halstead opposed the Variation reducing the extent of the Residential 3 Zone at Ascot Heights.

Christine McMillan, a planner from Bonisch Consultants, in written evidence opposed the reduction in the Residential 3 Zone and a rezoning of part of the land Rural 2 at Ascot Heights, because the area is no longer of a rural nature, will result in the inefficient use of already installed infrastructure and the Residential 3 zoning is consistent with the objectives and policies for that zone.

Ms McMillan also noted that the Section 42A Report recommended that subdivision between 1,500 – 2,000 square metres be a discretionary activity, as originally included in the Proposed Plan, and supported that change. Ms McMillan was of the view that if financing the ongoing cost of maintenance to infrastructure was an issue then one option was to set up a special rating area.

William Watt, a planning and resource management consultant, in written evidence was critical of the lack of consultation undertaken prior to the release of Variation 8, particularly given the extensive discussions held with the submitter during the initial stages of development and during the preparation of the Proposed Plan. He also opposed the deletion of the word “lifestyle” from the zone provisions, referring to other District Plan examples, and how it is viewed by real estate agents, commenting that if the term is not acceptable to the Council then an alternative would be “countryside living”. With regard to section size, he stated that he could find no justification in the Section 32 Assessment undertaken to justify adopting a 2,000 square metre minimum lot size. Nor did he consider that infrastructural reasons, and lack of financing options, were sufficient justification to amend the District Plan. He noted that financial contributions under the RMA, and development contributions under the Local Government Act, could be introduced if the Council was of a mind. He advised the Committee that he was not aware of any other Council that did not adopt one of these, and the failure of the Council to have regard to these options was a fatal flaw in the Variation. Mr Watt also commented that providing adequate opportunities for “lifestyle” development is an important part of enabling Invercargill to maintain and increase its economic and social critical mass.

Rex Chapman, solicitor with Cruickshank Pryde, in written submissions, considered the Variation as a whole flawed, given the reliance on funding of services and infrastructure, and the failure to consider a user pays system such as financial contributions. In his view, the Variation should be withdrawn, but as a minimum the Residential 3 zoning at Ascot Heights should be returned to that of the notified Proposed Plan.

In reply to questions from the Committee, Mr Halstead advised that the larger lots at the end of Sunrise Drive obtained access by way of easements rather than legal road, and as part of the development planned for the area these were not intended to be subdivided further.

Mr Chapman also expressed the view that he did not favour adoption of a “deferred zoning” because of difficulties in determining precisely when it should be developed. In his view, such land should be zoned to enable development during the life of the District Plan.

Dixon, D and R Munro, J Scott, Oakland Family Trust and P A and J M Murray House Trust

Christine McMillan, a planner from Bonisch Consultants, in written evidence identified the submitters as being property owners in Retreat Road and Mclvor Road, adjoining the Inverurie development, and while it was proposed to rezone this land Residential 3 in the Proposed Plan, Variation 8 sought to rezone the land Rural 2. In her view the Residential 3 zoning should be retained as the surrounding area is no longer rural in character and a Residential 3 zoning will lead to an efficient use of land and infrastructure. She then reiterated her early evidence, suggesting that the Council assess funding options such as financial contributions or special rating areas.

Ms McMillan also indicated that subdivision in this locality had recently been undertaken at an average size in excess of 5,000 square metres. It was her view therefore, that it was wrong to assume that all lots created would be at the minimum allowed. She added that by reducing the area zoned Residential 3, options and availability of land for lifestyle purposes is reduced. As a consequence, people will build on four hectare blocks in the Rural 1 Zone resulting in underutilisation of valuable farmland and versatile soils. She also considered that as there were no submissions opposing the Residential 3 zoning in this area then there is general public acceptance that it is appropriate.

Peter Heenan

Christine McMillan, a planner from Bonisch Consultants, in written evidence advised the Committee that the land subject to the submission was located at 319 Bainfield Road. The zoning history for this land and the reasons for rezoning back to Residential 3 are the same as the previous submitters. Ms McMillan disagreed with the Section 42A Report that rezoning should not occur because of servicing issues and its classification as containing versatile soils, noting that the land is not operated as a farming unit.

In response to questions from the Committee, Ms McMillan acknowledged the presence of an existing house on the land, and did not consider any potential problems arising with other sections using the same access retaining a rural zoning. Mr Heenan was present, and indicated there was no intent to subdivide the land at this stage.

R McNeill

Susan McNeill provided comment to the Committee, advising that she and her husband purchased their 2 ha property at 85 Sunrise Drive in 2011 and live there now. She indicated that they purchased for the rural values and views and expected to be surrounded by similar sized lots, accepting that rural activities would be undertaken on them. They have however had issues with the sewerage system and are concerned that if further development occurred this would worsen. They therefore supported retaining 2 ha blocks in the area.

W and J Devine

Wade Devine made an oral presentation to the Committee, opposing the Variation rezoning land at Retreat Road and their property at 117. He considers the Variation represents a lack of planning by the Council to provide for growth in this area, and that it contradicts advice given at the time of the Inverurie subdivision which indicated that services were being installed at a standard that would enable development of the surrounding areas to be undertaken. The outcome would be division between the two sides of Retreat Road, and a decline in property values for those without services. Mr Devine was of the view that July 2018 was a reasonable timeframe to enable Council to transition towards development of this area. In the alternative, he thought a Special Rural 2 Zone could be provided to enable further subdivision of this land to 8,000 square metres with suitable sewage disposal, as this would match the size of a number of properties in this area.

In reply to questions from the Committee, Mr Devine accepted that the sale of properties at the Inverurie subdivision had been slow, but considered that people should have the choice of whether they subdivided or not.

Greg Simmons

Greg Simmons, with assistance from Daniel Moore and Peter Hickmont, presented a written submission referring to the 3 ha property at 339 Rockdale Road purchased for building a school for the Brethren community, but that will now not take place. Mr Simmons noted that the property was serviced, not suited for farming but suitable for subdivision. He considered that if rural activities were undertaken on the land there would likely be complaints from

neighbours. It adjoined the Ascot Heights development, and houses were present on the opposite side of the road.

Daniel Moore discussed the wider issues expressing concern at the implications of the District Plan provisions for the growth of Invercargill. Of particular concern was the lack of evidence on the costs to the city if the original Residential 3 Zone was developed, and the comparison of this if development occurred in approved residential areas by way of infill.

Material Tabled at the Hearing

No material was tabled at the hearing.

MATTERS REQUIRING PARTICULAR CONSIDERATION

Omaui

A number of submitters expressed concern that by applying a zone that provides for urban development, the special character of Omaui could be adversely affected. Submissions opposed the proposed Residential 2 zoning favouring the rural zoning in the Operative Plan.

The Committee noted that the Residential 2 Zone applied only to Bluff and Omaui and under the zone rules, dwellings were permitted on lots of more than 750 square metres. In the Committee's view, the area enabled for development outside of the area currently forming the township is very tight, and reflects the extent of land that is capable of servicing from the town as it is now. If the rural zoning was retained then the minimum lot size allowed would be 2 ha.

As stated in the Section 42A Report, there are also some advantages in moving to a residential zoning from an efficiency perspective. If the residential zoning did not apply, this area would be subject to the Outstanding Natural Landscape ("ONL") Rules, which control the erection of all buildings. Given the nature and history of the area, the Committee considered this inappropriate.

Other submitters sought even greater differentiation of Omaui from other areas, requesting a special zoning. The Committee doubted that such a zoning was justified for a small area, and considered that if a special zoning was adopted the provisions (Issues, objectives, policies and rules) would end up being virtually the same as for the Residential 2 Zone. There was therefore no material benefit in applying a separate zoning. The Committee therefore resolved to retain the overall direction of the provisions applying to Omaui as notified.

Variation 8 Process and Issues

Mrs Devery in her Section 42A Report highlighted that reconsideration of the area of land included in the Residential 3 Zone was triggered by the Director of Works and Services at the hearing to consider submissions to the Proposed Plan, where he advised there was no funding programmed by the Council for the extension or maintenance of sewerage infrastructure within the Zone. As a consequence, Variation 8 reduced the extent of the Residential 3 Zone to that able to be serviced by the Council's infrastructure. Mrs Devery considered such a reduction in area was appropriate having regard to the impact on ratepayers, and the possible oversupply of residential land in the future.

At the hearing to consider submissions lodged to Variation 8, the Committee heard from a number of witnesses questioning the process adopted prior to notification of the Variation, and the implications of reducing the extent of land zoned Residential 3. Of particular note was the presentation from Ascot Projects Limited, where one of the concerns raised related to the lack of consultation undertaken during the preparation of Variation 8. Mr Watt contrasted this to the extensive discussions that had been undertaken with this submitter during the initial stages of planning for the Ascot Heights development, and during the preparation of the Proposed Plan.

With regard to process, and in reply to a question from the Committee, Mr Chapman, counsel for Ascot Projects Limited, stated that consultation undertaken as part of the Plan preparation did not remove the need for the Council to consult during the preparation of a Variation to the Proposed Plan. He did however state that this did not give rise to a legal issue, rather it was a matter of poor practice.

Mr Chapman also queried the rationale of the Variation, submitting that reliance on funding of services and infrastructure did not justify a reduction in the area zoned Residential 3. He submitted that insufficient regard had been given to the use of user pays systems, such as financial contributions. Mr Watt advised the Committee that he was not aware of any other Council that did not impose financial contributions under the RMA, or development contributions under the Local Government Act. However, he was not able to advise the Committee of the details of the approach currently adopted by other Councils in Southland. Ms McMillan also referred to the option of a special rating area. Arising from this, Mr Chapman submitted that the Variation as a whole was flawed and should be withdrawn.

Mr Devine suggested the Variation represented a lack of planning by the Council to provide for growth and Mr Moore made similar comments. Mr Moore also expressed concern with the lack of evidence on the costs to the city if the original Residential 3 Zone was developed, and the comparison of this if development occurred in approved residential areas by way of infill. The Committee is firmly of the view however, that the Proposed Plan does provide for growth in a manner that is appropriate to the circumstances of the city, and does not accept that it is necessary to compare costs to the city if the Residential 3 Zone as notified in the Proposed Plan was available for development. The bottom line which cannot be ignored, is that the approach promoted in the Plan as notified would not enable the co-ordination of expansion to infrastructure in a manner that is viable to the mid and long term needs of the City.

The Committee noted the comments from Mr Chapman, that there was no legal issue arising as a consequence of the lack of consultation undertaken by the Council with submitters prior to notifying Variation 8. The Committee was also aware that under the First Schedule to the RMA, consultation with submitters is not mandatory when preparing Variations to a District Plan. The Committee was satisfied that no person or submitter had been disadvantaged by the Variation process, and having regard to the considerable information available to it, it was appropriate to notify the Variation without further discussion with submitters. Indeed, the Committee considered the appropriate forum for discussion to take place on the issues dealt with in the Variation was a formal hearing.

While the use of financial contributions had not been considered as part of the Section 32 Assessment undertaken prior to the notification of Variation 8, the Committee has had regard to the relevant matters in considering submissions. Notwithstanding that, in the context of the relevant objectives of the District Plan, the Committee is satisfied that the Section 32 Assessment did appropriately consider the relevant issues. In particular, it is apparent that the supply of land provided for by the Proposed Plan as notified, far exceeds the foreseeable need, and inefficiencies would arise if the opportunity was available to develop various parts of the Residential 3 land in an unco-ordinated manner.

It is the Committee's view, that integrated management and efficient use of the urban infrastructure would not be achieved because of the quantum of land zoned, and this would not be remedied or mitigated to an appropriate extent by the adoption of financial contributions as argued by counsel and witnesses for Ascot Projects Limited. In the Committee's view, the Council would have considerable difficulty in determining the appropriate location for undertaking improvements to its infrastructure services, given the uncertainty as to where development would occur within the Residential 3 Zone. Such upgrades may be required some distance from the area where development occurs, and with step upgrades necessitated in response to a small increase in demand could result in unused capacity for years to come. Financial contributions do not provide the funding necessary for such upgrades and it is unreasonable to expect the Council to allocate funding for works when it could be many years before they are fully utilised.

In several instances, submitters sought retention of the Residential 3 zoning over land held in multiple ownerships. In most of these instances no consultation had been undertaken with these other owners. Without this the Committee could not be satisfied that co-ordinated and integrated development would occur. It did not view the option of a structure plan or outline development plan as being an efficient and effective means of managing development, nor did it consider that the Council should be directing the form of development.

Taking all of these matters into account, the Committee was firmly of the view that the intent of Variation 8 to reduce the area of land zoned Residential 3 was appropriate. It accepts however, in the case of some areas, retention of the Residential 3 zoning is justified, particularly where consents have previously been approved. Individual areas and submissions are considered below, and elsewhere in this Decision.

Mclvor Road Area Zoning

Bonisch Consultants, in a submission to the Proposed District Plan, sought to have the land bound by Mclvor Road, North Road, Northside Drive, and Donovan Park zoned Residential 1, not Rural 2. Other submitters, being PA and JM Murray House Trust, and collectively T Dixon, D and R Munro, J Scott, and Oakland Family Trust, sought retention of the Residential 3 zoning on land fronting Mclvor Road and Retreat Road in submissions to Variation 8. The issues are common in all of these submissions and, in the Committee's view, it is not appropriate to accept these submissions.

The Committee is accepting of the view expressed Mr Wells in his Section 42A Report which highlighted the oversupply of suitably zoned land for the residential needs of the city for the next 20 years. While Council documents had concluded the Mclvor Road area may have the potential for urbanisation as services can more easily be extended to this area than many other peripheral areas of the city's urban area, that does not mean that such servicing is appropriate at this time or in the future. Given the multiple ownership of the land subject to the submissions, the Committee was not satisfied that any development in these areas could be undertaken in a co-ordinated and integrated manner.

Indeed, in the case of the land subject to the Bonisch Consultants submission, the Committee was reminded at the hearing by Ms McMillan, that the zoning of this land was considered in 2011 with a lack of agreement amongst the affected land owners, and that the disagreement between land owners still existed. The scale of development enabled by Residential 1 zoning would exacerbate the matters generally discussed in relation to Variation 8 issues above. Further, the Committee considers it significant in that no consultation has been undertaken by the submitters with land owners affected by the submission. The Committee did not consider it appropriate to dictate the form of

development on land where a number of land owners were opposed to any change from the status quo. As a consequence, it rejected the notion that an outline development plan should be prepared for the area.

It was argued in the submissions, and at the hearing, that regard should be given to the trends in land development in Invercargill, with pressure occurring towards this area. In the Committee's view, this was overstated. The approval of, and undertaking what are, significant residential developments to the south of the land subject to these submissions is not by itself a justification for more intensive use of the adjoining land given the issues associated with supply and infrastructure costs, and the flow-on implications on Council's services.

Further, none of the submitters fully assessed the implications of rezoning in a balanced manner. Rezoning has environmental effects, and under Section 32AA assessment is required of various matters. The Committee would have anticipated receipt of information to assist it in this regard.

Taking all of these matters into account, the Committee concluded that a rural zoning should apply to the land subject to these submissions. It considered such an outcome consistent with the provisions of the Operative and Proposed Regional Policy Statements and the objectives and policies of the Proposed District Plan.

Somerset Development Limited

The submitter has requested that all of the property at 12 Somerset Lane be zoned Residential 1, and not split between the Rural 2 and Residential 1 Zones. At the hearing to consider submissions to the Proposed Plan, Mr McSoriley noted that a four lot subdivision of the land had already occurred and a further 16 lot subdivision was proposed. Of the latter, four lots would be zoned residential, seven rural and five would have a split zoning. Since the Hearing, a subdivision has been approved by the Council. This provides for 18 residential allotments ranging in size from 715 – 975 square metres. Issues associated with servicing, land contamination, flood risk and required roading standards were all considered and a number of conditions were imposed with respect to these matters.

The Committee was satisfied that the development of the land would be undertaken in a co-ordinated manner, and given approval of the application, it was appropriate to amend the zoning of the land at 12 Somerset Lane so that the entire property is zoned Residential 1, as shown on the maps in Appendix 3.

Ascot Heights and South of Oteramika Road

Ascot Projects Limited opposed the rural zoning applying to the area south of Oteramika Road, and in particular the land included within the Ascot Heights subdivision, as amended by Variation 8. The submission lodged provided the following reasons favouring retention of the Residential 3 zoning as contained in the Proposed Plan as notified:

- The land has existing services infrastructure;
- The land has already largely been developed to a Residential 3 Zone allotment area standard;
- The remainder of the sites that are larger than 1 or 2 hectares are accessed through an existing "urban environment";
- The speed environment past the entrance of Ascot Heights is 50kph;
- The land is immediately adjacent to the built up environment;

- The zoning of the land as Residential 3 is not contrary to the objectives and policies of the Proposed Regional Policy Statement or the Proposed District Plan.

Mrs Devery in her Section 42A Report did not support the submission, noting the general concerns over the need for further residential land, and highlighting that there are areas within the land subject to the submission that have not yet been developed to a Residential 3 Zone allotment area standard. Mrs Devery also advised the Committee that while the government may be consulting on a National Policy Statement on Urban Development, there is no national planning document at this time that requires consideration of urban growth, as was implied in a number of submissions. Notwithstanding that, it was her view that the Proposed Plan did adequately provide for growth.

On page 5 of this Decision a summary is given of the relevant evidence provided by the submitter at the hearing, and the Committee has had regard to it. The Committee accepted that the approval of various subdivision consents in this area, the extent of development undertaken and in the case of the Ascot Heights land, the financial commitment made to develop the land and contribute to Council's infrastructure costs, created special circumstances that set it aside from other areas on the periphery of the urban area. As a consequence, the Committee agreed that retention of a Residential 3 zoning over land south of Oteramika Road was justified.

In considering the extent of land that should be zoned Residential 3, the Committee was assisted by Mr Halstead, who in reply to a question from the Committee advised that the larger lots at the end of Sunrise Drive obtained access by way of easements rather than legal road, and as part of the development planned for the area, these were not intended to be subdivided further. As a consequence, it was the Committee's view that a rural zoning should remain over the larger lots at the south of Ascot Heights development.

Having regard to the extent of development undertaken, the Committee considered it appropriate to also provide a Residential 3 zoning to land fronting the south side of Oteramika Road back to Rockdale Road, noting this land fell within the bounds of the submission lodged and was also included in a submission from Greg Simmons who spoke specifically to the land fronting Rockdale Road. All of this land is serviced with sewerage, and of a character that fits the intent and the objectives and policies of the Residential 3 Zone.

Outdoor Living Space

The Proposed Plan, with some minor differences, carries over the rules of the Operative Plan in relation to the outdoor living space provided as part of a residential development in the Residential Zones. In effect, an area of open space with a minimum dimension of 5.5 metres is required to be provided adjoining the main living of a residence. Non-compliance with the rules requires resource consent approval. In the Proposed Plan, the matters to be taken into consideration include:

- The extent to which solar gain to the living areas of the dwelling is achieved, and in particular to the main living area, between the hours of 0930 and 1530 on midwinter's day.
- The extent to which practicable outdoor living is achieved.
- The extent to which the development incorporates qualities of good urban design

The intent of these provisions is set out in the explanation to Policy 4 in Section 2.35 Residential Overview, where it is stated:

Maximising sunlight access/solar gain is a practical way to achieve warmer and healthier homes while minimising heating costs. Opportunity for outdoor living is generally accepted as an important dimension to residential amenity.

Simpson Architects and Philip Orr lodged submissions opposing the policy and rule provisions, questioning the need for them, and the appropriateness of the various requirements and standards proposed in the rules and assessment matters. Simpson Architects also submitted that good urban design could be achieved without regulation, while Philip Orr stated that there are alternative design options to ensure solar gain between the hours of 9.30 and 3.30 on midwinter's day, other than as stipulated.

Dan Wells, in his Section 42A Report, considered it appropriate for a District Plan to contain rules relating to outdoor living space and provision of sunlight into living areas. However, he accepted that well designed buildings could achieve a desired outcome different to that required by the Proposed Plan. It was his view that the emphasis should be on the outcome to be achieved, and in that regard he recommended amendments to the rules so that the key requirement was a house design that resulted in a minimum of six hours of sunlight into the main living area on the shortest day. Such an approach, in his view, removed the need to specify where the open space was located.

At the hearing, Mr Wells tabled a revised version of the amendments he had recommended. Generally, these changes did not alter the overall intent of his recommendation. However, he did recommend one addition to the rule, requiring the calculation of the six-hour period on the shortest day to take into account existing vegetation and buildings on the site and adjoining land, and also have regard to complying buildings that could be erected on adjoining sites. He added that it was his understanding that the majority of homes are built prior to sale and not subject to any professional design input. In such circumstances, he considered it was warranted to include design standards in the District Plan.

Philip Orr in his presentation to the Committee highlighted that buildings can be designed to comply with the rules as notified, with the required space outside the main living room if bedrooms and other rooms were able to extend closer to the boundary, but this did not provide good direct sunlight to the main living area. In addition, he considered the outdoor areas created were not well suited for open space activities. He also questioned the need for reference to the outdoor living space being adjacent to the main living.

Bob Simpson, architect, provided a power point presentation, showing examples of what he considered good design which were now not complying with the current District Plan requirements.

The Committee was in no doubt that provision of an outdoor living space should be mandatory, considering it to be a primary contributor to residential amenity. For the Committee, the key issue raised by submitters, was the extent to which the "performance" and location of that living space should be subject to regulation in the Proposed Plan. In that regard, the Committee noted that a key consideration of Mr Wells, and Council staff who attended the hearing, was to provide guidance to non-professionals as to the layout of residential development. If that is the case, then the provisions to be included in the Proposed Plan needed to be in a form that was easy to understand, and from a staff viewpoint, administer.

The Committee considered the six-hour rule recommended by Mr Wells to be problematic in determining compliance, both for lay developers and Council staff. It was apparent that

professional expertise would be required to determine compliance with the rule. The Committee also noted, that it was also not clear, under the modified rule recommended, whether regard was to be given to the expected maximum height of existing vegetation present on the subject site and adjoining land, or its height at the time of building. The Committee also doubted the legality of making it mandatory to have regard to the “permitted baseline” of vegetation and potential development on adjoining land. The Committee considered such an approach uncertain, and questioned whether in every case regard would need to be given to the possibility of a shed or garage being built on adjoining land near to the common property boundary. Further, uncertainty arises because there is no standard as to the size of window or door that must be installed to allow sunlight to enter the living area. It would appear the standard could be met by a small window being installed high on the north facing wall. The Committee therefore rejected a rule based on the length of time sunlight enters the main living area. As a corollary, the assessment matter for considering a resource consent, referring to the length of time the sunlight enters the living area, should also be deleted.

The Committee noted that the Building Code includes provisions requiring areas of glazing to be provided in each room in order to “safeguard people from illness or loss of amenity due to isolation from natural light and the outside environment”. This states that natural light shall provide illuminance for 75% of the standard year, and also requires that openings are designed to give awareness of the outside in suitable locations. The Committee also recognised that there is a rule in the Proposed District Plan requiring a two metre yard along the two northernmost boundaries of the site which will also provide for a degree of daylight into the dwellings. Along with the provisions stipulating a maximum site coverage, and maximum area of impermeable surfaces, there will be opportunities for daylight, and potentially sunlight, to get into the residences at some point during the day. As such, it is considered that the anticipated amenity can be achieved on residential properties without the need for a provision stipulating where the open space shall be.

Having regard to the matters referred to in Section 32 of the RMA, the Committee concluded that in this case, requiring a resource consent for all non-compliant developments solely because people may not be professional or experienced designers was not an effective method for implementing the objectives of the Proposed Plan to achieve a high residential amenity. The Committee also noted that there are policies throughout the Plan that promote energy efficiency and conservation through subdivision and building design and development. That includes advocacy and education with regard to the desirable design and location of outdoor open space areas and the provision for sunlight access into dwellings as a whole, not just the main living areas.

In response to the submissions lodged, the Committee, for consistency, has amended the various policies and rules applying to all of the residential zones. It has also included new policies setting out a non-regulatory approach.

SECTION 32 MATTERS

Requirements

The Committee was advised by Mr Wells that Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan, and that a Report was released at the time of notification of the Proposed Plan in compliance with those provisions. The Committee was also advised that Section 32AA of the RMA requires a further evaluation to be released with decisions outlining the costs and benefits of any amendments made after the Proposed Plan was notified, with the detail of the assessment corresponding with the scale and significance of the environmental, economic, social, and

cultural effects that are anticipated from the implementation of the changes made to the Proposed Plan.

As the Committee understands its obligations, it is required to:

- (i) Assess any changes made to objectives to determine whether they are the most appropriate way to achieve the purpose of the RMA.
- (ii) Examine any changes made to the policies and rules to determine whether they are the most appropriate way to achieve the objectives of the Proposed Plan. This includes:
 - Identifying the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth)
 - Identifying other reasonably practicable options for achieving the objectives; and
 - Assessing the efficiency and effectiveness of the provisions in achieving the objectives.

The Committee however, is not required to assess in accordance with Section 32 of the RMA any changes to the issues and/or explanatory text of provisions.

Assessment

Mr Wells in his Section 42A Report, and Mrs Devery in her Section 42A Report on Variation 8, recommended a number of changes to the provisions of the Proposed Plan.

Both Mr Wells and Mrs Devery included Section 32AA evaluations of their recommended changes in their reports. For those decisions that reflect the recommendations made by Mr Wells and Mrs Devery in their Section 42A Report, the Committee adopts their Section 32AA assessments.

This decision makes a number of amendments to Objectives, Policies and Rules that differ from Mr Wells' and Mrs Devery's recommendations. Some changes are minor amendments that do not require further evaluation. The amendments that do require some evaluation are as follows:

- Zoning of properties at Racecourse Road, Somerset Lane, Raymond Street and Hunt Street.
- Amendment of boundaries of the Residential 3 Zone south of Oteramika Road.
- Approach to outdoor living space and incidence of sunlight provisions.

Rezoning decisions

This decision rezones the following properties:

- Part 117 Racecourse Road from Rural 2 to Residential 1 – Decision 34/30;
- 12 Somerset Lane from split zoning Rural 2/Residential 1 to Residential 1 – Decision 34/31;
- 2 Raymond Street from Rural 2 to Residential 2 – Decision 34/64; and
- 33 and 1/33 Hunt Street from Industrial 1 to Residential 1 – Decision 34/32.

The rezoning of land at 117 Racecourse Road will result in a split zoning, however the rezoning reflects a legal lot boundary, with only Lot 3 DP 452222, approximately 1.7831ha, rezoned and the balance of the property remaining in what is now the Rural Zone. This site adjoins the Residential 1 Zone on three sides.

12 Somerset Lane was partially within the Rural 2 Zone and partially in the Residential 1 Zone in the Proposed District Plan as notified. This property now has a resource consent for residential development and a single zoning applying to all of the land being developed is logical and appropriate.

About 800 square metres of 2 Raymond Street was within the Residential 2 Zone and the remainder, about 3,500 square metres, was located in the Rural 2 Zone. This property is located at the end of Raymond Street surrounded on three sides by Residential 2 Zone with a legal access also coming off Marine Parade. While the land does slope, it is serviceable.

33 Hunt Street (1.4806ha) and 1/33 Hunt Street (7486m²) are both owned by one company and have historically been used together as an industrial yard. This land was zoned Industrial 1 in the Proposed Plan as notified. It is surrounded by land in the Residential 1 Zone and the Rural 1 Zone.

Because of the discrete nature of these properties, and their location in relation to existing residentially zoned land and infrastructure, these amendments are of a minor nature. It is not necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes.

These amendments do not require amending any Objectives. In preparing this evaluation report, the Committee is required to examine whether the amendments are the most appropriate way to achieve the objectives, by identifying other reasonably practicable options for achieving the objectives

The addition of further land into the Residential Zone could be seen as peripheral expansion of the built up area of the District, which Residential Overview 2.35.2 Objective 4 of the Proposed Plan seeks to avoid. However, the sites are all located in areas within infrastructure capacity, and very little, if any, expansion of services will be required to cater for these properties. As such, this development is not contrary to the urban growth and development objectives, Residential 1 Zone 2.36.2 Objective 7 and Residential 2 Zone 2.38.2 Objective 9, which state that growth and development should be managed within areas that have existing infrastructure capacity.

Given the location of these properties in respect of adjoining Residential Zones, the amenities of the areas will not be adversely affected and this change will continue to achieve the objectives of maintaining the amenities of the residential neighbourhoods.

While a number of the provisions for the zones differ in the District Plan, the zoning as set out in the Proposed District Plan for these properties is essentially retaining the status quo from the Operative District Plan. The benefits of changing this zoning will be enjoyed mainly by the owners of the properties, making it easier for them to develop their land at residential densities with fewer obstacles. However, these changes will enable a small amount of growth which may benefit the community as a whole, particularly with these sites being located within close proximity of existing reticulated services and transportation networks.

The risks involved in changing the zoning of these properties relate to the potential effects on the amenities enjoyed by the neighbouring properties. However, given that these properties are all adjoining existing residentially zoned properties these effects will be relatively minor. The suitability of the land in terms of land contamination and natural

hazards will continue to be considered through the subdivision and development processes, and as such these risks can be addressed.

Amendment of the Residential 3 Zone south of Oteramika Rd

This amendment increases the size of the Residential 3 Zone in the Oteramika Road/Rockdale Road area outside the area identified in Variation 8. The areas added include 305 and 339 Rockdale Road, 22, 27, 29, 33 and 49 Sunrise Drive. These properties were included in the Residential 3 Zone in the Proposed District Plan as originally notified.

The Committee also recognised a Section 32 report was released at the time of notification of the Proposed Plan. The zone boundaries changed through Variation 8. An additional Section 32AA assessment was included as part of Mrs Devery's Section 42A Report on Variation 8. Because the zone boundaries are being further amended a Section 32AA evaluation of these changes has been undertaken. This evaluation focuses on the properties that have been included in response to submissions on the Variation.

The amendment is considered to be relatively minor. The properties on Sunrise Drive that have been included in the Residential 3 Zone have either been part of development proposals put to Council or are directly adjoining those properties with Residential 3 Zone land on three boundaries. As such there is no material change to the amenity of the locality. The properties on Rockdale Road are opposite Residential 1 zone properties with services extending along Rockdale Road. The total area added to the Residential 3 Zone by way of this decision that was not included in the Variation 8 is approximately 12 ha. The context of these areas being rezoned Residential 3 is unique.

No objectives are being amended as a result of this decision.

In undertaking an evaluation under Section 32AA, the Committee is required to examine whether the amended provisions are the most appropriate way to achieve the objectives of the Proposed Plan. The alternatives to making these changes are to either keep the land zoned Rural as set out in Variation 8, or to extend the boundaries of the Residential 3 Zone.

The amendments meet Residential 3 Zone 2.39.2 Objective 1. The land to be included in the Residential 3 Zone is located "adjoining and adjacent to the urban area". This amendment is consistent with this Objective as it would enable large lot residential development adjacent to the Residential 1 Zone and to areas within the Residential 3 Zone.

Residential Overview 2.35.2 Objective 4 seeks to avoid unplanned peripheral expansion of the built up urban area that will lead to demands for urban services. Zoning these areas for Residential 3 Zone will enable residential development on land that has historically been rural and could be seen to be peripheral expansion. However, the land on Sunrise Drive is already identified by the owner in a draft scheme plan for Residential 3-type development. There are also some services within close proximity to all of the sites. The Policies for this Zone state quite clearly that not all services will be available, such as reticulated water, and the provisions require some on-site services to be provided. The additional properties will add some demand for expansion of urban servicing, but as some services are existing in these general areas, and the Plan provisions recognise that some *on-site* servicing will be required, the effects of this change are not considered to be contrary to the Objectives of the Plan.

Depending on the amount of land used for servicing, reserves and access, should the average lot size be 2,000m² this additional area zoned Residential 3 is likely to enable somewhere between 40 and 60 additional residential properties. As raised in the Section 32 evaluation when Variation 8 was notified, there is a question as to whether there is a need

for this land to be rezoned and for this number of residential properties to be made available. Given population projections and the area of land within the Invercargill City District that is already available for urban growth, there is limited need for further expansion of the urban boundaries. However, this area provides for a segment of the housing market that desires the opportunity to build new, larger houses on greenfields sites within reach of urban services, and meets 2.39.2 Objective 5.

The amendments are not necessarily the most effective and efficient means of meeting each Objective, however, overall given the existing scale of development in this area, the services that are available and the location in respect of other Residential areas makes this option an efficient and effective means of meeting the overall Objective framework.

Outdoor Living Space and Incidence of Sunlight

This decision introduces changes to the outdoor living space and incidence of sunlight provisions throughout the Proposed Plan. These changes affect Policies, Methods and Rules, predominantly in relation to residential activities.

Essentially, this decision alters the requirements for outdoor living space by enabling the developer to determine where this living space is to be located on the site. As a consequence of this change, the provisions have further changed the Council's approach towards incidence of sunlight, taking a non-regulatory and promotional approach, as opposed to including provisions that require site design and development to provide for the incidence of sunlight in living areas.

(a) Scale and significance

Section 32 states that Evaluation Reports need to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. This amendment is considered to be of a moderate scale and significance for the following reasons:

1. The provision of outdoor living space to the north of a living area has historically been one of the key development standards for residential development.
2. The provisions will affect development on all residential properties in the District.
3. The provisions could impact on the health and well-being of the community.
4. The provisions could impact on the end use of energy resources.

(b) Objectives

As stated above the RMA requires an assessment of the Objectives to determine whether they are the most appropriate way to promote the sustainable management of natural and physical resources. No changes to the Objectives are made through this amendment.

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

In undertaking this evaluation, the Council is required to examine whether the amended provisions are the most appropriate way to achieve the Objectives, by identifying other reasonably practicable options for achieving the objectives.

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

2.6 ENERGY

2.6.2 Objectives

Objective 1: Energy resources are used efficiently.

Objective 6: Building design and development takes into consideration energy efficiency and conservation

2.35 RESIDENTIAL OVERVIEW

2.35.2 Objectives

Objective 2: A range of housing types if available, meeting the housing needs of a population that is growing only slowly and ageing.

Objective 4: A high standard of residential amenity is maintained.

The maintenance and enhancement of amenity values is also an Objective that is repeated through the zones.

(d) Options for consideration

Four alternatives have been identified for consideration:

Option A – Retaining the outdoor living space and incidence of sunlight provisions as notified in the Proposed District Plan

Option B – Amend the provisions as recommended by Mr Wells in his Section 42A Report, by including outdoor living space rule that stipulates the location of the outdoor living space to provide for the incidence of sunlight into the living areas of the dwelling, and also providing an option allowing developers an alternative route of gaining incidence of sunlight into the living areas.

Option C – Deleting the incidence of sunlight requirements and removing rules that stipulate the position of outdoor living areas, whilst retaining an educational role for Council in terms promoted through policies on these aspects of residential amenity and energy efficient design.

(e) Assessment of effectiveness and efficiency of options

Section 32(1)(b)(ii) of the RMA requires an assessment of the “efficiency and effectiveness” of provisions in achieving the Objectives of the Proposed District Plan, in a level of detail that corresponds to the scale and significance of the anticipated effects.

1. Affected parties

Traditionally, it has been the Council’s stance that getting sunlight into the living area of each residence is a priority for residential development, in particular, due to the climatic situation of Invercargill being located in the south of New Zealand. The benefits of having an area of outdoor living space of adequate dimensions, and located to the north enabling the sun to reach the living area on the shortest day of the year, were recognised as highly important in terms of passive solar gain and residential amenity. An environmental standard in the District Scheme, and later District Plans, was used by Council as one of its core tools encouraging building design and site management in residential areas to provide for these benefits.

Current thinking in relation to District Plans nationally is that the benefits of eco-friendly design and residential amenity are to be recognised, but that Councils should not be taking such a regulatory approach. The philosophy in this case is that

the only people adversely affected by a design that does not provide for the incidence of sunlight or daylight into living areas are those living on the site. If they were required to get resource consent for breaching this standard, by designing the residence, or accepting the designs, they are essentially giving themselves approval. Where the only person affected by a proposal is the applicant, requiring resource consent is considered an unnecessary process. A rule requiring consent for the breach of this particular standard is not the most efficient means of meeting the Objectives.

2. Non-regulatory approach

Submitters argued that design professionals should be able to provide the expected amenity without Council rules stipulating how this is to be achieved. As an alternative to rules, there is the option of relying on policies and non-regulatory methods.

The option in this case, removing the standards, also includes the amendment of Policies. A new policy to encourage and advocate for the site layout and design to provide for access to sunlight and passive solar gain is part of this package, as is a non-regulatory method advocating for energy efficient design.

Including such policies in the Residential Overview section would give the Council and its staff the opportunity to promote the benefits of energy efficient design and the benefits of connecting the outdoor living space with habitable rooms to those developers that may not have design credentials.

Other than just relying on trained design professionals, who may not always have a role in development anyway, education and environmental advocacy Policies and Methods are effective and efficient tools to reach the Objectives.

The costs of education and advocacy are the responsibility of the Council, and their ratepayers in general.

3. Other regulatory controls

There are a number of other environmental standards in the Proposed District Plan that provide for residential amenity. The 2 metre yard requirement along the two northernmost boundaries in the Residential 1 Zone, and along all boundaries in the Residential 2 Zone, will ensure that there is some incidence of daylight entering rooms adjoining this space. With a minimum lot size, and a maximum site coverage, there will be areas of outdoor space on each site. This will not only benefit the neighbourhood in terms of the intensity of development from a streetscape point of view, but will also enable the provision of meaningful outdoor living space. There are also controls on the height of structures which will manage the effects of shading from neighbouring sites and allow for some daylight.

The Building Code also has a clause, G7, requiring the design of residences to provide for natural light and outlook into the outside through requirements on the provision of windows. The Objective of this clause is to safeguard people from illness or loss of amenity due to isolation from natural light and the outside environment. It requires habitable spaces to be designed to provide adequate openings for natural light and for a natural awareness of the outside environment, providing an illuminance of no less than 30 lux at floor level for 75% of the standard year. The Building Code also refers to the openings being transparent and provided in "suitable locations". Without a District Plan Rule requiring the design of outdoor living space to be located adjoining the living area and to the north, the Building Act will ensure that there is still some amenity in the habitable spaces of dwellings.

These alternative standards and requirements, along with non-regulatory methods, such as education, will work together to meet the Objectives of providing for residential amenity. This is considered as efficient as including an environmental standard.

4. Energy

Designing and developing residential sites to include meaningful outdoor living space that adjoins a living area and that provides for the incidence of daylight and, if possible, sunlight into that living space leads to a number of energy efficiencies, particularly in terms of passive solar gain. In Invercargill, particularly in winter, when the temperatures are low and the sun sits lower in the sky, the incidence of sunlight into living areas can contribute positively to the health and well-being of residents. In well-insulated homes even a small amount of sunlight can increase temperatures inside. Designing to allow the incidence of natural light will also reduce the need for reliance on other light sources. In developing the environmental standards for the residential areas in the District Plan, Council advisers opined that at least five metres of outdoor living space to the north is required, based on the height rules and recession plane requirements, to ensure some incidence of sunlight into living areas on the shortest day of the year. With the sun angles being even lower in the mornings and evenings, the northern aspect of this outdoor living space was considered appropriate to ensure that sunlight was able to access the living areas even in the middle of winter, and that the benefits of this sunlight, particularly in terms of the heat gained, were maximised.

There are environmental and economic benefits in designing for solar gain. Retaining the provisions in the Proposed District Plan as notified, and with the alternative suggested by Mr Wells in his Section 42A Report, would meet the Energy Objectives, in particular 2.6.2 Objective 6.

Designing for energy efficiency will reduce the reliance of residents on other energy resources, including non-renewable resources. The environmental standards set a bottom-line that provides for an element of energy efficiency in design. Alternatively, there may arguably be design solutions that will provide for greater energy efficiency and passive solar gain that are different to the solution in the standard. Enabling these design solutions may result in better results in terms of energy efficiency. This option does however have the risk that there will be developments that do not consider energy efficiency.

4. Benefits for developers and land owners

A rule generally sets a bottom-line and determines quite clearly whether a resource consent is required or not. There are a number of calculations that were used in the development of the environmental standard, taking into consideration elements such as sun angles and shading diagrams. This bottom-line can be interpreted by developers and land owners as overly restrictive and adding an extra cost for their development, constraining how their residence and site is able to be laid out. However, having a bottom-line provides clarity and enables design responses that were not overly complex for the average resident to achieve.

An option was recommended in the Section 42A Report to allow an alternative that required developers to establish the design of their residence and site so that it will enable the incidence of sunlight into the living area for a number of hours on the shortest day of the year. This alternative would provide a similar result as the original alternative in terms of amenity and energy outcomes. However, in order to establish

compliance with this alternative route, a design professional would be required as the standard and information required is relatively complex. This is not considered to be the most user-friendly means of attaining the Objectives of the Plan.

Relying on policies and non-regulatory methods provides land owners and developers greater flexibility. This flexibility may result in design that provides for meaningful outdoor living space and the incidence of daylight and sunlight into living areas, particularly where a design professional is involved. However, there is a risk that there may be developments where little regard is given to energy efficient design, or that there is very little connection between internal living areas and outdoor living areas. Not all developments are designed by qualified architects and designers. However, as the effects are largely internalised on the site, the risk rests on the developer and occupier. The developer will also need to consider how such a design will affect the lifestyles of future occupants and their use of energy resources. No doubt regard will also be given to the impact that their design may have on the value of the property, and the ability to sell in the future. This alternative places the responsibility for energy efficiency and amenity outcomes on the developer.

Removing the development standards will potentially remove the need for resource consent, reducing the cost and time involved in a development. There may however, be more costs involved in the engagement of a professional to design an alternative solution that allows for energy efficiency and meaningful outdoor living spaces. However, these alternative solutions may be cheaper. Where a developer is prepared to sacrifice these aspects of amenity in their design then this option will provide greater flexibility, and they may not need to engage a professional anyway.

(f) *Risks of acting or not acting*

There are risks involved in all options.

Should the standard be retained there is a cost for developers with an alternative solution, regardless of whether that solution has a more energy efficient outcome and provides a more meaningful outdoor living area. Should developers not want to go through the resource consent process their designers may create alternatives that they consider will not have the best outcome for the site. There is also a risk of appeal from the submitters if the standards are retained.

An option that includes an alternative solution is considered too complex, and there is a risk that this option will result in additional costs for landowners in terms of design and justifying compliance. There is an assumption by the submitters that developments are designed by professional designers anyway, therefore this risk is minimal as these professionals should be able to justify their design if they believe that their alternative solution is preferable to the bottom-line requirement in the standard.

The risks of removing the standard and relying on education and advocacy fall mainly on the developer. The submitters argue there is little need for these standards because professional designers will be able to design residences that will provide the anticipated amenity. However, there is a risk that developments are not designed by qualified designers. Landowners/developers may not consider energy efficiency and decide to have designs where the outdoor living space is located to the south, for example, with little opportunity for the incidence of sunlight and where the living space is separated from the living areas. Therefore, the risk is that the residents living on the site into the future will not have the ideal living environment.

(g) *Conclusion*

There are costs and benefits for each of the options and each option carries risks. Taking a less regulatory approach to the issue of where the outdoor living space is to be located on the site and its relationship with the internal living areas, places responsibility on the developer. The developer, who may also be the land owner post development, will essentially be responsible for this aspect of the energy efficiency of their build and for the development of a meaningful link between the outdoor living areas and the dwelling. As the landowner and occupier are the parties most affected by this provision, this is considered an appropriate method of achieving the Objectives of the Plan.

The Council will have some input through education and advocacy. There are also other environmental standards through the District Plan that will work to achieve some of the outcomes sought through these standards and there are also other regulations, such as the Building Act, that will assure some amenity is retained and the health and well-being of the community is considered.

Dated at Invercargill this 11th day of October 2016



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell

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APPENDIX 1 DECISIONS ON SUBMISSIONS

SUBMISSION	DECISION
General	
<p>56.7 Jenny Campbell The submitter believes that encouragement needs to be given to building within the inner city and existing suburban areas through old houses being removed and new eco-friendly dwellings encouraged.</p> <p>56.8 Jenny Campbell The submitter believes that making existing suburbs more eco-aware, revitalising with the support from Council, such as is being done by residents in Glengarry and South City, creating pride and a sense of belonging to a vital and vibrant community is preferable to creating new residential areas using valuable farmland.</p> <p>56.9 Jenny Campbell The submitter believes new residential areas need a high standard of amenities to create local community support, interaction and sense of well-being and safety. The submitter believes that once people know others locally there is a whole new sense of well-being created along with stability.</p> <p>56.11 Jenny Campbell The submitter commends the residential standards and raises the issues of cycle ways, safe walking tracks and footpaths, beautification projects, biodiversity areas through native plantings, easy access to bus services and community garden areas, particularly for growing vegetables. The submitter also believes ensuring homes are insulated and all forms of energy saving and ways of keeping homes warm must be implemented.</p>	<p>Decision 34/1 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The submissions raise a number of general points, some of which support the overall direction of the Proposed Plan. 2. The outcomes implied by the submission points require implementation outside of the RMA framework.
<p>56.10 Jenny Campbell The submitter supports the creation of medium density housing close to the CBD.</p> <p>107.3 A4 Simpson Architects Limited The submitter supports the aim of upgrading older housing stock in the city and a policy approach encouraging ongoing growth and development in the city's existing urban areas. Zone for increased density and redevelopment of existing urban areas.</p>	<p>Decision 34/2 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submissions support the intent of the Proposed Plan provisions.</p>

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SECTION 2.35 ISSUES, OBJECTIVES AND POLICIES	
2.35.1 Issues	
<p>107.4 A4 Simpson Architects Limited</p> <p>The submitter supports Issues 2 and 3, but opposes in part the wording of Issue 1 on the grounds that the issues associated with old and substandard housing are not just a result of a lack of redevelopment in existing residential areas, but can also be the result of wider socio-economic problems outside the scope of the District Plan. In addition, areas of older housing stock that have been maintained can add to the amenity of the City.</p> <p><u>Decision Sought:</u> Amend the wording of Issue 1 and retain Issues 2 and 3.</p>	<p>Decision 34/3</p> <p>This submission is accepted.</p> <p>Amendments to District Plan</p> <p>(i) Amend Issue 1 as follows:</p> <ol style="list-style-type: none"> 1. Lack of ongoing <u>maintenance</u>, development and redevelopment in existing residential areas can lead to neighbourhoods ageing and decaying, resulting ultimately in problems associated with old and substandard housing and inefficient use of existing infrastructure. <p>(ii) The preamble to this section is amended as follows:</p> <p>Maintenance of critical mass in residential areas is the most important overall issue in enabling the Invercargill community to provide for its future well-being. In residential areas this means ongoing <u>maintenance</u>, development and redevelopment of existing residential land whilst avoiding unnecessary extensions of urban services into rural land and encouraging redevelopment in priority areas.</p> <p>Reason</p> <p>The amendments clarify the intent of the Issue.</p>
2.35.2 Objectives	
<p>79.22 KiwiRail Holdings Ltd</p> <p>Oppose in part. The submitter suggests a new objective and policy be inserted concerning reverse sensitivity noise and vibration effects that may arise from noise sensitive activities on the efficient operation of the rail network. Add an objective to residential zones:</p> <p><u>Reduce reverse sensitivity noise and vibration effects arising from new development locating near to the rail transport network;</u></p>	<p>Decision 34/4</p> <p>This submission is rejected.</p> <p>Amendments to District Plan</p> <p>None required.</p> <p>Reason</p> <p>The provisions in Section 2.9 Infrastructure adequately address this matter.</p>

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<p>OR</p> <p><u>Require noise sensitive land activities to be located and/or designed to mitigate any reverse sensitivity noise and vibration effects on airfields, strategic roads and rail lines.</u></p>	
<p>107.6 A4 Simpson Architects Limited Support. Retain residential objectives.</p>	<p>Decision 34/5 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submission supports the Proposed Plan provisions and seeks no change to them.</p>
<p>53.56 NZ Transport Agency Support. The submitter considers that demand for roading establishment and maintenance is afforded some consideration in the objective. Reword Objective 4 as follows: <u>Unplanned peripheral expansion of the built up area resulting in increased demand for urban services and roading is avoided.</u></p>	<p>Decision 34/6 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Neither “urban services” nor “services” are defined by the Plan. 2. The objectives and policies in Section 2.17 Transportation address this matter.
2.35.3 Policies	
<p>79.23 KiwiRail Holdings Ltd Oppose in part. The submitter considers that significant infrastructure should be protected from inappropriate subdivision, use and development and that this should be reflected in the Policies. Include a new Policy: <u>New buildings locating near to the rail network should include separation distances, design and materials to reduce noise and vibration to acceptable levels.</u></p>	<p>Decision 34/7 This submission is accepted in part.</p> <p>Amendments to District Plan None required.</p> <p>Reason Decision 33/5 considers noise and vibration issues associated with the transportation network and includes new policies into the Proposed Plan referring to these, and the potential for reverse sensitivity effects.</p>

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<p>107.7 A4 Simpson Architects Limited Support. Retain residential policies.</p> <p>53.57 NZ Transport Agency Support. Retain Policy 5 as proposed.</p>	<p>Decision 34/8 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitters support the Proposed Plan provisions and seek no change to them.</p>
Residential 1	
SECTION TWO ISSUES, OBJECTIVES AND POLICIES	
2.36.1 Issues	
<p>107.8 A4 Simpson Architects Limited The submitter objects in part to Issue 1. The quality of the city's housing stock is not dependent on development and redevelopment. Refurbishment and maintenance of existing housing stock can ensure high quality residential accommodation. In addition, areas of older housing stock that have been maintained can add considerably to the amenity of the city.</p> <p><u>Decision Sought:</u> Amend the wording of Issue 1.</p>	<p>Decision 34/9 This submission is accepted.</p> <p>Amendments to District Plan Amend Issue 1 as follows:</p> <ol style="list-style-type: none"> 1. The quality of the city's housing stock depends on an ongoing process of <u>maintenance</u>, development and redevelopment. <p>Reason The amendment clarifies the intent of the Issue.</p>
<p>107.5 A4 Simpson Architects Limited The submitter opposes Issue (3) on the grounds that there is a conflict between point 3 and Objective 3. Delete paragraph 3 of 2.36.1 Issues.</p>	<p>Decision 34/10 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason Issue 3 is an appropriate resource management issue and, at an implementation level, it is not inconsistent with Objective 3.</p>

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2.36.2 Objectives	
<p>78.13 Ministry of Education Support because most schools are within the Residential 1 Zone. Retain Objective 4.</p> <p>53.58 NZ Transport Agency Retain Objective 7 as proposed.</p>	<p>Decision 34/11 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submissions support the Proposed Plan provisions and seek no change to them.</p>
2.36.3 Policies	
<p>78.16 Ministry of Education Neutral. The submitter suggests that there is no policy that supports Objective 4.</p> <p><u>Decision Sought:</u> Include a Policy that supports educational activities and other community activities.</p>	<p>Decision 34/12 This submission is accepted.</p> <p>Amendments to District Plan Add a new policy in section 2.35.3 as follows:</p> <p><u>Policy X Non-residential activities:</u> <u>To enable non-residential activities when it can be demonstrated that they:</u> (a) <u>Are in keeping with the character anticipated in a residential area; and</u> (b) <u>Will not compromise the health, safety and amenity values enjoyed by residents;</u> <u>and</u> (c) <u>Cannot be practically located in other zones where such activities are anticipated.</u></p> <p><u>Explanation:</u> <u>Whilst the primary purpose of residential zones revolves around residential activities, it is recognised that there will be some non-residential activities that need to be located within parts of the residential zones. Examples may include education activities and visitor accommodation. In instances where it is accepted that a location in a Residential Zone is appropriate for a non-residential land use, the activity will need to be designed in a manner which minimises adverse effects and, where possible, contributes to residential amenity. Some activities, such as new industrial activities, are unlikely to be appropriate in any part of the Residential Zones. Council intends to support the vitality of the business zones, including the Central Business</u></p>

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	<p><u>District. Commercial activities are therefore not anticipated to locate within the residential zones."</u></p> <p>Reason The addition fills a gap in the policy framework.</p>
Policy 1	
<p>107.9 A4 Simpson Architects Limited The submitter opposes the explanation to Policy 1 on the grounds that it does not relate to the policy. Retain (E) as the explanation for Policy 1 and move the remainder of the explanation (A) – (D), to the introduction for the residential sections of the Plan.</p> <p>107.10 A4 Simpson Architects Limited The submitter opposes explanation (D) in part where it refers to population decline, as the 2013 Census data shows population growth. Delete "at worst population decline is a possibility" from Policy 2.36.3 Policy 1 Explanation, and all similar wording throughout the Plan.</p>	<p>Decision 34/13 These submissions are rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Points B to E do relate to the proposed Policy 1. 2. Census projections do contemplate a possible decline in population, although this is not considered the most likely scenario, and it is prudent to keep this possibility in mind when planning for the future.
Policy 3	
<p>53.59 NZ Transport Agency Support. The submitter suggests having a similar policy in place in the District Wide section of the plan to remove unnecessary duplication.</p> <p><u>Decision Sought:</u> Retain Policy 3, but consider introducing it to the District Wide issues section of the Plan.</p>	<p>Decision 34/14 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason While the provisions are similar between zones, there are differences in wording and intent that makes adoption of a common policy across all zones inappropriate.</p>

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Policy 5	
<p>53.60 NZ Transport Agency Oppose. The submitter believes the policy is not consistent with the policy directive provided by Policy 1, and this contradiction creates confusion for plan users. Further, the submitter does not consider it appropriate to include a policy in the Plan that encourages a resource consent application in a manner such as this.</p> <p><u>Decision Sought:</u> Amend Policy 5 (B) as follows: To encourage comprehensively designed medium density development in the Residential 1A Zone.</p>	<p>Decision 34/15 This submission is accepted in part.</p> <p>Amendments to District Plan Include a new Clause (B) in Policy 5 as follows, with consequential renumbering:</p> <p><i>(B) Allowing development on sections between 350m² and 400m² when buildings are well designed to give effect to other relevant objectives and policies of the Residential 1 Zone.</i></p> <p>Reason The addition clarifies the intent of the Policy.</p>
<p>107.13 A4 Simpson Architects Limited The submitter opposes references to Queenstown, Te Anau and Manapouri which he believes have no relevance to the policy.</p> <p><u>Decision Sought:</u> Delete the first sentence of the explanation for 2.36.3 Policy 5.</p>	<p>Decision 34/16 This submission is accepted in part.</p> <p>Amendments to District Plan Amend the Explanation to Policy 5 to read:</p> <p>Explanation: Invercargill's ageing population, decreasing average household size and the evolving settlement pattern of the District and Region changing role in relation to the rapidly growing centres of Queenstown and (to a lesser extent) Te Anau and Manapouri all mean that provision needs to be made for a variety of housing types.</p> <p>Reason The reference to these towns is unnecessary.</p>
Policy 6	
<p>65.76 ICC Environmental and Planning Services Support subject to amendment of drafting error. Amend explanation as follows:</p> <p>... Several lines of reasoning draw to a conclusion that this minimum dimension should be <u>at least</u> five and a half metres ...</p>	<p>Decision 34/17 This submission is accepted in part</p> <p>Amendments to District Plan Amend the Explanation of 2.36.3 Policy 6 to read:</p> <p>... Several lines of reasoning draw to a conclusion that this minimum dimension should</p>

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	<p>be <u>at least</u> five metres ...</p> <p>Reason Five metres is sufficient to offer enough outdoor living space, but a minor rewording is required to enable larger outdoor areas if the owner wishes.</p>
<p>107.12 A4 Simpson Architects Limited The submitter opposes this policy on the grounds that he believes Council should not be telling people how to design their outdoor living space. Delete 2.36.3 Policy 6.</p>	<p>Decision 34/18 This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>(i) Amend 2.35.3 Residential Overview Policy 4 to read:</p> <p>Residential Amenity: To require a high standard of residential amenity in new development, particularly with respect to sunlight access/opportunity for solar gain, and adequate space for outdoor living.</p> <p>Explanation: Maximising sunlight access/solar gain is a practical way to achieve warmer and healthier homes while minimising heating costs. The opportunity for outdoor living is generally accepted as an important dimension to residential amenity.</p> <p>(ii) Include a new policy in section 2.35.3 Residential Overview to read:</p> <p>Residential Amenity: <u>To advocate for and encourage the site layout and design of residential buildings so as to provide as far as practical sunlight access and opportunity for solar gain.</u></p> <p>Explanation: <u>Maximising sunlight access/solar gain is a practical way to achieve warmer and healthier homes while minimising heating costs. Sunlight also enhances internal illumination of buildings.</u></p> <p>(iii) Delete:</p> <p>2.34.3 Policy 3 2.36.3 Policy 7 2.38.3 Policy 6</p>

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	<p>2.39.3 Policy 6</p> <p>(iv) Amend 2.34.4 Method 6, 2.36.4 Method 7, 2.38.4 Method 6 and 2.39.4 Method 6 by adding the following:</p> <p>Method x Initiate environmental advocacy for:</p> <p>(xx) <u>Promotion of site and building design that recognises energy efficiency and its benefits, such as passive solar gain.</u></p> <p>(v) Amend 2.36.3 Residential 1 Policy 6 and 2.39.3 Residential 3 Policy 5 to read:</p> <p>Outdoor Living: To require the provision of practical outdoor private open space, accessible to the living areas of the dwellings, as an important dimension of amenity.</p> <p>Explanation: <i>Private open space is needed <u>desirable</u> on residential lots to enable <u>provide</u>:</i></p> <ul style="list-style-type: none"> (A) <i>Outlook – a pleasant outlook from inside the living areas of the dwelling.</i> (B) <i>Ventilation of indoor spaces on to a sheltered outdoor space.</i> (C) <i>Outdoor living (e.g. sitting in the sun with a cup of coffee).</i> (D) <i>Outdoor household activities (such as barbecues).</i> (E) <i>Children to play outdoors.</i> (F) <i>Provision of biodiversity (gardens), and a beneficial microclimate (shelter and sun).</i> <p><i>To be capable of being used for these purposes, the open space needs to have a minimum dimension. Several lines of reasoning draw to a conclusion that this minimum dimension should be at least five metres. The private open space needs to be oriented appropriately in relation to the building.</i></p> <p><i>Where the living areas of a dwelling are mostly at first floor level or above, a balcony is an appropriate design response to the need for outdoor living space.</i></p>

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	<p>Reasons As noted on pages 11 – 12 of this Decision:</p> <ol style="list-style-type: none"> 1. The provision of outdoor living space is a key component of residential amenity. 2. Good urban design is able to be achieved without specifying the precise location of outdoor living spaces. 3. The Building Act 2004 provides for the provision of glazing in each liveable room of a dwelling, and there is little justification to regulate solar access by way of District Plan rules. 4. The Council does have a role of advocating and encouraging good design. 5. Consequential changes are also required to the provisions of other zones for consistency, and arising from Decision 34/17.
Policy 8	
<p>65.77 ICC Environmental and Planning Services Support subject to amendment of explanation which refers to the site coverage requirements that are inconsistent with the rules.</p> <p><u>Decision Sought:</u> Amend the explanation: “... if more than <u>35%</u> 40% of the site is covered ...”</p>	<p>Decision 34/19 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason As set out in Decision 34/29, the Rule has been amended to read 40% so the policy now reads correctly.</p>

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SECTION 3.34 RULES	
General	
<p>83.6 Philip Orr The submitter considers that the matters of discretion are good and should be in every design of a home, however the submitter considers that design professionals should be able to provide the expected amenity within the recession planes without Council rules stipulating how this is to be achieved.</p> <p>FS31.4 - Philip Orr supports in part Submission 83.6 expanding on the original submission seeking that the 5.5m north boundary dimension be removed.</p> <p>FS33.5 - A4 Simpson Architects support Submission 83.6 and the comments around the advantages of good design and agrees that design professionals should be able to provide the expected amenity within the recession planes without Council rules stipulating how this is to be achieved.</p>	<p>Decision 34/20 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The rules set the parameters within which good design can be adopted. Deviation from those parameters requires resource consent approval at which time the proposal can be assessed against the matters of discretion 2. Not every home is designed by those with the skills to create good design thereby necessitating a consent.
<p>107.1 A4 Simpson Architects Limited The submitter asserts that banning cars from the outdoor living area is unnecessary.</p> <p>FS31.5 - Philip Orr support Submission 107.1</p>	<p>Decision 34/21 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Sharing car parks and driveways with private open space areas is contrary to the Plan objectives and policies in that safety cannot be assured. 2. In effect, people may still be able to park in their outdoor living space but such an area cannot be used to satisfy the requirements for access and parking.

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<p>78.19 Ministry of Education Support inclusion of educational activities in the list of permitted activities. Retain 3.34.1.</p>	<p>Decision 34/22 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the Proposed Plan provision and seeks no change to it.</p>
<p>25.1 David Falconer The submitter opposes the introduction of a maximum residential density of 400m² per residence. The submitter believes that NZ is facing decreasing housing affordability and adding these restrictions on housing supply can contribute to making housing less affordable. The submitter argues that other cities have allowed greater residential density, especially in residential zones close to city centres.</p> <p><u>Decision Sought:</u> The Residential 1A Zone should enable greater residential density of at least one residence per 300m² and enable one residence per allotment with approved subdivision consent as at 30 July 2013.</p> <p>FS33.6 - A4 Simpson Architects Limited support Submission 25.1.</p>	<p>Decision 34/23 This submission is noted.</p> <p>Amendments to District Plan Amend Rule 3.35.1 as follows:</p> <p>3.35.1 Rules 3.34.1 - 3.34.25 28 which apply in the Residential 1 Zone, also apply in the Residential 1A Zone, <u>except that Rules 3.34.4 to 3.34.7 do not apply in instances where applications are made pursuant to Rule 3.35.2.</u></p> <p>Reason The amendment clarifies the intent of the Proposed Plan and removes uncertainty.</p>
<p>72.2 Southland Registered Master Builders The submitter considers that 400m² is too large to subdivide in some areas. Amend the residential density requirement to one residence per 350m².</p> <p>FS33.7 - A4 Simpson Architects Limited support Submission 72.2. (See submission 107.15)</p> <p>83.3 Philip Orr The submitter questions the residential density of 400m².</p> <p>FS26.4 - A4 Somerset Development Ltd support Submission 83.3 and questions the 400m² residential density and further submits that there should be no limit.</p> <p>FS33.8 - A4 Simpson Architects Limited support Submission 83.3 and agrees with</p>	<p>Decision 34/24 These submissions are rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. There is currently an adequate supply of sections within the City of varying sizes. 2. As a permitted activity the 400m² size protects amenity. It is appropriate to consider any proposals to create smaller sections by way of resource consent.

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<p>the submitter's questioning of the 400m² residential density and submits that there should be no limit. See submission 107.15.</p> <p>107.15 A4 Simpson Architects Limited Opposes the introduction of a minimum lot size of 400m². The submitter asserts that good design should be able to provide dwellings on sections smaller than 400m². Delete Rule 3.34.4 Residential Density.</p> <p>FS5.45 - Invercargill Airport Ltd oppose in part submissions 25.1, 72.2, 83.3 and 107.15 and considers that it is appropriate to limit the density of development in areas affected by aircraft noise requesting a maximum residential density of one residential dwelling per 500m² should be required within the OCB and SESEB; and prohibited activity status to carry out more intense development, unless on an existing title less than 500m²</p> <p>FS31.6 - Philip Orr supports Submission 107.15.</p>	<p>3. The matters raised by Invercargill Airport Ltd in their further submission go beyond the scope of the submission lodged and cannot be considered here.</p>
<p>65.110 ICC Environmental and Planning Services Support in part. The submitter considers that within the designated area of outdoor living space, conservatories should be able to be erected. Amend 3.34.8 to include a statement that: "Within the designated area of outdoor living space conservatories may be erected"</p>	<p>Decision 34/25 This submission is accepted.</p> <p>Amendments to District Plan Amend 3.34.8 to include an additional bullet point as follows: (C) <u>The space shall be free of buildings, other than conservatories.</u></p> <p>Reason The submitter raises a valid point and it is appropriate to allow conservatories within the yard of a site.</p>
<p>83.4 Philip Orr The submitter questions the 5.5m circle and the minimum area of 30 square metres. The submitter also raises concerns about the term "main glazing of main living area" suggesting that it may be better to replace this with "opening door to outdoor living space" to ensure that the area can be accessed from the living space. The submitter considers that there are alternative design options available to ensure solar gain between the hours of 9.30 and 3.30 on midwinter's day, other than as stipulated within the proposed standard.</p>	<p>Decision 34/26 This submission is accepted in part.</p> <p>Amendments to District Plan Amend the rules as follows: Rules 3.34.8, 3.36.7 and 3.37.8: Incidence of Sunlight and Outdoor Living Residences at or near ground level: A designated area of outdoor living space is to be provided as follows:</p>

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<p>FS26.5 - A4 Somerset Development Ltd supports Submission 83.4</p> <p>FS31.7 - Philip Orr supports in part submission 83.4 expanding on his original submission seeking to change to 5.5m from an opening door from the living room. The further submitter considers that this can then be for outdoor living area not dead space in front of the living room. The further submitter considers that 3m would be more than enough space to allow the sun to get into any north facing room.</p> <p>FS33.9 - A4 Simpson Architects Ltd support Submission 83.4.</p>	<p>(A) The space shall be sufficiently large to accommodate a horizontal circle with diameter 5.05 metres.</p> <p>(B) Minimum area 30 square metres.</p> <p>(C) Located to the north [between 045 degrees True (north-east) and 315 degrees True (north-west)] of the main glazing of the main living area of the dwelling as per Infogram 5.</p> <p>(D) Adjacent to the main glazing of the main living area of the dwelling.</p> <p>(E) In such a way that it is accessed directly from the main living area.</p> <p>(F) In such a way that it enables incidence of sun to the living area.</p> <p><u>(C) The space shall be free of buildings, other than conservatories.</u></p> <p>Provided that this space shall not form part of areas shown on the site plan as being for vehicle parking or manoeuvring.</p> <p>Rules 3.34.9, 3.36.8 and 3.37.9:</p> <p>Residences where the living area is located one storey above the ground floor: A balcony is to be provided:</p> <p>(A) Minimum area 15 square metres.</p> <p>(B) Minimum horizontal dimension 2.5 metres.</p> <p>(C) Adjoining and accessible from the living area.</p> <p>(D) Oriented between 045 degrees True (north-east) through north to 315 degrees True (north-west) of the living area.</p> <p>Rules 3.34.11, 3.36.10 and 3.37.11:</p> <p>Applications ... shall address the following matters, which will be among those taken into account by the Council:</p> <p>(A) The extent to which solar gain to the living areas of the dwelling is achieved, and in particular to the main living area, between the hours of 0930 and 1530 on midwinter's day.</p> <p>(BA) The extent to which practicable outdoor living is achieved.</p> <p>(CB) The extent to which the development incorporates qualities of good urban design</p> <p>Reasons</p> <p>As noted on pages 11 – 12 of this Decision:</p> <p>1. The provision of outdoor living space is a key component of</p>

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	<p>residential amenity.</p> <ol style="list-style-type: none"> 2. Good urban design is able to be achieved without specifying the precise location of outdoor living spaces. 3. The Building Act 2004 provides for the provision of glazing in each liveable room of a dwelling, and there is little justification to regulate solar access by way of District Plan rules. 4. The Council does have a role of advocating and encouraging good design. 5. The recommendation in the Section 42A was to reduce the size of the required horizontal circle to 5.0 metres and none of the submitters opposed that. 6. Consequential changes are also required to the provisions of other zones for consistency.
<p>107.20 A4 Simpson Architects Limited Oppose. The submitter is concerned about the potential restrictions for owners of buildings built under earlier District Plan and District Schemes on east-west sections. Amend rule to provide for extensions to existing dwellings built to comply with historic yard requirements and located on east to west sections.</p>	<p>Decision 34/27 This submission is rejected</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. When District Plans are reviewed it is appropriate to reconsider rules relating to site layout and in this case changes are considered appropriate. 2. It is unclear which historic plan the submitter is referring to. On some sites it may be easier to develop under the provisions of the Proposed District Plan than under historic provisions. 3. It is not practical to provide rules that apply differently to sites, nor in the Invercargill setting, as recommended in the Section 42A Report, is it practical to apply a standard relating to sunshine hours.

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<p>83.5 Philip Orr Oppose. The submitter considers the current wording unclear, particularly in relation to the required length of the yard.</p> <p>FS33.10 A4 Simpson Architects Ltd and FS26.6 - A4 Somerset Development Ltd support Submission 83.5.</p>	<p>Decision 34/28 This submission is accepted.</p> <p>Amendments to District Plan Amend “Space around buildings” provisions as follows:</p> <p>3.34.12 A yard of at least two metres <u>deep</u> shall be provided on <u>along</u> each of the two northernmost boundaries of the site...</p> <p>3.34.13 A yard of at least four metres <u>deep</u> shall be provided on <u>along</u> all side and rear boundaries of any non-residential activity.</p> <p>Consequential changes to all other “Space Around Buildings” provisions in the Proposed District Plan, as follows:</p> <p>Business 1 Zone 3.23.22, Business 2 Zone 3.24.4, Business 3 Zone 3.25.7 and Business 4 Zone 3.26.7, :</p> <p style="padding-left: 40px;">A side and or/rear yard of at least four metres <u>deep</u> shall be provided for non-residential activities <u>along the site boundaries adjoining where the site adjoins a residential zone</u></p> <p>Business 5 Zone:</p> <p>3.27.7 Where the site adjoins the Rural 1 Zone there shall be a side and/or rear yard of at least 4 metres <u>deep along the site boundaries</u>.</p> <p>Industrial 1 Zone</p> <p>3.29.7 A side and/or rear yard of at least 4 metres <u>deep</u> shall be provided <u>along all site boundaries adjoining a residential zone</u>.</p> <p>Otatara Zone</p> <p>3.33.4 A yard of at least four metres <u>deep</u> shall be provided <u>along</u> on all side and rear boundaries of any non-residential activity.</p> <p>Residential 2 Zone and Residential 3 Zone 3.37.12 and 3.37.13</p> <p>3.36.11 A yard of at least two metres <u>deep</u> shall be provided along all boundaries of the <u>site lot</u>....</p> <p>3.36.12 A yard of at least four metres <u>deep</u> shall be provided <u>along</u> on all side and rear</p>

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	<p>boundaries of any non-residential activity.</p> <p>Rural Zone</p> <p>3.38.4 A yard of at least four metres <u>deep</u> shall be provided <u>along</u> on all side and rear boundaries of any non-residential activity.</p> <p>3.38.5. A yard of at least 20 metres <u>deep</u> is required for <u>between</u> plantation forestry activities <u>and any site boundary</u>.</p> <p>Reasons</p> <p>The amended provisions applying to buildings and open space in relation to yards are an improvement and are more transparent for the District Plan Users.</p> <p>Amendments to similar provisions in the other zones is considered.</p>
<p>72.1 Southland Registered Master Builders Oppose. The submitter considers that 35% is too restrictive and could encourage people to build up. Amend the site coverage limit to 40%.</p> <p>FS26.6 - A4 Somerset Development Ltd and FS33.11 A4 Simpson Architects Limited support Submission 72.1 and considers the 35% site coverage is too restrictive and supports an amended site coverage of 40%.</p> <p>107.18 A4 Simpson Architects Limited The submitter opposes the 35% site coverage limit throughout the Plan on the grounds that it is too restrictive. The submitter notes that the Plan provides for 10m in height, and that a structure that height will have more effect on residential amenity than a dwelling that exceeds 35% site coverage. Delete site coverage requirement.</p> <p>FS31.8 - Philip Orr support Submission 107.18.</p>	<p>Decision 34/29 Submission 72.1 Southland Registered Master Builders is accepted. Submission 107.18 A4 Simpson Architects Limited is accepted in part.</p> <p>Amendments to District Plan Amend the relevant rules to read:</p> <p>3.34.1619 Maximum coverage of all buildings on the site shall not exceed 35<u>40</u>% of net site area.</p> <p>3.34.1720 Where the coverage of all buildings on the site exceeds 35<u>40</u>% but does not exceed 45% of the net site area then it is a discretionary activity.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. In order to protect amenity it is appropriate to limit site coverage in the residential zones. 2. It is accepted that a site coverage of 35% is restrictive, particularly on smaller sites.

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ZONING	
<p>9.1 Southland Racing Club The submitter would like their land fronting on to Racecourse Road to be rezoned from Rural 2 to Residential 1. The submitter believes that given the recent Bupa development, a rural zoning of the submitter's land would be inappropriate. Rezone the submitter's land fronting on to Racecourse Road as Residential 1.</p> <p>FS26.8 - A4 Somerset Development Ltd and FS33.12 A4 Simpson Architects Limited support Submission 9.1 on the grounds that it owns property that is similarly isolated from other rural land and that is unlikely to be utilised for agricultural purposes long term. The further submitter considers that Rural 2 Zones on the city's urban fringes should be rezoned either residential, industrial or business depending on adjoining land uses. The further submitter also considers that the permitted activities in the Rural 2 Zone are limited and in many instances are unlikely to occur on these properties.</p>	<p>Decision 34/30 This submission is accepted.</p> <p>Amendments to District Plan Amend the zoning of the Southland Racing Club land fronting Racecourse Road from Rural 2 to Residential 1, as shown on the maps in Appendix 3.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Given the location and the nature of surrounding activities rezoning to allow residential development is appropriate. 2. Whether an assessment is required under the provisions of the NES on Contaminated Sites is a matter that can be determined prior to any change of use of the land but on the basis of information available to the Committee it does not consider this issue should be an impediment to rezoning. 3. The Committee is satisfied that there is adequate provision on the Racing Club land to provide adequately for parking when large scale events take place, which is only on a few occasions each year. 4. The matters raised in the further submissions are outside of the scope of the original submission and cannot be taken into account as part of that submission.
<p>62.1 A4 Somerset Development Ltd The submitter would like their property at 12 Somerset Lane to be shown as entirely within the Residential 1 Zone, not split between the Rural 2 and Residential 1 Zones. The submitter considers that the nature of the property and its environment is such that rural activities are not appropriate or probable, and its Rural zoning is contrary to Part 2 of the RMA.</p> <p><u>Decision Sought:</u> Rezone 12 Somerset Lane as entirely within the Residential 1 Zone.</p>	<p>Decision 34/31 This submission is accepted.</p> <p>Amendments to District Plan Amend the zoning of the land at 12 Somerset Lane so that the entire property is zoned Residential 1, as shown on the maps in Appendix 3.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The Committee accepts the evidence of Luke McSoriley that it is undesirable generally, and particularly in relation to this land, to

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<p>FS33.13 - A4 Simpson Architects Limited support Submission 62.1 and opposes the Rural 2 Zoning at 12 Somerset Lane. The further submitter states that while the general intent of Council's policy is to discourage Greenfield development in rural areas outside the city may achieve some good outcomes some of the areas included are not suitable. The further submitter considers that Council has included areas that are within the city's urban area that should not be zoned Rural. The further submitter considers that Rural 2 Zones that are within the city's existing urban fringe should be rezoned either residential, industrial or business depending on adjoining urban land uses.</p>	<p>have a split zoning applying to the land.</p> <ol style="list-style-type: none"> 2. As discussed on page 10 of this Decision, the Council has granted approval of a subdivision of the land subject to this consent creating 18 residential sections. 3. The Committee is satisfied that the development of the land would be undertaken in a co-ordinated manner with adequate provision made for required infrastructure.
<p>90.34 H W Richardson Group Ltd The submitter would like 33 Hunt Street and 1/33 Hunt Street zoned Residential 1 not Industrial 1, as the submitter considers this appropriate given the submitter's projections for the future use of the land and nature of the surrounding land uses. <u>Decision Sought:</u> Rezone 33 Hunt Street and 1/33 Hunt Street as Residential 1.</p>	<p>Decision 34/32 This submission is accepted.</p> <p>Amendments to District Plan Amend the zoning of the land at 33 and 1/33 Hunt Street from Industrial 1 to Residential 1, as shown on the maps in Appendix 3.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Given the dominance of residential land within the locality the extension of that zoning onto the subject land is appropriate. 2. Whether an assessment is required under the provisions of the NES on Contaminated Sites is a matter that can be determined prior to any change of use of the land but on the basis of information available to the Committee it does not consider this issue should be an impediment to rezoning.

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<p>92.1 Bonisch Consultants</p> <p>The submitter would like the land bound by Mclvor Road, North Road, Northside Drive, and Donovan Park zoned Residential 1, not Rural 2 on the grounds that:</p> <ol style="list-style-type: none"> The land is considered desirable for development shown by the significant level of development undertaken in recent years. Residential 1 zoning with an outline development plan would ensure coherent development with good connectivity and reduce the likelihood of piecemeal development with a lack of coordination with adjacent areas. The amenity of the area is suited to residential use with the level of existing development being such that it is unable to be practicably farmed. <p><u>Decision Sought:</u> Rezone the land bounded by Mclvor Road, North Road, Northside Drive, and Donovan Park as Residential 1.</p>	<p>Decision 34/33</p> <p>This submission is rejected.</p> <p>Amendments to District Plan</p> <p>None required.</p> <p>Reason</p> <p>As set out on pages 9 - 10 of this Decision:</p> <ol style="list-style-type: none"> There is an oversupply of adequately zoned land to meet the residential needs of the city for many years into the future. The multiple ownership of the land and disagreement amongst the owners will not easily facilitate future development. No consultation has been undertaken with affected landowners and it is not the role of the Council to impose an outcome that is not required in any case given (i) above.
Residential 1A	
General	
<p>107.16 A4 Simpson Architects Limited</p> <p>The submitter supports the move towards medium density residential housing. The submitter is concerned that there are areas not zoned for medium density housing within the City that are suitable for this zoning.</p> <p><u>Decision Sought:</u> Expand the Residential 1A Zone to include residential areas adjoining the Business 2 Zones of Windsor, Glengarry and Waikiwi.</p> <p>FS31.3 - Philip Orr supports Submission 107.16</p>	<p>Decision 34/34</p> <p>This submission is rejected.</p> <p>Amendments to District Plan</p> <p>None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> Adequate provision has been made for future growth and medium density housing within other areas and the submitter provided no clear justification for rezoning or precise definition of the area considered suitable for rezoning. The potential scale of changes sought should only be considered following consultation with potentially affected land owners and other interested parties. None of that has occurred.

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SECTION 2.37 ISSUES, OBJECTIVES AND POLICIES	
2.37 Objectives	
<p>78.14 Ministry of Education The submitter suggests that there should be an objective providing for good accessibility to service and retail activities, educational establishments and to places of employment. Include an Objective as follows: <u>Provision is made for good accessibility to service and retail activities, educational establishments, and to places of employment.</u></p> <p>78.17 Ministry of Education Neutral. The submitter suggests that there would need to be a policy to support a new objective that supports educational activities.</p>	<p>Decision 34/35 These submissions are rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason Collectively the objectives and policies adequately explain why the zones have been located where they are, which is not inconsistent with the matters raised by the submitter.</p>
2.37 Policies	
<p>103.60 Invercargill Airport Ltd Oppose 2.37.3 Policy 1 Residential 1A (Medium Density Housing) Zone in part. The submitter believes that there should be provisions relating specifically to the management of noise sensitive activities affected by the airport noise contours.</p> <p><u>Decision Sought:</u> Address reverse sensitivity issues for areas affected by the airport noise contours by inserting additional policies:</p> <ol style="list-style-type: none"> To require new buildings, and alterations to existing buildings, containing noise sensitive activities in these areas to be appropriately designed to mitigate the effects of aircraft noise; and; To restrict the density of development in these areas. 	<p>Decision 34/36 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason No part of the proposed Residential 1A Zone falls within the Outer Control Boundary of the airport and as a consequence the provisions sought are not necessary.</p>

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SECTION 3.35 RULES	
78.20 Ministry of Education Rule 3.35.1 - Support inclusion of educational activities in the list of permitted activities. Retain 3.35.1.	Decision 34/37 This submission is noted. Amendments to District Plan None required. Reason The submission supports the Proposed Plan provisions and seeks no change to them.
Residential 2 Zone	
General	
107.17 A4 Simpson Architects Limited The submitter supports plan provisions that encourage growth in Bluff and Omaui. Retain Residential 2 plan provisions.	Decision 34/38 This submission is noted. Amendments to District Plan None required. Reason The submission supports the Proposed Plan provisions and seeks no change to them.
SECTION 2.38 ISSUES OBJECTIVES AND POLICIES	
2.38.2 Objectives	
78.15 Ministry of Education The submitter suggests that there should be an objective providing for good accessibility to service and retail activities, educational establishments and to places of employment. Include Objective as follows: <u>Provision is made for good accessibility to service and retail activities, educational establishments, and to places of employment</u>	Decision 34/39 This submission is accepted in part. Amendments to District Plan Give effect to decision 34/12 Reasons 1. The matter raised is more appropriately dealt with at a policy level

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<p>78.18 Ministry of Education Neutral. The submitter suggests that there would need to be a policy to support a new objective that supports educational activities. Include a Policy that supports educational activities and other community activities.</p>	<p>than as an objective.</p> <p>2. Decision 34/12 provides a new policy that gives recognition to non-residential activities in all of the Residential Zones.</p>
<p>65.80 ICC Environmental and Planning Services Objective 1 - Support subject to amendment. The submitter considers this objective needs tidied up. Amend Objective 1 as follows: “The maintenance and development of zoned areas at Bluff and Omaui are maintained and developed, whilst retaining the amenity derived from low residential densities and rolling or sloping terrain.”</p>	<p>Decision 34/40 This submission is accepted.</p> <p>Amendments to District Plan Amend 2.38.2 Objective 1 as follows: The maintenance and development of zoned areas at Bluff and Omaui, are maintained and developed, whilst retaining the amenity derived from low residential densities and rolling or sloping terrain.</p> <p>Reason The amended objective reads better than that notified.</p>
<p>2.38.3 Policies</p>	
<p>65.82 ICC Environmental and Planning Services The submitter considers that there should be a policy on “Space around Buildings” to support the rules on setbacks and site coverage. <u>Decision Sought:</u> Insert a policy similar to that in the Residential 1 Zone but taking into account the subtle differences in the rules and the differences in the expected amenity values between the Residential 1 and Residential 2 Zones.</p>	<p>Decision 34/41 This submission is accepted.</p> <p>Amendments to District Plan Add an additional policy as follows: <u>Policy 8 Space around buildings:</u> To maintain the residential scale and amenity of space around and between buildings. <u>Explanation:</u> <i>The proportion of the site covered by buildings is an important determinant of residential amenity. This can reduce significantly on the property and on adjoining properties if more than around 35% of the site is covered in buildings.</i></p> <p>Reason The addition corrects an omission in the Proposed Plan.</p>

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SECTION 3.36 RULES	
<p>78.21 Ministry of Education Support inclusion of educational activities in the list of permitted activities. Retain 3.36.1.</p>	<p>Decision 34/42 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submission supports the Proposed Plan provisions and seeks no change to them.</p>
<p>65.111 ICC Environmental and Planning Services Support in part. The submitter considers that within the designated area of outdoor living space, conservatories should be able to be erected. Amend 3.36.11 to include a statement that: Within the designated area of outdoor living space conservatories may be erected.</p>	<p>Decision 34/43 This submission is accepted.</p> <p>Amendments to District Plan Amend 3.36.7 to include an additional bullet point as follows: (D) <u>The space shall be free of buildings, other than conservatories.</u></p> <p>Reason The submitter raises a valid point and it is appropriate to allow conservatories within the yard of a site.</p>
ZONING	
Omaui Zoning	
<p>2.5 Bluff Community Board There is a need for direct consultation with Omaui residents to enable them to be fully informed and this should occur prior to any change of zoning being adopted by Council.</p> <p>35.1 Neville Neems Oppose. The submitter considers that the level of detail regarding expected outcomes and impacts in the information provided during the consultation process was insufficient given the significance and value of the Omaui area. The submitter</p>	<p>Decision 34/44 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason 1. Appropriate consultation has been undertaken, including holding public meetings with the Omaui community</p>

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<p>believes the process is flawed and should be started again with greater detail provided so everybody has a clearer view of the proposed situation and what it really means.</p>	<p>2. Any person has a right to lodge submissions to the Proposed Plan, as several have chosen to.</p>
<p>8.1 John Collins The submitter would like to see the Omaui village identified as a separate zone, with rules on the preservation of views, section sizes, building heights and other environmental standards developed by the residents and/or ratepayers. The submitter states that Omaui has a special character, history and environmental context that is unique and the people that value Omaui should have the opportunity to preserve the unique place, the views and peace and tranquillity of the area.</p> <p><u>Decision Sought:</u> To make Omaui village a special zone developed by Omaui residents and/or ratepayers, with advice and assistance from Invercargill City Council planners.</p> <p>11.1 Brian and Noreen Midgley The submitter would like to see the Omaui village identified as a separate zone. The submitter believes that Omaui and Bluff are different and should not be identified as the same zone. The submitter states that Omaui does not have the same infrastructure or services as Bluff and believes Omaui is unique. The submitter refers to the projects identified in the Omaui Concept Plan and is concerned that Omaui will lose its identity if it is grouped with the larger centre of Bluff.</p> <p><u>Decision Sought:</u> To make Omaui a special zone.</p> <p>21.1 Susan and Alastair Stark The submitters believe that Omaui has a unique special character than can be found nowhere else in Southland. They believe this special character can be retained by:</p> <ol style="list-style-type: none"> 1. Changing the proposed Residential 2 Zone to the Omaui Special Zone. 2. In the long term, linking into the Invercargill/Bluff water supply. 3. Providing for the sewage scheme to service 80 lots, not 80 people. 4. Providing for subdivision of no less than 750m² per section. 5. Implementing the Upgrade of Amenities referred to in the Omaui Concept Plan 2010. 6. Not spending money on upgrading the existing road, but planning for a link into 	<p>Decision 34/45 These submissions are rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The proposed zoning for the Omaui area will not impact on the values of the area nor by virtue of its location, character or form. Nor will it result in the area becoming like Bluff. 2. Many of the actions sought in the submission, and matters submitters would like to have included in the District Plan are beyond the scope of what can be included in a RMA document. For example, whether to provide infrastructure to an area is an issue that should be considered through the Annual Plan process. 3. John Collins advised the Committee by email that he now supported the Rural 2 zoning. 4. Decision 7/24 (Water) inserts a new rule into the Residential 2 Zone requiring provision of fighting fire capacity in any new homes, either by sprinklers or water storage tanks.

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<p>Stanley Township via a one-lane bridge over Mokomoko Inlet and at the same time looking at upgrading the water supply from the ICC/Bluff link.</p> <p><u>Decision Sought:</u> To create an Omaui Special Zone.</p> <p>116.7 Kylie Fowler</p> <p>The submitter would like the zoning to see the Omaui village identified as a separate zone. The submitter believes that zoning Omaui in the same Zone as Bluff is problematic due to differing needs, such as the need for collection of water for domestic use and fire fighting. The submitter acknowledges that Omaui is different to other areas within the rural zone, due to the presence of a reticulated sewerage scheme.</p> <p><u>Decision Sought:</u> To make Omaui a special zone.</p>	
<p>19.1 Tim and Nicole Bainbridge</p> <p>The submitter opposes the proposed zoning. The submitter owns a 2.8ha block in Omaui which is shown as being in the proposed Rural1 Zone which they state will exclude them from being able to subdivide in line with the proposed Residential 2 Zone at Omaui. The submitter suggests that their property should be zoned Residential 2 because, due to their location, there would be no visual impact; it is the highest area so the least at risk of tsunami hazard; and there are still sewerage connections available.</p> <p><u>Decision Sought:</u> The submitter would like to be able to split their property into 3 or 4 blocks for family to be able to build on. If they can't subdivide their property, then the submitter believes that there should be no change to the zoning.</p>	<p>Decision 34/46</p> <p>This submission is rejected.</p> <p>Amendments to District Plan</p> <p>None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Part of this property is proposed to be rezoned (along the front of Mokomoko Road). 2. If the entire property was rezoned residential then up to about 20 houses could be built and that would likely place significant pressure on the reticulated sewerage system. 3. Council's preference is to make more efficient use of land within the existing hamlet of Omaui, rather than by extending the boundaries, particularly given that the surrounds of the village are within an Outstanding Natural Landscape and within the Coastal Environment.

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<p>37.1 Karen Cox, 38.1 Nicole Edwards, 39.1 Sean Edwards and 40.1 Jacinta Hamilton and 42.1 Stephen Morris</p> <p>The submitters oppose any change to Omaui's current rural zone, and believe that any change will destroy the remote appeal and unique character of Omaui. The submitter is also opposed to the selling off the Mokomoko Road Reserve and believes it should be replanted for the benefit of future generations and Omaui's biodiversity.</p> <p><u>Decision Sought:</u> No change (to the rural zoning), no sale of reserves and return them to their native condition.</p> <p>46.1 Susan Champion</p> <p>The submitter opposes the change to the zoning for Omaui and wishes it to remain rural.</p> <p>50.1 Dorothy Gilbert</p> <p>The submitter states that they wish the zoning for Omaui to remain rural and the urupa to be marked on all maps. The submitter also states that they are against the sale of reserves.</p> <p>55.1 Irene Schroder</p> <p>The submitter opposes the rezoning of Omaui from Rural to Residential 2 for the following reasons:</p> <ol style="list-style-type: none"> 1. The current zoning has proved adequate to date. There are 20 dwellings permanently occupied, 10 holiday houses, 2 blocks with foundations laid and 2 vacant blocks. 2. There have been approximately 18 applications for new or extensions for buildings carried out under ICC under the current zoning. Therefore, what is the problem? 3. Why is it necessary to change the zoning when there are already sections of a small size with dwellings built on them under your stewardship. 4. District Plans should show all land uses. This includes parks and reserves and especially cultural sections like the Urupa. To exclude these from your plans is misleading and inaccurate. <p><u>Decision Sought:</u></p> <ol style="list-style-type: none"> 1. That "Rural" zoning be retained as it is at Greenhills and Green Point. There 	<p>Decision 34/47</p> <p>These submissions are rejected.</p> <p>Amendments to District Plan</p> <p>None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The change in zoning from Rural to Residential 2 for the Omaui area will not impact on the values of the area. 2. The Residential 2 Zoning better reflects the values of the area and provides for controlled additional growth to occur. Such growth would not be permitted by a rural zoning. 3. The District Plan does not consider issues such as the ownership of reserves. That is subject to separate considerations by the Council. 4. As noted in Decision 10 Public Open Space, the only urupa land is not held under the Reserves Act 1977, rather being in freehold title. As a consequence, separate identification on the District Planning Maps is not appropriate.

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<p>appear to be only 16 sections around 800m². Is this sufficient to warrant rezoning?</p> <p>2. That all parks and reserves and special purpose land (e.g. Urupa) be shown on all maps, including draft plans.</p> <p>3. That Omaui, with a current population of approximately 31 permanent residents (from 20 houses), and 17 occasional occupiers (from 10 holiday homes), should not be given the same zoning as Bluff which has just under 2,000 residents.</p>	
Bluff Zoning	
<p>4.1 David Sutton</p> <p>The 3900m² block of land immediately to the east of 2 Raymond Street, Bluff is proposed to be zoned Rural 2 Zone. It is situated at the north of a Rural 2 Zone and is surrounded on three boundaries by Residential 2 zoned land in the midst of a residential housing area. The land has vehicle access from two streets. Both stormwater and sewerage services run along the boundaries of the property. Town supply water, power and phone services are all available in close vicinity of the property. The elevation of the property does not compromise water pressure. The size of the section is too small to enable a residential dwelling under the Rural 2 density provisions. If zoned Residential 2, it has the potential to be subdivided into at least four titles meeting the minimum density provisions. The submitter asserts that there are limited residential sections available at the east end of Bluff township with desirable and elevated views in a sheltered position. Building on this block is unlikely to encroach upon any neighbours' views and each section would have its own sea views that would also be unlikely to be interrupted by future developments. The submitter believes that it would be beneficial to Bluff township commercially to have available more residential land with good views.</p> <p><u>Decision Sought:</u> Rezone the land east of 2 Raymond Street from Rural 2 to Residential 2.</p>	<p>Decision 34/48</p> <p>This submission is accepted.</p> <p>Amendments to District Plan</p> <p>Amend the District Planning Maps to rezone the land east of 2 Raymond Street from Rural 2 to Residential 2 as shown in Appendix 3.</p> <p>Reason</p> <p>The submitter's arguments are accepted, in that the land is surrounded by residential land, suitable for development and capable of servicing.</p>
<p>116.1 Kylie Fowler</p> <p>The submitter is concerned that there are some properties within the Bluff area that have been zoned based on existing use rather than what the community would like to see in particular areas. The submitter believes that existing use rights would exist to protect these businesses. The submission specifically refers to a number of</p>	<p>Decision 34/49</p> <p>This submission is rejected.</p> <p>Amendments to District Plan</p> <p>None required.</p>

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<p>properties that have been zoned Industrial that the submitter does not believe is the appropriate zoning for their residential or commercial context.</p> <p><u>Decision Sought:</u> Reassess the zoning of properties in Bluff.</p>	<p><u>Reason</u> While the pattern of land uses in Bluff is not as segregated as might be ideal, consultation with the Bluff community prior to the release of the District Plan favoured the approach being adopted.</p>
Residential 3 Zone	
General	
<p>29.1 R T Chapman and 33.1 G D and N A Mason The submitter supports the Residential 3 (Large Lot) Zone and considers that this zone is a logical extension of the current residential/urban areas that will meet the future demand for residential sections in the north of Invercargill. Confirm the proposed Residential 3 (Large Lot) Zone and associated objectives, policies and rules.</p>	<p>Decision 34/50 These submissions are noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submissions support the Proposed Plan provisions and seek no change to them.</p>
<p>69.4 ICC Roading Manager The submitter notes that there are references in the Plan that extensions to infrastructure will not be possible until 1 July 2018. The submitter considers that it should be a permitted activity to extend these services if Council opts to extend the services prior to this. The submitter also considers that it is necessary to record and acknowledge who is responsible for funding of any extensions and what the financial implications are and how it would be funded.</p> <p><u>Decision Sought:</u> Amend the Plan to</p> <ol style="list-style-type: none"> Enable the Council to extend services within this area at its discretion. Acknowledge and record the financial implications of these provisions. 	<p>Decision 34/51 This submission is noted.</p> <p>Amendments to District Plan None required</p> <p>Reason The provisions referred to in the submission have been deleted by way of Variation 8.</p>

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SECTION 2.39 ISSUES, OBJECTIVES AND POLICIES	
2.39.2 Objectives	
<p>53.62 NZ Transport Agency Support. Retain Objective 3 as proposed.</p>	<p>Decision 34/52 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submission supports the Proposed Plan provisions and seeks no change to them.</p>
<p>65.83 ICC Environmental and Planning Services Support subject to amendment. The submitter notes that the policy refers to lots larger than 1500m² and the rules state that residential activity is permitted on lots over 2000m².</p> <p><u>Decision Sought:</u> Amend policy “... for housing on lots larger than 1500 <u>2000</u> square metres and which ...”</p>	<p>Decision 34/53 This submission is accepted.</p> <p>Amendments to District Plan None required.</p> <p>Reason Variation 8 has amended the policy and the associated rules to provide consistency.</p>
ZONING	
<p>1.1 R B Waterhouse There is a shortage of reasonably priced small allotments south-east of Invercargill City. The Residential 3 Zone should go from Oteramika Road south to Mason Road. Opposes the area north of Mason Road being classified Rural 1 Zone.</p> <p><u>Decision Sought:</u> The area north of Mason Road should be Residential 3 Zone, the same as the area south of Oteramika Road.</p> <p>51.1 Margaret and Maurice Casey The submitter considers that the area north of Oteramika Road from Rockdale Road to the entrance to Ascot Heights Development should be zoned Residential 3. The submitter states that there has been recent subdivision along that side of the road</p>	<p>Decision 34/54 These submissions are rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. There is no justification to extend the Residential 3 Zone. Indeed, by virtue of Variation 8 the Council has reduced the area of land zoned Residential 3. 2. The requested extension areas do not create a logical boundary

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<p>with sewerage and other services passing the gate, traffic speeds have been reduced, and the area to the north of the existing sections is always going to be rural as it is part of the Regional Council's flood relief plan.</p> <p><u>Decision Sought:</u> The area north of Oteramika Road from Rockdale Road to the entrance to Ascot Heights Development should be zoned Residential 3.</p>	<p>to the city.</p> <p>3. Sewerage infrastructure has been provided to Ascot Heights to a standard to meet the needs of that development. Once development is completed there no additional capacity will be available for other properties to connect.</p>
<p>36.1 T C McGaveston</p> <p>The submitter considers the property at 345 Bainfield Road would be more appropriately zoned as Residential 3, rather than Rural 2 as proposed. The submitter explains that the total land area of the property (8104m²) is already well below the minimum 2ha lot size stated in Section 2.41.3 Policy 1. The submitter notes that the Residential 3 Zone provides for lots larger than 1500m² that can be connected to the ICC reticulated sewerage system, and explains that the Inverurie Subdivision has now brought the system within 37 metres of the submitter's property, thereby making future connection possible. The submitter considers that as the properties immediately west and immediately north-east of the submitter's property are zoned Residential 3 there would be no adverse precedent set by rezoning 345 Bainfield Road.</p> <p><u>Decision Sought:</u> That under the final adopted 2013 District Plan, 345 Bainfield Road (Lot 1 DP 7180) is zoned Residential 3.</p>	<p>Decision 34/55 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The proposed rules will not alter the legal status of having a dwelling on their land, even if the site is below the minimum lot size for the Rural Zone. 2. The presence of sewerage infrastructure at the Inverurie development is not a justification to rezone the submitter's land. 3. The Residential 3 Zone boundary was determined having regard to the costs and benefits of extending the sewerage infrastructure. This property is outside of the area considered economic and justifiable to service.
MAPS AND APPENDICES	
Planning Map 6	
<p>107.26 A4 Simpson Architects Limited</p> <p>The submitter opposes the zoning of the Waikiwi Shopping Centre/School site. The submitter believes that the zoning should reflect a proposed improvement to the North Road/Bainfield Road/Durham Street intersection. The submitter believes that there should also be some Residential 1A zone in this area.</p> <p><u>Decision Sought:</u> Amend Planning Map 6.</p>	<p>Decision 34/56 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. As set out in Decision 34/34 adequate provision has been made for future growth and medium density housing within other areas,

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	<p>and the submitter provided no clear justification for rezoning or precise definition of the area considered suitable for rezoning.</p> <p>2. The potential scale of changes sought should only be considered following consultation with potentially affected land owners and other interested parties. None of that has occurred.</p>
Infogram 4	
<p>83.1 Philip Orr Oppose. The submitter questions the reduction of height for accessory buildings from 2.2m. The submitter considers that this will result in the reduction of usable space on a property.</p> <p>FS31.1 - Philip Orr supports Submission 83.1 adding that the existing height of 2.2m remains as current, no change required. The further submitter states that as this is garages etc that are able to be built close to boundaries which eliminates dead space beside a garage which cannot be used for actual outdoor living area for the site.</p> <p>FS33.1 - A4 Simpson Architects Limited support Submission 83.1 and considers that any reduction in the height limits for accessory buildings should reflect the standard stud and roof height for accessory buildings to avoid unnecessary regulation and cost for land owners associated with the resource consent process.</p> <p>107.19 A4 Simpson Architects Limited The submitter opposes the use of Infogram 4 on the grounds that the proposed 2m height limit on the boundary is too low. Amend the starting height of buildings on the boundary to 2.6m rather than 2m.</p> <p>FS31.2 - Philip Orr support Submission 107.19.</p>	<p>Decision 34/57 These submissions are accepted.</p> <p>Amendments to District Plan Amend Infogram 4 so that it reads to the same effect as Infogram 7 does in the Operative District Plan as shown in Appendix 2.</p> <p>Reason It is not clear why this provision, which was previously in the Operative District Plan, was removed. The effect of the extra 0.2m is very small given that this only applies to accessory buildings. Without this exemption the setback required as a result of recession planes is minimal. Such a setback is unlikely to serve any functional use but could hinder the efficient use of sites.</p>
Infogram 5	
<p>83.2 Philip Orr Oppose. The submitter is concerned that this Infogram will result in living areas open to the prevailing winds and that compliance with the standard will result in more complicated design requirements. The submitter suggests that there are alternative design solutions available to enable access to sunlight in the living areas and other</p>	<p>Decision 34/58 This submission is accepted.</p> <p>Amendments to District Plan Infogram 5 is deleted from the Plan.</p>

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<p>areas of dwellings.</p> <p>FS33.2 A4 Simpson Architects Limited support Submission 83.2 and considers that the Infogram may result in living areas exposed to prevailing winds and will result in more complicated design requirements.</p>	<p>Reason As a consequence of Decision 34/26 this Infogram is no longer required.</p>
VARIATION 8	
GENERAL	
<p>V14.1 Bonisch Consultants Ltd Oppose. The submitter opposes the Variation in its entirety and considers that the Residential 3 Zone is the most appropriate zoning for the land zoned Residential 3 in the Proposed Invercargill City District Plan 2013 given the existing land use in the area, the availability of services, and the provision of lifestyle options in the district. The submitter provides the following reasons for their opinion:</p> <ul style="list-style-type: none"> • The areas are highly desirable for development as has been shown by the significant level of development that has been undertaken in recent years • The retention of land in two hectare blocks in an urban environment is a poor use of land. • Existing services of a size allowing for use by all properties in the areas are in existence in both areas. • Option 2, whilst allowing for existing consented sites to be zoned Residential 3, does not allow for growth in the district. • Growth and development of the district should be an over-riding concern for the Council as is set out in successive planning documents at both a regional and national level. <p>The submitter contends that the reduction of the Residential 3 Zone does not allow for urban growth and development as required under the Proposed Regional Policy Statement. The submitter refers to The Big Picture and notes that the areas previously identified for Residential 3 Zone are identified as having potential for further lifestyle development. The submitter considers that both areas are located immediately next to the Domicile Sub-Area/Urban Zone, have existing service</p>	<p>Decision 34/59 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons As discussed on pages 7 – 9 of this Decision and at a general level:</p> <ol style="list-style-type: none"> 1. The Proposed Plan as amended by Variation 8 does provide for growth of the city in an appropriate manner. 2. Having regard to the long term needs of the city to provide for residential development, it is relevant to have regard to the costs of services and the implications of those costs to the Council and ratepayers. 3. It is not accepted that financial contributions together with special rating areas will meet all costs of expanding infrastructure in a manner that is timely or efficient. 4. Desirability of land for development is not a justification for adoption of a residential zoning. 5. The multiple ownership of areas of land no longer zoned Residential 3 by Variation 8, and differing views of affected land owners, would preclude its orderly and integrated development. 6. This is a general submission and regard is given to individual land holdings in other Decisions below.

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<p>infrastructure in place or located in close proximity, and are located in low speed environments, particularly in the case of Ascot Heights.</p> <p>The submitter contends that the Plan should provide for a variety of lifestyle options, and that restricting development to infill on potential small sites, in potentially undesirable areas of the city does not achieve this purpose. The submitter considers that there are only extremely limited opportunities to find 1500m² sections in the Domicile Sub-Area. The submitter considers that the Variation restricts options and opportunities for development of the city. The submitter considers that the Objectives of the Residential 3 Zone will be met if The Land is zoned Residential 3.</p> <p>The submitter considers that the Residential Overview Objectives will also be met through the provision of a zone that provides for a range of housing types, whilst still maintaining the critical mass within the defined residential areas. The submitter believes that the use of existing rural-residential land provides for an urban edge, restricting peripheral expansion to defined areas.</p> <p><u>Decision Sought:</u> That the zoning proposed under the Proposed Invercargill City District Plan 2013 is retained and the Objectives, Policies and Rules of the Residential 3 Zone as set out in the Proposed Invercargill City District Plan 2013 are retained.</p> <p>VFS4.5 - Greg Simmons supports Submission 14.1 and believes that the District Plan is a great opportunity for the Council to give developers direction on where they should go rather than waiting for development to happen in an opportunistic manner. The further submitter considers developments around Invercargill happen slowly and that this gives the Council an opportunity to plan.</p> <p>VFS5.7 - Ascot Projects Ltd supports Submission 14.1 and agrees with the submitter that:</p> <ul style="list-style-type: none"> • The significant amount of sales and development that has taken place in both Inverurie and Ascot Heights is a reasonable indicator of ongoing demand. • Where connection to reticulated services can be provided, requiring larger lots than 1,500m² is poor use of land. • Significant investment has been made by developers already on the basis of district plan provisions as notified and extensive consultation. • Growth and development of the district should be consistently seen as an 	

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<p>over-riding concern.</p> <ul style="list-style-type: none"> • The reduction in the Residential 3 Zone proposed in Variation 8 is not mandated by the Proposed RPS. • Ascot Heights is located in a low-speed environment and “reads” as development on the outskirts of the built up area of the city. 	
<p>V1.1 Greg Simmons Oppose. The submitter believes that the city growth will stall if access to quality, modern housing is limited and conversely it will be encouraged if there is an abundance of such housing. The submitter states that stalled city growth will lead to a downward spiral where we need to spend money as a city to change the trend but do not have the ratepayer base to do so.</p> <p>The submitter notes that the Variation suggests that the projected population growth could be fitted within the existing boundaries. The submitter contends that if the population growth is forced to fit within the existing boundaries they will simply move elsewhere. The submitter believes that the sections would be too small and mixed in with the existing housing stock in the district which is predominantly older than 50 years. The submitter considers that the existing housing stock is mostly under-insulated, unhealthy and grossly overvalued. The submitter considers that the city needs to be attractive for families who want to live active and healthy lives.</p> <p><u>Decision Sought:</u> The Residential 3 Zone is increased rather than reduced.</p> <p>VFS5.1 Ascot Projects Ltd supports in part Submission V1.1 and agrees that the city growth will be frustrated if housing choice is limited to completely inside the areas covered by Residential 1 and Residential 2 Zones. The further submitter does not consider that the Residential 1 and 2 Zones can accommodate “lifestyle” type development that the Residential 3 Zone can. The further submitter considers that gentrification of older areas of the District will result in displacement of those on lower or middle incomes, forcing them to low cost housing on the periphery where they are less able to afford access to services and facilities and where there can be greater social isolation.</p> <p>The further submitter considers that the opportunity to create “lifestyle” development within easily travelling distance to the Invercargill City centre is an important “point of difference” in promoting development in Invercargill. The further submitter considers</p>	<p>Decision 34/60 This submission is accepted in part.</p> <p>Amendments to District Plan Adopt Decision 34/64 which zones the property at 339 Rockdale Road and adjoining land Residential 3 as shown on the plan attached in Appendix 3.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The presentation given by this and other submitters at the hearing outlined the suitability of the land fronting Rockdale Road and to the south of Oteramika Road for Residential 3 purposes. 2. The Proposed Plan as amended by Variation 8 does provide for growth of the city in an appropriate manner. 3. Having regard to the long term needs of the city to provide for residential development it is relevant to have regard to the costs of services and the implications of those costs to the Council and ratepayers.

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<p>that if “lifestyle” development opportunities are not available in Invercargill then people in the target market are more likely to establish their homes elsewhere and simply have a flat in Invercargill for use during the business week. In the further submitter’s opinion, this would result in less critical mass in Invercargill to support services, facilities and civic life generally.</p> <p>The further submitter does not agree that the Residential 3 Zone should be expanded on the grounds that this would result in an oversupply of lifestyle size sections and fragmented and inefficient development.</p>	
<p>V2.1 Trevor Cornes Oppose. The submitter considers that the Residential 3 Zone is an excellent provision for Invercargill to move forward on. The submitter believes that the image of the city will be raised with these sorts of subdivisions on the perimeter and it will also reduce waste of good farming land on 5-10 acre blocks, which, in the submitter’s opinion, are not as popular as it may seem, as people buy them because there is not a smaller option. The submitter considers that there is a need to allow for expansion and development going forward for more than about five years.</p> <p><u>Decision Sought:</u> The area earmarked for Residential 3 be expanded to cover at least two kilometres out from the full perimeter of the city.</p> <p>VFS5.2 - Ascot Projects Ltd supports in part SubmissionV2.1 and agrees that the city growth will be frustrated if housing choice is limited to completely inside the areas covered by Residential 1 and Residential 2 Zones. The further submitter does not consider that the Residential 1 and 2 Zones can accommodate “lifestyle” type development that the Residential 3 Zone can. The further submitter considers that experience over many years in marketing “lifestyle” development is that people are looking for large sites of the order of 1,000-1,500m² in order to site a larger house attractively in spacious grounds, not larger blocks where there is a need to keep animals.</p> <p>The further submitter does not agree that the Residential 3 Zone should be expanded on the grounds that this would result in an oversupply of lifestyle size sections and fragmented and inefficient development.</p>	<p>Decision 34/61 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Zoning of the full area sought by the submitter would be excessive in meeting the future long term needs of the residents and communities of Invercargill. 2. The submitter has not undertaken any assessment of the environmental or economic implications to zoning such an area to assist the Committee is assessing its effects. 3. Having regard to the long term needs of the city to provide for residential development it is relevant to have regard to the costs of services and the implications of those costs to the Council and ratepayers. 4. Desirability of land for development or the way it looks on approaching the urban area is not a justification for adoption of a residential zoning. 5. The multiple ownership of areas of land no longer zoned Residential 3 by Variation 8, and differing views of affected land owners, would preclude its orderly and integrated development.

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<p>V3.1 Robin and Susan McNeill Support. The submitter states that it was always their understanding that the land south of, and including, 52, 60 and 49 Sunrise Drive could not be subdivided to less than two hectares and noted surprise in the Proposed District Plan provisions. The submitter considers that the proposed Variation will in effect prevent subdivision of the land adjacent to their property to areas less than two hectares. The submitter supports the zoning of Rural 2 to the area as they believe that it will preserve the intrinsic values of the place that they understood was already protected.</p> <p><u>Decision Sought:</u> That the “Option 2 – Reduced Residential 3” Ascot Heights plan be adopted as notified.</p> <p>VFS1.1 - Greg Simmons opposes Submission V3.1 and the reduction of the Residential 3 Zone on the grounds that this would be short sighted and not in the interests of the city as a whole.</p> <p>VFS5.3 - Ascot Projects Ltd opposes Submission V3.1 and believes that the development at Ascot Heights has always been planned as a staged yet integrated development. The further submitter believes that with good planning and subdivision design, development can proceed without affecting adversely the amenities of those who have residential properties in the adjoining Rural 2 Zone. The further submitter further states that there is less potential for adverse effects on neighbours under the Residential 3 Zone than under the Rural 2 Zone.</p> <p>V5.1 April Dawn Muijs Support. The submitter would like the outlook to remain rural around their property at 93 Sunrise Drive. The submitter notes that this is a five acre plot and would like to see this continue to have a rural outlook.</p> <p>VFS2.1 - Greg Simmons opposes Submission V5.1 and the reduction of the Residential 3 Zone on the grounds that this would be short sighted and not in the interests of the city as a whole. The further submitter believes that the submitter is interested solely in the outlook from a single property and is not considerate of future generations or fellow Invercargill citizens.</p> <p>VFS5.4 - Ascot Projects Ltd opposes Submission V5.1 and states that the RMA does not purport to protect views unless they are specifically provided for in the policy framework of a district plan. The further submitter believes that the “view” that people can reasonably expect is determined by the “permitted baseline” of what is permitted</p>	<p>Decision 34/62 These submissions are accepted in part.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The support of the submitters for the provisions of Variation 8 is noted. 2. While much of the land within the Ascot Heights development has been zoned Residential 3 to recognise approved consents and the considerable financial commitment made by the developer, the land adjoining the property of the submitters has retained a rural zoning.

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<p>as of right in the zoning of a neighbouring property. The further submitter continues to question the submitter's feelings about agricultural buildings and factory farming, noting that these types of activities are more likely in the Rural 2 Zone than the Residential 3 Zone.</p>	
<p>V6.1 Environment Southland Support. The submitter supports the reduction of the scale of the Residential 3 Zone to those areas that are currently serviced and that the remainder of the areas is rezoned to Rural 2 Zone. The submitter notes that the Residential 3 Zone addressed effluent disposal concerns by requiring dwellings to connect to Council's reticulated sewerage system. The submitter notes that the ICC has clearly stated that there is no provision for growth, with maintenance and upgrading to existing infrastructure being the key focus for infrastructure services.</p> <p>The submitter notes that District Plans are required to give effect to an Operative Regional Policy Statement and to have regard to a proposed Regional Policy Statement. The submitter refers to a number of Regional Policy Statement provisions and states that the proposal will be in accordance with the Proposed Regional Policy Statement Objective URB.1, Policy URB.1 and Policy URB.2. The submitter refers to the obligations for properties within the Rural 2 Zone and outside the proposed reticulation sewerage system in relation to effluent disposal and the Regional Effluent Land Application Plan for Southland.</p> <p><u>Decision Sought:</u> That the issues raised in the submission are addressed fully.</p> <p>VFS3.1 - Greg Simmons opposes Submission V6.1 on the grounds that this is a short sighted approach and not in the interests of the city as a whole. The further submitter considers that the submission does not take into account fundamental flaws in Variation 8 which states that there is no budget for new area growth in the 2015 to 2025 plan. The submitter believes that this raises a number of issues:</p> <ul style="list-style-type: none"> • What cost is there to the ICC when the infrastructure of a new area development is normally funded by the developer? • Most developments in Invercargill are relatively slow moving. Is there any chance there will be any major developments that will impact on the infrastructure maintenance before 2025? • If there were to be such a development as in the above point, is there actually 	<p>Decision 34/63 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the provisions of the Variation and seeks no change to it.</p>

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<p>any change of significant maintenance work to the infrastructure required prior to 2025?</p> <ul style="list-style-type: none"> Does new area growth have any more effect on maintenance of downstream infrastructure than growth in existing areas? Does the Council believe that a “no growth” plan is in the best interests of the citizens of Invercargill? <p>The further submitter considers that given how long it takes for developments to get off the ground in Invercargill, surely the ICC can see the benefits of designating areas for development and planning the infrastructure accordingly rather than the current method of waiting for demand driven development to stretch the boundaries of the city in an ad hoc manner. The further submitter believes that the ICC should be a proactive driver of such development direction, rather than a sightless controlling body that is always two steps behind demand.</p> <p>VFS5.5 - Ascot Projects Ltd opposes Submission V6.1 being of the understanding that there is capacity at the Clifton sewerage purification works to accept and treat additional effluent. The further submitter considers that “growth” needs to be anticipated if Invercargill is not to decline. The further submitter considers that there has been a great deal of criticism of the RMA because it is seen to inhibit growth. The further submitter considers that provision for growth will address the issue of maintenance of “critical mass”.</p> <p>The further submitter considers that it has accepted in the past the concept of a development contribution as a “join the club” fee when new developments connect to existing infrastructure. The further submitter considers that development such as Ascot Heights can be most effectively serviced with sewerage systems incorporating holding tanks with the discharge controlled by float switches, with the effect of spreading the loads. The further submitter considers that the provisions as originally notified gave effect to the Regional Policy Statement, referring to Objective URB.1, and Policies URB.1 and URB.2.</p>	
<p>V4.1 Ascot Projects Ltd Oppose. The submitter considers that the Variation is unreasonable when it is considered the submitter has spent millions of dollars on infrastructure suitable for Residential 3 type development. The submitter contends that the Variation is against</p>	<p>Decision 34/64 This submission is accepted in part.</p> <p>Amendments to District Plan Rezone that land south of Oteramika Road shown in Appendix 3 as</p>

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<p>natural justice, if not illegal. The submitter objects to the Council's reliance on population statistics and does not believe it is progressive or positive. The submitter considers that the Variation is contrary to previous discussions had with Council staff. The submitter believes that the Council is confused about its policies and objectives and planning for the city's future and believes that the Council wants to drive people away.</p> <p>VFS4.1 Greg Simmons supports Submission V9.1 and believes that the District Plan is a great opportunity for the Council to give developers direction on where they should go rather than waiting for development to happen in an opportunistic manner. The further submitter considers developments around Invercargill happen slowly and that this gives the Council an opportunity to plan.</p> <p>V9.1 Ascot Projects Ltd Oppose. The submitter considers that the Residential 3 Zone is the most appropriate zoning for the land within the Ascot Heights development generally bound by Oteramika Road, Bonnies Chance, Majestic Chance, Court of Ascot and Sunrise Drive ("The Land") given the existing land use in the area, the level of services, and the trends in land development in Invercargill. The submitter provides the following reasons for their opinion:</p> <ul style="list-style-type: none"> • The Land is a highly desirable area for development as has been shown by the significant level of development that has been undertaken in recent years • A significant proportion of the land has been subdivided to 2,000m² or less, including some properties of approximately 1,000m². • The retention of land in two hectare blocks in an urban environment is a poor use of land, particularly land which is able to be easily serviced. • Option 2, whilst allowing for existing consented sites to be zoned Residential 3, does not allow for growth in the district. • Growth and development of the district should be an over-riding concern for the Council as is set out in successive planning documents at both a regional and national level. <p>The submitter contends that the reduction of the Residential 3 Zone does not allow for urban growth and development as required under the Proposed Regional Policy Statement. The submitter refers to The Big Picture and notes that The Land is</p>	<p>Residential 3.</p> <p>Reasons As discussed on pages 7 – 9 and 11 of this Decision:</p> <ol style="list-style-type: none"> 1. It was accepted by Mr Chapman, Counsel for Ascot Projects Limited, that the Variation process was not unlawful. 2. The presentation given by this and other submitters at the hearing outlined the suitability of the land fronting Rockdale Road and along the western end of the south of Oteramika Road for Residential 3 purposes, and the rezoning recognises the approved consents applying to the land and the considerable financial commitment made by the developer. 3. Consequential to, and arising from these submissions, the Committee accepts that the land south of Oteramika Road, shown in Appendix 3, is suitable for development for Residential 3 purposes, having regard to its character and the current level and capacity of infrastructure provided.

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<p>located within or at least immediately adjacent to the defined urban edge indicated in that spatial plan. The submitter contends that the Plan should provide for a variety of lifestyle options, and that restricting development to infill on potential small sites, in potentially undesirable areas of the city does not achieve this purpose. The submitter considers that infrastructure costs would be covered by developers. The submitter considers that the Objectives of the Residential 3 Zone will be met if The Land is zoned Residential 3. The submitter considers that the Residential Overview Objectives will also be met through the provision of a zone that provides for a range of housing types, whilst still maintaining the critical mass within the defined residential areas. The submitter believes that the use of existing rural-residential land provides for an urban edge, restricting peripheral expansion to defined areas.</p> <p>The submitter concludes with the following summary:</p> <ul style="list-style-type: none"> • The Land has existing services infrastructure; • The Land has already largely been developed to a Residential 3 Zone allotment area standard; • The remainder of the sites that are larger than 1 or 2 hectare area accessed through an existing “urban environment”; • The speed environment for the Urban Zone to pass the entrance of Ascot Heights is 50kph; • The Land is immediately adjacent to the built up environment; • The zoning of The Land as Residential 3 is not considered to be contrary to the objectives and policies of the Proposed Regional Policy Statement or the Proposed District Plan. <p><u>Decision Sought:</u> That the zoning proposed under the Proposed Invercargill City District Plan 2013 is retained and the Objectives, Policies and Rules of the Residential 3 Zone as set out in the Proposed Invercargill City District Plan 2013 are retained.</p> <p>VFS4.1 - Greg Simmons supports Submission V9.1. The further submitter believes that the District Plan is a great opportunity for the Council to give developers direction on where they should go rather than waiting for development to happen in an opportunistic manner. The further submitter considers developments around Invercargill happen slowly and that this gives the Council an opportunity to plan.</p>	

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<p>V8.19 Ascot Projects Ltd Oppose Planning Map 11. The submitter considers that the amendments to Planning Map 11 are contrary to the enabling purpose of the RMA, renege on the outcomes of previous discussions and consultation with the Council, and frustrate the completion of planned and staged development.</p> <p><u>Decision Sought:</u> The retention of Planning Map 11 as publicly advertised in the Proposed District Plan, in particular the retention of the Residential 3 zoning.</p>	
<p>V7.1 W and J Devine Oppose Variation as it relates to Retreat Road. The submitter believes that the Variation is driven by a lack of planning on behalf of the Council to accommodate growth expectations in the Retreat Road area. The submitter is concerned that the Variation will cause a division of interest in the road and affect property values. The submitter states that at the time of the Inverurie subdivision, there was provision made to accommodate sewerage requirements for the whole of Retreat Road and the block surrounding the Inverurie subdivision. The submitter questions the inference that there are infrastructure capacity issues and questions why there has been no budget for extension of services. The submitter considers that the July 2018 date is reasonable to transition the whole of Retreat Road. The submitter considers that the District Plan is an opportunity to address concerns with the effectiveness of septic tanks.</p> <p><u>Decision Sought:</u> That the Variation is struck out; or allow properties in Retreat Road rezoned Rural 2 to be rezoned a special Rural 2(S) Zone allowing for reduced lot size (0.8ha) along Retreat Road with their own on-site water and septic systems; and the Special Rural 2(S) Zone could be applied to other proposed Rural 2 areas under Variation 8.</p> <p>V11.1 T Dixon, D and R Munro, J Scott, and Oakland Family Trust Oppose. The submitters consider that the Residential 3 Zone is the most appropriate zoning for the land at 166 and 180 Mclvor Road and 117 and 118 Retreat Road ("the land") given the existing land use in the area, the availability of services to the land, and the trends in land development in Invercargill.</p> <p>V13.1 PA and JM Murray House Trust Oppose. The submitter considers that the Residential 3 Zone is the most appropriate zoning for the land at 101 Retreat Road ("The Land") given the existing land use in</p>	<p>Decision 34/65 These submissions are rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The Variation continues to allow large lot residential development in the Retreat Road area, but places a limit on the extent of such development having regard to approved resource consents and development already undertaken. 2. As set out on page 9 of this Decision in relation to the Mclvor Road area, given the presence of multiple land owners in the locality and differing views on the desirability for more intensive development, the Committee is not satisfied that extension of development in the locality can be undertaken in a co-ordinated and integrated manner. 3. While the Inverurie development has installed sewerage pipes of a size capable of further development, there is no intent by Council to extend that infrastructure to serve additional land, and it is uneconomic to do so and there is no guarantee that development would occur in a timely manner to utilise that infrastructure. 4. Given the soil type and the height of the water table in this area of the District, 0.8 ha is generally not considered sufficient to provide for on-site systems in this area. As a consequence, it is not

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<p>the area, the availability of services to The Land, and the trends in land development in Invercargill.</p> <p>The submitters provide the following reasons for their opinion:</p> <ul style="list-style-type: none"> • The Land is a highly desirable area for development as has been shown by the significant level of development that has been undertaken in recent years. • The retention of land in two hectare blocks in an urban environment is a poor use of land, particularly land which is able to be easily serviced. • Option 2, whilst allowing for existing consented sites to be zoned Residential 3, does not allow for growth in the district. • Growth and development of the district should be an over-riding concern for the Council as is set out in successive planning documents at both a regional and national level. <p>The submitters contend that the reduction of the Residential 3 Zone does not allow for urban growth and development as required under the Proposed Regional Policy Statement. The submitter also contends that the Variation does not show any forward planning. The submitter refers to The Big Picture, and reference in the Section 32 report to the need for a well-defined urban edge “recognising that a compact and well defined urban form is more economical to service and therefore more sustainable”. The submitter considers that the Residential 3 Zoning is not contrary to the Spatial Plan and that given the existing level of development in the area the Residential 3 zoning is an efficient use of available land which is no longer of a size to be an efficient farming unit.</p> <p>The submitter contends that the Plan should provide for a variety of lifestyle options, and that restricting development to infill on potential small sites, in potentially undesirable areas of the city does not achieve this purpose. The submitter notes that the land use of the area around The Land has changed considerably over the last 20-30 years and that there is now very little incidence of intensive rural use with all properties in the area now lifestyle blocks. In relation to servicing the submitter notes that it believes that it has always been Council’s policy that the “first cab off the rank” is responsible for the installation of services.</p> <p>The submitter considers that the Objectives of the Residential 3 Zone will be met if The Land is zoned Residential 3. The submitter considers that the Residential</p>	<p>appropriate to adopt some other new zoning. Such a zoning is not considered practical for a small area in any case.</p>

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<p>Overview Objectives will also be met through the provision of a zone that provides for a range of housing types, whilst still maintaining the critical mass within the defined residential areas. The submitter believes that the use of existing rural-residential land provides for an urban edge, restricting peripheral expansion to defined areas.</p> <p><u>Decision Sought:</u> That the zoning proposed under the Proposed Invercargill City District Plan 2013 is retained and that the Objectives, Policies and Rules of the Residential 3 Zone as set out in the Proposed Invercargill City District Plan 2013 are retained.</p> <p>VFS4.3 - Greg Simmons supports Submissions V11.1 and V13.1 and believes that the District Plan is a great opportunity for the Council to give developers direction on where they should go rather than waiting for development to happen in an opportunistic manner. The further submitter considers developments around Invercargill happen slowly and that this gives the Council an opportunity to plan.</p> <p>V12.1 Peter D Carnie Support in part. The submitter supports the reduced Residential 3 Zone in Retreat Road. The submitter considers that this will be of benefit to Invercargill as it gives people the opportunity to purchase sections with a rural outlook. However, the submitter would like to see their property at 51 Retreat Road included within this Residential 3 Zone. The submitter considers that, as their property is located directly opposite the Inverurie development, it would make sense to include their land in the Zone. The submitter acknowledges that this would also give them the benefit of being able to connect to Invercargill's water scheme etc in the future, if they wish to.</p> <p><u>Decision Sought:</u> Retain the Residential 3 Zone as notified in the Variation and include 51 Retreat Road within the Residential 3 Zone.</p>	

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<p>V10.1 Mr P Heenan Oppose. The submitter considers that the Residential 3 Zone is the most appropriate zoning for the land at 319 Bainfield Road (“The Land”) given the existing land use in the area, the availability of services to The Land, and the trends in land development in Invercargill.</p> <p>The submitter provides the following reasons for their opinion:</p> <ul style="list-style-type: none"> • The Land is a highly desirable area for development as has been shown by the significant level of development that has been undertaken in recent years • The retention of land in two hectare blocks in an urban environment is a poor use of land, particularly land which is able to be easily serviced. • Option 2, whilst allowing for existing consented sites to be zoned Residential 3, does not allow for growth in the district. • Growth and development of the district should be an over-riding concern for the Council as is set out in successive planning documents at both a regional and national level. <p>The submitter contends that the reduction of the Residential 3 Zone does not allow for urban growth and development as required under the Proposed Regional Policy Statement. The submitter also contends that the Variation does not show any forward planning. The submitter refers to The Big Picture, and reference in the Section 32 report to the need for a well-defined urban edge “recognising that a compact and well defined urban form is more economical to service and therefore more sustainable”. The submitter considers that The Land is located close to the Bainfield Road sewer main and that as Stages 2 and 3 of the Inverurie development are completed the sewer main will run past the submitter’s land. The submitter considers that the Residential 3 Zoning of 319 Bainfield Road is not contrary to the Spatial Plan and that given the existing level of development in the area the Residential 3 zoning is an efficient use of available land which is no longer of a size to be an efficient farming unit.</p> <p>The submitter contends that the Plan should provide for a variety of lifestyle options, and that restricting development to infill on potential small sites, in potentially undesirable areas of the city does not achieve this purpose. The submitter considers that infrastructure costs would be covered by developers. The submitter believes that the sewerage services will be developed past The Land in the future. The submitter</p>	<p>Decision 34/66 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The shape and layout of buildings on this site, a presence of high class soils and provision for legal access to other land deem this land unsuited for a Residential 3 zoning. 2. The reasons for changing the zoning of the land given in the submission lodged and the material presented at the hearing was of a general nature and was not in sufficient depth to assist the Committee in considering the matters referred to in Section 32AA of the RMA. The Committee was not presented with any argument as to why this land should be rezoned ahead of any other land in the area. 3. It is not accepted that this property could be “easily serviced” for Residential 3 allotment sizes given the distance between the road and the area of the property that could be utilised for Residential 3-type development. 4. The presence of sewerage infrastructure at the Inverurie development is not a justification to rezone the submitter’s land, given that an extension would be required and it is uneconomic for the Council to undertake that, particularly when it is uncertain if such an extension would be fully utilised within the foreseeable future. 5. Having regard to the long term needs of the city to provide for residential development it is relevant to have regard to the costs of services and the implications of those costs to the Council and ratepayers. 6. It is not accepted that financial contributions together with special rating areas will meet all costs of expanding infrastructure in a

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<p>also notes that the existing dwelling at 319 Bainfield Road is connected to the Council's reticulated sewerage services.</p> <p>The submitter considers that the Objectives of the Residential 3 Zone will be met if The Land is zoned Residential 3. The submitter considers that the Residential Overview Objectives will also be met through the provision of a zone that provides for a range of housing types, whilst still maintaining the critical mass within the defined residential areas. The submitter believes that the use of existing rural-residential land provides for an urban edge, restricting peripheral expansion to defined areas.</p> <p><u>Decision Sought:</u> That the zoning proposed under the Proposed Invercargill City District Plan 2013 is retained; AND That the Objectives, Policies and Rules of the Residential 3 Zone as set out in the Proposed Invercargill City District Plan 2013 are retained.</p> <p>VFS4.2 - Greg Simmons support Submission 10.1 and believes that the District Plan is a great opportunity for the Council to give developers direction on where they should go rather than waiting for development to happen in an opportunistic manner. The further submitter considers developments around Invercargill happen slowly and that this gives the Council an opportunity to plan.</p> <p>VFS5.6 - Ascot Projects Ltd support in part Submission 10.1 stating they neither support nor oppose the zoning of the land at 319 Bainfield Road but supports the other submission points made by the submitter. The further submitter supports the comments made by the submitter in reference to the consultation undertaken in developing The Big Picture and the development of the Residential 3 Zone. The further submitter also supports the comments relating to the original Section 32 report. The further submitter expands by stating agreement with the significant resource management issues set out in that report and the conclusion that there is demand for 'lifestyle' properties in and around Invercargill. The further submitter believes that the approach taken in the notified District Plan was an appropriate response to the matters set out in that Section 32 report and that Variation 8 is not. The further submitter notes that it considers the main issue concerning Council is the cost to future generations of the services and questions why development or financial contributions have not been considered when the intention is to offset costs to the ratepayers.</p>	<p>manner that is timely or efficient.</p> <p>7. Desirability of land for development is not a justification for adoption of a residential zoning.</p>

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SECTION 2.39 INTRODUCTION	
<p>V8.1 and V8.2 Ascot Projects Ltd Oppose 2.39 Introduction – first and second paragraphs. The submitter considers the deletion of the word “lifestyle” is inappropriate and unnecessary. The submitter considers the inclusion of the words “large lot” is qualitative and meaningless in a city where lot sizes vary from a few hundred square metres to hundreds of hectares.</p> <p><u>Decision Sought:</u> Reword 2.39 to:</p> <p>(a) Retain the word “lifestyle”; and (b) Delete the words “large lot”.</p>	<p>Decision 34/67 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Changing the word “lifestyle” is consistent with Decision 29/4. 2. The wording “large lot” provides greater clarity than “lifestyle” in terms of qualifying the environment sought within the Residential 3 Zone. This is a residential zone, with the size of the lots being one of the significant identifying features compared to the other Residential zones, whereas the term “lifestyle” is subjective and not a true reflection of the experience gained on a 2,000 square metre section. 3. Witnesses for the submitters argued at the hearing that the term would be of assistance in promoting the sale of land and was well understood for real estate purposes. Whatever wording is used in the District Plan is immaterial to how a property is marketed.
<p>8.3 Ascot Projects Ltd Support in part 2.39 Introduction – third paragraph. The submitter agrees that connection to the full range of urban reticulated services may not always be necessary or appropriate. However, the submitter considers that the word “necessary” would be an improvement on the word “possible” as contained in the Variation. The submitter considers that the provision of services may be “possible” but expensive and neither necessary nor appropriate.</p> <p><u>Decision Sought:</u> Reword 2.39 third paragraph as follows:</p> <p>Given the semi-rural context of these zones, access to the full range of residential services, such as reticulated water and street lights, may not always be <u>necessary</u> possible or appropriate. However, these ...</p>	<p>Decision 34/68 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason</p> <ol style="list-style-type: none"> 1. The word “possible” highlights that the Council may not be in a position to provide all services arising from funding constraints and technical issues. 2. The word “necessary” is not an appropriate replacement as it infers quite a different meaning.

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SECTION 2.39.3 POLICIES	
<p>V8.4 Ascot Projects Ltd Oppose 2.39.3 Policy 1. The submitter suggests that the word “lifestyle” is an appropriate word to use in a district plan in describing a particular kind of living environment. In this instance the submitter states that they have always marketed the development with this connotation of a rural lifestyle – reflected in the name “Ascot Heights”. The submitter believes that with good design connotations of a rural lifestyle can be achieved on sites of 1,500m². The submitter asserts that even a large house on a 1,500m² site is likely to be well set on spacious grounds with plantings that are “rural” in character e.g. tall trees.</p> <p>The submitter considers that the inclusion of the words “large lot” is qualitative and meaningless in a city where lot sizes vary from a few hundred square metres to hundreds of hectares.</p> <p><u>Decision Sought:</u> Reinstate the original wording of 2.39.2 Policy 1 as notified as part of the Proposed District Plan as follows:</p> <p>Residential 3 (Large Lot) Zone: To provide for lifestyle estate residential housing on large lots by zoning areas adjoining and adjacent to the existing urban area for housing on <u>lots larger than 1,500 square metres of 2,000m² or more</u> and which can be connected to the Invercargill City Council reticulated sewerage system.</p>	<p>Decision 34/69 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Changing the word “lifestyle” is consistent with Decision 29/4. 2. The wording “large lot” provides greater clarity than “lifestyle” in terms of qualifying the environment sought within the Residential 3 Zone. This is a residential zone, with the size of the lots being one of the significant identifying features compared to the other Residential zones, whereas the term “lifestyle” is subjective and not a true reflection of the experience gained on a 2,000 square metre section. 3. Witnesses for the submitters argued at the hearing that the term would be of assistance in promoting the sale of land and was well understood for real estate purposes. Whatever wording is used in the District Plan is immaterial to how a property is marketed. 4. Reference is required in the policy to 2,000 square metre sites to provide consistency with the rules.
<p>V8.5 Ascot Projects Ltd Oppose 2.39.3 Policy 1 Explanation. The submitter considers the wording in this explanation describes accurately the market situation and expectation in the Invercargill area.</p> <p><u>Decision Sought:</u> Reinstate the original wording of paragraph 1 of the explanation to 2.39.2 Policy 1 as notified as part of the Proposed District Plan as follows:</p> <p>Explanation: Over the past 10 years there has been significant interest in the creation of “lifestyle” properties that offer some of the amenities of country living, in particular larger sections and spaciousness between dwellings. There has also been a reaction against the two hectares minimum lot size that has been the requirement until now, on the basis that two hectares is unnecessarily large.</p>	<p>Decision 34/70 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reasons In addition to the Reasons given in Decision 34/69:</p> <ol style="list-style-type: none"> 1. Explanations to policies do not have any legal standing but are included in the Proposed District Plan to aid in the interpretation of the provisions, rather than to give a background to why the

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<p>One of the reasons for the two hectares minimum has been to ensure suitability for on-site effluent disposal systems. Where there is an opportunity to connect to the Invercargill City Council sewerage system (i.e. the dwelling is within 30 metres of a reticulated service), this zoning provides the opportunity for dwellings with larger gardens and a semi-rural outlook whilst addressing the issue of effluent disposal.</p> <p>V8.6 Ascot Projects Ltd Support in part 2.39.3 Policy 1 Explanation. The submitter considers that the wording of this explanation reasonably describes the current market expectation. However, the submitter considers the words “large allotments” are unnecessarily vague. The wording in this explanation would support the wording of the provision in the Proposed District Plan as notified.</p> <p><u>Decision Sought:</u> Reword paragraph 2 of the explanation to 2.39.2 Policy 1 as follows:</p> <p>The Zone provides the option for residential development on <u>large allotments of a size appropriate to a rural lifestyle</u>, with the opportunity for dwellings with large gardens, a semi-rural outlook and space between structures.</p> <p>V8.7 Ascot Projects Ltd Oppose in part 2.39.3 Policy 1 Explanation. The submitter considers that the wording could be improved.</p> <p><u>Decision Sought:</u> Reword paragraph 3 of the explanation to 2.39.2 Policy 1 as follows:</p> <p>The ability to extend services and connect to existing services will be <u>partly</u> dependent on matters such as the capacity of that infrastructure and any potential downstream effects. Costs associated with new or upgraded Council infrastructure as a result of development may be the responsibility of the developer, in full or in part.</p> <p>V8.8 Ascot Projects Ltd Oppose in part 2.39.3 Policy 1 Explanation. The submitter considers that connection to the Council’s reticulated sewerage may well help to protect the values of soils and the health and well-being of the community, but that the sentence as it stands implies that one is a direct consequence of the other.</p>	<p>provisions have been included.</p> <ol style="list-style-type: none"> 2. The explanation as amended by the Variation provides greater clarity in terms of detailing the purpose of the policy, the factual situation and the Council’s position on servicing. 3. The word “partly” is not necessary because use of “such as” later in the sentence implies that this is not a complete set of considerations when determining ability to connect to services. 4. The main reason for requiring connection to the Council’s reticulated sewerage system is to protect the soils and the health and well-being of the community. The wording used does not infer on-site wastewater disposal systems are the only risk to soil health, or that by connecting the soil and the health and well-being of the community is immune from any other risk.

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<p><u>Decision Sought:</u> Reword paragraph 3 of the explanation to 2.39.2 Policy 1 as follows:</p> <p>Connection to Council's reticulated sewerage system is required to <u>will help in protecting</u> protect the values of the soils and the health and well-being of the community.</p>	
<p>V8.9 Ascot Projects Ltd</p> <p>Support in part 2.39.3 Policy 8. The principle of connecting to the sewerage reticulation system, as opposed to on-site effluent systems is not opposed. However, the submitter considers the policy leaves little room for innovative engineering solutions.</p> <p><u>Decision Sought:</u> Reword 2.39.3 Policy 8 to read as follows:</p> <p>Infrastructure – reticulated sewerage: To require that properties in the Residential 3 Zone connect <u>discharge directly or indirectly into the Invercargill City Council reticulated sewerage system.</u></p>	<p>Decision 34/71</p> <p>This submission is rejected.</p> <p>Amendments to District Plan</p> <p>None required.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The policy as notified is easily interpreted and provides clarity. The change proposed will introduce uncertainty. 2. The Council prefers connection directly to its reticulation services to avoid issues related to resilience and long term maintenance.
<p>V8.10 Ascot Projects Ltd</p> <p>Oppose in part 2.39.3 Policy 8 Explanation. That developers should be responsible for extensions to the Council's reticulated sewerage services, where the development is the reason for that extension, is not opposed. The words "in full consultation with the Council" are opposed because the submitter considers that in this context they are meaningless. The submitter considers that consultation implies a discussion about something that is being decided, listening with an open mind. The submitter considers that this is not what the Council intends, and considers that the Council is opposed to extension of services and that its mind is made up. The submitter considers that this is not an appropriate climate for "consultation".</p> <p><u>Decision Sought:</u> Reword the explanation to 2.39.2 Policy 8 as follows:</p> <p>Explanation: These zones are not designed to address the environmental effects of on-site effluent systems. Developers will be responsible for extensions and connections to the Council's reticulated sewerage services, in full consultation with the Council and in accordance with <u>Note: Attention is drawn to the Council's Bylaw 2013/1 Code of Practice for Land Development and Subdivision Infrastructure.</u></p>	<p>Decision 34/72</p> <p>This submission is accepted in part.</p> <p>Amendments to District Plan</p> <p>Reword the explanation to 2.39.2 Policy 8 as follows:</p> <p>Explanation: These zones are not designed to address the environmental effects of on-site effluent systems. Developers will be responsible for extensions and connections to the Council's reticulated sewerage services, in full consultation with the Council and <u>The overall density of development enabled in the Residential 3 Zone is insufficient to provide for the effective treatment and disposal of effluent on site. As a consequence, development in the zone is required to connect to the Council's reticulated sewerage system. The full costs of connecting to the sewerage system are the responsibility of the developer without any contribution from the Council. The sewerage infrastructure installed is also required to be constructed in accordance with the standards and procedures set out in the Council's Bylaw 2013/1</u> 2016/1 <u>Code of Practice for Land Development and Subdivision Infrastructure.</u></p>

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	<p>Reason Reference to “consultation with the Council” and the Bylaw is misleading and revision is required to better express the intent.</p>
<p>V8.11 Ascot Projects Ltd Support 2.39.3 Policy 9. The submitter considers that water supply is not a necessary precondition of lifestyle development in the Invercargill context. Retain 2.39.2 Policy 9 as notified as part of Variation 8.</p> <p>V8.12 Ascot Projects Ltd Support in part 2.39.3 Policy 9 Explanation. The submitter acknowledges that connection to Council's reticulated water supply is not necessary in a rural lifestyle type of development where individual lots are large enough to accommodate large water tanks. However, the submitter notes that some rationalisation of water storage requirements for firefighting purposes should be both foreseen and encouraged. The submitter considers the words “are favoured” imply bias and should not be used in a district plan. The submitter considers the bylaw should be simply referred to.</p> <p><u>Decision Sought:</u> Reword the explanation to 2.39.2 Policy 9 as follows:</p> <p>Explanation: Connection to the Council's reticulated water supply is not a requirement for this Zone. Developers will be responsible for any extensions and connections to the Council's reticulated water supply, in full consultation with the Council and in accordance with <u>Note: Attention is drawn to the Council's Bylaw 2013/1 Code of Practice for Land Development and Subdivision Infrastructure.</u></p> <p>To manage the effects of activities on water quantity and on the Council's infrastructure, on-site water management solutions are favoured in preference to <u>are more likely to be acceptable in terms of their environmental effect than</u> extending the Council's reticulated services and increasing demand on the district's finite water resource. Garden irrigation and other domestic activities associated with large lot residential activities can lead to an increased demand for water. Where an activity is connected to the Council's water supply, on-site water collection and storage will be required to complement the reticulated service.</p>	<p>Decision 34/73 Submission V8.11 Ascot Projects Ltd is noted. Submission V8.12 Ascot Projects Ltd is accepted in part.</p> <p>Amendments to District Plan Reword the explanation to 2.39.2 Policy 9 as follows:</p> <p>Explanation: Connection to Council's reticulated water supply is not a requirement for this Zone <u>nor can the Council guarantee that water supply will be available throughout the Zone. Developers will be responsible at cost to them, with no contribution from the Council, for any extensions and connections to the Council's reticulated water supply. Where water reticulation is installed as part of any development undertaken it is required to be constructed in accordance, in full consultation with the standards and procedures of the Council and in accordance with the Council's Bylaw 2013/1 2016/1 Code of Practice for Land Development and Subdivision Infrastructure.</u></p> <p>To manage the effects of activities on water quantity and on Council's infrastructure, on-site water management solutions are favoured in preference to extending Council's reticulated services and increasing demand on the District's finite water resource. Garden irrigation and other domestic activities associated with large lot residential activities can lead to an increased demand for water. Where an activity is connected to Council's water supply, on-site water collection and storage will be required to complement the reticulated service. <u>Provision will also be required for the storage of water for fire-fighting purposes.</u></p> <p>Reasons</p> <ol style="list-style-type: none"> 1. The submitter supports the policy. 2. Reference to “consultation with the Council” and the Bylaw is misleading and revision is required to better express the intent. 3. The policy states the Council's preferred approach to meeting objectives of a plan and in that context the words “are favoured”

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	<p>is appropriate.</p> <p>4. Given the provisions of “SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice”, it is appropriate to refer to the storage of water for firefighting purposes.</p>
SECTION 2.39.4 METHODS OF IMPLEMENTATION	
<p>8.13 Ascot Projects Ltd Support in part 2.39.4 Method 7. The submitter accepts that the effects of development that a subdivision will enable should be considered at the time of subdivision. However, the submitter considers that where subdivisions have already been approved, or a staged development has been initiated, then “the rules” should not be changed part way through the reasonable course of development.</p> <p><u>Decision Sought:</u> Amend 2.39.4 Methods of Implementation – Method 7 as follows:</p> <p>Method 7 Consider infrastructure needs and the implications of providing such infrastructure as part of subdivision and/or land use consents, including financial implications, capacity of existing infrastructure, and compliance with the Council’s infrastructure standards, <u>having regard to the timing of the particular subdivision in the overall context of the development.</u></p>	<p>Decision 34/74 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason There are always transitional issues that arise when new or amended rules or standards are introduced and each requires consideration on a case by case basis, within the framework of the RMA, consents issued and existing use rights. There is no need for an addition to the method of the type sought.</p>
<p>8.14 Ascot Projects Ltd Support in part 2.39.4 Method 9. The submitter does not dispute the principle of connecting to the Council’s reticulated sewerage system. However, the submitter considers that it should be recognised that there may well be options for achieving such a connection which manage or reduce the load on the reticulated system and that the district plan should be open to proposals that incorporate such systems.</p> <p><u>Decision Sought:</u> Amend 2.39.4 Methods of Implementation – Method 9 as follows:</p> <p>Method 9 Require all new residential developments to connect <u>discharge</u> to Council’s reticulated sewerage system.</p>	<p>Decision 34/75 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason This method of implementation is consistent with the policies.</p>

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SUBMISSION	DECISION
SECTION THREE - RULES	
<p>V9.2 Ascot Projects Ltd, V10.2 Mr P Heenan, V11.2 T Dixon, D and R Munro, J Scott and Oakland Family Trust, V13.2 PA and JM Murray House Trust and V14.2 Bonisch Consultants Ltd</p> <p>Oppose in general 3.18.6 and 3.37.5. The submitters consider that usually non-complying activity status is used for activities that may have a more than minor effect on the environment. The submitters believe that it is difficult to see how lots of between 1999m² and 1500m² in existing established large lot environments could have more than minor effects. The submitters consider that discretionary activity status allows the Council the same level of control over what may be considered and whether or not a consent is granted or declined.</p> <p><u>Decision Sought:</u> Retain the Rules of the Residential 3 Zone as set out in the Proposed Invercargill City District Plan 2013.</p> <p>VFS5.8 – VFS5.11 Ascot Projects Ltd supports Submissions V10.2, V11.2, V13.2 and V14.2 and believes that in this instance non-complying activity status is not the appropriate consent category for lots between 1,500m² and 1,999m². The further submitter considers that the main reason for favouring larger lots has been that the larger lots are more able to accommodate on-site effluent disposal systems and their associated infrastructure. In the case of Ascot Heights, the further submitter considers that this is irrelevant because the development has been planned in stages with the intention of connecting via appropriate infrastructure to the ICC sewerage reticulation system.</p> <p>V8.15 Ascot Projects Ltd</p> <p>Opposes the deletion of Rule 3.37.5. Reinstate Rule 3.37.5 as notified in the Proposed District Plan as follows:</p> <p><u>3.37.5 Where the residential density is one residence on a site equal to or greater than 1500 square metres but less than 2000 square metres and under contiguous ownership then the activity is a discretionary activity.</u></p> <p>V8.16 Ascot Projects Ltd</p> <p>Oppose 3.37.6. The submitter considers that 1,500m² is an appropriate size for residential lots in a rural lifestyle context. Reinstate Rule 3.37.6 as publicly notified in the Proposed District Plan.</p>	<p>Decision 34/76</p> <p>These submissions are accepted in part:</p> <p>Amendments to District Plan</p> <p>Amend the rules as follows:</p> <p>3.18.6 Subdivision is a non-complying activity where it would create lots as follows:</p> <p>...</p> <p>(J) Within the Residential 3 Zone: Allotments of less than 2,000 square metres.</p> <p><u>3.37.5 Where the residential density is one residence on a site equal to or greater than 1,500 square metres but less than 2,000 square metres and under contiguous ownership then the activity is a discretionary activity.</u></p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Where subdivision and development is occurring at a density greater than that of the 2,000 square metres envisaged by the Residential 3 Zone provisions it is appropriate for the Council to have regard to all potential impacts. 2. The status of discretionary for subdivision and development at a density between 1,500 and 2,000 square metres provides a transitional status above non-complying which would apply for subdivision and development at a greater density, that is below 1,500 square metres in area, while still placing an onus on applicants to establish the suitability of any such development.

APPENDIX 1 DECISIONS ON SUBMISSIONS

SUBMISSION	DECISION
<p>V8.17 Ascot Projects Ltd Support in part 3.37.7(I). The submitter accepts that any application (under the section specified) should address the effects on the Council infrastructure. However, the submitter considers that an element of reasonableness needs to be added to avoid extreme interpretations of this clause.</p> <p><u>Decision Sought:</u> Amend 3.37.7(I) to read as follows: (I) <u>Significant</u> effects of the proposal on existing Council infrastructure.</p>	<p>Decision 34/77 This submission is rejected.</p> <p>Amendments to District Plan None required.</p> <p>Reason Section 3.37.7 lists the effects to be considered and not the threshold at which the effect is unacceptable.</p>
<p>V8.18 Ascot Projects Ltd Support 3.37.23. The submitter accepts that in a District Plan a reference to a bylaw should be by way of a note – as in the wording of the Variation. The submitter does not consider that a District Plan should be used as an instrument to achieve compliance with a bylaw.</p> <p><u>Decision Sought:</u> Delete Policy (sic) 3.37.23 and include the Note as publicly notified.</p>	<p>Decision 34/78 This submission is noted.</p> <p>Amendments to District Plan None required.</p> <p>Reason The submitter supports the provision in the Variation as notified and seeks no change to it.</p>

SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

2.34 OTATARA ZONE

Policy 3 Outdoor Living: To require the provision of practical outdoor private open space, ~~accessible to the living areas of the dwellings,~~ as an important dimension of amenity.¹

Explanation: There is a need for p~~Private open space is desirable on residential lots to enable~~provide.²

- (A) Outlook – a pleasant outlook from inside the living areas of the dwelling.
- (B) Ventilation of indoor spaces on to a sheltered outdoor space.
- (C) Outdoor living (e.g. sitting in the sun with a cup of coffee).
- (D) Outdoor household activities (such as barbecues).
- (E) Children to play outdoors.
- (F) Provision of biodiversity (gardens), and a beneficial microclimate (shelter and sun).

To be capable of being used for these purposes, the open space needs to have a minimum dimension. Several lines of reasoning draw to a conclusion that this minimum dimension should be at least³ five metres. ~~The private open space needs to be oriented appropriately in relation to the building.~~⁴

Where the living areas of a dwelling are mostly at first floor level or above, a balcony is an appropriate design response to the need for outdoor living space.

Policy 7⁵ ~~Incidence of daylight and sunlight:~~ To ensure light and sunlight incidence to the subject property and to neighbouring properties for amenity, home heating (energy conservation) and health reasons.

Explanation: ~~An important dimension to sustainability is enabling maximum practical use of daylight and sunlight for internal illumination and heating of buildings.~~

~~Seasonal variations in sun angles, sunrise and sunset affect the incidence of daylight and sunlight. As a performance guide for the District Plan, as a minimum amenity sun should be available to the floor of the living area of a dwelling at midday in midwinter. This can be achieved by setting limits on height of neighbouring buildings and also through good site design (e.g. using the outdoor living space to achieve the required distance from the northern boundary).~~

¹ Decision 34/18

² Decision 34/18

³ Decision 34/17

⁴ Decision 34/18

⁵ Decision 34/18

Note 1: Underline indicates additions, strikethrough indicates deletions.

Note 2: Provisions incorporate changes made by Variations

APPENDIX 2 CHANGES TO THE PROPOSED DISTRICT PLAN

2.34.4 Methods of Implementation

Method 6 Initiate environmental advocacy for:

- (G) Promotion of site and building design that recognises energy efficiency and its benefits, such as passive solar gain.⁶

2.35 RESIDENTIAL OVERVIEW

...

Maintenance of critical mass in residential areas is the most important overall issue in enabling the Invercargill community to provide for its future well-being. In residential areas this means ongoing maintenance,⁷ development and redevelopment of existing residential land whilst avoiding unnecessary extensions of urban services into rural land and encouraging redevelopment in priority areas ...

2.35.1 Issues

The significant resource management issues with respect to residential development:

1. Lack of ongoing maintenance,⁸ development and redevelopment in existing residential areas can lead to neighbourhoods ageing and decaying, resulting ultimately in problems associated with old and substandard housing and inefficient use of existing infrastructure.

2.35.3 Policies

Policy 4 Residential Amenity: To require a high standard of residential amenity in new development, particularly with respect to ~~sunlight access/opportunity for solar gain, and adequate space for outdoor living.~~⁹

Explanation: ~~Maximising sunlight access/solar gain is a practical way to achieve warmer and healthier homes while minimising heating costs. The opportunity for outdoor living is generally accepted as an important dimension to residential amenity.~~¹⁰

Policy 6 Non-Residential Activities: To enable non-residential activities when it can be demonstrated that they:

- (a) Are in keeping with the character anticipated in a residential area; and
- (b) Will not compromise the health, safety and amenity values enjoyed by residents; and
- (c) Cannot be practically located in other zones where such activities are anticipated.¹¹

Explanation: Whilst the primary purpose of residential zones revolves around residential activities, it is recognised that there will be some non-residential activities that need to be located within parts of the residential zones. Examples

⁶ Decision 34/18

⁷ Decision 34/3

⁸ Decision 34/3

⁹ Decision 34/18

¹⁰ Decision 34/18

¹¹ Decision 34/12

Note 1: Underline indicates additions, strikethrough indicates deletions.

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APPENDIX 2 CHANGES TO THE PROPOSED DISTRICT PLAN

may include education activities and visitor accommodation. In instances where it is accepted that a location in a Residential Zone is appropriate for a non-residential land use, the activity will need to be designed in a manner which minimises adverse effects and, where possible contributes to residential amenity. Some activities, such as new industrial activities, are unlikely to be appropriate in any part of the residential zone. Council intends to support the vitality of the business zones, including the Central Business District. Commercial activities are therefore not anticipated to locate within the residential zones.¹²

Policy 7 Residential Amenity: To advocate for and encourage the site layout and design of residential buildings so as to provide as far as practical sunlight access and opportunity for solar gain.¹³

Explanation: Maximising sunlight access/solar gain is a practical way to achieve warmer and healthier homes while minimising heating costs. Sunlight also enhances internal illumination of buildings.¹⁴

2.36 RESIDENTIAL 1 ZONE

2.36.1 Issues

- | |
|---|
| 1. The quality of the city's housing stock depends on an ongoing process of <u>maintenance</u> , ¹⁵ development and redevelopment. |
|---|

2.36.3 Policies

- Policy 5 Choice:** To enable the development of a range of housing types by:
- (A) Allowing, as of right, development on sections exceeding 400 square metres.
 - (B) Allowing development on sections between 350m² and 400m² when buildings are well designed to give effect to other relevant objectives and policies of the Residential 1 Zone.¹⁶
 - (BC) Encouraging comprehensively designed medium density development by way of resource consent within specified parts of the Residential 1 Zone, being the Residential 1A Zone.

¹⁷**Explanation:** Invercargill's ageing population, decreasing average household size and the evolving settlement pattern of the District and Region changing role in relation to the rapidly growing centres of Queenstown and (to a lesser extent) Te Anau and Manapouri all mean that provision needs to be made for a variety of housing types. Single-family housing in Invercargill is typically on sites 650-1,000 square metres in size. Market-driven redevelopment in Invercargill often takes the form of subdivision of existing, larger sites and erection of new residential units on the newly subdivided sites. Single unit residential

¹² Decision 34/12

¹³ Decision 34/18

¹⁴ Decision 34/18

¹⁵ Decision 34/9

¹⁶ Decision 34/15

¹⁷ Decision 34/16

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development can be designed to provide good levels of amenity on sites down to 400 square metres. When sites are smaller than 400 square metres amenity, for both the subject property and its neighbours, tends to suffer and development of residential units on smaller sites needs to be comprehensively designed.

Policy 6 Outdoor Living: To require the provision of practical outdoor private open space, ~~accessible to the living areas of the dwellings,~~ as an important dimension of amenity. ¹⁸

Explanation: *Private open space is ~~needed~~desirable on residential lots to ~~enable~~provide:*

- (A) *Outlook – a pleasant outlook from inside the living areas of the dwelling.*
- (B) *Ventilation of indoor spaces on to a sheltered outdoor space.*
- (C) *Outdoor living (e.g. sitting in the sun with a cup of coffee).*
- (D) *Outdoor household activities (such as barbecues).*
- (E) *Children to play outdoors.*
- (F) *Provision of biodiversity (gardens), and a beneficial microclimate (shelter and sun).*

To be capable of being used for these purposes, the open space needs to have a minimum dimension. Several lines of reasoning draw to a conclusion that this minimum dimension should be at least¹⁹ five metres. ~~The private open space needs to be oriented appropriately in relation to the building.~~²⁰

Where the living areas of a dwelling are mostly at first floor level or above, a balcony is an appropriate design response to the need for outdoor living space.

²¹**~~Policy 7 Incidence of daylight and sunlight:~~** ~~To ensure light and sunlight incidence to the subject property and to neighbouring properties for amenity, home heating (energy conservation) and health reasons.~~

Explanation: ~~An important dimension to sustainability is enabling maximum practical use of daylight and sunlight for internal illumination and heating of buildings.~~

~~Seasonal variations in sun angles, sunrise and sunset affect the incidence of daylight and sunlight. As a performance guide for the District Plan, as a minimum amenity sun should be available to the floor of the living area of a dwelling at midday in midwinter. This can be achieved by setting limits on height of neighbouring buildings and also through good site design (e.g. using the outdoor living space to achieve the required distance from the northern boundary).~~

¹⁸ Decision 34/18

¹⁹ Decision 34/17

²⁰ Decision 34/18

²¹ Decision 34/18

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APPENDIX 2 CHANGES TO THE PROPOSED DISTRICT PLAN

2.36.4 Methods of Implementation

Method 7 Initiate environmental advocacy for:

- (E) Promotion of site and building design that recognises energy efficiency and its benefits, such as passive solar gain.

2.38 RESIDENTIAL 2 (BLUFF AND OMAUI) ZONE

2.38.2 Objectives

Objective 1: ~~The m~~Maintenance and development of zoned areas at Bluff and Omaui, ~~are maintained and developed,~~ whilst retaining the amenity derived from low residential densities and rolling or sloping terrain.²²

2.38.3 Policies

²³~~**Policy 6** Incidence of daylight and sunlight:~~ To ensure light and sunlight incidence to the subject property and to neighbouring properties for amenity, home heating (energy conservation) and health reasons.

~~**Explanation:** An important dimension to sustainability is enabling maximum practical use of daylight and sunlight for internal illumination and heating of buildings. Seasonal variations in sun angles, sunrise and sunset affect the incidence of daylight and sunlight. In most cases, even on sloping sites, setting buildings back from the northern boundary will enable daylight and sunlight incidence and hence solar gain. Renovations of existing dwellings, or replacement dwellings, can be designed to take advantage of this opportunity for solar gain. Furthermore, the amenities of neighbouring properties are affected if buildings are too close to the boundary.~~

Policy 8: Space around buildings: To maintain the residential scale and amenity of space around and between buildings.²⁴

~~**Explanation:** The proportion of the site covered by buildings is an important determinant of residential amenity. This can reduce significantly on the property and on adjoining properties if more than 35% of the site is covered in buildings.~~²⁵

The following Policies from the Residential 1 Zone also apply within the Residential 2 Zone:

Policy X Non-residential activities²⁶

²² Decision 34/40

²³ Decision 34/18

²⁴ Decision 34/41

²⁵ Decision 34/41

²⁶ Decision 34/39

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APPENDIX 2 CHANGES TO THE PROPOSED DISTRICT PLAN

2.38.4 Methods of Implementation

Method 6 Initiate environmental advocacy for:

- (G) Promotion of site and building design that recognises energy efficiency and its benefits, such as passive solar gain.

2.39 RESIDENTIAL 3 (LARGE LOT) ZONE

2.39.3 Policies

Policy 5 Outdoor Living: To require the provision of practical outdoor private open space, ~~accessible to the living areas of the dwellings,~~ as an important dimension of amenity. ²⁷

Explanation: ~~Background papers to the District Plan have documented the need for p~~Private open space is desirable on residential lots to enable provide:

- (A) Outlook – a pleasant outlook from inside the living areas of the dwelling.
- (B) Ventilation of indoor spaces on to a sheltered outdoor space.
- (C) Outdoor living (e.g. sitting in the sun with a cup of coffee).
- (D) Outdoor household activities (such as barbecues).
- (E) Children to play outdoors.
- (F) Provision of biodiversity, aesthetic pleasure and a beneficial microclimate.

To be capable of being used for these purposes, the open space needs to have a minimum dimension. Several lines of reasoning draw to a conclusion that this should be about at least five metres. ~~The private open space needs to be oriented appropriately in relation to the building.~~ ²⁸

²⁹ **Policy 6 ~~Incidence of daylight and sunlight:~~** To ensure light and sunlight incidence to the subject property and to neighbouring properties for amenity, home heating (energy conservation) and health reasons.

Explanation: ~~An important dimension to sustainability is enabling maximum practical use of daylight and sunlight for internal illumination and heating of buildings. Seasonal variations in sun angles, sunrise and sunset affect the incidence of daylight and sunlight. In most cases, even on sloping sites, setting buildings back from the northern boundary will enable daylight and sunlight incidence and hence solar gain. Renovations of existing dwellings, or replacement dwellings, can be designed to take advantage of this opportunity for solar gain. Furthermore, the amenities of neighbouring properties are affected if buildings are too close to the boundary.~~

²⁷ Decision 34/18

²⁸ Decision 34/18

²⁹ Decision 34/18

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APPENDIX 2 CHANGES TO THE PROPOSED DISTRICT PLAN

Policy 8 Infrastructure – reticulated sewerage: To require that properties in the Residential 3 Zone connect to the Invercargill City Council reticulated sewerage system.

Explanation: ~~These zones are not designed to address the environmental effects of on-site effluent systems. Developers will be responsible for extensions and connections to the Council's reticulated sewerage services, in full consultation with the Council and~~The overall density of development enabled in the Residential 3 Zone is insufficient to provide for the effective treatment and disposal of effluent. As a consequence, development in the zone is required to connect to the Council's reticulated sewerage system. The full costs of connecting to the sewerage system are the responsibility of the developer without any contribution from the Council. The sewerage infrastructure installed is also required to be constructed in accordance with the standards and procedures set out in the Council's Bylaw 2013/2016/1 Code of Practice for Land Development and Subdivision Infrastructure.³⁰

Policy 9 Infrastructure – Water: To encourage on-site water management in preference to connection to Council's reticulated water supply.

Explanation: Connection to Council's reticulated water supply is not a requirement for this Zone nor can the Council guarantee that water supply will be available throughout the Zone. Developers will be responsible at cost to them, with no contribution from the Council, for any extensions and connections to the Council's reticulated water supply. Where water reticulation is installed as part of any development undertaken it is required to be constructed in accordance, in full consultation with the standards and procedures of the Council and in accordance with the Council's Bylaw 2013/2016/1 Code of Practice for Land Development and Subdivision Infrastructure.³¹

To manage the effects of activities on water quantity and on Council's infrastructure, on-site water management solutions are favoured in preference to extending Council's reticulated services and increasing demand on the District's finite water resource. Garden irrigation and other domestic activities associated with large lot residential activities can lead to an increased demand for water. Where an activity is connected to Council's water supply, on-site water collection and storage will be required to complement the reticulated service. Provision will also be required for the storage of water for fire-fighting purposes.³²

³⁰ Decision 34/72

³¹ Decision 34/73

³² Decision 34/73

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APPENDIX 2 CHANGES TO THE PROPOSED DISTRICT PLAN

2.39.4 Methods of Implementation

Method 6 Initiate environmental advocacy for:

- (I) Promotion of site and building design that recognises energy efficiency and its benefits, such as passive solar gain.

SECTION 3 RULES

3.18 SUBDIVISION

Protected Areas and Minimum Lot Sizes

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

...

- (J) Within the Residential 3 Zone: Allotments of less than ~~2,000~~1,500 square metres.³³

3.23 BUSINESS 1 (CENTRAL BUSINESS DISTRICT) ZONE

Side and rear yards³⁴

3.23.22 A side and/or rear yard of at least four metres deep shall be provided for non residential activities along the site boundaries adjoining ~~where the site adjoins~~ a residential zone.

3.24 BUSINESS 2 (SUBURBAN SHOPPING AND BUSINESS) ZONE

Side and rear yards³⁵

3.24.7 A side and/or rear yard of at least four metres deep shall be provided for activities ~~where the site adjoins~~ along the site boundaries adjoining a residential zone.

3.25 BUSINESS 3 (SPECIALIST COMMERCIAL) ZONE

Side and rear yards³⁶

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

³³ Decision 34/76

³⁴ Decision 34/28

³⁵ Decision 34/28

³⁶ Decision 34/28

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APPENDIX 2 CHANGES TO THE PROPOSED DISTRICT PLAN

3.26 BUSINESS 4 (NEIGHBOURHOOD SHOP) ZONE

Side and rear yards³⁷

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

3.29 INDUSTRIAL 1 (LIGHT) ZONE

Side and rear yards³⁸

- 3.29.7 A side and/or rear yard of at least four metres deep shall be provided ~~where the site adjoins~~ along the site boundaries adjoining a residential zone.

3.33 OTATARA ZONE

Side and rear yards³⁹

- 3.33.4 A yard of at least four metres deep shall be provided ~~on~~ along all side and rear boundaries of any non-residential activity.

3.34 RESIDENTIAL 1 ZONE

Residential density

- 3.34.4 The maximum residential density is:

- (A) One residence per 400 square metres under contiguous ownership.
- (B) One residence per Certificate of Title existing as at ~~30 July 2013~~ 29 October 2016 where the site is less than 400 square metres.

~~Incidence of Sunlight and Outdoor Living~~

- ⁴⁰3.34.8 Residences at or near ground level: A designated area of outdoor living space is to be provided as follows:

- (A) The space shall be sufficiently large to accommodate a horizontal circle with diameter 5.05 metres.
- (B) Minimum area 30 square metres.

³⁷ Decision 34/28

³⁸ Decision 34/28

³⁹ Decision 34/28

⁴⁰ Decision 34/26 unless otherwise stated

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APPENDIX 2 CHANGES TO THE PROPOSED DISTRICT PLAN

~~(C) — Located to the north [between 045 degrees True (north-east) and 315 degrees True (north-west)] of the main glazing of the main living area of the dwelling as per Infogram 5.~~

~~(D) — Adjacent to the main glazing of the main living area of the dwelling.~~

~~(E) — In such a way that it is accessed directly from the main living area.~~

~~(F) — In such a way that it enables incidence of sun to the living area.~~

(C) — The space shall be free of all buildings other than conservatories.⁴¹

Provided that this space shall not form part of areas shown on the site plan as being for vehicle parking or manoeuvring.

3.34.9 Residences ~~where the living area is~~ located one storey above the ground floor: A balcony is to be provided:

(A) Minimum area 15 square metres.

(B) Minimum horizontal dimension 2.5 metres.

~~(C) — Adjoining and accessible from the living area.~~

~~(D) — Oriented between 045 degrees True (north-east) through north to 315 degrees True (north-west) of the living area.⁴²~~

3.34.10 Where an activity does not comply with Rules 3.34.8 and/or 3.34.9 above, the activity is a discretionary activity.

3.34.11 Applications under Rule 3.34.10 above shall address the following matters, which will be among those taken into account by the Council:

~~(A) — The extent to which solar gain to the living areas of the dwelling is achieved, and in particular to the main living area, between the hours of 0930 and 1530 on midwinter's day.⁴³~~

(BA) The extent to which practicable outdoor living is achieved.

(CB) The extent to which the development incorporates qualities of good urban design

Space around buildings⁴⁴

3.34.12 A yard ~~of~~ at least two metres deep shall be provided ~~on~~ along each of the two northernmost boundaries of the site. These yards may include part of the open space required under Rules 3.34.8 or 3.34.9.

⁴¹ Decision 34/25

⁴² Decision 34/26

⁴³ Decision 34/26

⁴⁴ Decision 34/28

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Except that accessory buildings no greater than six metres in length along the boundary may be located within these yards.

- 3.34.13** A yard of at least four metres deep shall be provided ~~on~~ along all side and rear boundaries of any non-residential activity.

Site Coverage

- 3.34.16-19** Maximum coverage of all buildings on the site shall not exceed ~~35~~40%⁴⁵ of net site area.

- 3.34.17 20** Where the coverage of all buildings on the site exceeds ~~35~~40%⁴⁶ but does not exceed 45% of the net site area then it is a discretionary activity.

3.35 RESIDENTIAL 1A (MEDIUM DENSITY) ZONE

- 3.35.1** Rules 3.34.1 - 3.34.25~~28~~ which apply in the Residential 1 Zone, also apply in the Residential 1A Zone, except that Rules 3.34.4 to 3.34.7 do not apply in instances where applications are made pursuant to Rule 3.35.2.⁴⁷

3.36 RESIDENTIAL 2 (BLUFF AND OMAUI) ZONE

Residential Density

- 3.36.4** The maximum residential density is:
- (A) One residence per 750 square metres under contiguous ownership.
 - (B) One residence per Certificate of Title existing as at ~~30 July 2013~~ 29 October 2016 where the site is less than 750 square metres.

Outdoor Living

- ⁴⁸**3.36.7** Residences at or near ground level: A designated area of outdoor living space is to be provided as follows:
- (A) The space shall be sufficiently large to accommodate a horizontal circle with diameter ~~5.0~~5 metres.
 - (B) Minimum area 30 square metres.
 - ~~(C) Located to the north [between 045 degrees True (north-east) and 315 degrees True (north-west)] of the main glazing of the main living area of the dwelling as per Infogram 5.~~

⁴⁵ Decision 34/29

⁴⁶ Decision 34/29

⁴⁷ Decision 34/23

⁴⁸ Decision 34/26

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APPENDIX 2 CHANGES TO THE PROPOSED DISTRICT PLAN

~~(D) — Adjacent to the main glazing of the main living area of the dwelling.~~

~~(E) — In such a way that it is accessed directly from the main living area.~~

~~(F) — In such a way that it enables incidence of sun to the living area.~~

(C) — The space shall be free of all buildings other than conservatories.⁴⁹

Provided that this space shall not form part of areas shown on the site plan as being for vehicle parking or manoeuvring.

3.36.8 Residences ~~where the living area is~~ located one storey above the ground floor: A balcony is to be provided:

(A) Minimum area 15 square metres.

(B) Minimum horizontal dimension 2.5 metres.

~~(C) — Adjoining and accessible from the living area.~~

~~(D) — Oriented between 045 degrees True (north-east) through north to 315 degrees True (north-west) of the living area.~~⁵⁰

3.36.9 Where an activity does not comply with Rules 3.34.7 and/or 3.34.8 above, the activity is a discretionary activity.

3.36.10 Applications under Rule 3.34.9 above shall address the following matters, which will be among those taken into account by the Council:

~~(A) — The extent to which solar gain to the living areas of the dwelling is achieved, and in particular to the main living area, between the hours of 0930 and 1530 on midwinter's day.~~⁵¹

(BA) The extent to which practicable outdoor living is achieved.

(GB) The extent to which the development incorporates qualities of good urban design

~~Incidence of Daylight and Sunlight and Space around Buildings~~⁵²

3.36.11 A yard of at least two metres deep shall be provided along all boundaries of the ~~site lot~~. This space may include the outdoor living area required under Rules 3.36.7 or 3.36.8.

Except that accessory buildings no greater than six metres in length along the boundary may be located within these yards.

3.36.12 A yard ~~of~~ at least four metres deep shall be provided ~~on~~ along all side and rear boundaries of any non-residential activity.

⁴⁹ Decision 34/43

⁵⁰ Decision 34/26

⁵¹ Decision 34/26

⁵² Decision 34/28

Note 1: Underline indicates additions, strikethrough indicates deletions.
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APPENDIX 2 CHANGES TO THE PROPOSED DISTRICT PLAN

3.37 RESIDENTIAL 3 (LARGE LOT) ZONE

⁵³**3.37.4** The maximum residential density is:

- (A) One residence per 2,000 square metres under contiguous ownership.
- (B) One residence per Certificate of Title existing as at ~~30 July 2013~~ 29 October 2016 where the site is less than 2,000 square metres.

3.37.5 Where the residential density is one residence on a site equal to or greater than 1,500 square metres but less than 2,000 square metres and under contiguous ownership then the activity is a discretionary activity.⁵⁴

Outdoor living

⁵⁵**3.37.8** Residences at or near ground level: A designated area of open space suitable for outdoor living is to be provided as follows:

- (A) The space shall be sufficiently large to accommodate a horizontal circle with diameter 5.0-5 metres.
- (B) Minimum area 30 square metres.
- ~~(C) Located to the north [between 045 degrees True (north-east) and 315 degrees True (north-west)] of the main glazing of the main living area of the dwelling, as per Infogram 5.~~
- ~~(D) Adjacent to the main glazing of the main living area of the dwelling.~~
- ~~(E) In such a way that it is accessed directly from the main living area.~~
- ~~(F) In such a way that it enables incidence of sun to the living area.~~
- (C) The space shall be free of all buildings other than conservatories.⁵⁶

Provided that this space shall not form part of areas shown on the site plan as being for vehicle parking or manoeuvring.

Note: Within the outdoor living space a conservatory may be erected.

⁵⁷**3.37.9** Residences ~~where the living area is~~ located one storey above the ground floor: A balcony is to be provided:

- (A) Minimum area 15 square metres.

⁵³ Decision 34/53 unless otherwise stated

⁵⁴ Decision 34/76

⁵⁵ Decision 34/26

⁵⁶ Decision 34/25

⁵⁷ Decision 34/26

Note 1: Underline indicates additions, strikethrough indicates deletions.

Note 2: Provisions incorporate changes made by Variations

APPENDIX 2 CHANGES TO THE PROPOSED DISTRICT PLAN

(B) Minimum dimension 2.5 metres.

~~(C) Adjoining and accessible from the living area.~~

~~(D) Oriented between 045 degrees True (north-east) through north to 315 degrees True (north-west) of the living area.~~

3.37.10 Where an activity does not comply with Rules 3.37.8 and/or 3.37.9 above, the activity is a discretionary activity.

3.37.11 Applications under Rule 3.37.10 above shall address the following matters, which will be among those taken into account by the Council:

~~(A) The extent to which solar gain to the living areas of the dwelling is achieved, and in particular to the main living area, between the hours of 0930 and 1530 on midwinter's day.⁵⁸~~

(B) The extent to which practicable outdoor living is achieved.

(C) The extent to which the development incorporates qualities of good urban design.

Note: Any extension of, and connection to, Council's infrastructure will require authorisation pursuant to the Invercargill City Council Bylaw ~~2013/4~~2016/1 Code of Practice for Land Development and Subdivision.

Space around Buildings⁵⁹

3.37.12 A yard of at least two metres deep shall be provided along all boundaries of the site lot. This space may include the outdoor living area required under Rules 3.37.8 or 3.37.9.

Except that accessory buildings no greater than six metres in length along the boundary may be located within these yards.

3.37.13 A yard of at least four metres deep shall be provided ~~on~~ along all side and rear boundaries of any non-residential activity.

3.38 RURAL ZONE

Space around Buildings⁶⁰

3.38.4 A yard of at least four metres deep shall be provided ~~on~~ along all side and rear boundaries of any non-residential activity.

3.38.5 A yard of at least 20 metres deep is required ~~for~~ between plantation forestry activities and any site boundary.

⁵⁸ Decision 34/26

⁵⁹ Decision 34/28

⁶⁰ Decision 34/28

Note 1: Underline indicates additions, strikethrough indicates deletions.
Note 2: Provisions incorporate changes made by Variations

APPENDIX 2 CHANGES TO THE PROPOSED DISTRICT PLAN

PLANNING MAPS

Amend the zoning of the Southland Racing Club land fronting Racecourse Road from Rural 2 to Residential 1 as shown on District Planning Map 11.⁶¹

Amend the zoning of the land at 12 Somerset Lane so that the entire property is zoned Residential as shown on District Planning Map 7.⁶²

Amend the zoning of the land at 33 and 1/33 Hunt Street from Industrial 1 to Residential 1.⁶³

Amend the zoning of 2 Raymond Street from Rural 2 to Residential 2 as shown on District Planning Maps 29 and 30.⁶⁴

Rezone that land south of Oteramika Road as Residential 3 as shown on District Planning Map 11.⁶⁵

INFOGRAMS

Amend Infogram 4 so it reads to the same effect as Infogram 7 in the Operative District Plan.⁶⁶

Infogram 5 is deleted.⁶⁷

⁶¹ Decision 34/30

⁶² Decision 34/31

⁶³ Decision 34/32

⁶⁴ Decision 34/48

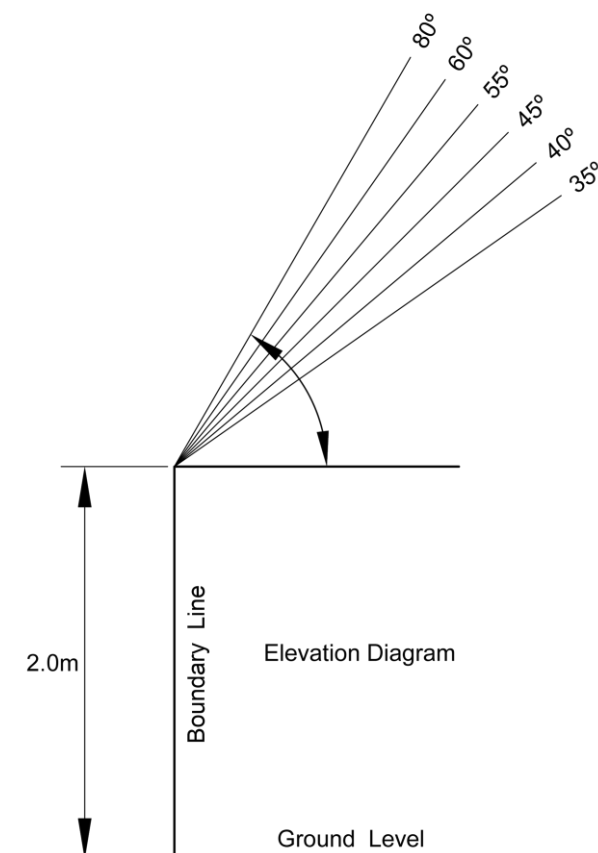
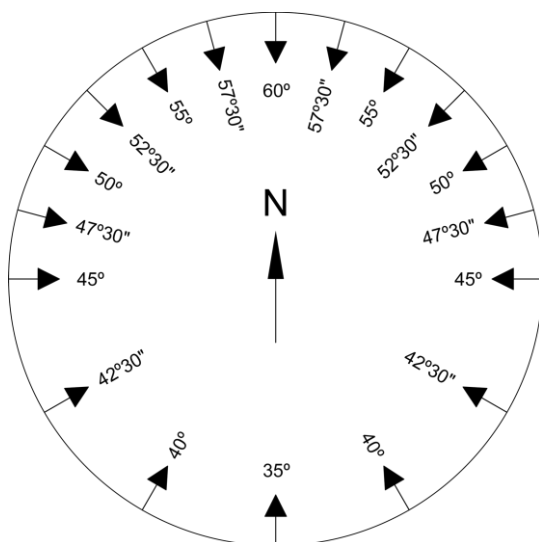
⁶⁵ Decision 34/64

⁶⁶ Decision 34/57

⁶⁷ Decision 34/58

Note 1: Underline indicates additions, strikethrough indicates deletions.

Note 2: Provisions incorporate changes made by Variations



The recession plane angle shall be calculated by orienting both site plan and relevant diagram to the true north, placing the recession diagram over the site plan with the circle tangential to the inside of the site boundary under consideration. The recession plane angle shall be that indicated by the diagram at the point where it touches the site boundary. Where recession lines fall between those indicated on the diagram, interpolations shall be made.

The recession planes for accessory buildings shall commence at points 2.2 metres above site boundaries.

In all other instances, the recession plans shall commence at points 2.0 metres above site boundaries.¹



Invercargill City Council

RECESSION PLANES

Infogram

4

