



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 34

Residential Zones

**11-12 May 2015, 9.00am
COUNCIL CHAMBERS
CIVIC ADMINISTRATION BUILDING**

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1. EXECUTIVE SUMMARY

This report addresses 115 original submission points and 24 further submission points made on the Residential Zones of the Proposed District Plan.

I consider that the major issues raised can be grouped into two broad themes.

One theme is concern about rules such as minimum lot sizes, site coverage and outdoor living space and whether they are justified, set at a reasonable level and whether they may unreasonably inhibit housing development. I am broadly happy with the objectives, policies and rules relating to such matters but I have recommended a small number of changes with respect to the outdoor living space, sun incidence and site coverage rules.

The second significant theme I have identified is submissions to extend residential zones into new areas. I have mostly recommended refusing such submissions primarily due to two issues. One is that there would appear to be plenty of supply available already 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 District Plan and the Operative and Proposed RPSs. The second key issue is that I rarely considered that sufficient information had been made available as part of these submissions, or I had concerns about whether potentially affected parties had been sufficiently consulted.

In this report:

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

2. INTRODUCTION

2.1 Report Author

My name is Dan Wells and I am a planning consultant working for John Edmonds and Associates Ltd and based in Queenstown. I have a variety of experience in planning, predominantly in the area of planning policy making. I have approximately 12 years of relevant experience, the majority of which has been spent working for local authorities. I have a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University. Since 2014 I have assisted Invercargill City Council staff by peer reviewing the Section 42A reports for the District Plan hearings. I have met with Invercargill City Council staff and consultants and undertaken site visits on several occasions.

2.2 Peer Review

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

2.3 How to Read this Report

This report is structured as follows:

- Interpretation (an explanation of some of the terms used).
- A summary of the hearing process.
- Description of the statutory framework within which the proposed provisions have been developed.
- Analysis of the submissions, including a discussion of the key issues raised through the submissions and further submissions received.
- Assessment of the proposed changes under Section 32 of the RMA.
- Concluding comments.
- Recommendations on individual submissions.
- Tracked changes of the Proposed District Plan

To see my recommendation on an individual submission please refer to the table in Appendix 1. The table sets out the name and relevant submission number of those who submitted on the Proposed District Plan and a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

2.4 Interpretation

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“Hearings Committee” means the District Plan Hearings Committee

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

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

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

“RMA” means the Resource Management Act 1991

“RPS” means Regional Policy Statement

“Submitter” means a submitter to the Proposed District Plan.

2.5 The Hearing Process

A number of hearings are to be held to consider the submissions lodged to the Proposed Invercargill City District Plan 2013. The hearings have been divided up to ensure that submissions on similar issues have been grouped together and to enable the District Plan Hearings Committee to make decisions on the provisions relating to those issues. This report applies to the Residential Zone provisions of the Proposed District Plan.

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

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

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

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

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

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

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

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

If there is an appeal, an Environment Court hearing will take place before a Judge and Court appointed Commissioners. Except on points of law, the decision of the Environment Court is final.

3. Background

3.1 The Operative District Plan

The Operative District Plan contains one zone for all residential areas, described as the Domicile Sub-Area. Minimum outdoor living space and maximum site coverage rules apply. Buildings can be up to 10 metres high providing they comply with recession plane requirements (which in effect often limit achievable heights to below 10 metres). Maximum site coverage is 40% and minimum outdoor living space rules apply. Subdivision is a controlled activity consent (meaning applications cannot be declined) with no minimum lot size prescribed (except for areas affected by airport flight paths).

The rules are therefore fairly enabling, with small houses achievable on small sections. This has some merit given the desire to promote intensification. Having read background reports, engaged in discussions with Council staff and undertaken site visits, I consider that much of the housing built on such sites under the current District Plan has provided for attractive and functional living environments. However there are also a few less successful examples of development, which can at their worst detract from the amenity values of established residential communities.

An additional feature of the rules is that the Domicile Sub-Area did not extend far beyond the existing developed residential areas. Again, the justification for this would appear to be as part of a strategy of promoting urban intensification over peripheral expansion. It would seem that this strategy has been fairly successful, with “infill” or “rear lot” development occurring in parts of the city, although there have been a few residential subdivisions approved in areas not anticipated for such development.

3.2 The Proposed District Plan

The Proposed District Plan introduces more zones. The following is a summary:

Residential 1 Zone – The majority of the established residential areas of the city is covered by this zone. A minimum lot size 350m² (non-complying to breach) applies. Development which achieves a density of between 350m² and 400m² per site is proposed to be discretionary, with assessment matters provided for the consideration of such applications. In practice, I imagine that applications for development of sites between 350m² and 400m² would often take the form of joint land use and subdivision applications. Such an approach has advantages as it allows design matters to be assessed in an integrated manner.

The maximum site coverage for buildings is proposed to be reduced to 35% (as a permitted activity) or between 35% and 45% as a discretionary activity. Setback rules are introduced to keep buildings at least two metres from the two northernmost boundaries of a site. Rules are more prescriptive with respect to ensuring sunlight access to private outdoor living space and indoor living areas. The amount of private open space required at ground level is reduced from 66m² to 30m², however it is now explicit that the area cannot be used for vehicle parking or manoeuvring. In addition, a minimum permeable surface requirement of 30% is introduced (in order to assist the management of stormwater).

Residential 1A Zone – This zone applies to parts of the main Invercargill urban area, particularly around the CBD and those Business zoned areas to the south of Invercargill. The proposed objectives and policies explain how the intention is to promote renewal of these areas and to retain a “critical mass” of surrounding residential properties.

The only rule that differs from the Residential 1 Zone is the introduction of a Medium Density Housing rule which allows development on a discretionary basis on sites held in contiguous ownership of 2000m² or greater¹. Medium Density Housing is defined in the proposed plan, and constitutes sites of a density exceeding 350m² per dwelling. The rule enabling medium density housing (3.35.3) lists the range of matters to be considered in applications.

Residential 2 Zone – This zone applies to Bluff and Omaui. Compared to the Residential 1 Zone some of the main differences are:

- Maximum density is limited to 750m² per residence.
- Building height is limited to 7.5 metres.
- Setbacks of two metres are required off all boundaries.
- Site coverage is limited to 30% (as a permitted activity) and 35% (as a discretionary activity).

Residential 3 Zone – This is a new addition to the plan, enabling large lot residential development in a few specified locations on the edge of the Invercargill urban area. In effect these areas have already received consent to subdivide to similar densities, or are near such sites. Council officers advised in the preparation of the draft plan as to the suitability of these zone locations with respect to issues such as infrastructure.

By providing for this zoning there is an argument that it is enabling a size of allotment that was not widely available under the previous District Plan. More choice in the housing market may be enabled, and pressure to subdivide some rural land may be reduced. It is therefore my opinion that this zoning is not at odds with the policies (at a District and Regional level) around urban containment.

The main ways in which the rules differ from the Residential 1 Zone are:

- Maximum density is limited to 2000m² as a permitted activity, with a density of between 1500m² and 2000m² a discretionary activity. (1500m² is the minimum lot size.)
- Setbacks of two metres are required off all boundaries.
- Site coverage is limited to 30% (as a permitted activity) and 35% (as a discretionary activity).

¹ The density rules 3.34.4 to 3.34.7 of the Residential 1 Zone also apply to the Residential 1A Zone. The provisions are not particularly clear that they are intended to be overridden if an application pursuant to Rule 3.35.3 is made. It could be interpreted that Rule 3.34.6 makes Medium Density Housing a non-complying activity, which I understand is not the intent. Later in this report I recommend an amendment to clarify this matter.

4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

4.1 Resource Management Act 1991

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

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

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

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

4.1.1 Part 2 of the RMA

I can confirm that the provisions of the Proposed District Plan discussed within this report fall within the purpose of the RMA (Section 5). Residential areas are central to the economic, social and cultural well-being of Invercargill's people.

Section 6 outlines the matters of national importance that shall be recognised and provided for in decisions made under the Act. I do not consider that any of these matters are particularly relevant to this subject. However Section 6(a) has some relevance:

“the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development”

I consider that the approach of the District Plan to consolidate residential growth in the coastal environment within the existing Omaui hamlet is consistent with this clause of the Act. This clause is relevant to consideration of at least one submission (relating to a request to extend zoning in Omaui).

Section 7 states matters which Council decision makers “shall have particular regard to”. Of those that are more relevant, I draw attention to the following:

- (b) the efficient use and development of natural and physical resources

Land suitable for residential development is a natural and physical resource while the existing housing stock of Invercargill is also a physical resource. This can lend weight to concerns raised by submitters around rules that are argued to hinder the efficient use of residential sections. And it can also support the concerns of Council which is concerned about the efficient use of infrastructure in the city (and has therefore generally tried to minimise extensions to reticulated services). Similarly, the principle of promoting the renewal and/or intensification of some of the more dilapidated parts of the city finds support in this clause of the Act.

- (ba) the efficiency of the end use of energy

Peripheral expansion of the city's residential areas can lead to longer travel distances to work, shops and community services, and therefore can lead to more fuel consumption. Extending reticulated water systems can lead to more energy being consumed in pumping it to households. These examples can support the argument that the Proposed District Plan's preference against the outward expansion of the city promotes the efficient end use of energy.

- (c) the maintenance and enhancement of amenity values

The importance of maintaining and enhancing amenity values is reinforced through the objectives and policies of the Proposed District Plan. Many of the rules controlling residential development relate to this subject, such as height controls, site coverage rules and outdoor living space rules. In addition, encouraging the renewal of run down parts of the city is partly in order to enhance amenity values in those areas. When considering submissions that request the extension of residential zoning, the effect on the existing amenity values of that area (which may relate to rural activities) is a relevant consideration.

I believe that appropriate account has been taken of the principles of the Treaty of Waitangi in the preparation of the Residential sections of the District Plan, in accordance with Section 8 of the Act.

4.1.2 Functions of Territorial Authorities under the RMA

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

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

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

I have no doubt that the Proposed District Plan rules relating to the Residential areas fall within the functions of local authorities set out in the Act.

4.1.3 Consideration of alternatives, benefits, and costs

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

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

4.2. Relevant Planning Policy Documents

The RMA specifies a number of documents that need to be considered in a decision on a Proposed District Plan and the weight that should be given to these. It is useful to consider the context these documents provide as they can guide how to address some matters raised in submissions.

Documents of particular relevance are, I consider, the following:

4.2.1 *New Zealand Coastal Policy Statement*

Section 75 of the RMA requires that a District Plan must give effect to any New Zealand coastal policy statement. The current version of the New Zealand Coastal Policy Statement (NZCPS) was made operative in 2010.

Overall, the NZCPS provides a quite firm policy direction which presumes against residential development that may detract from the natural character and landscape values of the country's coastlines. This means that it would be very difficult for new residential areas in coastal locations to gain approval. As a result, any such development that is to occur can be expected to be concentrated in the existing urban areas. Beyond the coastal areas of Bluff and Invercargill, the Council has identified Omaui as a location suitable for some further development. Omaui is an existing small settlement which, it has been argued, could be developed without undue effects on natural character. It is notable that there is a reticulated sewage system in Omaui that could be more efficiently used. Submissions have been received on the suitability of further development in Omaui, which will be addressed later in this report. I note, however, at this stage that I believe the Council has taken a reasonable interpretation of the NZCPS in limiting the development of the coastal environment beyond existing urban areas while enabling development in Omaui.

4.2.2 *New Zealand National Policy Statements*

I do not consider that, beyond the NZCPS, there is any NPS that is particularly relevant to this report.

4.2.3 *New Zealand National Environmental Standards*

Section 43(b)(9) of the Resource Management Act explains how national environmental standards essentially have the status of a rule in an operative District Plan.

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

This NES requires (amongst other matters) under certain circumstances an assessment as to the likelihood of an activity having taken place on a site which could lead to unsafe levels of soil contamination (a "HAIL assessment"). Specifically, such matters need to be considered when applications are made:

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

The NES is fairly new and many practitioners have found it challenging to interpret. Submissions made to the District Plan hearing process are clearly not applications to subdivide land, but whether they are applications to change the use of the plan is to me less clear (and enquiries to the Ministry for the Environment did not give me a certain answer). For example, it could be argued that changing zoning does not in itself constitute a change of land use (in practice an area can continue with its current use such as farming for many years afterward). In spite of this possible ambiguity, I believe pragmatic considerations lead to the conclusion that an assessment at this stage is appropriate. .

In most sites with residential zoning, subdivision occurs before or simultaneously with an application for a building consent. This can be an appropriate time to require compliance with the NES. But instances can occur where building occurs as a permitted activity prior to or without any subdivision application being made. In theory I believe that Council could require a "HAIL assessment" at the time a building consent is lodged (I was told by MfE that some councils have been doing this). But I have reservations as to whether this is a particularly practical approach. If there are contamination concerns, it seems far more reasonable to identify these earlier in the development process, before expectations of development rights are created and investment in designing houses etc occurs. I therefore believe that the NES should be considered at the time of rezoning, including before deciding upon submissions made to the proposed District Plan to extend residential zoning.

4.2.4 Southland's Regional Policy Statements

Section Sections 74 and 75 of the RMA require the Council to give effect to any operative Regional Policy Statement, and have regard to any proposed Regional Policy Statement.

I consider that the following statement from the Built Environment section of the Operative RPS summarises the strategic direction provided by that document and the reasons why:

Urban development within Southland does not give rise to the same scale of issues as elsewhere in New Zealand. There are matters that are common with other urban areas of the country. The growth of many urban areas continues in Southland, despite a declining population, with a desire of people to live on the rural / urban fringe in semi-rural areas. This has the effect of diminishing the area of land available for production, and this is of concern, for example, between Gore and Matakana where the land is some of the highest producing farmland in the country. Difficulties can also arise in servicing such developments, giving rise to problems of costs for future owners for servicing and the efficiency of under utilised facilities within the urban areas, particularly in areas such as South Invercargill. Inefficiencies can also arise from spread-out urban development, in terms of increasing use of private motor vehicles and associated fuels, and increased difficulties in communication and transportation.

Further, the following policy and associated explanation are of relevance:

Policy 10.1

Encourage development and use of the built environment that provides for the efficient use of existing facilities and infrastructure while simultaneously avoiding the development of unnecessary additional infrastructure.

Explanation

Sustainability of the built environment requires efficient use of existing support facilities. It is in the long-term interest of the community to ensure that any new facilities and infrastructure that may be developed are necessary and desirable. Infilling, more intensive development, and utilising areas already serviced, prior to extending urban areas, aids the efficiency of network utilities and investment, and in some cases can assist in retaining areas with highly versatile soils.

Given the requirement to give effect to the Operative RPS, these parts of the RPS provide strong support to the Council's preference for urban intensification and consolidation over peripheral expansion, as expressed in the Proposed District Plan.

The Proposed RPS addresses similar issues and provides similar direction. Consider for example the following policies from the Urban Chapter in the proposed RPS:

Policy URB.1 – Adverse environmental effects

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

Policy URB.2 – Urban development²

Manage urban growth and development in ways that:

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

Policy URB.3 – Urban intensification

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

Policy URB.4 – High quality urban design

Encourage high quality urban design.

Policy URB.6 – Provide for housing choice

Provide for housing choice, both in terms of type and lot sizes, within urban areas.

I also consider that the following method of implementation from the proposed RPS is of relevance

² It is interesting to note that officers recommended in the Section 42A report for the RPS hearings adding the following to this policy, which aligns well with the direction of the Proposed District Plan:

- f) *promote appropriate site and building orientation that supports the principles of optimum energy efficiency and solar energy gain.*

Method URB.2 District Plans

2. *As appropriate, establish and maintain provisions in district plans which:*
 - a) *identify and map areas for urban growth and development;*
 - b) *encourage development and/or redevelopment of existing urban areas ahead of greenfield development;*
 - c) *provide for the integration of land-use and infrastructure;*
 - d) *avoids unplanned and unmanaged development;*
 - e) *encourages high quality urban design;*
 - f) *encourages a range of urban densities which are appropriate to their locations in order to maintain amenity whilst supporting pedestrian, cycle and public transport;*
 - g) *provide for higher housing densities in locations where it is supportive of pedestrian, cycle and public transport and the viability and vibrancy of urban centres;*
 - h) *encourage the intensification and, where relevant, the regeneration of existing urban areas;*
 - i) *provide a mix of residential (e.g. density and cost), employment and recreational opportunities;*
 - j) *ensure that urban development cannot occur without the appropriate infrastructure capacity to support it;*
 - k) *encourage urban growth, within urban areas of Southland that have existing infrastructure capacity.*

It is of course because of the uncertainty as to the detail of final RPS that the RMA stipulates a lesser level of regard be given to a proposed RPS than an operative one. Regardless, it is my opinion that the Proposed District Plan aligns well with both the operative RPS and proposed RPS with respect to the issues it addresses, including the priority given to intensification as a means to address demand for new housing.

4.2.5 Other documents

The Invercargill City Spatial Plan – “The Big Picture” - was in my opinion a useful starting point for the preparation of the Proposed District Plan. Prepared under the Local Government Act, and subject to public consultation, I consider that regard should be given to the strategy in accordance with Section 74(2)(b)(i) of the Resource Management Act.

The Big Picture sets out a vision for how development might occur in coming years throughout the City. Potential changes in zoning are contemplated. In several cases, the Proposed District Plan appears to have adopted the recommendations of the “The Big Picture”. When considering submissions to change proposed zoning, I consider it appropriate to give consideration to this Spatial Plan.

Regard has also been given to *Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Taurira* in the preparation of the District Plan. I do not consider there is a great deal within this Plan that is directly relevant to the subjects traversed in this hearing. Section 3.5.7 Subdivision and Development outlines the expectations of iwi with respect to these matters. I consider the Plan to be consistent with those policies.

The Plan also draws attention to the significance of Omaui as having a long history of settlement and containing many *Urupa* or burial sites. I believe this emphasises the importance of consultation with iwi authorities as a prerequisite to any changes in zoning in sensitive areas such as this.

4.3 Summary

I consider that in preparing the Proposed Invercargill District Plan, appropriate regard has been given to the various documents required by the RMA. In making recommendations on responses to the submissions made I have considered the policy direction prepared by the plans and strategies.

5. ANALYSIS OF SUBMISSIONS

The following is a discussion on some of the key issues raised in submissions.

5.1 Maximum density and minimum lot size in the Residential 1 Zone

Submissions have questioned the introduction of a minimum lot size into the District Plan in the Residential 1 Zone. My understanding is that the rule has been introduced following concerns about “infill development” detracting from the amenity of some neighbourhoods.

I am conscious that it would be counterproductive to have rules that work against the aim of promoting the infill and gentrification of existing urban areas. However, having reflected on this issue, I am comfortable that the proposed rules are appropriate for several reasons.

Firstly, growth projections in Invercargill do not anticipate a great increase in the number of households in Invercargill. Consider the following projections by Statistics New Zealand:

| Territorial authority area ⁽¹⁾ | Series ⁽²⁾ | Households at 30 June ⁽³⁾ | | | | | | Change 2006–31 | |
|---|-----------------------|--------------------------------------|--------|--------|--------|--------|--------|----------------|---|
| | | 2006 | 2011 | 2016 | 2021 | 2026 | 2031 | Number | Average annual ⁽⁴⁾ (percent) |
| | High | | 22,400 | 23,400 | 24,100 | 24,600 | 25,100 | 4,100 | 0.7 |
| Invercargill city | Medium | 21,100 | 22,000 | 22,500 | 22,500 | 22,400 | 22,200 | 1,100 | 0.2 |
| | Low | | 21,500 | 21,500 | 21,100 | 20,400 | 19,600 | -1,500 | -0.3 |

So, roughly speaking, under a highest growth scenario (which is not very likely), approximately 4,000 new homes will be needed to house the growth in households over a 20 year period. A more likely scenario is demand for just over 1,000 new homes, and the possibility of a decline in the number of households cannot be ruled out.

My analysis has concluded that there are roughly 800 houses that could be built on vacant sites in the Residential 1 and 1A Zones assuming a minimum lot size of 400m². Opportunities to add one or more dwellings on sites within the Residential 1 and 1A Zones which already have a house could in theory provide as many as 6,000 new homes. Of course, many such opportunities would prove unrealistic to realise. For economic or personal reasons many people will choose not to subdivide. It can be impractical (say if a site is constrained by a building which is located toward the middle of the site, meaning adding a house would require demolition of an existing house). In some areas there may be insufficient market demand to justify investment in new house building. So over a 20 year period, only a small proportion of such sites may become available for redevelopment. However, if only 10% of such “infill” opportunities are realised over 20 years, along with three-quarters of the vacant lots, these sites alone would offer enough capacity to cater for a medium growth scenario.

But there are other ways and places that new housing can take place. These include:

- New “greenfield” sites in the Residential 3 Zone (at least 500 homes would appear achievable based on the proposed areas³)
- Housing in the Residential 2 Zone (Bluff and Omaui)
- Development in the Residential 1 and 1A Zone down to 350m² as a discretionary activity
- Development of sites at a density of 350m² or greater as discretionary activity in the Residential 1A Zone
- Development of homes in the Rural Zones
- Possible future plan changes such as in the area identified in Appendix XV of the proposed plan⁴ (I estimate around 1,500 homes in these areas if zoned to Residential 1)

I therefore do not consider that a shortage of capacity for housing is likely, and this has influenced my consideration of submissions arguing for an extension of zoning in parts of the District or for the more intensive use of sites.

With respect to those submissions that have asked for the reduction or removal of the minimum lot size and density rules, I also note that a 350m² per unit density represents quite a small site. To achieve attractive outcomes on such sites (at least in an Invercargill context) I believe that there is generally a need to develop sites comprehensively (as provided for by the rule for the Residential 1A Zone). I therefore consider it unlikely that this rule would have the effect of preventing a great deal of development that may have otherwise occurred had the rule not been in place.

It is apparent through looking at aerial photos and changes in census populations at a Census Area Unit level, that there has been a considerable amount of infill within suburbs such as Windsor. In fact, the number of sites that can be developed via “infill” or “rear lot” subdivision in such places appears now to be becoming limited. My understanding is that the Council would like, for reasons of infrastructure efficiency and to redevelop dilapidated neighbourhoods, to see such development activity spread more to other parts of the city. As the supply of subdividable sections becomes more limited in some parts of the city, it is yet to be seen whether this type of development will move to other parts of the city. I can nevertheless understand and support the strategy. This is another reason to support the proposed minimum lots size and maximum density rules. Rather than seeing ever more intensive development of a few areas, spreading development activity more broadly into other suburbs would be in my opinion a good resource management outcome.

5.2 Incidence of sunlight and outdoor living

One of the rules which received some comment and opposition in submission is that entitled “Incidence of sunlight and outdoor living” (3.34.8 in the Residential 1 Zone and repeated in the other Residential Zones). Objections are raised on a few counts.

³ The combined area of the proposed Residential 3 Zone is around 220 ha (which is partly built out with houses – say one-quarter). Assuming 30% of the land is held in reserve or roads, and an average lot size of 2200m² is achieved, I conservatively estimate 525 homes could be built under this zoning.

⁴ The areas currently covered by Appendix XV where future plan changes are anticipated total around 110 ha. Assuming around a third of the land would be devoted to roads and reserves, and an average lot size of 500m² is achieved, I estimate that around 1,500 homes could be achieved in those areas.

Firstly, submissions have questioned whether it is appropriate for the Council to regulate such matters. In my experience, such rules are very common in District Plans. I accept that there is a question as to whether there is a broader public interest in how people build their homes, and also an argument that consumer preferences in the market could effectively manage such matters (with poorly designed buildings not selling or renting well). But I believe there is sufficient justification for such rules.

Council staff have informed me that that many new homes in Invercargill are standardised “group home builder” designs (by no means a situation that is unique to Invercargill). This can differ from a situation where a design expert such as an architect is engaged to carefully assess and design in accordance with the characteristics of the site. And given that sections are often small infill sites, and sometimes built on a speculative basis, there is a belief that the quality of the city’s housing stock could suffer if such regulations did not exist. The quality of outdoor space could be compromised or little sunlight may be received in living areas. The health and well-being of residents could suffer as a result and energy use to heat homes could increase. I accept these arguments and believe some kinds of rules are justifiable in an Invercargill context.

A second issue I consider appropriate to discuss (although it was only raised indirectly in submissions) is the reason for the 5.5m diameter private space rule, its requirement to be on the north side, and the requirement for the main glazing of the living area to be adjacent to this area etc. From my reading of the provisions, and the discussions I have had with Council staff, it is clear to me that the purpose is two-fold – relating to the provision of sufficient sunlight within homes and to sufficient outdoor space (i.e. these are issues covered by separate policies in residential zones). It is considered that by requiring a reasonable sized setback from the northern boundary with glazing into a living area from that space, a healthy amount of sunlight should be achieved within the house. Therefore, the open space size and location is not simply about the quality of that space, but allowing incidence of sunlight within the building.

The third issue relates to how reasonable and effective the rules are.

Some have questioned the need for the space to be 5.5m in diameter. I am conscious of a potential conflict between the Plan’s directive to promote intensification and rules that may make this difficult to achieve. By my experience, I think that the 5.5m rule is quite a large area to be required (for example, larger than the 4.5m diameter required in the Queenstown Lakes District Low Density Residential Zone) but not as large as some (for example, Southland District proposes to require a greater area in its new District Plan). The rule currently exists in the District Plan, but it seems that there has been no specification that this area cannot coincide with a driveway, making the rule easier to comply with. Understandably, the Council now wishes to change this rule so that parking does not occur in private open spaces. But counterbalancing this is the fact that the total amount of space needing to be provided is being significantly reduced.

The background reporting undertaken for the District Plan indicated that 5m was sufficient to achieve the sunlight incidence outcomes sought, although it was eventually decided to stick with 5.5m. In my view a 5m diameter space would provide an adequately sized outdoor area, and it seems unlikely to me that changing to this amount would result in a significant difference in sunshine incidence. I therefore recommend that the space be reduced to 5m in diameter.

I have considered the submissions that have argued that well designed buildings could achieve as good if not better sunlight incidence, while not complying with this rule. I find it difficult to contemplate all design scenarios, so I accept the points raised by those with design expertise. It seems to me that there should be rules to control outcomes where there is very little design expertise employed, and sufficient flexibility to allow alternatives to be approved where it can be demonstrated that an equally good outcome would result. It can be argued that a resource consent can be lodged in such instances (which I understand to be a comparatively affordable process in Invercargill). But I have reservations as to the uncertain and inefficient nature of discretionary consents in such instances. I believe that as an alternative to the minimum outdoor space requirement at the northern boundary, it should also be a permitted activity to build a home which provides an accessible public space elsewhere but can be shown to enable a reasonable amount of sunlight incidence.

Background reports to the District Plan would appear to indicate that it is expected that these rules will require eight hours of sunlight into the main living area in a mid-winter's day. Given that the shortest day in Invercargill has a little over eight hours of daylight, this seems to me to be a very high expectation. It is difficult to find a rational basis for an alternative figure, so to me this requires a value judgement as to what would be a reasonable amount. I recommend that rules prescribe that as an alternative to the private space being located on the north side of the dwelling, a house design can demonstrate that a minimum of six hours of sunlight into the main living area shall be achieved on the shortest day.

5.3 Maximum site coverage rule

There have been submissions that have questioned the appropriateness of the maximum site coverage of 35% (as a permitted activity). I agree that the purpose of the rule is not entirely clear, given that the assessment matters (A), (B) and (C) under 3.34.19 appear to relate to matters controlled by other rules. The outstanding matter appears to be Assessment Matter (D), "the extent to which the development achieves good urban design".

I consider that the main adverse effect that can arise when very high site coverage occurs from a design perspective is that there is very little room for any landscaping to establish. Trees, lawn and plants contribute to neighbourhood amenity. In my experience most District Plans have a maximum site coverage rule, but I do consider a 35% maximum site coverage to be quite low, particularly on a small site. For example, on a 400m² site, this would allow a single level 140m² house (including garages and accessory buildings etc), which is in this day and age, a fairly modest size. Furthermore, under this rule I suspect that a number of buildings built in recent years would need resource consent for a fairly minor extension to their building.

I would therefore recommend reverting back to the 40% site coverage rule for permitted buildings in the Residential 1 and 1A Zone (as is currently the rule in the District Plan). This would allow on a 400m² site a single level dwelling of 160m² (enough probably for a three bedroom, two bathroom house with a garage). Between 40% and 45% could be considered on a discretionary basis.

I see no need for a change in the Residential 2 and 3 Zones, where sites are expected to be bigger and a less dense outcome is anticipated.

5.4 Requests for new zoning

Several requests have been made in submissions to extend residential zoning.

In my experience, it is often difficult to confirm changes to a District Plan by way of a submission due to practical considerations.

Firstly, a planner (such as myself) can advise on many aspects to assist commissioners with their decision. But there are some technical matters in which I consider there is a need for specialist advice. In particular, note my view (outlined in Section 5) that it is appropriate to consider whether a site may be contaminated at the time of rezoning⁵. In addition, I consider it important to consider the likelihood of natural hazard risks. On both of these counts, I believe the potential for liability needs to be considered.

The second issue I raise is one of fairness. In a resource consent that is considered to potentially affect someone, the RMA stipulates that notice needs to be served on that person so that they can submit in support of or opposition to the proposal. No such requirement exists for changes to the District Plan. It is for this reason that the further submission process exists. But in reality few residents are probably aware that the District Plan is subject to consultation, let alone that a submission has been made that could affect them. In my experience in representing those that have made such submissions to expand zoning in a plan change situation, my advice to clients has been to ask council to notify potentially affected parties that the submission has been made and that they are entitled to make a further submission. I have done this having been advised that councils and courts are more likely to be receptive of such submissions if they can be satisfied that reasonable participation rights have been extended to those that could be affected.

These challenges can be overcome if:

- As part of the submission (or possibly at the hearing) specialist advice to fill information gaps is supplied.
- It can be argued that there are no parties that are affected in any significant way by the zoning, or it can be shown that the attention of those potentially affected was drawn to the submission, preferably at the time the original submissions were notified, allowing further submissions in support or opposition to be lodged.

I have visited (or at least viewed from road boundaries) each of the sites for which submissions have asked for a change of zoning to a residential zone. I have considered the background information available and discussed the sites with Council planning staff and have sought information on infrastructure matters.

Because of the matters I have raised above, I have generally not recommended the acceptance of submissions to extend residential zoning. On just one occasion, I considered the case for the rezoning to be compelling enough, and the issues I raise are straightforward enough for me to recommend rezoning (a property in Bluff).

⁵ Note – the NES does not necessarily require a scientist to test soils on all sites. The first step is to assess the history of land uses on a site to determine the likelihood of contamination. Council planners or planning consultants should be able to provide further advice. MfE guidelines available on the internet may also be helpful.

5.4.1 Request to rezone area adjoining North and McIvor Roads

A submission from Bonisch Consultants requested that an area of land bounded by McIvor Road, North Road, Northside Drive, and Donovan Park be rezoned Residential 1, not Rural 2. Because my response is fairly lengthy, I have included it in this part of the report.

This area had been considered as having potential for urbanisation as part of “The Big Picture” spatial plan. I understand that services can more easily be extended to this area than many other peripheral areas of the city’s urban area. If development were well managed, it could help create a logical urban edge to the town, but similarly if poorly designed, development could detract from the visual amenity enjoyed at this entrance to the city.

Discussions with Council staff informed me the Council gave consideration to rezoning this area in preparation of the District Plan. Officers’ views were that development risked being poorly connected with respect to the road layout and that any development would be best enabled via a plan change which set out a road layout via an Outline Development Plan (I agree with this).

Council staff informed me that a key reason behind the decision not to proceed with rezoning this area was that consultation indicated there were mixed views amongst landowners, with several opposing the proposition to change to an urban zoning.

In the section above I outlined the reasons why I am cautious around recommending rezonings in response to submission, particularly of a large scale such as this. Based on the information available, I do not consider that rezoning the land in response to this submission would be an appropriate outcome.

An alternative, which I have considered, is that the area could be added to Appendix XV of the Plan – Outline Development Plan Areas. These areas link to the following proposed objective from the Rural 2 Zone:

2.41.2 Objective 2: *New urban development within the Rural 2 Zone only occurs within the areas identified in Appendix XV and in general accordance with an operative outline development plan included in the District Plan through an approved Plan Change, and only when adequate servicing and infrastructure is available.*

And the following policy:

2.41.3 Policy 4 Outline Development Plans: *To identify areas within the Rural 2 Zone for long term urban development as Outline Development Plan Areas. Within these areas development does not proceed until an operative Outline Plan for that area has been included within the District Plan and adequate servicing and infrastructure is available.*

Explanation: *“Outline Development Plan Areas” are identified in the District Plan as the preferred areas for any future greenfield residential growth. The reason for providing them is to enable the city to respond, reasonably quickly and in a considered way, to any future pressure for residential growth.*

These areas have been identified because they connect directly to existing Invercargill City Council infrastructure and services which have capacity for growth, and immediately adjoin residential areas.

The process envisaged for enabling development of one of the Outline Development Plan Areas would involve a request for a Plan Change that would need to set out how the land is to be developed in accordance with the objectives and policies of the District Plan. Development will not proceed until the Plan Change has been approved.

In my opinion, there are arguments for and against applying a similar overlay to this land. It at least should promote a plan change rather than incremental resource consents, which may or may not be approved. But on balance I consider that the submission should be declined.

It seems at odds with the RPS (operative and proposed) and District Plan to provide for more urban extensions. My analysis (see Section 6) concludes that there is plenty of supply within Invercargill to accommodate even a high growth scenario over the next 20 years. Council wishes, for good reason, to see new housing development occur in some areas where the quality of the housing stock is poor and/or declining. If there are plenty of alternatives to build new houses on greenfield areas in other parts of the city, I suspect that those opportunities will be realised first, limiting the extent to which “gentrification” occurs in the more dilapidated suburbs. To put it another way, I consider that for Council’s urban renewal strategy to work, there needs to be a commitment to provide at least some constraint on greenfield housing supply.

The area referred to in the submission is, by my calculations, about 30ha in size. Assuming around a third of the land would be devoted to roads and reserves, and an average lot size of 500m² is achieved, the land could produce around 400 homes. This is a significant amount in the context of Invercargill and I consider that such a rezoning is not justified given the projected growth rates and Council’s desire to promote the redevelopment of parts of the city.

5.4.2 Omaui

Several submissions were made with respect to the proposed zoning at Omaui.

Some were concerned that by applying a zone that provides for urban development, the special character of the settlement could be adversely affected. Submissions favoured no change from the existing rural zoning.

It is, however, my opinion that the proposed rules provide for a fairly low intensity development pattern which would allow a few more homes in the community. I consider it unlikely such development would detract from the amenity enjoyed in the hamlet in any significant way.

There are also some advantages in moving to a residential zoning from an efficiency perspective. If the residential zoning did not apply, this area may be considered as part of an Outstanding Natural Landscape (“ONL”) and therefore, if the recommendations of the report on ONLs are accepted, may require a resource consent for individual homes to be built. I do consider this necessary or appropriate in an Omaui context. This is an example of a number of possible misalignments between the objectives, policies and methods of the Rural Zones and the existing and envisaged development pattern of Omaui.

Other submissions were concerned that the individual character of Omaui was not being appropriately acknowledged and provided for by it being subject to the Residential 2 Zone, which also covers Bluff.

I do not favour creating an entirely separate zone for Omaui. To create a separate zone would either effectively involve repeating the provisions of the Residential 2 Zone or require starting again. I am not convinced that the proposed provisions have serious deficiencies, that there is value in extensive repetition of provisions, or that starting again would represent a prudent use of Council resources.

Having said that, I have given consideration as to whether more acknowledgement of the unique characteristics of Omaui needs to be made within the Plan. I consider that the objectives, policies and associated explanations (see 2.38) set out a good justification for why the zone applies to both Omaui and Bluff. The Plan discusses Omaui on a number of occasions with references to the specific circumstances of that settlement. I do not think that additions in this respect are necessary.

There is an efficiency advantage for those using the Plan and in reducing its length through having the same rules for Bluff and Omaui. The zoning is but one factor which will influence the character of Omaui. I expect that both settlements will continue to develop in ways that reflect and build on their unique characteristics.

Lastly, I note that several submissions raised concerns about not showing on planning maps Council owned reserves, or Council potentially planning to sell such reserves. I understand the absence of these reserves on the maps was recommended to be corrected in the report to the hearing on Public Open Space.

6. DISCUSSION OF SECTION 32 MATTERS

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

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

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

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

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

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

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

6.1 Section 32AA Further Evaluation

I summarise the key changes recommended by myself as follows:

- Enabling up to 40% site coverage as a permitted activity in the Residential 1 and 1A Zones.

This is a minor change which would in effect revert to the status quo of the Operative District Plan. There would be economic advantages for those wishing to develop their sites as this is likely to facilitate development on some smaller sites. There may be some adverse effects in terms of amenity (which relates to social wellbeing) but I do not consider any such change would be major or particularly tangible. Efficiency gains could be made by reductions in the number of resource consents required.

- Requiring an outdoor living space of 5m width rather than 5.5m.

Similarly, there would be some minor economic advantages for those seeking to develop small or awkwardly shaped sites. Any social effects relating to less sunshine access or private open space would in my opinion be very minor. Efficiency gains could be made by reductions in the number of resource consents required.

- Creating as an alternative to the open space being located near a northern boundary, a “performance standard” around number of hours of sunshine incidence in a living area.

I consider that this could reduce the number of resource consents and prevent sub-optimal design outcomes driven by a desire to comply without any notable adverse effects. It would therefore be equally if not more effective and more efficient.

- The rezoning of 2 Raymond Street, Bluff to Residential 2.

I find it unlikely anyone would be adversely affected by this proposal. The sites would offer attractive views and house building could generate employment and investment in the local economy. There would of course be significant economic benefits for the owner.

Various other small changes are proposed which I do not consider warrant a discussion in this section. None of the changes are so major as to warrant a quantitative analysis of effects on economic growth or employment.

7. CONCLUDING COMMENT

Overall I have suggested few changes to the Proposed District Plan. With these few changes, I consider the proposed provisions to be suitable for managing residential development in the City over coming years.

APPENDIX 1: Recommendations in response to submissions

Residential Overview

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
|---|--|--|
| GENERAL | | |
| 56.7 Jenny Campbell | <p>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>DECISION SOUGHT Not stated.</p> | <p>Noted</p> <p>The Residential 1A Zone would appear to be consistent with this submission.</p> |
| 56.8 Jenny Campbell | <p>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>DECISION SOUGHT Not stated.</p> | <p>Noted</p> <p>Parts of this submission are beyond the scope of an RMA plan, however the broader objectives, policies and rules promoting urban containment are consistent with this submission.</p> |
| 56.9 Jenny Campbell | <p>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>DECISION SOUGHT Not stated.</p> | <p>Noted</p> <p>This submission is largely beyond the scope of an RMA plan.</p> <p>There are urban design policies throughout the Plan that support the approach promoted by the submitter.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
|---|--|--|
| 56.10 Jenny Campbell | <p>The submitter supports the creation of medium density housing close to the CBD.</p> <p>DECISION SOUGHT Not stated.</p> | <p>Noted</p> <p>It is recommended that the Residential 1A Zone be retained (with some modifications).</p> |
| 56.11 Jenny Campbell | <p>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 SOUGHT Not stated.</p> | <p>Noted</p> <p>Much of this submission is beyond the scope of an RMA plan, however rules such as site coverage and private open space do enable gardens etc.</p> |
| 107.3 A4 Simpson Architects Limited | <p>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.</p> <p>DECISION SOUGHT Zone for increased density and redevelopment of existing urban areas.</p> | <p>Noted</p> <p>It is considered the Plan does promote this outcome.</p> |
| SECTION 2.35 ISSUES, OBJECTIVES AND POLICIES | | |
| 2.35.1 Issues | | |
| 107.4 A4 Simpson Architects Limited | <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.</p> | <p>Accept</p> <p>It is not clear that “development and redevelopment” includes more passive verbs such as “maintenance” or “upkeep”. In many cases this will be a more realistic way to retain and enhance the vitality of suburbs where the quality of housing is at risk.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
|--|---|---|
| | <p>In addition areas of older housing stock that have been maintained can add to the amenity of the City.</p> <p>DECISION SOUGHT Amend the wording of Issue 1 and retain Issues 2 and 3.</p> | <p>Recommendation: Amend Issue 1 as follows:</p> <ol style="list-style-type: none"> <i>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.</i> <p>An additional change to the preamble to this section is also recommended as follows:</p> <p><i>“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.”</i></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.</p> <p>DECISION SOUGHT Add objective to residential zones: <u>“Reduce reverse sensitivity noise and vibration effects arising from new development locating near to the rail transport network;</u></p> <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>Reject</p> <p>I consider that the objectives of 2.9 Infrastructure adequately address this matter.</p> <p>The noise report recommends policies on reverse sensitivity effects related to transportation networks in the Residential 1 Zone.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
|---|---|--|
| 107.6 A4 Simpson Architects Limited | Support. DECISION SOUGHT Retain residential objectives. | Accept |
| 53.56 NZ Transport Agency | Support. The submitter considers that demand for roading establishment and maintenance is afforded some consideration in the objective. DECISION SOUGHT 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> | Reject Neither “urban services” nor “services” are defined by the Plan and could be argued to include roading (meaning the objective may already address the submitter’s concern). In any event, I consider that the objectives and policies of 2.17 Transportation address this matter. |
| 2.35.3 Policies | | |
| 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. DECISION SOUGHT 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> | Reject To remain true to the structure of the Plan, I consider that an appropriate place to have such a policy would be in the Transport section. I recommend that the appropriateness of such a policy be considered as part of the hearing on that chapter. The noise report recommends policies on reverse sensitivity effects related to transportation networks in the Residential 1 Zone. |
| 107.7 A4 Simpson Architects Limited | Support. DECISION SOUGHT Retain residential policies. | Accept |
| 53.57 NZ Transport Agency | Support. DECISION SOUGHT Retain Policy 5 as proposed. | Accept |

Residential 1

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
|--|--|--|
| SECTION TWO ISSUES, OBJECTIVES AND POLICIES | | |
| 2.36.1 Issues | | |
| 107.8 A4 Simpson Architects Limited | <p>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>DECISION SOUGHT Amend the wording of Issue 1.</p> | <p>Accept</p> <p>It is not clear that “development and redevelopment” includes more passive verbs such as “maintenance” or “upkeep”. In many cases this will be a more realistic way to retain and enhance the vitality of suburbs where the quality of housing is at risk.</p> <p>Recommendation: Amend Issue 1 as follows:</p> <p>“The significant resource management issues for the Residential 1 Zone are:</p> <ol style="list-style-type: none"> <i>The quality of the city's housing stock depends on an ongoing process of <u>maintenance</u>, development and redevelopment.”</i> |
| 107.5 A4 Simpson Architects Limited | <p>The submitter opposes Issue (3) on the grounds that there is a conflict between point 3 and objective 3.</p> <p>DECISION SOUGHT Delete paragraph 3 of 2.36.1 Issues.</p> | <p>Reject</p> <p>I consider that issue 3 is an appropriate resource management issue. District Plans cannot completely resolve all resource management issues without some trade-offs. It would be a mistake to solely focus on enabling intensification without also managing built forms to prevent undue adverse effects on amenity. The District Plan must achieve an appropriate balance in this regard.</p> |
| 2.36.2 Objectives | | |
| 78.13 Ministry of Education | <p>Support because most schools are within the Residential 1 Zone.</p> <p>DECISION SOUGHT Retain Objective 4.</p> | <p>Accept</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
|---|---|---|
| 53.58 NZ Transport Agency | Support. DECISION SOUGHT Retain Objective 7 as proposed. | Accept |
| 2.36.3 Policies | | |
| 78.16 Ministry of Education | Neutral. The submitter suggests that there is no policy that supports Objective 4. DECISION SOUGHT Include a Policy that supports educational activities and other community activities. | <p>Accept</p> <p>I agree that there is something of a “gap” in the proposed Plan given the lack of policy direction on whether and how to provide for non-residential activities in the District Plan. Given many such activities are listed in the rules as discretionary activities, I think a policy should be introduced in the residential overview section.</p> <p>Recommendation</p> <p>I recommend adding an addition policy as follows:</p> <p><u>“Policy 6 Non-residential activities</u></p> <p><u>To enable non-residential activities when it can be demonstrated that they:</u></p> <p>(a) <u>Are in keeping with the character anticipated in a residential area;</u> <u>and</u> (b) <u>Will not compromise the health, safety and amenity values enjoyed by residents; and</u> (c) <u>Cannot be practically located in other zones where such activities are anticipated.</u></p> <p><u>Explanation:</u></p> <p><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 schools, childcare facilities and visitor</u></p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
|---|--|--|
| | | <p><i>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 very unlikely to be appropriate in any part of the Residential Zone. Council intends to support the vitality of the business zones, including the CBD. Commercial activities are therefore not anticipated to locate within the residential zones."</i></p> |
| Policy 1 | | |
| <p>107.9 A4 Simpson Architects Limited</p> | <p>The submitter opposes the explanation to Policy 1 on the grounds that it does not relate to the policy.</p> <p>DECISION SOUGHT Retain (E) as the explanation for Policy 1.</p> <p>Move the remainder of the explanation (A) – (D), to the introduction for the residential sections of the Plan.</p> | <p>Reject</p> <p>I am satisfied that points B to E do relate to the proposed policy 1.</p> |
| <p>107.10 A4 Simpson Architects Limited</p> | <p>The submitter opposes explanation (D) in part where it refers to population decline, as the 2013 Census data shows population growth.</p> <p>DECISION SOUGHT 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>Reject</p> <p>Census projections do contemplate a possible decline in population (although this is not considered the most likely scenario). It is prudent to keep this possibility in mind when planning for the future. The most recent census results are not necessarily an indicator of what may occur in the future.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| Policy 3 | | |
| <p>53.59 NZ Transport Agency</p> | <p>Support. The submitter suggests having a similar policy in place in the District Wide section of the plan to remove unnecessary duplication.</p> <p>DECISION SOUGHT Retain Policy 3, but consider introducing it to the District Wide issues section of the Plan.</p> | <p>Reject</p> <p>I agree that opportunities to make the plan briefer by removing the repetition of policies should be realised where possible. But in this instance, the policy and associated explanations differ subtly according to the zone they are in. Similar policies are included in each of the Residential and Business Zones. However, to use an example, while the Residential 1 Zone policy refers to “encouraging” good urban design, the Residential 1A Zone refers to “requiring” urban design issues to be addressed. On balance, I consider it best to leave the policies as specific to each zone.</p> |
| Policy 5 | | |
| <p>53.60 NZ Transport Agency</p> | <p>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>DECISION SOUGHT Amend Policy 5 (B) as follows:</p> <p>To encourage comprehensively designed medium density development in the Residential 1A Zone.</p> | <p>Accept in part</p> <p>I do accept that this policy is unclear in that it does not signal what the intended maximum density in the Residential 1 Zone is.</p> <p>Recommendation</p> <p>I recommend the following amendment:</p> <p>“Policy 5 Choice: <i>To enable the development of a range of housing types by:</i></p> <p>(A) <i>Allowing, as of right, development on sections exceeding 400 square metres.</i></p> <p>(B) <i>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>(C) <i>Encouraging comprehensively designed medium density development by way of resource consent within specified parts of the Residential 1 Zone, being the Residential 1A Zone.”</i></p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| 107.13 A4 Simpson Architects Limited | <p>The submitter opposes references to Queenstown, Te Anau and Manapouri which he believes have no relevance to the policy.</p> <p>DECISION SOUGHT Delete the first sentence of the explanation for 2.36.3 Policy 5.</p> | <p>Accept in part</p> <p>I agree that the reference to these towns seems unnecessary and, given that the point can be debated, distracts from the main point. I recommend an amendment as follows:</p> <p>Recommendation</p> <p><i>Explanation: Invercargill's ageing population, decreasing average household size and <u>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</u> all mean that provision needs to be made for a variety of housing types.</i></p> |
| Policy 6 | | |
| 65.76 ICC Environmental and Planning Services | <p>Support subject to amendment of drafting error.</p> <p>DECISION SOUGHT Amend explanation as follows: “... Several lines of reasoning draw to a conclusion that this minimum dimension should be <u>at least five and a half metres ...</u>”</p> | <p>Reject</p> <p>As discussed in Section 5 I believe that five metres is sufficient to offer enough outdoor living space, so if my recommendation on that matter is accepted there would not be a need to make this correction.</p> |
| 107.12 A4 Simpson Architects Limited | <p>The submitter opposes this policy on the grounds that he believes Council should not be telling people how to design their outdoor living space.</p> <p>DECISION SOUGHT Delete 2.36.3 Policy 6.</p> | <p>Reject</p> <p>I do not consider that it is unreasonable to have a minimum outdoor living space requirement. This is a common requirement for District Plans. I believe the matter relates to social well-being and to health outcomes for residents, both matters addressed in Part II of the RMA. There is a question as to whether there is a public interest in the matter, or whether individual choice and preferences in the property market can adequately manage the matter. A lack of private space can however lead to excessive or inappropriate use of public space. Also breaching the associated rules will be a discretionary activity (which due to density rules is likely to be the status of dwellings that would breach this standard anyway). This means a well-designed alternative can be approved by Council.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| | | I further note that in response to other submissions I have recommended a small reduction in the dimension of the outdoor living space required. |
| Policy 8 | | |
| 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. DECISION SOUGHT Amend the explanation: “... if more than <u>35%</u> 40% of the site is covered ...” | Reject See discussion at Section 5 regarding why I consider 40% to be a more appropriate number. |
| SECTION 3.34 RULES | | |
| General | | |
| 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. DECISION SOUGHT Relief not specified. FS31.4 - Philip Orr <i>Support in part submission 83.6</i> The further submitter expands on the original submission seeking that the 5.5m north boundary dimension be removed. FS33.5 - A4 Simpson Architects <i>Support submission 83.6</i> The further submitter supports 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. | Noted Matters of discretion will only apply in some cases, generally when standards are breached. Matters are considered in more detail in response to submissions below. |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
|--|---|---|
| <p>107.1 A4 Simpson Architects Limited</p> | <p>The submitter asserts that banning cars from the outdoor living area is unnecessary.</p> <p>DECISION SOUGHT Relief not specified.</p> <p>FS31.5 - Philip Orr <i>Support submission 107.1</i></p> | <p>Reject</p> <p>This would be contrary to the proposed objectives and policies. I do not consider that car parks and driveways alone constitute a safe and pleasant space for private open space.</p> <p>It should be kept in mind that in effect people may still be able to park in their outdoor living space. The rule means that much space cannot be shown on a site plan as being for parking or manoeuvring. This means that an additional space dedicated to parking and manoeuvring needs to be shown.</p> <p>While the rules in the Operative District Plan did not prevent private open space being used for this purpose, now that they do the amount of private open space required has been significantly reduced.</p> |
| <p>78.19 Ministry of Education</p> | <p>Support inclusion of educational activities in the list of permitted activities.</p> <p>DECISION SOUGHT Retain 3.34.1.</p> | <p>Accept</p> |
| <p>25.1 David Falconer</p> | <p>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>DECISION SOUGHT 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>Accept</p> <p>I am not sure that the submitter's concern solely related to the Residential 1A Zone but this is what was stated in the decision requested in the submission. I have addressed submissions relating to the maximum residential in the Residential 1 Zone elsewhere in this report.</p> <p>I do not believe it was intended that Rules 3.34.4 to 3.34.7 also apply to the Residential 1A Zone given that there is a discretionary rule allowing the consideration of densities greater than 350m². It is possible that this interpretation could be taken. I recommend a change to ensure that this is interpreted as intended. .</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| | <p>FS33.6 - A4 Simpson Architects Limited Support submission 25.1 (See submission 107.15)</p> | <p>Recommendation</p> <p>Amend Rule 3.35.1 to make it clear that Rules 3.34.4 to 3.34.7 do not apply in the Residential 1A Zone if an application is made pursuant to the Medium Density Housing Rule (3.35.2).</p> |
| <p>72.2 Southland Registered Master Builders</p> | <p>The submitter considers that 400m² is too large to subdivide in some areas.</p> <p>DECISION SOUGHT 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>Reject</p> <p>See discussion in Section 5 of this report. I consider the minimum lot size and density limits suitable, allowing plenty of housing supply across the city.</p> |
| <p>83.3 Philip Orr</p> | <p>The submitter questions the residential density of 400m².</p> <p>DECISION SOUGHT Not stated.</p> <p>FS26.4 - A4 Somerset Development Ltd Support submission 83.3 The further submitter 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 The further submitter agrees with the submitter's questioning of the 400m² residential density and submits that there should be no limit. See submission 107.15.</p> | <p>Reject</p> <p>See discussion in Section 5 of this report. I consider the minimum lot size and density limits suitable, allowing plenty of housing supply across the city.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
|---|--|--|
| <p>107.15 A4 Simpson Architects Limited</p> | <p>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.</p> <p>DECISION SOUGHT Delete Rule 3.34.4 Residential Density.</p> <p>FS5.45 - Invercargill Airport Ltd <i>Oppose in part submissions 25.1, 72.2, 83.3, 107.15</i> The further submitter considers that it is appropriate to limit the density of development in areas affected by aircraft noise.</p> <p>DECISION SOUGHT</p> <ol style="list-style-type: none"> 1. A maximum residential density of one residential dwelling per 500m² should be required within the OCB and SESEB; and 2. Prohibited activity status to carry out more intense development, unless on an existing title less than 500m² <p>FS31.6 - Philip Orr <i>Support submission 107.15</i></p> | <p>Reject</p> <p>See discussion in Section 5 of this report. I consider the minimum lot size and density limits suitable, allowing plenty of housing supply across the city.</p> |
| <p>65.110 ICC Environmental and Planning Services</p> | <p>Support in part. The submitter considers that within the designated area of outdoor living space, conservatories should be able to be erected.</p> <p>DECISION SOUGHT Amend 3.34.8 to include a statement that:</p> <p>“Within the designated area of outdoor living space conservatories may be erected”</p> | <p>Accept (with revised wording)</p> <p><u>Recommendation</u></p> <p>Amend 3.34.8 to include an additional bullet point as follows:</p> <p><u>(D) The space shall be free of buildings aside from conservatories.</u></p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| <p>83.4 Philip Orr</p> | <p>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.</p> <p>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 SOUGHT Not specified.</p> <p>FS26.5 - A4 Somerset Development Ltd <i>Support submission 83.4</i></p> <p>FS31.7 - Philip Orr <i>Support in part submission 83.4</i> The further submitter expands 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 <i>Support submission 83.4</i></p> | <p>Accept in part</p> <p>See separate discussion in Section 5.</p> <p>Recommendation</p> <p>It is recommended that the required dimension be reduced to 5m.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| 107.20 A4 Simpson Architects Limited | <p>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.</p> <p>DECISION SOUGHT 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>Accept</p> <p>It seems reasonable for the rule relating to sunshine access to only apply to new dwellings (rather than potentially causing extensions to existing dwellings to require resource consent).</p> <p>Recommendation:</p> <p>Introduce an alternative performance standard allowing six hours of sunlight incidence on the shortest day into the main living area. This requires some consequential reformatting. For the details of the recommended change see Appendix 2.</p> |
| 83.5 Philip Orr | <p>Oppose. The submitter considers the current wording unclear, particularly in relation to the required length of the yard.</p> <p>DECISION SOUGHT Not specified.</p> <p>FS26.6 - A4 Somerset Development Ltd <i>Support submission 83.5</i> The further submitter considers that the wording is unclear, particularly in relation to the required length of the yard.</p> <p>FS33.10 A4 Simpson Architects Ltd <i>Support submission 83.5</i> The further submitter agrees that the wording is not clear, particularly in relation to the required length of the yard.</p> | <p>Reject</p> <p>I do not consider changes necessary to this rule. I understand that the submitter is questioning how long the boundaries need to be. My interpretation is that there would be no minimum length.</p> |
| 72.1 Southland Registered Master Builders | <p>Oppose. The submitter considers that 35% is too restrictive and could encourage people to build up.</p> <p>DECISION SOUGHT Amend the site coverage limit to 40%.</p> | <p>Accept</p> <p><i>See separate discussion in Section 5.</i></p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
|---|---|---|
| | <p>FS26.6 - A4 Somerset Development Ltd <i>Support submission 72.1</i> The further submitter considers the 35% site coverage is too restrictive and supports an amended site coverage of 40%.</p> <p>FS33.11 A4 Simpson Architects Limited <i>Support submission 72.1</i> The further submitter considers the 35% site coverage is too restrictive and supports an amended site coverage of 40%.</p> | |
| <p>107.18 A4 Simpson Architects Limited</p> | <p>The submitter opposes the 35% site coverage limit throughout the Plan on the grounds that it is too restrictive.</p> <p>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.</p> <p>DECISION SOUGHT Delete site coverage requirement.</p> <p>FS31.8 - Philip Orr <i>Support submission 107.18</i></p> | <p>Accept in part</p> <p>I believe it is still appropriate to have a site coverage rule, but that the rule could be amended slightly to be more enabling.</p> <p><i>See separate discussion in Section 5.</i></p> |
| ZONING | | |
| <p>9.1 Southland Racing Club</p> | <p>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.</p> <p>DECISION SOUGHT Rezone the submitter's land fronting on to Racecourse Road as Residential 1.</p> | <p>Reject</p> <p>I consider this matter to be a finely balanced one. On the one hand, the site does not seem to play a significant role in terms of providing amenity or a natural "boundary" to the town. On the other hand, the site could produce around 30 dwellings by my calculations if zoned Residential 1. This is not an insignificant amount for Invercargill, and given my foregoing discussions around supply and the strategic direction of the District Plan and RPS etc, I consider the submission should not be accepted.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| | <p>FS26.8 - A4 Somerset Development Ltd Support submission 9.1 The further submitter supports this submission 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.</p> <p>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>FS33.12 A4 Simpson Architects Limited Support submission 9.1 The further submitter supports this submission 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.</p> <p>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>I also consider that a HAIL assessment ought to be carried out as per the NES on Contaminated Sites.</p> <p>I also consider that the SRC ought to explain how they are to manage parking for events and confirm that developing this site will not lead to the "spilling" of car parking on to neighbouring roads to the extent that serious nuisance effects arise. (I raise this issue due to Council staff advising me of their observation that this site is used for temporary parking on occasions.)</p> <p>Note: I consider that much of what is being requested in further submissions 26.8 and 33.12 appear to go beyond the scope of the original submission. In any event, I do not support the rezoning sought in the further submission. Matters relating to the details of the Rural 2 Zone are dealt with in the Section 42A report on that zone.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| <p>62.1 A4 Somerset Development Ltd</p> | <p>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.</p> <p>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>DECISION SOUGHT Rezone 12 Somerset Lane as entirely within the Residential 1 Zone.</p> <p>FS33.13 - A4 Simpson Architects Limited Support submission 62.1 The further submitter 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.</p> <p>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>Reject</p> <p>This property would provide high amenity sections which could prove suitable for residential development. I have three main reservations however:</p> <ol style="list-style-type: none"> 1. It appears that several homes overlook the site and presumably enjoy the rural outlook. I would be concerned if those property owners had not been informed and reminded of the opportunity to lodge a further submission. 2. I believe a hazard assessment would be important in this location. Given the location near the river, confirmation that the flooding risk would be acceptable and that ground conditions would be suitable (including with respect to possible liquefaction) would be important. 3. Although I have not researched the matter myself, I am informed that the site was used as a Wool Scour in the past. I consider that a HAIL assessment should be undertaken prior to the rezoning which could lead to the need for further investigations and remediation. The possibility that the site would be inappropriate for rezoning for this reason cannot be ruled out. <p>Note that matters relating to the details of the Rural 2 Zone are dealt with in the Section 42A report on that zone.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| <p>90.34 H W Richardson Group Ltd</p> | <p>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.</p> <p>DECISION SOUGHT Rezone 33 Hunt Street and 1/33 Hunt Street as Residential 1.</p> | <p>Reject</p> <p>The site seems reasonably well buffered from surrounding residential uses so a continuation of an industrial or service yard type use seems reasonable. I also consider that the location to the north of the city near the State Highway may be quite appropriate for another business to utilise the site should the current owner move on. Lastly, I consider there to be a high chance that a HAIL assessment would raise the possibility of site contamination due to the storage of certain goods. I therefore consider that the currently proposed zoning is appropriate.</p> |
| <p>92.1 Bonish 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"> a. The land is considered desirable for development shown by the significant level of development undertaken in recent years. b. 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. c. 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>DECISION SOUGHT Rezone the land bounded by Mclvor Road, North Road, Northside Drive, and Donovan Park as Residential 1.</p> | <p>Reject</p> <p><i>See separate discussion in Section 5.</i></p> |

Residential 1A

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
|---|---|---|
| General | | |
| 107.16 A4 Simpson Architects Limited | <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>DECISION SOUGHT 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 <i>Support submission 107.16</i></p> | <p>Reject</p> <p>The objectives, policies and explanations that set out the purpose of this zone are specific as to the parts of the City which are intended to accommodate such growth. It is clear that these developments are intended to promote regeneration of parts of South Invercargill and to support the CBD. It is my view that the ability to undertake development down to 350m² sites as a discretionary activity should provide for sufficiently intensive development for the balance of Invercargill.</p> |
| SECTION 2.37 ISSUES, OBJECTIVES AND POLICIES | | |
| 2.37 Objectives | | |
| 78.14 Ministry of Education | <p>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.</p> <p>DECISION SOUGHT Include 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>Reject</p> <p>While the sentiment is understood and supported, I do not consider the amendment necessary. I consider that 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 | | |
| 78.17 Ministry of Education | <p>Neutral. The submitter suggests that there would need to be a policy to support a new objective that supports educational activities.</p> <p>DECISION SOUGHT Include a Policy that supports educational activities and other communities activities.</p> | <p>Reject</p> <p>I do not consider such an objective necessary (see above). I see no need for a related policy.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| 103.60 Invercargill Airport Ltd | <p>Oppose 2.37.3 Policy 1 Residential 1A (Medium Density Housing) Zone in part.</p> <p>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>DECISION SOUGHT Address reverse sensitivity issues for areas affected by the airport noise contours by inserting additional policies:</p> <p>a. 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;</p> <p>b. To restrict the density of development in these areas.</p> | <p>Reject</p> <p>As far as I can see no part of the proposed Residential 1A zone falls within the Outer Control Boundary of the airport. My understanding is it is not intended that there should be airport related controls on buildings and development beyond that line.</p> |
| SECTION 3.35 RULES | | |
| 78.20 Ministry of Education | <p>Rule 3.35.1 - Support inclusion of educational activities in the list of permitted activities.</p> <p>DECISION SOUGHT Retain 3.35.1.</p> | <p>Accept</p> |

Residential 2 Zone

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
|--|---|---|
| General | | |
| 107.17 A4 Simpson Architects Limited | The submitter supports plan provisions that encourage growth in Bluff and Omaui. DECISION SOUGHT Retain Residential 2 plan provisions. | Accept |
| 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. DECISION SOUGHT Include Objective as follows: <u>“Provision is made for good accessibility to service and retail activities, educational establishments, and to places of employment”</u> | Reject As a general principle of good planning, I have no issue with the sentiment. However, I do not consider it necessary for a zone specific policy such as this. I consider the additional policy recommended in response to another submission point made by the Ministry in the “Residential Overview” section would suffice. |
| 65.80 ICC Environmental and Planning Services | Objective 1 - Support subject to amendment. The submitter considers this objective needs tidied up. DECISION SOUGHT 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.” | Accept The objective will read better as a result. Recommendation: 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.” |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
|--|---|---|
| 2.38.3 Policies | | |
| 65.82 ICC Environmental and Planning Services | <p>The submitter considers that there should be a policy on “Space around Buildings” to support the rules on setbacks and site coverage.</p> <p>DECISION SOUGHT Insert 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>Accept</p> <p>I consider that the policy from the Residential 1 Zone and associated explanation can largely be reiterated for this Zone.</p> <p>Recommendation:</p> <p>Add an additional policy as follows:</p> <p><u>“Policy 8: Space around buildings: To maintain the residential scale and amenity of space around and between buildings.</u></p> <p><u>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 around 35% of the site is covered in buildings.”</u></p> |
| 78.18 Ministry of Education | <p>Neutral. The submitter suggests that there would need to be a policy to support a new objective that supports educational activities.</p> <p>DECISION SOUGHT Include a Policy that supports educational activities and other communities activities.</p> | <p>Reject</p> <p>I do not consider such an objective is necessary (see above) so I see no need for a related policy. Note however that I have recommended an additional policy in response to another submission point made by the Ministry in the “Residential Overview” section.</p> |
| SECTION 3.36 RULES | | |
| 78.21 Ministry of Education | <p>Support inclusion of educational activities in the list of permitted activities.</p> <p>DECISION SOUGHT Retain 3.36.1.</p> | <p>Accept</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| 65.111 ICC Environmental and Planning Services | <p>Support in part. The submitter considers that within the designated area of outdoor living space, conservatories should be able to be erected.</p> <p>DECISION SOUGHT Amend 3.36.11 to include a statement that “Within the designated area of outdoor living space conservatories may be erected”.</p> | <p>Accept</p> <p>I recommend that the outdoor living space and sunlight incidence rules be rewritten to mirror those that I recommend for the Residential 1 Zone.</p> |
| ZONING | | |
| Omaui Zoning | | |
| 2.5. Bluff Community Board | <p>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>DECISION SOUGHT Not stated. It is considered the submitter requests the following: Council should directly engage Omaui residents regarding the proposed Residential 2 zoning of the Omaui village.</p> | <p>Noted</p> <p>I understand there have been public meetings with the Omaui community and they have been afforded full rights to participate in the submission process (as several have chosen to).</p> |
| Zoning of Omaui village | | |
| 8.1 John Collins | <p>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.</p> <p>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>DECISION SOUGHT 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>Reject</p> <p>The points raised by the submitter as to the character and values of Omaui are noted, as is the request for greater Council engagement.</p> <p>See discussion in Section 5.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| <p>11.1 Brian and Noreen Midgley</p> | <p>The submitter would like to see the Omaui village identified as a separate zone.</p> <p>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.</p> <p>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>DECISION SOUGHT To make Omaui a special zone.</p> | <p>Reject</p> <p>See discussion in Section 5.</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 Rural 1 Zone which they state will exclude them from being able to subdivide in line with the proposed Residential 2 Zone at Omaui.</p> <p>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 sewage connections available.</p> <p>DECISION SOUGHT The submitter would like to be able to split their property into 3 or 4 blocks for family to be able to build on.</p> <p>If they can't subdivide their property, then the submitter believes that there should be no change to the zoning.</p> | <p>Reject</p> <p>This submission refers to Lot 1 DP 7037 (or 7 Whalers Crescent). Part of this property is proposed to be rezoned (along the front of Mokomoko Road).</p> <p>By my calculations if the property were rezoned residential then around 20 lots or so (depending on accessways etc) could be built. The current underground services would more than likely need to be extended. And if other existing empty lots in Omaui were developed, the sewerage system may need to be upgraded. While such issues may be resolvable, I would need advice on infrastructure matters to confirm that is the case. Also, extending services to provide for new urban areas would appear at odds with the proposed objectives and policies of the Plan.</p> <p>I am informed that Council decided to favour making more efficient use of land within the existing hamlet of Omaui over extending the boundaries. Given that the surrounds of the village are understood to be within an Outstanding Natural Landscape and within the Coastal Environment (and therefore subject to the NZ Coastal Policy Statement)</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| | | I consider this a sound decision. |
| <p>21.1 Susan and Alastair Stark</p> | <p>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 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>DECISION SOUGHT To create an Omaui Special Zone.</p> | <p>With respect to Point 1 my recommendation is to reject. See the separate discussion in Section 5 of this report. .</p> <p>I recommend accepting point 3 and retaining the 750m minimum lot size.</p> <p>All other points are beyond the scope of an RMA plan (a submission to Council's Annual Plan or Long Term Plan may be a more appropriate forum to raise these matters).</p> |
| <p>35.1 Neville Neems</p> | <p>Oppose.</p> <p>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 believes the process is flawed and should be started again with greater detail provided.</p> <p>DECISION SOUGHT To start the process again and compile more in-depth information so everybody has a clearer view of the proposed situation and what it really means.</p> | <p>Reject</p> <p>See separate discussion in Section 5 of this report.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| <p>37.1 Karen Cox</p> | <p>Oppose.</p> <p>The submitter considers that any major development of Omaui in the future will destroy its uniqueness as a remote rural community with a distinctive character.</p> <p>The submitter also explains that she is opposed to the sale of all council reserves, including Mokomoko Road and considers that these areas should be replanted with native bush and protected now for the benefit of future generations.</p> <p>DECISION SOUGHT No change of rural zoning and no sale of reserves.</p> | <p>Reject</p> <p>See separate discussion in Section 5 of this report. .</p> <p>Note that the reserves issue was covered in the Public Open Space report.</p> |
| <p>38.1 Nicole Edwards</p> | <p>The submitter is opposed to the current zoning in Omaui and believes that further development will destroy Omaui's character and remoteness.</p> <p>The submitter does not wish to see any of Omaui's Council reserves sold off and believes that they should remain native bush for the wildlife of Omaui.</p> <p>DECISION SOUGHT No change (to the rural zoning).</p> | <p>See response to 37.1 above.</p> |
| <p>39.1 Sean Edwards</p> | <p>The submitter is opposed to any change to the current zoning in Omaui. The submitter states that the appeal of Omaui is its remoteness and further development will destroy Omaui's character.</p> <p>The submitter does not wish to see any of Omaui's Council reserves sold off and believes that they should be returned to native bush for the wildlife of Omaui.</p> <p>DECISION SOUGHT No change (to the rural zoning).</p> | <p>See response to 37.1 above.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| <p>40.1 Jacinta Hamilton</p> | <p>The submitter is opposed to any change to the current zoning in Omaui. The submitter states that the appeal of Omaui is its remoteness and further development will destroy Omaui's character.</p> <p>The submitter does not wish to see any of Omaui's Council reserves sold off and believes that they should be returned to native bush for the wildlife of Omaui.</p> <p>DECISION SOUGHT No change (to the rural zoning).</p> | <p>See response to 37.1 above.</p> |
| <p>42.1 Stephen Morris</p> | <p>The submitter opposes any change to Omaui's current rural zone, and believes that any change will destroy the remote appeal and unique character of Omaui.</p> <p>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>DECISION SOUGHT No change (to the rural zoning) and return of the reserve to its native condition.</p> | <p>See response to 37.1 above.</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>DECISION SOUGHT The zoning to remain rural.</p> | <p>Reject</p> <p>See discussion in Section 5 of this report.</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>DECISION SOUGHT The zoning to remain rural.</p> | <p>See response to 46.1 above.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| <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>DECISION SOUGHT</p> <ol style="list-style-type: none"> 1. That "Rural" zoning be retained as it is at Greenhills and Green Point. There appear to be only 16 sections around 800m². Is this sufficient to warrant rezoning? 2. That all parks and reserves and special purpose land (e.g. Urupa) be shown on all maps, including draft plans. 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>Reject</p> <p>See discussion in Section 5 of this report.</p> <p>Note that the reserves issue was covered in the Public Open Space report.</p> |
| <p>116.7 Kylie Fowler</p> | <p>The submitter would like the zoning to see the Omaui village identified as a separate zone.</p> <p>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.</p> <p>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>Reject</p> <p>See discussion in Section 5 of this report.</p> <p>I agree that there is a need for a rule requiring water storage for fire fighting purposes but I believe this can be done without the need to create a special zone for Omaui. Recommendations in the Section 42A Report on Water sought to include the requirement for on-site water supply for fire fighting purposes in the Residential 2 Zone.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| | <p>DECISION SOUGHT To make Omaui a special zone.</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 4 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>DECISION SOUGHT Rezoned the land east of 2 Raymond Street from Rural 2 to Residential 2.</p> | <p>Accept</p> <p>When visiting this site I was inclined to agree with the points raised in this submission. Advice I have received from Council officers has confirmed there are unlikely to be infrastructure constraints to enabling perhaps five houses on this site. Because of the favourability of the site for urban development I have undertaken some brief investigation into the potential for HAIL activities which might cause contamination. I am advised that there is no history of development on the site recorded by Council. The regional council does not list the site as having potential contamination. The site is not listed as hazard prone in the District Plan and Council engineers have advised they consider such issues unlikely on this site. I am therefore prepared to recommend that the District Plan maps be amended to show this site as Residential 2 zone.</p> <p>Recommendation:</p> <p>Rezoned the land east of 2 Raymond Street Residential 2 as requested in the submission.</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.</p> | <p>Reject</p> <p>I understand the issue the submitter raises. The pattern of land uses in Bluff is not as segregated as might be ideal with an intermingling of industrial, residential and commercial uses within parts of the town. I understand this issue was considered in the preparation of the Plan, and</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| | <p>The submission specifically refers to a number of properties that have been zoned Industrial that the submitter does not believe is the appropriate zoning for their residential or commercial context.</p> <p>DECISION SOUGHT Reassess the zoning of properties in Bluff.</p> | <p>the views of the Bluff Community Board were among those considered. Given the context of Bluff, where significant growth in housing seems unlikely and there is concern as to the potential of losing businesses, I understand there is a reluctance to rely on existing use rights to protect business sites. Existing use rights may not apply if a business ceases to operate on a site for a period or the nature of the business changes. It may not be economic to develop new sites for industrial or commercial purposes and their development for residential purposes is unlikely, meaning that a site may become vacant for an indefinite period if it is not protected by zoning. There is an argument, which I understand and accept, that these issues are more important to Bluff than the enhancement of residential amenity and the potential aim of consolidating uses into coherent zones. I therefore recommend that the existing pattern of zoning, which includes some “spot zones” on individual properties, is confirmed as appropriate.</p> |

Residential 3 Zone

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| General | | |
| 29.1 R T Chapman | <p>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.</p> <p>DECISION SOUGHT Confirmation of the proposed Residential 3 (Large Lot) Zone and associated objectives, policies and rules.</p> | <p>Accept</p> |
| 33.1 G D and N A Mason | <p>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.</p> <p>DECISION SOUGHT Confirmation of the proposed Residential 3 (Large Lot) Zone and associated objectives, policies and rules.</p> | <p>Accept</p> |
| 69.4 ICC Roading Manager | <p>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>DECISION SOUGHT Amend the Plan to</p> <ol style="list-style-type: none"> a. Enable the Council to extend services within this area at its discretion. b. Acknowledge and record the financial implications of these provisions. | <p>Reject</p> <p>I am wary of the District Plan becoming too caught up in financial matters which are primarily the domain of the Annual Plan and Long Term Plan processes.</p> <p>If there is pressure to extend services before 2018 and a developer is willing to fund this, I am sure a practical approach will be taken to accommodate this as necessary. But given that decisions on this Plan will probably not be issued till later this year or next year, I do not consider it necessary to write provisions to deal with hypothetical scenarios over a period of a couple of years or so.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| SECTION 2.39 ISSUES, OBJECTIVES AND POLICIES | | |
| 2.39.2 Objectives | | |
| 53.62 NZ Transport Agency | Support. DECISION SOUGHT Retain Objective 3 as proposed. | Accept |
| 65.83 ICC Environmental and Planning Services | Support subject to amendment. The submitter notes that the policy refers to lots larger than 1500m ² and the rules state that residential activity is permitted on lots over 2000m ² . DECISION SOUGHT Amend policy “... for housing on lots larger than 4500 <u>2000</u> square metres and which ...” | Accept in part I consider the discrepancy between the maximum density allowed (2000m ² per unit) and the minimum lots size (1500m ²) unusual. A similar regime exists for the Residential 1 Zone, but in my opinion effects on neighbours, urban design outcomes etc are much more tangible in that zone given the smaller minimum lot size and the higher allowable density. Given the assessment matters in 3.37.7, I would be surprised if Council were often to find grounds to decline applications in the 1500m ² to 2000m ² range, indicating a rather inefficient rule. If there had been submissions on this matter, I suspect I would have recommended that the density rule would be amended, allowing buildings down to a density of 1500m ² (the minimum lot size) as a permitted activity. However, to the best of my knowledge, no submissions have been made on this matter so there would not appear to be scope to make such a change. If the Hearings Committee agree with the issue I raise, they may wish to recommend a variation to the plan. The policy therefore needs to reflect the rules. I do not consider it is correct to change the policy as sought in the submission, because it is correct that the zone does enable lots as small as 1500m ² . I suggest the policy should read as follows: Recommendation: Amend 2.39.3 to read: |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| | | <p>“Policy 1 Residential 3 (Large Lot) Zone:</p> <p>Residential 3 (Large Lot) Zone: To provide for lifestyle estate housing by zoning areas adjoining and adjacent to the existing urban area for housing:</p> <ul style="list-style-type: none"> (a) on lots larger than <u>2000m²</u>; and (b) <u>when designed in a manner which gives effects to other relevant objectives and policies, on lots between 1,500 and 2000 square metres</u>; and (c) which can be connected to the Invercargill City Council reticulated sewerage system.” |
| SECTION 3.37 - RULES | | |
| ZONING | | |
| <p>1.1 R B Waterhouse</p> | <p>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>DECISION SOUGHT The area north of Mason Road should be Residential 3 Zone, the same as the area south of Oteramika Road.</p> | <p>Reject</p> <p>I consider there is no justification to extend the Residential 3 Zone. My analysis of supply and demand (see Section 5) indicates that already this zone could account for around half of the projected demand for new homes in Invercargill for the next 20 years (under a medium growth scenario). I believe to extend the Zone further would be contrary to the strategy espoused by the Proposed District Plan and the RPS to contain urban growth.</p> <p>Notwithstanding these views, I may have been open to considering this submission had I felt that this extension may in some way create a logical boundary to the city. But my observations are that this is not the case.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| <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.</p> <p>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.</p> <p>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>DECISION SOUGHT That under the final adopted 2013 District Plan, 345 Bainfield Road (Lot 1 DP 7180) is zoned Residential 3.</p> | <p>Reject</p> <p>Council officers inform me that infrastructure considerations, including the length of reticulated services in need of extension, were accounted for by the Council when deciding where to delineate the boundary of the Residential 3 Zone.</p> <p>My main issue is that I consider there is no justification to extend the Residential 3 Zone. My analysis of supply and demand (see Section 5) indicates that already this zone could account for around half of the projected demand for new homes in Invercargill for the next 20 years (under a medium growth scenario). I believe to extend the Zone further would be contrary to the strategy espoused by the Proposed District Plan and the RPS to contain urban growth.</p> <p>The proposed rules will not prevent the submitter from having a dwelling on their land, even if the site is below the minimum lot size for the Rural 2 Zone.</p> |
| <p>51.1 Margaret and Maurice Casey</p> | <p>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 with sewage 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>DECISION SOUGHT The area north of Oteramika Road from Rockdale Road to the entrance to Ascot Heights Development should be zoned Residential 3.</p> | <p>Reject</p> <p>I consider there is no justification to continue to extend the Residential 3 Zone. My analysis of supply and demand (see Section 5) indicates that already this zone could account for around half of the projected demand for new homes in Invercargill for the next 20 years (under a medium growth scenario). I believe to extend the Zone further would be contrary to the strategy espoused by the Proposed District Plan and the RPS to contain urban growth.</p> <p>An additional matter I would expect work to be presented on prior to an area such as this being rezoned is on flooding hazard risks. I am informed that the area adjoins a site designed to pond in the event of a flood. Confirmation that the site could not be subject to riverine inundation risk in the event of a flood would therefore be appropriate.</p> |

Maps and Appendices

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| Planning Map 6 | | |
| <p>107.26 A4 Simpson Architects Limited</p> | <p>The submitter opposes the zoning of the Waikiwi Shopping Centre/School site.</p> <p>The submitter believes that the zoning should reflect a proposed improvement to the North Road/Bainfield Road/Durham Street intersection.</p> <p>The submitter believes that there should also be some Residential 1A zone in this area.</p> <p>DECISION SOUGHT Amend Planning Map 6.</p> | <p>Reject</p> <p>See discussion in response to submission 107.16 above.</p> |
| Infogram 4 | | |
| <p>83.1 Philip Orr</p> | <p>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>DECISION SOUGHT Not stated.</p> <p>FS31.1 - Philip Orr Support submission 83.1</p> <p>The further submitter would like to add 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>Accept</p> <p>The points raised by the submitter are accepted. I am not entirely clear for what reason this rule, which was previously in the Operative District Plan, was removed. The effect of the extra 2.2m is very small and the setback required as a result of recession planes if this exemption does not exist is that a small setback is required. Such a setback is unlikely to serve any functional use but could hinder the efficient use of sites. (A few centimetres can be of significance for fitting a building on a site.)</p> <p>Recommendation</p> <p>Amend Infogram 4 so that it reads the same as Infogram 7 does in the Operative District Plan.</p> |

| Submission No. and Point / Submitter Name | Summary of Submission | Recommendation |
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| | <p>FS33.1 - A4 Simpson Architects Limited <i>Support submission 83.1</i></p> <p>The further submitter 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</p> | <p>The submitter opposes the use of Infogram 4 on the grounds that the proposed 2m height limit on the boundary is too low.</p> <p>DECISION SOUGHT Amend the starting height of buildings on the boundary to 2.6m rather than 2m.</p> <p>FS31.2 - Philip Orr <i>Support submission 107.19</i></p> | <p>Accept</p> <p>See response to submission 83.1.</p> |
| Infogram 5 | | |
| <p>83.2 Philip Orr</p> | <p>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 areas of dwellings.</p> <p>FS33.2 A4 Simpson Architects Limited <i>Support submission 83.2</i></p> <p>The further submitter considers that the Infogram may result in living areas exposed to prevailing winds and will result in more complicated design requirements</p> | <p>Accept in part</p> <p>While I do not consider that this Infogram needs to be removed from the Plan, I have suggested an alternative performance standard for sunlight incidence as discussed in Section 4 of this report.</p> |

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APPENDIX 2 - RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN

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

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, 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 are:

1. Lack of ongoing maintenance, 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. No Change
3. No Change

2.35.2 Objectives

Objective 1: No Change

Objective 2: No Change

Objective 3: No Change

Objective 4: No Change

2.35.3 Policies

Policy 1 Existing Residential Areas: No Change
Explanation: No Change

Policy 2 Residential Density: No Change
Explanation: No Change

Policy 3 Omaui: No Change
Explanation: No Change

Policy 4 Residential Amenity: No Change
Explanation: No Change

Policy 5 Greenfield Development: No Change
Explanation: No Change

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.

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 may include schools, childcare facilities 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 very unlikely to be appropriate in any part of the Residential Zone. Council intends to support the vitality of the business zones, including the CBD. Commercial activities are therefore not anticipated to locate within the residential zones.”

2.36 RESIDENTIAL 1 ZONE

No Change

2.36.1 Issues

The significant resource management issues for the Residential 1 Zone are:

1. The quality of the city’s housing stock depends on an ongoing process of maintenance, development and redevelopment.
2. No Change
3. No Change
4. No Change

2.36.2 Objectives

Objective 1: No Change

Objective 2: No Change

Objective 3: No Change

Objective 4: No Change

Objective 5: No Change.

Objective 6: No Change

Objective 7: No Change

Objective 8: No Change

2.36.3 Policies

Policy 1 Residential 1 Zone: No Change

Explanation: No Change

Policy 2 Connectivity: No Change

Explanation: No Change

Policy 3 Urban Design: No Change

Explanation: No Change

Policy 4 Stormwater runoff: No Change.

Explanation: No Change

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

(B) Encouraging comprehensively designed medium density development by way of resource consent within specified parts of the Residential 1 Zone, being the Residential 1A Zone.

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 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: No Change

Explanation: No Change

Policy 7 Incidence of daylight and sunlight: No Change

Explanation: No Change

Policy 8 Space around buildings: No Change

Explanation: No Change

- Policy 9 Noise:** No Change
Explanation: No Change
- Policy 10 Odour:** No Change
Explanation: No Change
- Policy 11 Glare:** No Change
Explanation: No Change
- Policy 12 Electrical interference:** No Change
Explanation: No Change
- Policy 13 Lightspill:** No Change
Explanation: No Change
- Policy 14 Wind:** No Change
Explanation: No Change
- Policy 15 Signage:** No Change
Explanation: No Change
- Policy 16 Dilapidated structures and ill-maintained lands:** No Change
Explanation: No Change
- Policy 17 Demolition or removal activities:** No Change
Explanation: No Change
- Policy 18 Relocation activities:** No Change
Explanation: No Change
- Policy 19 Hazardous substances:** No Change
Explanation: No Change
- Policy 20 Height and location of structures:** No Change
Explanation: No Change
- Policy 21 Car parking and vehicle manoeuvring:** No Change
Explanation: No Change

2.36.4 Methods of Implementation

- Method 1** No Change
- Method 2** No Change
- Method 3** No Change
- Method 4** No Change
- Method 5** No Change
- Method 6** No Change

Method 7 No Change

2.37 RESIDENTIAL 1A (MEDIUM DENSITY) ZONE

No Change

2.37.1 Issues

In addition to the Issues detailed in Residential 1, the significant resource management issues for the Residential 1A (Medium Density) Zone are:

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

2.37.2 Objectives

Note: No Change

Objective 1: No Change

Objective 2: No Change

Objective 3: No Change (except to numbering of objective)

Objective 4: No Change (except to numbering of objective)

2.37.3 Policies

Policy 1 Residential 1A (Medium Density Housing) Zone: No Change
Explanation: No Change

Policy 2 Urban Design: No Change
Explanation: No Change

2.37.4 Methods of Implementation

Note: No Change

Method 1 No Change

Method 2 No Change

Method 3 No Change

2.38 RESIDENTIAL 2 (BLUFF AND OMAUI) ZONE

No Change

2.38.1 Issues

The significant resource management issues for the Residential 2 (Bluff and Omaui) Zone are:

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

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.

Objective 2: No Change

Objective 3: No Change

Objective 4: No Change

Objective 5: No Change

Objective 6: No Change

Objective 7: No Change

Objective 8: No Change

Objective 9: No Change

Objective 10: No Change

2.38.3 Policies

Policy 1 Residential 2 (Bluff and Omaui) Zone: No Change
Explanation: No Change

Policy 2 Connectivity: No Change
Explanation: No Change

Policy 3 Urban Design: No Change
Explanation: No Change

Policy 4 Stormwater runoff: No Change
Explanation: No Change

Policy 5 **Choice:** No Change
Explanation: No Change

Policy 6 **Incidence of daylight and sunlight:** No Change
Explanation: No Change

Policy 7 **Building Height:** No Change
Explanation: No Change

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

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.*

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

No Change

2.38.4 Methods of Implementation

Method 1 No Change

Method 2 No Change

Method 3 No Change

Method 4 No Change

Method 5 No Change

Method 6 No Change

Method 7 No Change

Method 8 No Change

Method 9 No Change

Method 10 No Change

Method 11 No Change

2.39 RESIDENTIAL 3 (LARGE LOT) ZONE

No Change

2.39.1 Issues

The significant resource management issues for the Residential 3 (Large Lot) Zone are:

1. No Change
2. No Change
3. No Change
4. No Change
5. No Change
6. No Change
7. No Change
8. No Change

2.39.2 Objectives

Objective 1: No Change

Objective 2: No Change

Objective 3: No Change

Objective 4: No Change

Objective 5: No Change

Objective 6: No Change

2.39.3 Policies

Policy 1 Residential 3 (Large Lot) Zone: To provide for lifestyle estate housing by zoning areas adjoining and adjacent to the existing urban area for housing:

(a) on lots larger than 1,500 square metres 2000m²; and

(b) when designed in a manner which gives effects to other relevant objectives and policies, on lots between 1,500 and 2000 square metres; and

(c) which can be connected to the Invercargill City Council reticulated sewerage system.

Explanation: No Change

Policy 2 Connectivity: No Change

Explanation: No Change

Policy 3 Urban Design: No Change

Explanation: No Change

- Policy 4 Stormwater Runoff:** No Change
Explanation: No Change
- Policy 5 Outdoor Living:** No Change
Explanation: No Change
- Policy 6 Incidence of daylight and sunlight:** No Change
Explanation: No Change
- Policy 7 Space around buildings:** No Change
Explanation: No Change
- Policy 8 Infrastructure:** No Change
Explanation: No Change
- Policy 9 Noise:** No Change
Explanation: No Change
- Policy 10 Odour:** No Change
Explanation: No Change
- Policy 11 Glare:** No Change
Explanation: No Change
- Policy 12 Electrical interference:** No Change
Explanation: No Change
- Policy 13 Lightspill:** No Change
Explanation: No Change
- Policy 14 Wind:** No Change
Explanation: No Change
- Policy 15 Signage:** No Change
Explanation: No Change
- Policy 16 Dilapidated structures and ill-maintained lands:** No Change
Explanation: No Change
- Policy 17 Demolition or removal activities:** No Change
Explanation: No Change
- Policy 18 Relocation activities:** No Change
Explanation: No Change
- Policy 19 Hazardous substances:** No Change
Explanation: No Change
- Policy 20 Height and location of structures:** No Change
Explanation: No Change
- Policy 21 Car parking and vehicle manoeuvring:** No Change
Explanation: No Change

2.39.4 Methods of Implementation

Method 1 No Change

Method 2 No Change

Method 3 No Change

Method 4 No Change

Method 5 No Change

Method 6 No Change

Method 7 No Change

Method 8 No Change

Method 9 No Change

Method 10 No Change

Method 11 No Change

3.34 RESIDENTIAL 1 ZONE

3.34.1 Permitted Activities: No Change

3.34.2 Discretionary Activities: No Change

3.34.3 Non-complying activities: No Change

Residential density

3.34.4 No Change

3.34.5 No Change

3.34.6 No Change

3.34.7 No Change

Incidence of Sunlight and Outdoor Living

3.34.8 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 5.5 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.~~

~~(CE) 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.~~

(D) The space shall be free of all buildings aside from conservatories.

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.~~

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.~~

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

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

3.34.12 Incidence of Sunlight

(1) For buildings at ground floor either:

The outdoor living space required by Rule 3.34.8 shall be located as follows:

(A) 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.

(B) Adjacent to the main glazing of the main living area of the dwelling.

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

Or:

New residential buildings shall be constructed in such a way that it can be demonstrated that a minimum of six hours of sunlight incidence can be achieved in the main living area on the shortest day of the year.

(2) For buildings above ground floor either:

The outdoor living space required by Rule 3.34.8 shall be located oriented between 045 degrees True (north-east) through north to 315 degrees True (north-west) of the living area.

Or:

New residential buildings shall be constructed in such a way that it can be demonstrated that a minimum of six hours of sunlight incidence can be achieved in the main living area on the shortest day of the year.

3.34.13 Where an activity does not comply with Rule 3.34.12, the activity is a discretionary activity.

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

(A) The extent to which the building and site design will enable sunlight incidence into the home in a manner which promotes a healthy living environment and the efficient use of energy.

Space around buildings

3.34.12 15 No Change (except for numbering)

3.34.13 16 No Change (except for numbering)

3.34.14 17 No Change (except for numbering)

3.34.15 18 No Change (except for numbering)

Site Coverage

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

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

3.34.18 21 No Change (except for numbering)

3.34.19 22 No Change (except for numbering)

Height of Structures

3.34.20 23 No Change (except for numbering)

3.34.21 24 No Change (except for numbering)

3.34.22 25 Applications under Rule 3.34.2424 above shall address the following matters, which will be among those taken into account by the Council:

No Change

Permeable Surfaces

3.34.23 26 No Change (except for numbering)

3.34.24 27 No Change (except for numbering)

3.34.25 28 No Change (except for numbering).

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.

3.35.2 No Change

3.35.3 No Change

3.36 RESIDENTIAL 2 (BLUFF AND OMAUI) ZONE

3.36.1 Permitted Activities: No Change

3.36.2 Discretionary Activities: No Change

3.36.3 Non-complying activities: No Change

Residential Density

3.36.4 No Change

3.36.5 No Change

3.36.6 No Change

Outdoor Living

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 5.5 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.~~

(D) The space shall be free of all buildings aside from conservatories.

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.~~

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.~~
- ~~(BA)~~ The extent to which practicable outdoor living is achieved.
- ~~(GB)~~ The extent to which the development incorporates qualities of good urban design

3.36.11 Incidence of Sunlight

(1) For buildings at ground floor either:

The outdoor living space required by Rule 3.36.7 shall be located as follows:

- (A) 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 Infoqram 5.
- (B) Adjacent to the main glazing of the main living area of the dwelling.
- (C) In such a way that it enables incidence of sun to the living area.

Or:

New residential buildings shall be constructed in such a way that it can be demonstrated that a minimum of six hours of sunshine incidence will be achieved in the main living area on the shortest day of the year.

(2) For buildings above ground floor either:

The outdoor living space required by Rule 3.36.8 shall be located oriented between 045 degrees True (north-east) through north to 315 degrees True (north-west) of the living area.

Or:

New residential buildings shall be constructed in such a way that it can be demonstrated that a minimum of six hours of sunshine incidence will be achieved in the main living area on the shortest day of the year.

3.36.12 Where an activity does not comply with Rule 3.36.11, the activity is a discretionary activity.

3.36.13 Applications under Rule 3.36.12 above shall address the following matter, which will be among those taken into account by the Council:

(A) The extent to which the building and site design will enable sun incidence into the home in a manner which promotes a healthy living environment and the efficient use of energy.

Incidence of Daylight and Sunlight and Space around Buildings

3.36.1411 No Change (except for numbering)

3.36.1512 No Change (except for numbering)

3.36.1613 Where an activity does not comply with Rules 3.36.1414 or 3.36.1512 above, the activity is a discretionary activity.

3.36.1714 Applications under Rule 3.36.1613 above shall address the following matters, which will be among those taken into account by the Council:

(A) Access to daylight and sunlight.

(B) Effects on amenities of neighbouring properties, including privacy.

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

Site Coverage

3.36.1815 No Change (except for numbering)

3.36.1916 No Change (except for numbering)

3.36.2017 No Change (except for numbering)

3.36.2118 Applications under Rules 3.36.1916 and 3.36.2017 above shall address the following matters, which will be among those taken into account by the Council:

(A) The extent of impermeable surfaces which must be drained via the city's stormwater collection system.

(B) The extent to which solar gain to the living areas is achieved.

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

- (D) The extent to which the development achieves good urban design.

Height of Structures

3.36.2219 No Change (except for numbering)

3.36.23 20 Where any activity does not comply with Rule 3.36.2219 above, the activity is a discretionary activity.

3.36.2421 Applications under Rule 3.36.23 20 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Reason for the building or structure height.
- (B) The compatibility of the proposed building or structure with the scale of development and character of the local area.
- (C) The degree of overshadowing of neighbouring properties.
- (D) The degree of overlooking of neighbouring properties.
- (E) The ability to mitigate any adverse effects of the increase in building or structure height.

Permeable Surfaces

3.36.2522 No Change (except for numbering)

3.36.2623 No Change (except for numbering)

3.36.2724 Applications under Rule 3.36.26 23 above shall address the following matters, which will be among those taken into account by the Council:

- (A) Alternative methods of slowing stormwater runoff from the site.
- (B) Measures to address the effects of stormwater contamination.

3.37 RESIDENTIAL 3 (LARGE LOT) ZONE

3.37.1 Permitted Activities: No Change

3.37.2 Discretionary activities: No Change

3.37.3 Non-complying activity: No Change

Residential Density

3.37.4 No Change

3.37.5 No Change

3.37.6 No Change

3.37.7 No Change

Outdoor living

3.37.8 No Change

3.37.9 No Change

3.37.10 No Change

3.37.11 No Change

Space around Buildings

3.37.12 No Change

3.37.13 No Change

3.37.14 No Change

3.37.15 No Change

Site Coverage

3.37.16 No Change

3.37.17 No Change

3.37.18 No Change

3.37.19 No Change

Services

3.37.20 Sewerage: No Change

3.37.21 On-site water storage: No Change

3.37.22 No Change

3.37.23 No Change

Height of Structures

3.37.24 No Change

3.37.25 No Change

3.37.26 No Change

Permeable Surfaces

3.37.27 No Change

3.37.28 No Change

3.37.29 No Change

Fire Safety

3.37.30 No change

3.37.31 No change

3.37.32 No change

3.37.33 No change

3.37.34 No change

3.37.35 No change

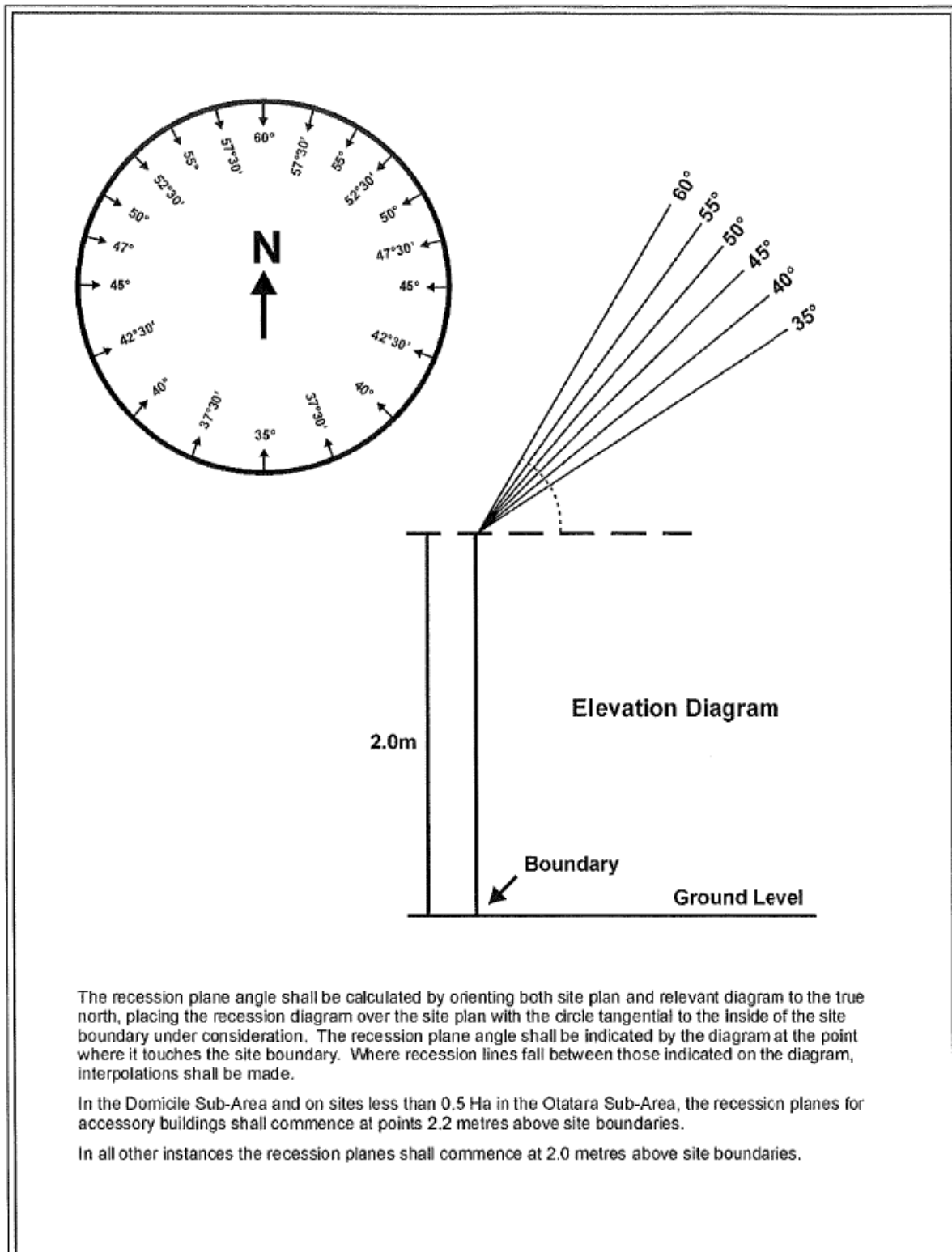
3.37.36 No change

PLANNING MAPS

Amend Planning Maps 29 and 30 to show rezoning of 2 Raymond Street from Rural 2 to Residential 2 as shown in Appendix 3 of this report.

INFOGRAM 4

Amend Infogram 4 to read as follows: (Note: copied from Infogram 7 of the Operative District Plan):



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APPENDIX 3 - RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN PLANNING MAPS – 2 RAYMOND STREET, BLUFF

