



# **INVERCARGILL CITY DISTRICT PLAN**

**Private Plan Change 1**

**Te Puawai Residential Development**

**17 November 2021, 9.30 am**

**Council Chambers  
Civic Administration Building, 101 Esk Street, Invercargill**

**Reporting Officer: Grant Fisher  
SENIOR POLICY PLANNER**

**Peer Reviewed by: Liz Devery  
TEAM LEADER PLANNING**

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# EXECUTIVE SUMMARY

## Summary of Process

1. On 19 November 2020 Te Puawai Developments Limited lodged a private plan change request with the Invercargill City Council (ICC), pursuant to clause 21(1) of the First Schedule of the Resource Management Act 1991 (“the RMA” or “the Act”). This is the first plan change to the operative Invercargill City District Plan 2019, and is hereafter referred to as Plan Change 1 (PC1). Plan Change 1 seeks changes to the zoning of rural land bounded by Rockdale Road, Tramway Road, Regent Street, and Centre Street, Invercargill, and to introduce specific provisions and conditions to enable subdivision and housing for approximately 600 residential allotments.
2. Council determined to **adopt** the private plan change request and notify it as a private plan change pursuant to clause 25(2)(a) of the First Schedule of the Resource Management Act 1991 (RMA). The process then followed the plan change decision-making procedures outlined in Part 1 of the First Schedule of the RMA.
3. This report considers the request and submissions received by Invercargill City Council on proposed PC1. This report provides recommendations in response to the key issues that have arisen from these submissions, utilising expert advice of Council’s technical advisers on open space and parks, transportation, and reticulated services/Three Waters.
4. PC1 was notified on 25 June 2021, with submissions closing on 23 July 2021. The summary of submissions was notified on 14 August 2021, with further submissions closing on 27 August 2021. However, due to a nationwide lockdown caused by outbreak of Covid-19 the further submission period was extended to 3 September 2021.
5. Council received a total of nine submissions and one further submission, with eight submitters in either full or partial support, and one neutral. Given the number and content of submissions no pre-hearing meetings were considered necessary, and submissions on PC1 are to be heard via hearing to commence on 17 November 2021.
6. The following report contains an overall analysis of PC1 in terms of:
  - The plan change documentation, including all accompanying expert reports
  - The submissions and further submissions received on the plan change
  - The Policy Framework
  - Section 32 of the RMA
  - Part 2 of the RMA.

## Primary Issues

7. From analysis of the Plan Change and the submissions received, I consider the following aspects of the proposal to be the primary matters for determining the Plan Change (in no particular order):

- The appropriateness of rezoning the land and the location, scale and density of development
  - Traffic and Rooding
  - Landscape values and Rural amenity
  - Open Space and Reserves
  - Service Infrastructure and Stormwater
  - Environmental Impacts
  - Tangata Whenua matters
  - Social Impacts and Healthy Homes
8. Based on technical advice, there are a number of discrete issues that have been identified that are proposed to be managed either through specific provisions in the District Plan or through the subdivision and land use consent stages.

### **Recommendation**

9. Prior to hearing evidence from the applicant and submitters, I recommend that PC1 as notified by the Invercargill City Council be **approved**. No amendments are recommended to be incorporated into the proposed plan change.

# INTRODUCTION

## Report Author

10. My name is Grant Colin Fisher. I am a Senior Policy Planner at the Invercargill City Council, a position I have held since October 2020. I hold a Bachelor of Science in Land Planning and Development from the University of Otago. I have 13 years' experience in the planning field including implementation of District Plan provisions and involvement in plan change processes.

## Peer Review

11. This report has been peer reviewed by Liz Devery, Team Leader Planning, Invercargill City Council. Liz is a Full Member of the New Zealand Planning Institute, with over 20 years' planning experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom. These roles have focussed on both developing and implementing District Plans and planning documents. Liz holds the qualifications of LLB/BA (Hons I) in Geography.
12. Consultation with the following advisors has also been relied upon in the preparation of this report:
  - a. Alister Murray, Manager – Water ICC
  - b. Jeremy Rees, Manager – Engineering Services ICC
  - c. Lesley McCoy, Manager – Parks Planning ICC
  - d. Cassandra Horton, Parks and Recreation Planner ICC
  - e. Russell Pearson – Roading Manager ICC

## Purpose of the Section 42A Report

13. The purpose of this report is to:
  - Provide the context and background to Plan Change 1 (PC1), including the statutory framework relevant for considering a request for a private plan change;
  - Consider and summarise the public submission process including submissions and further submissions received on proposed PC1;
  - Provide an analysis of PC1 against the statutory framework, including the submissions and further submissions received; and
  - Drawing on expert advice on the traffic, engineering, reserves and open spaces, assess the implications of PC1,
  - Make an overall recommendation to the Hearing Commissioners on the appropriateness of the plan change and its provisions.

## Interpretation

14. In this report, the following meanings apply:
  - “Council” means the Invercargill City Council.

- “FS” means further submitter.
- “Hearings Committee” means the District Plan Hearings Committee.
- “Operative District Plan” means the Invercargill City District Plan 2019.
- “Provisions” is a term used to collectively describe Objectives, Policies and Rules.
- “RMA” means the Resource Management Act 1991.
- “Submitter” means a submitter to Plan Change 1.

## The Hearings Process

15. A hearing is to be held to consider the submissions lodged in respect of Plan Change 1 – Te Puawai Residential Development. The Hearings Panel comprises two Independent Hearings Commissioners, and an accredited Invercargill City Councillor. This Hearings Panel is to consider PC1 and the submissions and further submissions lodged.
16. 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 in considering proposed changes to a 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. This report has been prepared on the basis of information available prior to the hearing.
17. While the Hearings Panel 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 Panel and it should not be assumed that they will reach the same conclusions set out in the report, having heard from the submitters and Council advisers.
18. Because the plan change has been adopted by the Council it must follow the plan change procedure set out in Schedule 1, Clause 1, of the RMA. Under this clause the Council is restricted to considering only those matters raised in submissions on PC1. The reason for this difference when compared with a *private* plan change is that a plan change that has been adopted is a Council agreed position. The Council is legally required to respond to submissions directly as a result (Schedule 1, Clause 10).
19. 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.
20. At any time during or after the hearing, the Hearings Panel 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 Panel 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.
21. At the conclusion of the hearing process, the Hearings Panel 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.
  22. If there is an appeal, the Environment Court will provide an opportunity for mediation between the parties. If mediation is not accepted, or does not resolve the issues, a further hearing will take place before a Judge and Court appointed Commissioners.
  23. Except on points of law, the decision of the Environment Court is final.

# BACKGROUND

24. A request for a private plan change was submitted by Bonisch Consultants Limited on behalf of Te Puawai Developments Limited on 16 November 2020.
25. The request was considered by the Council at its Performance, Policy and Partnerships Committee meeting on 11 May 2021 as to whether the request should be adopted, accepted, rejected or converted to a resource consent application process. Council formally resolved to **adopt** the proposed private plan change as received by Te Puawai Developments Limited and commenced the statutory process for the plan change request.

## Outline of the Plan Change Request

26. Plan Change 1<sup>1</sup> seeks to rezone the 70.78ha site at 514 Tramway Road, 426 Rockdale Road, and 380 Rockdale Road, Invercargill. The land is presently zoned Rural, with an Outline Development Plan area overlay. The Outline Development Plan provides for urban development of the site through an approved plan change. The proposed plan change involves changing zoning and associated District Plan provisions as follows:
  - The majority of the site is proposed to be zoned Residential 1, with the remaining residential areas comprising a new medium-density Residential 1B zone surrounding the commercial core of the site, and main transport routes.
  - A retirement village precinct is proposed over part of the Residential 1 zone area.
  - A Business and Neighbourhood Shop Zone is proposed toward the centre of the development site.
  - Recreation and stormwater reserve areas are proposed in several areas throughout the site.
  - New District Plan provisions, such as objectives, policies, and rules, are proposed to manage subdivision and land development within the site.

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<sup>1</sup> <https://icc.govt.nz/tepuawaiplanchange/>

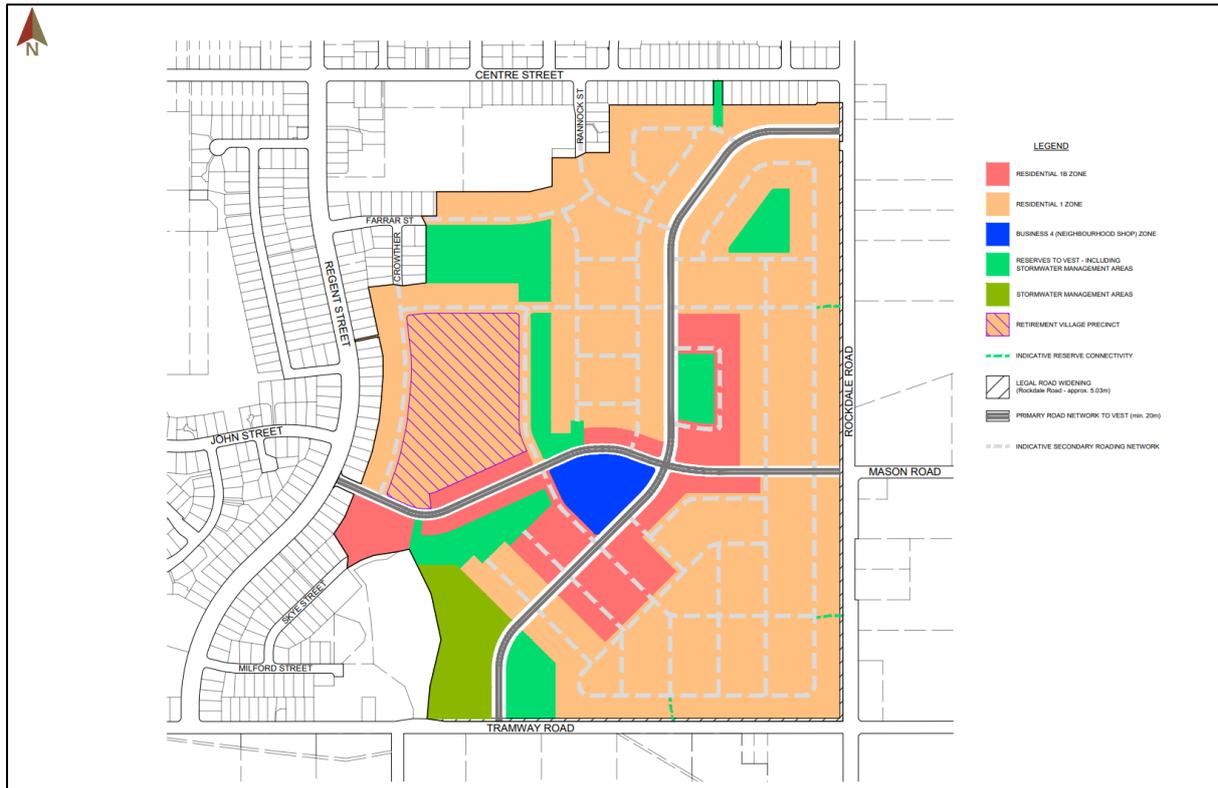


Figure 1 – Spatial structure plan of proposed zones and key roads.

## Site and Surroundings

27. The plan change application document prepared by Bonisch Consultants Limited contains a comprehensive and accurate description of the site in Section 2 of that report. This information is relied upon in this report and is therefore not repeated. However, key matters are highlighted as follows.
28. The subject site at 514 Tramway Road, 426 Rockdale Road, and 380 Rockdale Road, Invercargill, is a 70.78ha section of land situated toward the south-eastern edge of Invercargill's existing urban area. The location of the site is shown in Figure 2, below:



Figure 2 – Location of subject site in relation to existing urban areas and transport network.

### Immediate Environment

29. The site is located immediately adjacent to the south-eastern urban/residential area of Invercargill. All other land surrounding the site is rural, or rural residential, in nature. Other land in the immediate proximity is in residential use of differing density.
30. The Murihiku Marae is located immediately adjacent to the southwestern corner of the site. The Marae is situated on Department of Conservation land which is gazetted for Marae purposes. The Cultural Impact Assessment provided with the plan change application, prepared by Te Ao Marama Inc., details additional heritage and ancestral context of the site.
31. A watercourse/drainage ditch flows through the northern portion of the site which flows into an existing Council trunk main.

### Transport Network

32. The site has frontage to four key roads, being:
  - Rockdale Road - classified as a Primary Collector road, and speed limit of 100km/h.

- Tramway Road - classified as a Primary Collector road, and speed limit of 70km/h.
- Regent Street - classified as a Secondary Collector road, and speed limit of 50km/h.
- Centre Street - classified as a Secondary Collector road, and speed limit of 50km/h.

33. Rockdale Road intersects with State Highway 1 approximately 2km north of the north-eastern edge of the site, which serves as the primary road entrance to Invercargill from the east.

## Zoning

34. The site is currently zoned Rural and the land within the full extent of the site is subject to an Outline Development Plan (ODP) overlay. The site is shown in Appendix 6 of the District Plan (shown below in Figure 3).

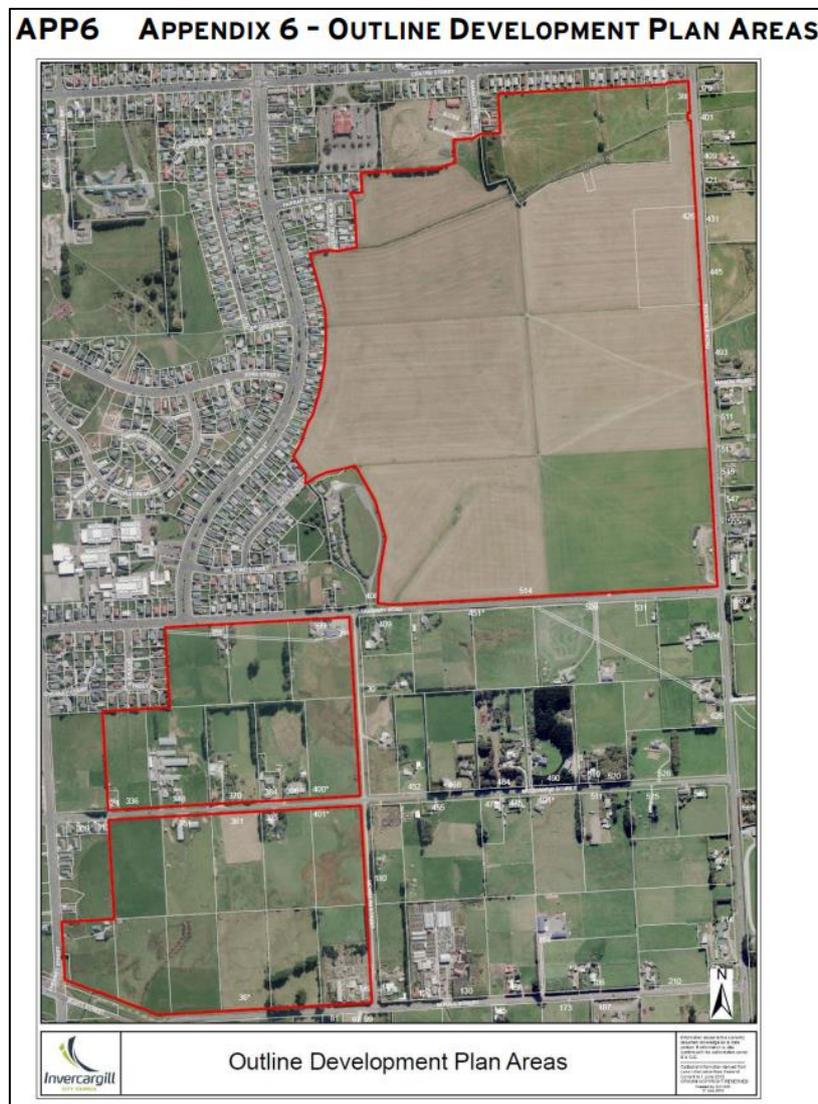


Figure 3 – Appendix 6 of the Invercargill City District Plan 2019: Outline Development Plan Areas

# PUBLIC CONSULTATION PROCESS

## Consultation Prior to Lodgement of Request

35. The applicant consulted with various interested parties prior to the plan change request being formally lodged with the Invercargill City Council. Parties consulted included adjoining landowners via letter drop and drop in community meeting, Council staff, iwi and hapū. Section 7 of the plan change request document includes a full summary of this consultation.

## Public Notification of Plan Change Request

36. PC1 was publicly notified on 26 June 2021 and submissions closed on 25 July 2021. Nine submissions were received at the end of the submissions period.
37. A summary of submissions was notified on 14 August 2021 and had an original closing date of 27 August 2021. Due to the countrywide Covid-19 lockdown occurring during this further submission period the closing date was extended under Section 37 of the RMA to 3 September 2021. One further submission was received before the amended closing date. Appendix A contains a summary of the submissions/further submission and recommendations on each submission/further submission point.
38. No late submissions were received either for the initial submission period, nor for the further submission period.
39. Of the submissions received:
  - Six were in support.
  - Two were support/support in part.
  - One was neutral.
40. The further submission was in support of PC1 as notified.

## Submissions

41. When assessing the proposed plan change the Council has an obligation under Clause 10 of Schedule 1 of the Act to make decisions on individual submissions. I note that under Clause 14 any person who made a submission has a right of appeal to the Environment Court.
42. Various matters were raised in submissions, and several of submitters requested specific changes to the Plan Change. The issues submitters raised are listed below. I consider that the matters raised in the submissions encompass all relevant matters for evaluation.

43. General themes raised in submissions included (in no particular order):

- Supply of housing in Invercargill/Southland
- Transport provisions
- Healthy home standards

# STATUTORY FRAMEWORK

## Resource Management Act 1991

44. The plan change request was lodged as a private request. However, as the Council has **adopted** the request it becomes as if the proposal is one made by the Council. Once an application for a private plan change has been adopted by the Council under clause 25(2)(a), the procedures of Part 1 of the First Schedule applies.
45. The process under the First Schedule 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).
46. 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.
47. 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.
48. Under s74(2), when preparing or changing a plan, a territorial authority is required to have regard to:
  - (b) *any –*
    - (i) *management plans and strategies prepared under other Acts*

I consider that the Southland Regional Policy Statement 2017, Proposed Southland Land and Water Plan, and the Invercargill City District Plan 2019, are relevant strategies prepared under the Local Government Act 2002.
49. Under s74 (2A) a territorial authority:

*“must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of a region”.*

For this plan change the relevant iwi management plan is the *Te Tangi a Tauira – Cry of the People*. This iwi management plan has been considered later in this report.
50. Section 75 (3) of the RMA requires that district plans must give effect to –
  - (a) *any national policy statement; and*
  - (b) *any New Zealand coastal policy statement; and*
  - (c) *any regional policy statement”*

And under s75 (4), district plans must not be inconsistent with –

(b) *a regional plan for any matter specified in section 30(1)*

51. The above matters have been considered in the evaluation that follows in this report.

## **Part 2 and Section 32 of the RMA**

52. Part 2 of the RMA is overarching and the detailed considerations and assessments under other sections are subject to it. In order to make a decision on the request, the Hearings Panel must decide whether the request will promote the sustainable management of natural and physical resources in an efficient and effective way.

## **Section 5**

53. The purpose of the Act is to “promote the sustainable management of natural and physical resources”. Sustainable management is defined under the Act as:

*Managing the use, development and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –*

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

54. The Operative District Plan was developed under the Act and meets its purpose. The Council is required to ensure that all proposed changes to the District Plan will also result in outcomes that meet the purpose of the Act. Based on my evaluation of the plan change proposal I consider that it meets the purpose of the Act, particularly in regard to sustainable use of resources, and it is consistent with the Objectives and Policies of the Operative District Plan.

## **Section 6 – Matters of National Importance**

55. Section 6 sets out a number of matters of national importance to be recognised and provided for.

- (a) *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:*

- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*

### **Section 7 – Other Matters**

56. Section 7 of the Act sets out a number of other matters that must be had particular regard to. Of these, I consider the following are relevant:
- (b) *the efficient use and development of natural and physical resources;*
  - (c) *the maintenance and enhancement of amenity values;*
  - (f) *maintenance and enhancement of the quality of the environment.*
57. The proposal's relationship in regard to these matters is addressed in this report.

### **Section 8 – Treaty of Waitangi**

58. Section 8 of the Act requires the Council to take into account the principles of the Treaty of Waitangi.
59. A Cultural Impact Assessment (CIA) was provided by the applicant in support of the original plan change request. The plan change documentation states that they will adhere to the recommendations made within the CIA, however some matters will necessarily need to be addressed via subsequent subdivision consent applications and at the detailed design stage of the project.

### **Section 32 – Consideration of Appropriateness**

60. Section 32 of the Act requires the Council to evaluate the proposed change and decide whether it is the most appropriate way to achieve the purpose of the Act, and, whether having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives of the Plan.
61. Section 32(1) requires that, before the Council publicly notifies a proposed district plan, it must:
- (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
    - (i) *identifying other reasonably practicable options for achieving the objectives; and*

- (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) *summarising the reasons for deciding on the provisions*

62. The evaluation report must also contain a level of detail that:

- (c) *corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

63. When assessing efficiency and effectiveness of the provisions in achieving the objectives of the proposed plan change the report must under s32(2):

- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
  - (i) *economic growth that are anticipated to be provided or reduced; and*
  - (ii) *employment that are anticipated to be provided or reduced; and*
- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

64. Where a plan change proposes to amend a District Plan, the examination under s32(1)(b) must relate to:

- (a) *The provisions and objectives of the amending proposal; and*
- (b) *The objectives of the existing proposal to the extent that those objectives –*
  - (i) *are relevant to the objectives of the amending proposal; and*
  - (ii) *would remain if the amending proposal were to take effect.*

65. In the above, the term “existing proposal” refers to the existing plan provisions.

66. In order to assist the Hearings Panel in respect of evaluation of this proposal, this s42A report also includes an evaluation of the matters raised above, including the matters raised in submissions and the wider statutory and non-statutory policy framework.

67. In summary, I consider that the purpose and principles of the RMA are met by the provisions set out in the proposed plan change. The provisions of the plan change are considered to be appropriate, and key matters are evaluated in further detail later in this report. The requirements of Section 32 of the RMA have been met through the evaluations carried out prior to notification and in this report. The various documents

required to be considered have been appropriately address in the preparation of provisions relating to PC1.

## FORM OF THE PROPOSED PLAN CHANGE

68. Refer to <https://icc.govt.nz/tepuawaiplanchange/> for full details of the changes notified to the Operative District Plan.

### Proposed Master Plan

69. PC1 includes provision for a master plan detailing the character areas, internal roads, walkways and open space/reserves that must be provided to, and approved by, the Council prior to any subdivision being authorised within the site. An indicative master plan is shown in Figure 1 of this report.
70. The preparation of the master plan for the site is proposed to be a controlled activity. The matters over which Council shall exercise its control are as follows:
- Design of the principal level roading and pedestrian/cycle access network
  - Design of the principal level stormwater drainage network including general site shaping, flow mitigation and treatment
  - Design of the principal level wastewater drainage network including pumping stations and flow mitigation
  - Design of the principal level water reticulation network within the site area based on pressure and flow availability informed by Council (excluding assessment of the wider existing network and design of wider network upgrades)
  - Provision of park/reserve areas and how they will be used
  - Consistency of the master plan with national, regional, and local strategic planning frameworks.
71. It is understood that the development of the site would be staged over the next approximately 5 – 10 years. Staging details will likely be addressed at the master plan or subdivision consent stage.

### Plan Provisions

72. Appendix 2 identifies the specific provisions that would be inserted or amended within the Operative District Plan.
73. In addition to the structure plan outlined above, three additional policies would be included along with amendments to various residential environment area rules

# RELEVANT POLICY FRAMEWORK

74. In assessing the appropriateness of PC1, national, regional, district and local level policies are to be considered.
75. The Operative District Plan sits within a wider framework of both statutory and non-statutory policy documents. The plan change request application prepared by Bonisch Consultants includes a policy evaluation in Section 5.2 of that report. I consider that this policy evaluation to be reasonably robust and rely on it in this evaluation of the policy framework apart from where noted in the sub-sections below.

## National Policy Statement for Urban Development 2020

76. Of particular relevance to this plan change request is the National Policy Statement on Urban Development 2020 (NPS-UD), which is a major policy released by the Central Government to ensure adequate opportunity is provided for land development for business and housing to meet community needs. The national policy statement is designed to contribute to well-functioning urban environments, is integrated with infrastructure planning and funding decisions, and improves the responsiveness and competitiveness of land and development markets.
77. Under the NPS-UD 2020 there are several key objectives that are specifically relevant to PC1:
  - i. **Objective 1:** New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
  - ii. **Objective 2:** Planning decisions improve housing affordability by supporting competitive land and development markets.
  - iii. **Objective 5:** Planning decisions relating to urban environments, and Future Development Strategies, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
  - iv. **Objective 6:** Local authority decisions on urban development that affect urban environments are:
    - a. integrated with infrastructure planning and funding decisions; and
    - b. strategic over the medium term and long term; and
    - c. responsive, particularly in relation to proposals that would supply significant development capacity.
78. To achieve these objectives, the NPS-UD 2020 includes a series of policies. Of particular relevance to this plan change request are:

- i. Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:
    - a. have or enable a variety of homes that:
      - meet the needs, in terms of type, price, and location, of different households; and
      - enable Māori to express their cultural traditions and norms; and
    - b. have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
    - c. have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
    - d. support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
    - e. support reductions in greenhouse gas emissions; and
    - f. are resilient to the likely current and future effects of climate change.
  
  - ii. Policy 2: All local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.
  
  - iii. Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:
    - a. the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement
    - b. that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
      - may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
      - are not, of themselves, an adverse effect
    - c. the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)
    - d. any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity
    - e. the likely current and future effects of climate change.
79. The National Policy Statement includes many implementation actions to support Council's planning to achieve these policies, such as monitoring of housing demand and capacity requirements; the setting of housing bottom lines in district plans; and the requirement to develop Future Development Strategies to identify where development will occur and the infrastructure required.

80. The Invercargill City Council has been monitoring key housing indicators which are covered in the next section of this report. The operative District Plan has been drafted to enable a variety of homes to meet the needs, in terms of type, price, and location, of different households. In Invercargill, this enablement of housing is through intensification of the existing urban area (particularly the Residential 1A Zone), and several greenfield locations on the periphery of the existing urban area which have good accessibility to infrastructure and community services.
81. The operative District Plan sets out the planned urban built form for Invercargill, including Outline Development Plan areas, of which the Te Puawai site is part of. Examining PC1 against the planned urban built form for Invercargill in the operative District Plan, PC1 is consistent with this planned urban built form in that it extends the existing greenfield residential area to the south-east into an area that is identified within the operative District Plan as being suitable for urban development.
82. Overall, I consider that PC1 would achieve the objectives in the NPS-UD 2020 and is consistent with the policy direction.

### **National Policy Statement for Freshwater Management 2020**

83. The National Policy Statement for Freshwater Management (“NPS-FM”) provides direction to local authorities and resource users regarding activities that affect the health of freshwater and sets out objectives and policies for freshwater management under the RMA.
84. The plan change relates to freshwater insofar as it looks to develop stormwater management areas that also serve as treatment basins, in order to ensure stormwater meets quality standards before entering external waterways.
85. The objective of the NPS-FM states:

*The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:*

- (a) first, the health and well-being of water bodies and freshwater ecosystems*
- (b) second, the health needs of people (such as drinking water)*
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

86. This objective sets as hierarchy and gives clear direction that priority must be given first to the environment before the needs to people.
87. The following policy is also applicable to the plan change:

***Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.***

88. Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.
89. While the NPS-FM has historically primarily applied to regional Council's, I note that there now is also a requirement for territorial authorities to give effect to the management of urban development around water margins. Section 3.5 clause (4) states:
- Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.*
90. By ensuring the above is provided for, the objective and relevant policy will be given effect to.
91. With respect to this plan change request, the proposed systems of waterways and stormwater detention areas, as outlined in the Bonisch *Three Waters Service Assessment report* provided as part of the Plan change documentation, is expected to effectively mitigate adverse effects on the freshwater ecosystems. It is noted that freshwater risks were raised in the CIA and recommendations provided to manage effects on this proposal. I consider that the proposed approach to stormwater management and use of the open space/reserve areas for this purpose would contribute to achieving this outcome.

### **Southland Regional Policy Statement 2017**

92. The Southland Regional Policy Statement (RPS) has been addressed by the applicant through an analysis in Section 5.2.3 of the request document. I consider that the applicant has identified and evaluated the most relevant objectives and policies in the RPS (Water Quality, Contaminated Land, Transport, and Urban sections of the RPS) and provides a reasonable evaluation of these matters.

### **Te Tangi a Tauira – Cry of the People**

93. *Te Tangi a Tauira – Cry of the People* is an iwi planning document for Murihiku that was officially endorsed in 2008. Section 5.2.6 of the plan change request document prepared by Bonisch Consultants discusses the relevant sections of *Te Tangi a Tauira* in relation to the proposed rezoning which are concurred with.
94. The Cultural Impact Assessment (CIA) commissioned by the applicant and prepared by Te Ao Marama Incorporated sets out the parts of this document relevant to this

plan change request. The CIA identifies the following issues are relevant to this proposal:

- i. Risk to amenity values
- ii. Lack of archaeological information
- iii. Street names
- iv. Biodiversity
- v. Risks to freshwater
- vi. Gambling and alcohol

95. It is noted that the CIA concludes that through proper planning and management these risks may be reduced or eliminated, plus other effects that are to be avoided. The CIA sets out a number of recommendations to improve the plan change request. These recommendations are considered in the next section of this report, though it is also noted that Section 7.1 of the plan change request responds to these matters.

### **Invercargill City District Plan 2019**

96. An assessment has been provided by the applicant in regard to the assessment of objectives and policies under the operative District Plan. This assessment was expanded upon within the Section 32 report prepared by the Invercargill City Council and notified with PC1.
97. The plan change request includes the addition of several new policies specific to the Te Puawai site to achieve Objective RURZ-O3 in the operative District Plan. Objective RURZ-O3 states:

*New urban development within the Rural Zone only occurs within the areas identified in APP6 – Appendix 6 Outline Development Plan Areas 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 are available.*

98. The policies and methods to achieve Objective RURZ-O3 (Policy RURZ-P10 and Method RURZ-M6) apply specifically to identified Outline Development Plan areas which the Te Puawai site is located within. These state:

**Policy RURZ-P10:** *To identify areas within the Rural 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 (see APP6 – Appendix 6 Outline Development Plan Areas). 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.*

**Method RURZ-M6:** *Identify on the District Planning Maps, or in Appendices, areas where long term residential development may be considered either as a Deferred zone or as part of a Plan Change process.*

99. All wholly new policies requested specifically relate to the plan change area.

# EVALUATION OF PLAN CHANGE 1

100. This section of the report provides an overall analysis of Plan Change 1 in terms of:

- i. The plan change documentation, including all accompanying expert reports
- ii. The submissions and further submissions made on the plan change
- iii. The policy framework, as set out earlier in this report
- iv. Section 32 of the RMA
- v. Part 2 of the RMA

101. Having considered the above matters the following are considered to be the key issues in respect of the proposed plan change:

- i. The appropriateness of rezoning the Rural-zoned land to a mixture of urban zonings
- ii. Tangata Whenua matters
- iii. The environmental effects resulting from the Private Plan Change:
  - Traffic and roading
  - Landscape value and rural amenity
  - Open Space and Reserves
  - Social Impacts and Provision of Healthy Homes

102. The evaluation provided in the following sections and conclusions reached relate only to the proposed plan change and the specific site. These conclusions should not, and cannot, be applied to any other potential developments.

## Appropriateness of Rezoning the Site to a Mixture of Land Use Zones



Figure 4 – Proposed zoning of Te Puawai

103. The appropriateness of rezoning the land from Rural to Residential 1, Residential 1A, and Business 4 (Neighbourhood Shop) zones needs to be considered in relation to the objectives and policies of the Invercargill City District Plan 2019, the Regional Policy Statement, and the National Policy Statement for Urban Development.
104. The Section 32 report notified for Plan Change 1 provides reasons in relation to the appropriateness of the proposed zoning, summarised as follows:
- i. **Relevance:** The proposed plan change is relevant to important resource management issues which relate to provision significant new housing supply for Invercargill, and is consistent with relevant strategic policies at district, regional, and national levels.
  - ii. **Usefulness:** The proposed plan change will provide for the needs of the community by not only providing housing supply during the current period of accelerating growth in house/property prices, but also providing housing diversity in a sustainable manner. Recreational opportunities and transport linkages will be created, and ecological values will be enhanced. In partnership with Iwi, cultural values respected when the site is developed.
  - iii. **Reasonableness:** The proposed plan change is considered to be reasonable as the site is already identified within the Invercargill City District Plan 2019 as

being appropriate for future growth, subject to an approved plan change. The proposed plan change provides for growth within the Invercargill City District which can be achieved in a manner consistent with national, regional, and territorial policies.

- iv. **Achievability:** The proposed plan change includes an integrated set of changes to the Invercargill City District Plan 2019, including a requirement for a master plan to govern the overall layout of key infrastructure within the proposed plan change area. The proposed plan change also contains rules, information and design requirements for future subdivision applications.

### **Submissions**

105. A number of submissions were received in support of the appropriateness of rezoning the land<sup>2</sup>. No submissions were raised in opposition to the appropriateness of the plan change proposal.

### **Urban Form**

106. The proposed rezoning would see an extension to the urban area at the south-eastern edge of Invercargill. This area is currently recognised in the District Plan as a suitable location for future development through the Outline Development Plan overlay, along with the additional land to the south flanks of the site (see Figure 3).
107. I therefore consider the proposal to be a logical and appropriate extension of the urban form of Invercargill as it is contiguous with the existing residential zone. It is noted that the proposed plan change area would only extend up to Rockdale Road and Tramway Road, with land to the south and east of the subject site remaining rural.
108. The proposed plan change will also introduce a commercial zone at the centre of the site, and a retirement village precinct overlay over a portion of the proposed Residential 1 zone toward the north-western corner of the site. Activities enabled by the proposed commercial zone and retirement precinct overlay are considered to be consistent with a well-functioning urban environment, and no submissions have been received objecting to these areas.
109. As the site is specifically identified in the District Plan as a future urban development area, I consider that sufficient evidence has been provided that the site is appropriate for residential use. Furthermore, no submissions were raised in relation to specific concern over the proposed urban form of the site.
110. Overall, I consider that the site is appropriate for urban development including the proposed residential and commercial zones, and the proposed retirement village precinct, and extends the residential zone in a logical direction. Furthermore, no

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<sup>2</sup> Refer: Submission 1 – Mr Cohen Stewart, Submission 3 – Southland Business Chamber, Submission 4 Southland Housing Action Forum, Submission 6 – Bonisch Consultants, Submission 8 – Devatis NZ, and Submission 9 – Haas Consulting.

submissions were received in relation to the proposed commercial zone, nor the proposed retirement village precinct.

### ***Contaminated Land***

111. The plan change application provided a combined Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) to determine the nature of contamination at the site. The assessment is provided in Appendix 7 of the original request document. This assessment identifies that the site has “contained activities listed on the Ministry for the Environment’s Hazardous Activities and Industries List (HAIL) on three discrete ‘pieces of land’ within the site; therefore, soil disturbance, subdivision and land use change activities are subject to the provisions of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) in these areas.”
112. The report notes that “analysis of soils in these areas confirms that soil contamination does not exceed the applicable soil guideline values for residential land use, and there is no requirement for remediation or long-term site management.”
113. No submissions specifically raised concerns in relation to the PSI/DSI or the potential of soil contamination.
114. The PSI/DSI is comprehensive in its scope and analysis, and it can therefore be reasonably concluded that the land is suitable for residential zoning. It is noted that further investigation may be required at the subdivision and land use consent stages within the sections of the site identified within the PSI/DSI report, and compliance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health would effectively development of the site can be undertaken safely.

### ***Invercargill’s residential/housing development capacity and demand***

115. The underlying purpose of the plan change request is to rezone land to enable residential development. The reasons and context for this application is set out in Section 1.2 of the application document. In summary, these reasons relate to the suitability of the land for residential development and provide certainty on when development can be undertaken by zoning the property as residential, with recent increased demand for housing in Invercargill. The plan change application provides anecdotal commentary in relation to this increased demand for housing.
116. The Section 32 report notified for Plan Change 1 expanded on this by citing rising house prices presented in national data such as that produced by the Ministry of Housing and Urban Development (shown below in Figure 5). While a specific Economic Assessment was neither produced by the applicant, nor sought by the Council, in relation to PC1, based on available data and anecdotal evidence PC1 is expected to create opportunities for growth within Invercargill in order for Council to broadly meet its NPS-UDC requirements to provide sufficient opportunities for the

development of housing to meet demand, and provide a range of dwelling types and locations.

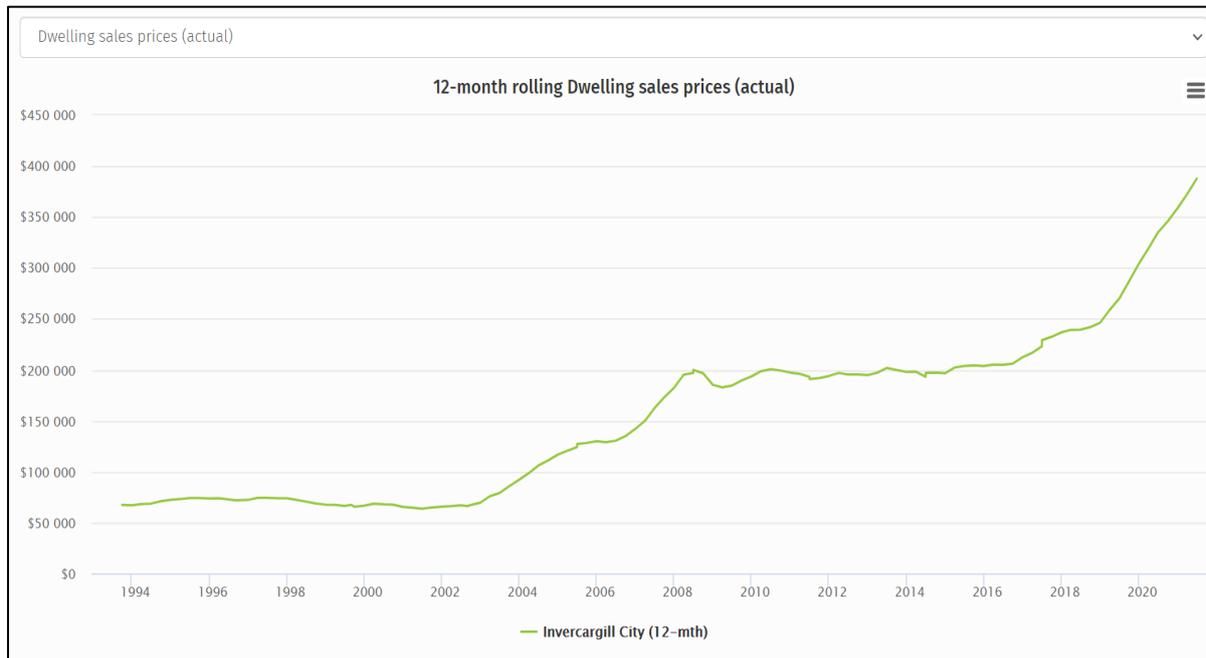


Figure 5 – 12-month rolling Dwelling sales prices (source: Ministry of Housing and Urban Development)

117. Several submissions were received in support of PC1 adding housing supply to the Invercargill market, citing increasing house prices and commensurate decrease in affordability.
118. The National Policy Statement on Urban Development 2020 (NPS-UD) seeks to ensure district plans provide adequate opportunity for land development for business and housing to meet community needs. In addition, the NPS-UD seeks to achieve well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
119. The operative District Plan is a key instrument for implementing the policy direction of the NPS-UD. The operative Invercargill City District Plan 2019 includes provisions involving housing parameters such as the density, type, and location of housing. Furthermore, it set aside the plan change site as an appropriate location for future urban development. In this respect, the operative District Plan is considered to give effect to these urban growth planning policies.
120. On this basis, rezoning the plan change area to residential would be responsive to the short-term to medium-term needs for residential land in the Invercargill market based on the current evidence available.

### **Three Waters Capacity**

121. The ability for Invercargill's Three Waters infrastructure (i.e., water supply, stormwater and wastewater) to cater for the development is a key consideration in respect of PC1. In responding to growth from an infrastructure perspective, the Council's priority is to encourage growth in areas identified as being able to connect directly to existing Invercargill City Council infrastructure and services which have capacity for growth, and immediately adjoin residential areas.
122. In terms of this proposal, the site is located near existing wastewater and water supply connections (see Section 3.2 of the request document). It is therefore proposed that the development will be connected to the existing water supply and wastewater reticulation. Stormwater is to be managed largely via on-site detention ponds and has been assessed by the applicant's engineer as achieving hydraulic neutrality. Proposed Policy RES1Z-P22, and Rule SUB-R14, have been provided to manage potential adverse effects of discharges of stormwater via master planning and consenting provisions.
123. No submissions were made in regard to Three Waters infrastructure matters. No submissions were received in relation to stormwater management methodologies promoted within the plan change application.
124. The applicant has considered the impact of the development on the current infrastructure which is detailed in Appendix 6 of the request document (Bonisch Service Assessment).
125. Evaluation of the capacity of the infrastructure is provided below.

## Water Supply

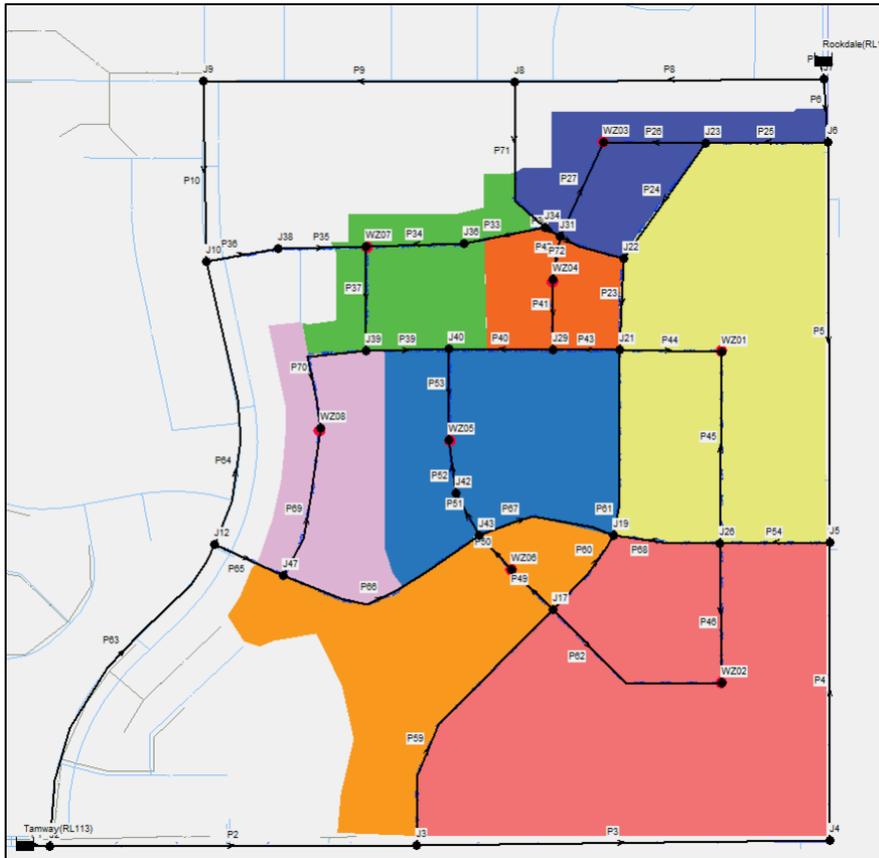


Figure 6 - Water supply model showing demand zones and indicative internal pipe network

126. Following a request for further information in relation to the original application, the applicant provided additional commentary regarding the capacity of existing reticulated water infrastructure to manage additional connections to the development. This commentary is outlined in paragraph 5 of the response to the request for further information, prepared by Bonisch Consultants (dated 16 March 2021).
127. The commentary is based on meetings between the applicant's engineer and Council staff and identifies that water supply can be provided to the proposed development area from the existing reticulation in principle. However, due to Invercargill's water supply model being still in development the applicant's engineer was unable to update their assessment of water supply capacity any further. Instead, it was broadly agreed that any future upgrade required to Council's water supply infrastructure to service the development of this land would be managed via a development agreement between the developer and the Council. It must be noted that this agreement would only relate to the infrastructure required for the additional demand placed on the network by the proposed development and would not require the developer to fund additional capacity required for growth of other areas in the District.
128. Council staff agree with the applicant that processing of PC1 should not be precluded by consideration of water supply capacity and the impending development agreement. Put simply, water supply would still need to be dealt with at the time of

development of the proposed master plan, and as part of any future subdivision consent application. It is noted that investigation of any necessary upgrades to existing reticulation capacity, and subsequent development agreement between the developer and the Council, is ongoing.

129. Overall, I consider that there are sufficient provisions available to cater for capacity demands within the water supply system to manage the additional demand.

## Stormwater

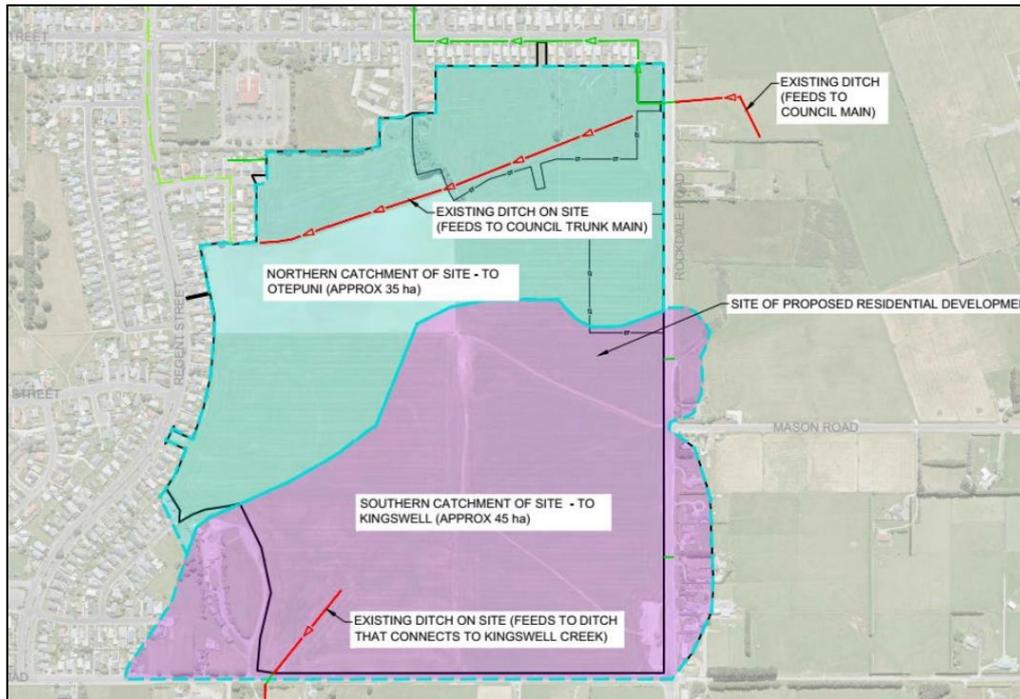


Figure 7 – Stormwater catchments within the Te Puawai site

130. The application states that “The development site is located on the ridge line between the Otepunui and Kingswell Creek catchments. There is limited existing water flow into the site from minor road culverts located on Rockdale Road. The northern half of the site is located within the Otepunui Catchment, and the southern half is within the Kingswell Creek catchment.” This is an accurate description of the locality of the site within the catchment area.
131. Stormwater is proposed to be managed by sumps and swales which will convey water to stormwater management areas at the base of the catchment, providing attenuation and treatment before discharge from the site into the downstream networks. The applicant has assessed the effect on the Invercargill stormwater system in Appendix 6 of their application and provided additional commentary in response to the request for further information dated 16 March 2021. The applicant concludes that based on the modelling for stormwater inputs and the potential methods for managing stormwater, hydraulic neutrality will be achieved.

132. Council's engineering staff have reviewed the assessment provided and consider there to be sufficient volume available to provide an adequate level of detention based on the concept designs and calculations. From a stormwater quantity perspective, Council's Engineers have thus advised that the level of detention and discharge flow rate proposed within the application documents, including the Bonisch Three Waters Service Assessment, is acceptable.
133. No submissions were made in regard to stormwater management methodologies promoted within the plan change application.

### ***Wastewater***

134. The applicant has provided assessment of the capacity of wastewater infrastructure within the Bonisch Three Waters Service Assessment report. This assessment is outlined in Section 5 of that assessment report and, based on calculations outlined in Table 11 of the report, it has been identified that there is generally sufficient capacity within existing wastewater infrastructure to cater for the demand generated by the proposed development of the site.
135. Council's engineering staff have reviewed the assessment provided and generally agree that there is sufficient capacity available in the existing system to provide an adequate level of service for the development. However, some network upgrade may be required for the northern catchment though this is more appropriate to address at the time of master plan preparation and/or at the subdivision consent stage.
136. No submissions were made in regard to wastewater servicing for the proposed development of the site.

### ***Three Waters Summary***

137. Overall, Council staff consider that the site can be serviced across Three Waters infrastructure. Detailed infrastructural requirements in relation to stormwater and wastewater are most appropriate to be dealt with at the time of master plan preparation or any future subdivision consent stage. While water supply will also be dealt with at these stages, it is also likely that a private development agreement between the developer and the Council will be required to facilitate network capacity upgrades required to service the full extent of potential development within the site.
138. No submissions were made in regard to Three Waters infrastructure matters. No submissions were received in relation to stormwater management methodologies promoted within the plan change application.

## Tangata Whenua Matters



Figure 8 – map of Murihiku (source: Te Tangi a Tauri – The Cry of the People)

139. *Te Tangi a Tauri – The Cry of the People* is the Natural Resource and Environmental Iwi Management Plan 2008 produced by the four Rōnanga Papatipu o Murihiku – Awarua, Hokonui, Oraka/Aparima and Waihōpai. The application notes that the following paragraphs discuss the relevant sections of *Te Tangi a Tauri* in relation to the proposed rezoning, which Council considers appropriate:

### *Section 3.5.7 Subdivision and Development*

*“Ngāi Tahu ki Murihiku policies on subdivision and development focus on encouraging developers to strive to achieve positive community outcomes, conservation outcomes, and cultural outcomes alongside economic gain.”*

*Policies under Section 3.5.7 considered to be of relevance to the proposed plan change are:*

*2. Encourage developers to be proactive, and to seek views of iwi in the early stages of project development, particularly when the proposed subdivision is located in an area of cultural significance.*

*7. Avoid adverse effects on the natural environment as a consequence of increased demands placed upon the land, water and community infrastructure resulting from the granting of new subdivision consents for residential or commercial development.*

*10. When applicable, include as a condition of consent the use of native plantings and the enhancement of indigenous biodiversity as a means to remove adverse impacts on cultural values as a result of subdivision activities.*

*13. Require subdivision developments to establish new, or where possible use existing, means of disposing of sewage and other solid waste in a manner that is consistent with maintaining human health and where adverse effects on the environment are avoided.*

*14. Require that the disposal of stormwater occurs in a manner that avoids inundation of land within or adjoining the subdivision and does not adversely affect the quality of surface or groundwater.*

*15. Subdivision applicants may be required to enter into Accidental Discovery Protocol and monitoring agreements with Nga Runanga o Murihiku, stating that any earthworks, fencing, landscaping or other such activity that has the potential to uncover archaeological Sites, and outlining procedures and processes associated with such an occurrence.*

140. The applicant states that the plan change proposal has sought to incorporate the principles and policies of *Te Tangi a Taurira* wherever possible, in consultation with iwi. Establishment of the wetland area near the southwestern corner of the site using plants sourced from the marae nursery will be undertaken, with green pathways, park areas, and green engineering of stormwater management areas will enhance the quality of the environment, especially when compared with the existing situation.

141. In regard to Waihōpai Rūnaka, Te Ao Marama Incorporated were involved in the early design phase for the development and are understood to have continued to be involved with the developer. This has led to positive outcomes with Rūnaka such as provision of the wetland adjoining the Murihiku Marae, which is to be planted with native plants from the marae nursery and managed by iwi for use for the wider community as well as mana whenua.

142. Te Ao Marama Incorporated have prepared a Cultural Impact Assessment (CIA) which was included with the plan change request, covering the following areas of concern:

- Risk to amenity values
- Lack of archaeological information
- To have appropriate street names in the development

- Risk of using inappropriate plants during development
- Risks to freshwater.

143. The matters raised in the CIA have either been addressed within the plan change proposal, or are noted as being matters to be addressed via prior to future consent processes (such as subdivision) or during construction of the development. Overall, the proposed plan change is considered to satisfactorily address concerns Tangata Whenua may have, and will lead to enhanced outcomes for the adjoining the Murihiku Marae. It is also noted that there were no submissions on PC1 in relation to Tangata Whenua matters.

## Environmental Effects Assessment

### Transportation



Figure 9 – Concept connectivity plan showing major and minor road locations, and footpaths

144. The plan change request largely relies on the spatial and road hierarchy elements identified within the proposed outline development plan (Appendix 2 of the application), existing and proposed provisions in the operative District Plan, and construction of internal and external transport infrastructure, to address transportation effects relating to the proposal. Changing the speed limit to 50km/h adjacent to the site is also promoted within the application, however it is noted that this is a separate legislative process that would need to be undertaken outside the plan change process.

145. At a high level, the proposed requirement for a master plan (proposed rules SUB-R13 and SUB-R14) sets out elements to manage the traffic effects of the proposal in relation to the design of the principle level roading and pedestrian/cycle access network. The master plan will also require consideration of strategic planning frameworks in respect of transport matters under Councils discretion for approval. Detailed design of the transport network, predominantly within the site, is expected to be undertaken as part of any future subdivision consent application.
146. The Integrated Transport Assessment provided with the plan change application provides a review of safety and operational matters in respect of development of the site. It identifies and assesses connections with the existing transport network surrounding the site, and provides commentary on the proposed transport network within the site including pedestrian and cycling provisions. It notes that matters such as detailed design of the transport network, and provision of public transport, will be dealt under future processes such as the subdivision consent process.
147. Following advice from Council's Manager – Roading a request for further information was made in respect of the safety of proposed intersections on Rockdale Road if the existing speed limit was to be maintained. The applicant's engineer provided a response to this request demonstrating that the intersections could operate in a safe manner based on sight distance calculations.
148. Submissions from the New Zealand Transport Agency (NZTA) and Public Health South raised several transport matters<sup>3</sup>.
149. The NZTA made a neutral submission<sup>4</sup> on PC1, and generally noted that the proposal would not impact on the safety/functionality of the state highway network. However, they noted that footpaths are not proposed to extend around the full perimeter of the site on Rockdale Road and Tramway Road. Footpath connections would only be linked between proposed road intersections and existing footpaths within the current urban area. The NZTA advocates for footpaths to be extended along the full duration of the site.
150. The further submission prepared by Bonisch Consultants<sup>5</sup> opposes the submission from the NZTA. The further submission notes that footpaths from the existing residential areas in the urban zone will be provided to the entrance points into the Te Puawai development, providing direct connectivity from the site to the existing residential areas and extends the walking/cycling network found within the development boundaries. They note that as there is no direct vehicular access from individual lots onto Rockdale or Tramway Roads (i.e. all proposed lots will be accessed internal to the site) there is no benefit to extending the footpath along the road frontages as suggested by Waka Kotahi NZ Transport Agency.

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<sup>3</sup> Refer: Submission 2 – Waka Kotahi NZ Transport Agency, and Submission 5 - Public Health South.

<sup>4</sup> Refer: Submission 2 – Waka Kotahi NZ Transport Agency

<sup>5</sup> Refer: Further Submission 1 – Bonisch Consultants

151. The requirement for footpaths along these frontages has been previously discussed with Council's Manager – Roading. It is understood that orienting all access internal to the site was a decision made in part to preserve the semi-rural nature of the transport network to the south and east of the site. Nevertheless, it is also understood that cycling or shared path facilities may be provided along Rockdale Road and Tramway Road in the future, and that installation of significant infrastructure along the frontage of the site would be premature until Council had more fully investigated infrastructure options for active road users in this location.
152. Based on the further submission from Bonisch Consultants, and discussion with Council staff, I consider that further extension of footpath facilities along Rockdale Road and Tramway Road is not warranted in this instance. However, I also note that future extension of such facilities as Council-initiated upgrade is not precluded by the development of the site.
153. The submission from Public Health South<sup>6</sup> states that they support the requirement for the proposed master plan under Rule SUB-R14. However, the submitter states that this Rule should also incorporate specific performance standards in relation to active transport mode provisions within the site.
154. In evaluation of this submission it is noted that proposed Rule SUB-R14 contains matters of discretion involving the design of the principle transport network, including provisions for active road users. It also requires the master plan to have consistency with relevant planning frameworks, which necessarily includes transport provisions. Furthermore, any future subdivision within the site will be required to be designed in accordance with the Invercargill Code of Practice for Land Development and Subdivision, which incorporates matters such as provisions for active road users. Overall, I consider that detailed provisions for active road users can be addressed through both the notified provisions relating to the master plan, and future subdivision consent processes.
155. Overall, I consider that the traffic and access effects can be effectively managed through the implementation of the various methods promoted within PC1, especially through the master plan provisions. I consider that the new internal road layout and new intersections with the surrounding transport network as shown on the concept Outline Development Plan is appropriate.
156. In regard to the submissions from the NZTA and Public Health South, I recommend that PC1 be approved as notified, with no requirement for further footpath extensions or amendment to the proposed master plan provisions.

### ***Urban Design and Landscape***

157. The application includes an urban design report prepared by Baxter Design, which is attached to the application as Appendix 3. Design of the Te Puawai development has

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<sup>6</sup> Refer: Submission 5 - Public Health South

been undertaken in accordance with the recognised principles of good urban design, being:

- i. Context
- ii. Character
- iii. Choice
- iv. Connections
- v. Creativity
- vi. Custodianship
- vii. Collaboration

158. The application and urban design report demonstrate that the extensive areas of parks and reserve proposed, which include options for cultural, education and recreation activities will help foster the sense of community and pride in the new neighbourhood for residents.

159. The applicant acknowledges that development of the site will have a significant effect on the existing landscape as viewed from surrounding areas. The site is bordered on two sides by residential properties and on the other two sides by rural or rural lifestyle properties. The development of the site thus comprises a change from rural amenity to a built urban form, although the larger stormwater detention areas do form areas of open space, most significantly adjacent to the Murihiku Marae.

160. It is recognised by the applicant and the Council that urban development of the site will inevitably have significant effects on visual amenity resulting from the loss of rural outlook for neighbouring landowners. While these affects are acknowledged it is also noted that the District Plan provides for urban development in this area, with assessment of infrastructural elements of any plan change request being the primary matters of consideration.

## Open Space and Reserves



Figure 10 – Concept Master Plan prepared by Baxter Design (Appendix 3 of the plan change request).

161. The proposal looks to establish two main reserve areas of 2.15ha and 3.52ha within the site. These areas which provide for both stormwater management and recreation, with the southern area in particular being enhanced through planting of native vegetation in consultation with the adjoining Murihiku Marae. These areas are shown above in Figure 10.
162. Additional reserve areas provide linkages between the northern stormwater management reserve and the neighbouring shopping zone, continuing to the wetland area at the south of the site. These areas will be landscaped with walking/cycling pathways and seating allowing for active transportation options throughout the site.
163. It must be noted the Baxter Design plan in Figure 10 is a concept plan only, and the park areas shown on that plan may not necessarily be adopted by the Council's Parks

and Recreation department as part of any future approvals process. The exact location and overall layout of open spaces and reserves will reflect the proposed zoning plan, with any further concept design being determined through the master plan provisions proposed for the site. Detailed of open spaces (including streetscape amenity) and reserves design will be carried out at the subdivision consent stage of the development.

164. The Rockdale Reserve is located within the north-eastern corner of the site and therefore falls within the plan change area. The reserve status of this land will need to be revoked under the Reserves Act 1977 (Section 24) for it to be used for development purposes. The revocation of the reserve status of this land is a process that sits outside the RMA and therefore cannot be addressed under PC1. However, the reserve status does not impact on the ability for the land to be rezoned under the RMA.

### ***Social Impacts and Provision of Healthy Homes***

165. The proposed development has the potential to generate positive and negative social impacts on the local community.
166. The applicant has identified that the development would offer a variety of different lot sizes which is likely to attract diverse household type which in turn would result in a diverse community. Connectivity will also be provided through the provision of walkways and linkages throughout the development - the reserve areas will provide greenspace not only to the residents of the subdivision, but also other members of the public.
167. The increase in population could have a positive social effect where it could be expected existing organisations and community groups could receive increased support drawn from the increased population. Conversely, the additional population could cause pressure on community services and facilities. However, it is noteworthy that the submission from the Ministry of Education states that it is likely that anticipated growth can be accommodated by Newfield Park School and Aurora College.
168. Submissions on several matters relating to healthy homes were made by Public Health South. These submissions are summarised as follows:
- i. The submitter supports in part Policy RES1BZ-P3 which relates to overall urban design provisions within the proposed medium density residential zone. They request that should proposed Plan Change 1 be confirmed, the urban design provisions include a clause ensuring homes are warm and healthy and built to a higher standard given the geographic location of Invercargill. They specifically request that a New Zealand Green Building Council's Home Star rating of 8 or better, or an equivalent standard, be incorporated into development provisions for this zone.

- ii. The submitter also requests a clause be included in Policy RES1BZ-P3 to ensure heating devices within this zone do not impact negatively on air quality. Specifically, they request that this clause require home heating devices meet the National Environmental Standard for Air Quality including provisions for particle discharge and thermal efficiency.
  - iii. The submitter supports in part proposed Rule RES1Z-R26(5)(5) which relates to environmental efficiency measures within the Te Puawai Retirement Village. They recommend strengthening this rule by incorporating the New Zealand Green Building Council's Home Star rating of 8 or better, or an equivalent standard, into development provisions for this precinct.
169. A further submission has been made in relation to the above matters by Bonisch Consultants, who prepared the original plan change request application. They submit that:

*“The Te Puawai development is intended to provide a variety of housing options, including affordable housing and opportunities for first home buyers. A Homestar level 8 rating is an extremely high standard build, of which there are only a few in the country. A house built to the NZ Building Code would have a Homestar rating of 4 and meets the Healthy Homes standards. The Homestar website itself features as examples of great design building constructed to Homestar Level 6. Expecting all dwellings within the Te Puawai development to achieve an equivalent Level 8 rating will put housing out of reach of most and will not address the housing shortage in Invercargill nor allow for affordable housing. While healthy homes are desirable the standard suggested is too onerous and we request that the parts of the Public Health South submission referring to a Level 8 standard be rejected.”*

170. While I do not necessarily disagree with the intent of the Public Health South submissions outlined above (i.e. the provision of healthy homes), I consider that these are not resource management matters that can be addressed under the RMA and this associated plan change process. It is also accepted that requiring a Homestar level 8 rating would likely lead to a significant increase in costs of building within the Te Puawai site, reducing affordability.
171. Ultimately, however, I consider that healthy homes standards are building matters that relate to the Building Code, and as such it is inappropriate to include provisions in the District Plan relating to home construction ratings. In regard to air quality, I consider that this is already adequately governed by Environment Southland's Regional Air Plan 2016, which gives effect to the NES for Air Quality, and is therefore not appropriate to be controlled by the District Plan.
172. I therefore recommend that the submissions made by Public Health South, outlined above, be rejected in relation to PC1.

# CONCLUSIONS AND RECOMMENDATIONS

## Conclusion

173. Plan Change 1 seeks to:

- i. Change the zoning of 70.78ha of land from Rural (with Outline Development Plan overlay) to a mixture of residential and commercial zones. The proposal will enable up to approximately 600 residential allotments to be created.
- ii. Introduction of a proposed master plan and associated policies and rules to direct the overall form and layout of subdivision and development.

174. Overall, I recommend that PC1 as adopted and notified by the Invercargill City Council be **approved**. No amendments to the plan change are recommended.

## Recommendations

175. That on the basis of the evidence and information available at this time, the Commissioners make the following recommendations to Council:

That pursuant to Clause 10 of Schedule One of the Resource Management Act 1991, Council:

- a. Approves Plan Change 1 – Te Puawai Residential Development in accordance with the reasons set out in the report above; and
- b. Accepts, rejects, accepts in part or rejects in part submission points in line with the recommendations contained within this report.

176. The collated table of submissions and recommendations is contained in Appendix 1 of this report.

Report prepared by:



Grant Fisher  
Senior Policy Planner  
Invercargill City Council

Report approved by:



Liz Devery  
Team Leader – Planning  
Invercargill City Council

# APPENDICES

## Appendix 1 - Recommendations on Submissions

### RECOMMENDATIONS ON SUBMISSIONS FOR PLAN CHANGE 1 - TE PUAWAI RESIDENTIAL DEVELOPMENT

#### GENERAL SUBMISSIONS

General Submission		
<b>Submitter</b>	1	Mr Cohen Stewart
<b>Submission</b> Mr Stewart supports the proposed changes to the Invercargill City District Plan as they will benefit the immediate area and Invercargill as a whole. Link: <a href="https://icc.govt.nz/wp-content/uploads/2021/08/01.-Cohen-Stewart-Submission.pdf">https://icc.govt.nz/wp-content/uploads/2021/08/01.-Cohen-Stewart-Submission.pdf</a> <b>Relief sought:</b> Mr Stewart seeks that the proposed changes are implemented in their entirety without change.		
<b>Recommendation</b> Accept		
<b>Reason</b> The support is acknowledged.		

<b>General Submission</b>		
<b>Submitter</b>	2	Waka Kotahi NZ Transport Agency
<p><u>Submission</u></p> <p>The submitter notes that the Integrated Transport Assessment provided in the original plan change application states that footpaths will not extend along the full frontages of the site on Rockdale Road and Tramway Road.</p> <p>Link: <a href="https://icc.govt.nz/wp-content/uploads/2021/08/02.-Waka-Kotahi-NZ-Transport-Agency-Submission.pdf">https://icc.govt.nz/wp-content/uploads/2021/08/02.-Waka-Kotahi-NZ-Transport-Agency-Submission.pdf</a></p> <p><b>Relief sought:</b></p> <p>They advocate for the footpaths to be extended for the full length of these frontages.</p> <p><u>Further Submission</u></p> <p>Bonisch Consultants opposes this submission. They state that the plan change proposes footpaths from the existing residential areas in the Urban Zone to the entrance point into the Te Puawai development on each of these roads. This provides pedestrians and cyclist with good connectivity from the site to the existing residential areas and extends the walking/cycling network found within the development boundaries. All cyclists and pedestrians wishing to cross from Tramway Road to Rockdale Road or vice versa can make use of the internal road and trail network for this purpose. As there is no vehicular access from individual lots onto Rockdale of Tramway Roads there is no benefit to extending the footpath along the road frontages as suggested by Waka Kotahi NZ Transport Agency.</p> <p>Link: <a href="https://icc.govt.nz/tepuawaiplanchange/submissions/">https://icc.govt.nz/tepuawaiplanchange/submissions/</a></p> <p><b>Relief sought:</b></p> <p>That the submission of Waka Kotahi NZ Transport Agency be rejected.</p>		
<p><b>Recommendation</b></p> <p>Reject submission.</p>		
<p><b>Reason</b></p> <p>Orienting all access internal to the site is promoted in part to preserve the semi-rural nature of the transport network to the south and east of the site. Nevertheless, cycling or shared path facilities may be provided along Rockdale Road and Tramway Road in the future, and installation of significant infrastructure along the frontage of the site would be premature until Council had more fully investigated infrastructure options for active road users in this location. Extension of footpath facilities along Rockdale Road and Tramway Road is therefore not warranted in this instance.</p>		

General Submission		
<b>Submitter</b>	3	Southland Business Chamber
<p><u>Submission</u></p> <p>The submitter states that inadequate housing is a barrier to recruitment and retention of staff and thus a barrier to economic growth in the region. The submitter considers the plan change will assist in provide a variety of new housing options for the city with attractive urban design amenity appealing to a range of potential residents.</p> <p>Link: <a href="https://icc.govt.nz/wp-content/uploads/2021/08/03.-Southland-Business-Chamber-Submission.pdf">https://icc.govt.nz/wp-content/uploads/2021/08/03.-Southland-Business-Chamber-Submission.pdf</a></p> <p><b>Relief sought:</b></p> <p>Southland Business Chamber seeks that the proposed plan change be accepted.</p>		
<p><b>Recommendation</b></p> <p>Accept</p>		
<p><b>Reason</b></p> <p>The support is acknowledged.</p>		

General Submission		
<b>Submitter</b>	4	Southland Housing Action Forum
<p><u>Submission</u></p> <p>The submitter supports the creation of new land availability to enable more housing, and the creation of housing variety within the development which recognises which reflects market demand and demographics.</p> <p>Link: <a href="https://icc.govt.nz/wp-content/uploads/2021/08/04.-Southland-Housing-Action-Forum-Submission.pdf">https://icc.govt.nz/wp-content/uploads/2021/08/04.-Southland-Housing-Action-Forum-Submission.pdf</a></p> <p><b>Relief sought:</b></p> <p>Southland Business Chamber seeks that the proposed plan change be accepted.</p>		
<p><b>Recommendation</b></p>		

Accept
<b>Reason</b> The support is acknowledged.

General Submission		
<b>Submitter</b>	6	Bonisch Consultants
<u>Submission</u> <p>The submitter supports Plan Change 1 in its entirety. They consider the proposed plan change to be an optimum use of the site which is currently identified in the Invercargill City District Plan as an appropriate site for future urban development. They submit that the proposed plan change provides for a variety of residential land uses, as well as shopping and service areas, parks and reserves, within walking distance.</p> <p>Link: <a href="https://icc.govt.nz/wp-content/uploads/2021/08/06.-Bonisch-Consultants-Submission.pdf">https://icc.govt.nz/wp-content/uploads/2021/08/06.-Bonisch-Consultants-Submission.pdf</a></p> <p><b>Relief sought:</b> Southland Business Chamber seeks that the proposed plan change be accepted.</p>		
<b>Recommendation</b> Accept		
<b>Reason</b> The support is acknowledged.		

General Submission		
<b>Submitter</b>	7	Ministry of Education
<u>Submission</u> <p>The submitter states that their submission relates to the proposed transport connections, and ongoing consultation as the development progresses.</p>		

The submitter states that the proposed plan change has the potential to increase pressure on school capacity at nearby Newfield Park School and Aurora College. They state that it is likely that anticipated growth can be accommodated by Newfield Park School and Aurora College.

The submitter comments on transport connections and safety and are in support of pedestrian and cycling provisions on Tramway Road which provide connections between the site and Aurora College. The submitter also supports a review of speed limits of Tramway Road as this is used by staff and students accessing Aurora College.

The submitter seeks ongoing consultation with the applicant regarding timeframes for development to plan for anticipated growth at Aurora College and Newfield Park School.

The submitter states that Aurora College has queried the placement of the proposed retirement village precinct. The submitter acknowledges that this is not necessarily a resource management matter, however they indicate that this can be discussed directly with Aurora College.

Link: <https://icc.govt.nz/wp-content/uploads/2021/08/07.-Ministry-of-Education-Submission.pdf>

**Relief sought:**

- The Ministry supports the recommendation that Council conduct a speed review, particularly along Tramway Road which may be used by school staff and students to travel to and from school.
- The Ministry supports the proposed shared pedestrian/cycle path along Tramway Road to enable safe access between the site and Aurora College.
- The Ministry requests ongoing consultation from the applicant regarding the timeframes for realising development of the site to plan for the anticipated growth at Aurora College and Newfield Park

**Recommendation**

Accept in part

**Reason**

The support for active mode linkages between the Te Puawai site and Aurora College is acknowledged.

Matters relating to changes to the speed limit, and ongoing consultation between the developer and Aurora College, are matters that reside outside the plan change process and therefore cannot be resolved through the RMA.

General Submission		
<b>Submitter</b>	8	Devatis NZ
<p><u>Submission</u></p> <p>The submitter states that development of the site is positive for Invercargill and first-home buyers. They state that public feedback on the proposal appears to be positive.</p> <p>Link: <a href="https://icc.govt.nz/wp-content/uploads/2021/08/08.-Devatis-NZ-Submission.pdf">https://icc.govt.nz/wp-content/uploads/2021/08/08.-Devatis-NZ-Submission.pdf</a></p> <p><b>Relief sought:</b></p> <p>That the proposed Plan Change be accepted.</p>		
<p><b>Recommendation</b></p> <p>Accept submission</p>		
<p><b>Reason</b></p> <p>The support is acknowledged.</p>		

General Submission		
<b>Submitter</b>	9	Haas Consulting
<p><u>Submission</u></p> <p>The submitter states that the plan change will address the shortage of housing in Invercargill, and give first home buyers an opportunity to enter the housing market. Overall, they consider that the plan change can only be a benefit to the Invercargill community.</p> <p>Link: <a href="https://icc.govt.nz/wp-content/uploads/2021/08/09.-Haas-Consulting-Submission.pdf">https://icc.govt.nz/wp-content/uploads/2021/08/09.-Haas-Consulting-Submission.pdf</a></p> <p><b>Relief sought:</b></p> <p>That the proposed Plan Change be accepted.</p>		
<p><b>Recommendation</b></p> <p>Accept submission</p>		
<p><b>Reason</b></p> <p>The support is acknowledged.</p>		

## SUBMISSIONS ON OBJECTIVES

Objectives RES1BZ-O1 to O3		
<b>Submitter</b>	5	Public Health South
<p><u>Submission</u></p> <p>The submitter supports Objectives RES1BZ-O1 to O3 which relate to the objectives of providing medium density development within the Te Puawai site. They state that there are a range of health consequences of associated with the lack of housing, and outline a range of these specific health issues.</p> <p>Link: <a href="https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf">https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf</a></p> <p><b>Relief sought:</b></p> <p>Objectives RES1BZ O1 to O3 be incorporated in their current form.</p>		
<p><b>Recommendation</b></p> <p>Accept.</p>		
<p><b>Reason</b></p> <p>The support is acknowledged.</p>		

## SUBMISSIONS ON POLICIES

Policy RES1BZ-P3(2)		
<b>Submitter</b>	5	Public Health South
<p><u>Submission</u></p> <p>The submitter supports in part Policy RES1BZ-P3(2) which relates to the connectivity of the proposed medium density residential zone to the neighbourhood and wider community.</p> <p>Link: <a href="https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf">https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf</a></p>		

<p><b>Relief sought:</b></p> <p>That the wording of this Policy be strengthened to demonstrate how connectivity will be achieved, including for public and active transport modes.</p>
<p><b>Recommendation</b></p> <p>Reject the submission.</p>
<p><b>Reason</b></p> <p>Development will be subject to approval of a master plan in accordance with proposed rule SUB-R13. Rule SUB-R14 allows Council control over the design of the master plan which includes connectivity considerations. The provisions within rule SUB-R14 include:</p> <ol style="list-style-type: none"> <li>1. Design of the principal level roading and pedestrian/cycle access network</li> <li>2. Consistency of the masterplan with national, regional, and local strategic planning frameworks</li> </ol> <p>Overall connectivity within the site is considered to be a strategic matter and provision 2, above, is designed to allow for consideration of transport planning design standards such as Austroads, and the NZTA Pedestrian Planning and Design guide. It is considered that inclusion of specific connectivity provisions at this stage may preclude better design options being identified and implemented at the master planning stage of the project.</p>

<b>Policy RES1BZ-P3</b>		
<b><i>Submitter</i></b>	5	Public Health South
<b><i>Further submitter</i></b>	1	Bonisch Consultants
<p><u>Submission</u></p> <p>The submitter supports in part Policy RES1BZ-P3 which relates to overall urban design provisions within the proposed medium density residential zone, but request additional provisions in relation to warm and healthy homes.</p> <p>Link: <a href="https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf">https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf</a></p> <p><b>Relief sought:</b></p> <p>That the urban design provisions within the Residential 1B zone include a clause ensuring homes are warm and healthy and built to a higher standard given the geographic location of Invercargill.</p>		

They specifically request that a New Zealand Green Building Council's Home Star rating of 8 or better, or an equivalent standard, be incorporated into development provisions for this zone.

Further Submission

Bonisch Consultants opposes this submission. They state that expecting all dwellings within the Te Puawai development to achieve an equivalent Level 8 rating will not address the housing shortage in Invercargill nor allow for affordable housing.

Link: <https://icc.govt.nz/tepuawaiplanchange/submissions/>

**Relief sought:**

That the parts of the Public Health South submission referring to a Homestar Level 8 standard be rejected.

**Recommendation**

Reject the submission.

**Reason**

It is considered that these are not resource management matters that can be addressed under the RMA and this associated plan change process. It is also accepted that requiring a Homestar level 8 rating would likely lead to a significant increase in costs of building within the Te Puawai site, reducing affordability.

Furthermore, it is considered that healthy homes standards are building matters that relate to the Building Code, and as such it is inappropriate to include provisions in the District Plan relating to home construction specifications such as Homestar ratings.

**Policy RES1BZ-P3**

<b>Submitter</b>	5	Public Health South
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Submission

The submitter also requests a clause be included in Policy RES1BZ-P3 to ensure heating devices within this zone do not impact negatively on air quality, and comply with the National Environmental Standard for Air Quality.

Link: <https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf>

**Relief sought:**

They request that this clause require home heating devices meet the National Environmental Standard for Air Quality including provisions for particle discharge and thermal efficiency.
<b>Recommendation</b> Reject the submission.
<b>Reason</b> Air quality matters are dealt with by Environment Southland via their Regional Air Plan 2016. The air plan gives effect to the Regional Policy Statement, which in turn is gives effect to the NES for Air Quality. These matters are not appropriate to be replicated within the Invercargill City District Plan 2019.

## SUBMISSIONS ON RULES

Rule SUB-R14(1)		
<b>Submitter</b>	5	Public Health South
<p><u>Submission</u></p> <p>The submitter supports in part the requirement for a Master Plan under proposed rule SUB-R14(1).  Link: <a href="https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf">https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf</a></p> <p><b>Relief sought:</b></p> <p>That this Rule should include specific performance standards in relation to active transport provisions within the Te Puawai site.</p>		
<p><b>Recommendation</b></p> <p>Reject the submission</p>		
<p><b>Reason</b></p> <p>Development will be subject to approval of a master plan in accordance with proposed rule SUB-R13. Rule SUB-R14 allows Council control over the design of the master plan which include will include consideration of provisions for active road users. The provisions within rule SUB-R14 include:</p> <ol style="list-style-type: none"> <li>1. Design of the principal level roading and pedestrian/cycle access network</li> <li>2. Consistency of the masterplan with national, regional, and local strategic planning frameworks</li> </ol>		

Overall connectivity within the site is considered to be a strategic matter and provision 2, above, is designed to allow for consideration of transport planning design standards such as the NZTA Pedestrian Planning and Design guide. It is considered that inclusion of specific connectivity provisions at this stage may preclude better design options being identified and implemented at the master planning stage of the project.

#### Rule RES1Z-R26(5)(2)

<b>Submitter</b>	5	Public Health South
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#### Submission

The submitter supports proposed Rule RES1Z-R26(5)(2) which relates to design standards for the proposed Te Puawai Retirement Village precinct area. The submitter is concerned with the safe integration of access, parking, and garage areas in respect of pedestrians and cyclists.

Link: <https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf>

#### **Relief sought:**

That this Rule is incorporated in its proposed form.

#### **Recommendation**

Accept submission

#### **Reason**

The support is acknowledged.

#### Rule RES1Z-R26(5)(5)

<b>Submitter</b>	5	Public Health South
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#### Submission

The submitter supports proposed Rule RES1Z-R26(5)(5) which relates to incorporation of CPTED design principles within the Te Puawai Retirement Village, and recommend incorporating this Rule in its proposed form.

Link: <https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf>

<b>Relief sought:</b>
That this Rule is incorporated in its proposed form.
<b>Recommendation</b>
Accept submission
<b>Reason</b>
The support is acknowledged.

Rule RES1Z-R26(5)(5)		
<b>Submitter</b>	5	Public Health South
<u>Submission</u>		
<p>The submitter supports in part proposed Rule RES1Z-R26(5)(5) which relates to environmental efficiency measures within the Te Puawai Retirement Village. They recommend</p> <p>Link: <a href="https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf">https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf</a></p>		
<b>Relief sought:</b>		
<p>That this Rule be strengthened by incorporating the New Zealand Green Building Council's Home Star rating of 8 or better, or an equivalent standard, into development provisions for this precinct.</p>		
<u>Further Submission</u>		
<p>Bonisch Consultants opposes this submission. They state that expecting all dwellings within the Te Puawai development to achieve an equivalent Level 8 rating will not address the housing shortage in Invercargill nor allow for affordable housing.</p>		
<b>Relief sought:</b>		
<p>That the parts of the Public Health South submission referring to a Homestar Level 8 standard be rejected.</p>		
<b>Recommendation</b>		
Reject submission.		
<b>Reason</b>		
<p>It is considered that these are not resource management matters that can be addressed under the RMA and this associated plan change process. It is also accepted that requiring a Homestar level</p>		

8 rating would likely lead to a significant increase in costs of building within the Te Puawai site, reducing affordability.

Furthermore, it is considered that healthy homes standards are building matters that relate to the Building Code, and as such it is inappropriate to include provisions in the District Plan relating to home construction specifications such as Homestar ratings.

<b>Rule RES1BZ-R7(4)</b>		
<b>Submitter</b>	5	Public Health South
<b>Submission</b> The submitter supports Rule RES1BZ-R7(4) which relates to outdoor living spaces. Link: <a href="https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf">https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf</a>		
<b>Relief sought:</b> That this Rule be incorporated in its current form in order to preserve outdoor living spaces from being used for other uses.		
<b>Recommendation</b> Accept the submission		
<b>Reason</b> The support is acknowledged.		

## Appendix 2 - Proposed Changes to Operative District Plan Provisions

# PROPOSED CHANGES TO THE INVERCARGILL CITY DISTRICT PLAN

**Key:**

~~Strikethrough~~ = deleted existing provisions

Double underlined = new or amended provisions

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## PART ONE INTRODUCTION AND INTERPRETATION

### DEFINITIONS

#### New Definition:

**Retirement Villages** for the Te Puawai Retirement Precinct, retirement village means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.

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## PART TWO ISSUES OBJECTIVES AND POLICIES

### RES Residential Overview

#### Overview

**3. Residential 1B Zone:**

This zone is located within the Te Puawai Outline Development Plan area and provides for medium density residential development around the neighbourhood shopping zone. The zone is intended to allow affordable housing options with a high standard of amenity.

**34. Residential 2 Zone:**

The Residential 2 Zone makes provision for development and redevelopment in the residential area of Bluff, and in the coastal settlement of Ōmaui, which is Invercargill City District Plan Part Two Page 81 August 2019 Residential Overview the one area of the coastal environment identified in the Plan where residential development is seen as appropriate.

**45. Residential 3 Zone:**

The Residential 3 Zone meets the demand for large lot residential properties that offer some of the experience of country living, in particular large dwellings, space between dwellings, and larger gardens.

56. **Residential 4 Zone:**

The Residential 4 Zone is a deferred zone that, once limited services are in place, will meet a demand for low density, large lot residential properties at the interface with the rural environment, with few urban service expectations.

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**RES1 Residential 1 Zone**

**RES1Z-P5 Choice**

3. Encouraging comprehensively designed medium density development ~~by way of resource consent~~ within specified parts of the Residential 1 Zone, being by way of resource consent in the Residential 1A Zone, and by way of performance standards in the Residential 1B Zone.

**RES1Z-P22 Te Puawai Outline Development Plan Area**

Ensure that development within the Te Puawai Outline Development Plan area identified on the Planning Maps and Appendices is undertaken in a comprehensive manner and in accordance with an approved masterplan.

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**RES1BZ RESIDENTIAL 1B (TE PUAWAI MEDIUM DENSITY) ZONE**

**Overview**

The Residential 1B Zone provides for medium density housing to be developed within the areas identified on the Te Puawai Outline Development Plan. The nature of medium density housing means that housing units may be built on very small individual lots, and in this situation amenity can best be provided by planning the development comprehensively. By making provision for medium density housing in this way, there will be an increase in the range of housing type choices available in Invercargill.

**Issues**

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

**RES1BZ-I1** The issues identified above for the Residential 1 Zone.

**RES1BZ-I2** Greenfield medium density housing can lead to decrease in amenity unless it is planned and developed through appropriate provisions.

**RES1BZ-I3** Residential amenity can be compromised by separation of medium density housing from commercial areas and public reserves.

*Note: All Objectives and Policies that apply to the Residential 1 Zone also apply to the Residential 1B Zone*

The following are additional Objectives and Policies that apply within the Residential 1B Zone

### **Objectives**

**RES1BZ-O1** The opportunity for medium density housing as a residential redevelopment option is provided for within the zoned areas.

**RES1BZ-O2** Medium density housing developments are well designed, offering a high level of amenity to the residents in the new units and maximising beneficial effects, and minimising adverse effects, on the surrounding neighbourhood.

**RES1BZ-O3** Performance standards are provided for greenfield medium density residential development within the Te Puawai site.

### **Policies**

**RES1BZ-P1** **Provision of housing:**

The Residential 1B (Te Puawai Medium Density) Zone provides for well-designed medium density housing in the Residential 1B Zone in the area identified on the Te Puawai Outline Development Plan located within walking distance of the neighbourhood shopping precinct and reserve areas.

**Explanation:**

Medium density housing (housing on lots smaller than 350m<sup>2</sup>) is an appropriate option for provision of affordable housing. It should be located within walking distance of local amenities.

**RES1BZ-P2** **Provision of high-quality medium density development:**

In the Residential 1B (Te Puawai Medium Density) Zone encourages comprehensively designed, high quality, medium density residential development, which is attractive to residents, responsive to housing demands, and provides a positive contribution to its environment.

**Explanation:**

Medium density housing needs to be planned comprehensively and is differentiated from the Residential 1A zone by adhering to appropriate performance standards in order to provide a satisfactory level of amenity.

**RES1BZ-P3** **Urban Design:**

To encourage the following urban design issues be addressed in the design and planning of medium density housing:

1. Neighbourhood character - the relationship of the development with the surrounding neighbourhood and how well the development integrates with its neighbourhood
2. Connectivity - how the development links to the neighbourhood and the wider community
3. Site layout - provision, orientation, access, layout and function of outdoor spaces
4. Building location - optimising amenity while making best use of the site, and also being a good neighbour
5. Relationship to neighbouring buildings
6. Visual and acoustic privacy - design to mitigate overlooking and unwanted noise
8. On-site outdoor space - relationship of outdoor spaces to houses with respect to privacy, outlook, sunlight and landscape treatment
9. Entries to buildings - visibility, shelter and security
10. Site facilities - provision for services and utilities
11. Landscape treatment - design for quality living environment.

**Explanation:**

Achieving good development will require designers to consider the design issues (above) and reach informed conclusions. Comprehensive design is needed to achieve the best outcomes on the small sites that characterise the completed development.

**Methods of Implementation**

Note: All methods of implementation that apply to the Residential 1 Zone also apply to the Residential 1B Zone.

The following are additional methods of implementation that apply within the Residential 1B Zone:

**RES1AZ-M1** Delineate the Residential 1B Zone on the District Planning Maps.

**RES1AZ-M2** Identify the anticipated amenity values for the Residential 1B Zone including environmental standards to protect and enhance them, and implement through enforcement under the Resource Management Act 1991, education, and advocacy.

**RES1AZ-M3** Promote references to publications for good examples of medium density housing.

## PART THREE RULES

### TRA TRANSPORT

#### TRA-R6 Loading Facilities and Manoeuvring Spaces:

Provision is to be made for loading and unloading facilities and manoeuvring spaces on site for vehicles servicing that activity, except:

4. For residences fronting the street within the Residential 1, Residential 1A, Residential 1B, Residential 2, Residential 3 and Residential 4 Zones.

**TRA-R8** For residences fronting the street within the Residential 1, Residential 1A, Residential 1B, Residential 2, Residential 3 and Residential 4 Zones: Where no manoeuvring space is provided on site and a garage is built with the garage door positioned towards the street, a setback of 5.2 metres shall be provided from the garage door to the property boundary.

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### UTIL UTILITIES

#### Electricity Lines

**UTIL-R8** It is a permitted activity to erect new electricity lines up to (and including) 110kV in all Zones of the District, subject to the following standards:

1. Other than where existing support structures are used, new lines are to be located underground in the Residential 1, 1A, 1B, 2, 3 and 4, Business 1, 2, 3, 4, and 6, Industrial 1 and 2, Otatara, and Hospital Zones.

#### Communications – Line Reticulation

**UTIL-R18** Lines used for the conveying of telecommunications, television, electronic data and other such communications as a permitted activity in all Zones of the District, subject to the following standard:

1. Other than where existing support structures are used, such lines are located underground in the Residential 1, 1A, 1B, 2, 3, and 4, Business 1, 2, 3, 4, and 6, Industrial 1 and 2, Otatara and Hospital Zones.

#### Telecommunication and Radiocommunication Facilities

**UTIL-R21** Telecommunication and radiocommunication facilities are permitted activities subject to the following standards:

3. No antenna dish shall be greater than:
  - a. 1.2 metres in diameter in the Residential 1, 1A, 1B, 2, 3 and 4 Zones and the Otatara Zones; or
7. Telecommunication cabinets and radiocommunication equipment cabinets outside of the road reserve shall not exceed:

- a. excluding the foundation plinth, 2 metres in height; or have a total floor area exceeding 2m<sup>2</sup> in the Residential 1, 1B, 2, 3 and 4 Zones.

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## **SUB SUBDIVISION**

**SUB-R1** The following subdivision activities are controlled activities:

1. Subdivision of land to provide for a utility except in the Industrial 4 Zone
2. Boundary adjustments
3. Amendments to cross-lease subdivision

Where they meet the following:

- a. The site on which the activity is to be undertaken does not contain an item listed in APP3 – Appendix 3 Heritage Record
  - b. Subdivision boundaries of any allotments which have existing buildings are being aligned to ensure that the buildings comply with the provisions of:
    - i. The Building Act 2004 in terms of fire safety
    - ii. The bulk and location requirements of the relevant Zone
  - c. The provisions of any National Policy Statement or National Environmental Standard
  - d. The site on which the activity is to be undertaken does not contain an area of significant indigenous biodiversity as shown on the District Planning Maps.
4. In the Residential 1B Zone, subdivision around existing buildings, or proposed buildings that have land use consent, except:
- a. s223/s224c certification cannot be issued until building consent Code of Compliance is issued.

### **Te Puawai Masterplan**

**SUB-R13** The preparation of a Masterplan for the Te Puawai Outline Development Plan is a controlled activity.

**SUB-R14** For a Masterplan for the Te Puawai Outline Development Plan prepared under Rule SUB-R13 the matters over which Council shall exercise control are as follows:

1. Design of the principal level roading and pedestrian/cycle access network

2. Design of the principal level stormwater drainage network including general site shaping, flow mitigation and treatment
3. Design of the principal level wastewater drainage network including pumping stations and flow mitigation
4. Design of the principal level water reticulation network within the site area based on pressure and flow availability informed by Council (excluding assessment of the wider existing network and design of wider network upgrades)
5. Provision of park/reserve areas and how they will be used
6. Consistency of the masterplan with national, regional, and local strategic planning frameworks

Note: Any area under development shall be required to install necessary downstream principal infrastructure (with the exception of water network upgrades external to the site) including allowance for future upstream flows. This infrastructure must be identified within the resource consent application for subdivision and/or land use and be implemented prior to s224c.

**SUB-R15** Subdivision of land within the Te Puawai Outline Development Plan area which is not in accordance with a Masterplan prepared under SUB-R13 is a non-complying activity.

**DERE DEMOLITION OR REMOVAL ACTIVITIES**

**DERE-R1** Unless Part Three - HH Heritage applies, it is a permitted activity to demolish or remove all buildings and structures with an area of less than:

1. 80m<sup>2</sup> in the Residential 1, Residential 1A, Residential 1B, Residential 2, Residential 3, Residential 4 and Otatara Zones

**DERE-R2** Unless Part Three - HH Heritage applies, it is a controlled activity to demolish or remove buildings and structures with an area of:

1. 80m<sup>2</sup> or more in the Residential 1, Residential 1A, Residential 1B, Residential 2, Residential 3, Residential 4 and Otatara Zones

**LIGHT LIGHTSPILL**

**LIGHT-R2** The generation of lightspill, measured at the boundary of the site, shall not exceed the following:

	Sunset though midnight to sunrise
Residential 1, Residential 1A, <u>Residential 1B</u> , Residential 2, Residential 3 and Residential 4	5 lux

**NOISE NOISE**

**NOISE-R2 Noise levels from Activities**

1. All activities are to be designed and operated so that the following noise limits are not exceeded:

	Daytime 0700 - 2200		Night time 2200 - 0700	
	L <sub>Aeq</sub>	L <sub>Amax</sub>	L <sub>Aeq</sub>	L <sub>Amax</sub>
<b>When measured at any point within the boundary of any other site within a Zone:</b>				
<i>Residential 1, 1A, <u>1B</u>, 2, 3, 4 and Otatara</i>	55dB	80dB	40dB	70dB

**RELO RELOCATED BUILDINGS**

**RELO-R1** Part Three – RELO Relocated Buildings applies to the Residential 1, Residential 1A, Residential 1B, Residential 2, Residential 3, Residential 4, Rural, and Otatara Zones

**SIGN SIGNAGE**

**SIGN-R1** It is a permitted activity to erect signage that complies with the following maximum levels:

Zone	Provisions
Otatara Zone Residential 1, 1A, <u>1B</u> , 2, 3 and 4 Zones Airport protection Zone	<ol style="list-style-type: none"> <li>a. Signage painted on, or attached parallel to, buildings: Maximum area: 0.25m<sup>2</sup>; OR</li> <li>b. Free standing signage and signage attached at an angle to buildings:               <ol style="list-style-type: none"> <li>i. Maximum combined area: 0.25m<sup>2</sup></li> <li>ii. Maximum height: 2 metres</li> </ol> </li> </ol>

Provided that:

6. Illuminated signage is permitted within all Zones except the following:
  - a. Otatara Zone

- b. Residential 1, 1A, 1B, 2, 3 and 4 Zones
  - c. Rural Zone
- 

## **SOIL SOILS, MINERALS AND EARTHWORKS**

### **Earthworks and Mineral Extraction**

**SOIL-R2** Subject to **Part Three – ECO Ecosystems and Indigenous Biodiversity, Part Three – CL Contaminated Land, Part Three - HH Heritage, Part Three - UTIL Utilities, Part Three – NFL Natural Features and Landscapes, Part Three - NH Natural Hazards** and **SOIL-R3** it is a permitted activity to undertake the following earthwork activities, provided these comply with the conditions in SOIL-R3:

- 5. All other earthworks provided that the quantity of earthworks undertaken in a 12 month period shall not exceed:
  - a. 50m<sup>3</sup> per site up to 1,000m<sup>2</sup>, plus 50m<sup>3</sup> each 1,000m<sup>2</sup> thereafter, in the Residential 1, 1A, 1B, 2, 3 and 4, Business 1, 2, 3, 4 and 5, and Otatara Zones
  - b. 2,000m<sup>3</sup> per site in the Rural Zone
  - c. 1,000m<sup>3</sup> per site in all other Zones.

## **TEMP TEMPORARY MILITARY TRAINING ACTIVITIES**

### **TEMP-R1**

- 4. Noise Measurement and Assessment:

Sound levels are to be measured in accordance with the provisions of NZS6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with the provisions of NZS6802:2008 Acoustics Environmental Noise, except where expressly provided elsewhere in the Plan.

  - c. Noise from Fixed (Stationary) Sources: Noise from fixed (stationary) noise sources, other than provided for in TEMP-R1.4(a), including but not limited to power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems shall not exceed the following when measured in accordance with NZS 6801:2008 Acoustics – Measurement of Sound:
    - i. at any point within the notional boundary of any building housing a Noise Sensitive Activity; or

- ii. at any point within, any land zoned Residential 1, Residential 1A, Residential 1B, Residential 2, Residential 3, Residential 4 or Otatara.

Time	Noise Level
0700 - 1900 hours	55 dB $L_{Aeq(15 \text{ mins})}$
1900 – 2200 hours	50 dB $L_{Aeq(15 \text{ mins})}$
2200 - 0700 hours the following day	45 dB $L_{Aeq(15 \text{ mins})}$ 75 dB $L_{AFmax}$

## RES1Z RESIDENTIAL 1 ZONE

### Retirement Villages

**RES1Z-R26** Retirement villages within the Te Puawai Retirement Village Precinct are controlled activities where they meet the following design standards:

1. **Site Coverage** Maximum site coverage is 50%
2. **Height** The maximum height is 10 metres with a maximum of two storeys except that within 10 metres of site boundary the maximum height shall be 8 metres.
3. **Height Recession Plane:** Infogram 2 applies, except:
  - a. The recession plane starts 2.3 metres above ground level
  - b. Where the boundary adjoins an access lot or access strip, the recession plane can be taken from furthest side of the access lot or access strip
  - c. Where buildings on adjoining sites have a common wall along an internal boundary the recession planes shall not apply along that part of the boundary covered by such a wall.
4. **Internal Boundary Setbacks** The following applies to the internal boundaries on the perimeter of the site only:
  - a. The minimum setback from an internal boundary is 1m, except
    - i. where a building on a neighbouring site has a window of a habitable space within 1.8 metres of the boundary, the minimum setback to that window is 1.8 metres for 2 metres either side of the window
    - ii. where buildings adjoin along a common wall, a nil setback applies
    - iii. gutters and eaves up to 200mm are excluded from the setback requirement.
5. **Landscaping** A minimum of 20% of the site shall be provided for landscaping (which may include private or communal open space), where at least 50% of the landscaping shall be trees and shrubs, and a minimum of one tree for

every 250m<sup>2</sup> of gross site area (prior to subdivision), or part thereof, is included within the landscaping, and at least one tree shall be planted adjacent to the road boundary.

- a. All trees required by this rule shall be not less than 1.5 metres high at the time of planting
- b. All trees and landscaping required by this rule shall be maintained and if dead, diseased or damaged, shall be replaced
- c. The minimum tree and garden planting requirements shall be determined over the site of the entire complex.

The matters of control for retirement villages are as follows:

Whether the developments, while bringing change to existing environments, is appropriate to its context taking into account:

1. Engagement with, and contribution to, adjacent streets and public open spaces, with regard to:
  - a. fencing and boundary treatments
  - b. sightlines
  - c. building orientation and setback
  - d. configuration of pedestrian entrances
  - e. windows and internal living areas within buildings
  - f. if on a corner site is designed to emphasise the corner.
2. Integration of access, parking areas and garages in a way that is safe for pedestrians and cyclists, and that does not visually dominate the development, particularly when viewed from the street or other public spaces
3. Retention or response to existing character buildings or established landscape features on the site, particularly mature trees, which contribute to the amenity of the area
4. Appropriate response to context with respect to subdivision patterns, visible scale of buildings, degree of openness, building materials and design styles
5. Incorporation of Crime Prevention Through Environmental Design (CPTED) principles, including effective lighting, passive surveillance, management of common areas and clear demarcation of boundaries and legible entranceways
6. Residential amenity for neighbours, in respect of outlook, privacy, noise, odour, light spill, and access to sunlight, through site design, building, outdoor living space and service/storage space location and orientation, internal layouts, landscaping and use of screening
7. Creation of visual quality and interest through the separation of buildings, variety in building form, distribution of walls and openings, and in the use of architectural detailing, glazing, materials, and colour; and

8. Where practicable, incorporation of environmental efficiency measures in the design, including passive solar design principles that provide for adequate levels of internal natural light and ventilation.

**RES1Z-R27** Where a retirement village does not comply with the performance standards in **RES1Z-R26** the activity is a discretionary activity.

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## **RES1BZ RESIDENTIAL 1B (MEDIUM DENSITY) ZONE**

### **RES1BZ-R1 Permitted Activities:**

The following are permitted activities in the Residential 1B Zone:

1. Home Occupation
2. Home Stay
3. Residential Activity
4. Residential Care Activity limited to a maximum of eight persons.

### **RES1BZ-R2 Discretionary Activities:**

The following are discretionary activities in the Residential 1B Zone:

1. Residential Care Activity for nine or more persons
2. Visitor Accommodation

### **RES1BZ-R3 Non-complying Activities:**

The following are non-complying activities in the Residential 1B Zone:

1. Any activity not listed as permitted, controlled, restricted discretionary, discretionary or prohibited.

### **Residential Density**

**RES1BZ-R4** The maximum residential density is:

1. One residential unit per 250m<sup>2</sup> net site area

### **Site Coverage**

**RES1BZ-R5** Maximum coverage of all buildings on sites shall not exceed the following:

1. 40% of net site area on sites 300m<sup>2</sup> or greater
2. 45% of net site area on sites less than 300m<sup>2</sup>

3. For Medium Density Housing, the net site area is to be calculated for the entire complex or group of buildings proposed for the site, rather than over the net area of any part of the complex or group of buildings.

**RES1BZ-R6** Where an activity does not comply with RES1BZ-R4 or RES1BZ-R5, the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

1. Whether the non-compliance is appropriate to its context taking into account:
  - a. Whether the balance of open space and buildings will maintain the character anticipated for the zone
  - b. Any visual dominance of the street resulting from a proposed building's incompatible scale
  - c. The proportion of the building scale in relation to the proportion of the site

### **Outdoor Living**

**RES1BZ-R7** A designated area of outdoor living space is to be provided as follows:

1. Two bedrooms or more
  - a. The space shall be sufficiently large to accommodate a horizontal circle diameter 4 metres
  - b. Minimum area 30m<sup>2</sup>
  - c. The space shall be free of all buildings
2. One bedroom or studio
  - a. The space shall be sufficiently large to accommodate a horizontal circle diameter 4 metres
  - b. Minimum area 15m<sup>2</sup>
  - c. The space shall be free of all buildings
3. One bedroom or studio entirely at an upper level
  - a. The space shall be sufficiently large to accommodate a horizontal circle diameter 4 metres
  - b. Minimum area 15m<sup>2</sup>
  - c. Except where balconies or other structures are used to provide the outdoor living space, the space shall be free of all buildings.
4. Outdoor living spaces and shall not be occupied by parking, manoeuvring, or vehicle access areas

**RES1BZ-R8** Where an activity does not comply with RES1BZ-R7, the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

1. The extent to which outdoor living spaces provide useable space, contribute to overall on-site spaciousness and enables access to sunlight throughout the year for occupants
2. The accessibility and convenience of outdoor living space for occupiers
3. Whether the size and quality of communal outdoor living space or other open space amenity compensates for any reduction in private outdoor living space.

### **Permeable Surfaces**

**RES1BZ-R9** The minimum area of permeable surface is 30% of the gross site area.

**RES1BZ-R10** Where any activity does not comply with RES1BZ-R9 above, the activity is a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

1. Alternative methods of slowing stormwater runoff from the site
2. Measures to address the effects of stormwater contamination

### **Height of Structures**

**RES1BZ-R11** All new buildings and structures, and additions to existing buildings and structures, are to be designed and constructed to comply with the following maximum height and recession planes:

1. Maximum height 8 metres
2. Recession diagram: Infogram 2 applies, except:
  - a. The recession plane angles start at 2.3 metres above ground level
  - b. Where the boundary adjoins an access, the height recession shall be taken from furthest side of access
  - c. Where buildings on adjoining sites have a common wall along an internal boundary the recession planes shall not apply along that part of the boundary covered by such a wall.

**RES1BZ-R12** Where any activity does not comply with RES1BZ-R11 above, the activity is a restricted discretionary activity:

The matters over which the Council shall exercise its discretion are:

1. Whether the increased height, reduced setbacks, or recession plane intrusion would result in buildings that do not compromise the amenity of adjacent properties taking into account:
  - a. Overshadowing of adjoining sites resulting in reduced sunlight and daylight admission to internal living spaces and external living spaces beyond that anticipated by the recession plane, and where applicable the horizontal containment requirements for the zone
  - b. Any loss of privacy through being overlooked from neighbouring buildings
  - c. Whether development on the adjoining site, such as large building setbacks, location of outdoor living spaces, or separation by land used for vehicle access, reduces the need for protection of adjoining sites from overshadowing.

### **Space Around Buildings**

**RES1BZ-R13** The minimum setback from a road boundary is 4 metres.

**RES1BZ-R14** A yard at least 1 metre deep shall be provided from all internal boundaries, except:

1. Where a building on a neighbouring site has a window of a habitable room within 1.8 metres of boundary, the minimum setback from that window is 1.8 metres for 2 metres either side of the window
2. The setback where a building shares a common boundary is nil
3. Gutters and eaves up to 200mm are excluded from the setback requirement.

**RES1BZ-R15** A yard at least 3 metres deep is required from living room windows and balconies

**RES1BZ-R16** Garages may take up no more than 50% of the ground floor elevation when viewed from one road boundary.

**RES1BZ-R17** Where a garage door faces the road, it must be set back 1.2 metres further than the front wall of the residential building.

### **Ground Floor Habitable Space**

**RES1BZ-R18** The ground floor of a residential unit shall have a habitable space with a window area of at least 2m<sup>2</sup> facing a road boundary.

### **Landscaping**

**RES1BZ-R19** A minimum of 20% of the site area shall be provided for landscaping and at least 50% of this area shall be trees and shrubs.

**RES1BZ-R20** Where sites adjoin a road, the landscaping required under RES1BZ-R23 shall include landscaping to a minimum depth of 2 metres along internal road boundaries metres and at least 1 tree shall be planted adjacent to the road boundary within this area.

## **Fencing**

**RES1BZ-R21** The maximum height of a fence along a road boundary which is less than 50% transparent shall be 1.2 metres.

**RES1BZ-R22** The maximum height of a fence along a road boundary which is at least 50% transparent shall be 1.8 metres.

**RES1BZ-R23** All other fences the maximum height shall be 1.8 metres except that within 2 metres of a road boundary the maximum height of the fence shall comply with Rules RES1BZ-R25 and RES1BZ-R26.

**RES1BZ-R24** For activities that do not comply with RES1BZ-R13 to RES1BZ-R23, the activity is a controlled activity.

The matters over which the Council shall exercise its control are:

1. The extent to which the proposed building will detract from the coherence, openness and attractiveness of the site as viewed from the street
2. The ability to provide adequate opportunity for garden and tree planting in the vicinity of road boundaries
3. The ability to provide passive surveillance of the street
4. The extent to which the breach is necessary to enable more efficient, cost effective and/or practical use of the remainder of the site
5. For fencing, whether solid fencing is appropriate to provide acoustic insulation of living spaces where the road carries high volumes of traffic
6. The ability to provide adequate parking areas and manoeuvring areas for vehicles clear of the road or shared access to ensure traffic and pedestrian safety
7. The effectiveness of other factors in the surrounding environment in reducing the adverse effects.

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## **PART 4 APPENDICES**

### **APP6 Appendix 6 - Outline Development Plan Areas**

- Insert new Outline Development Plan for Te Puawai
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**APP9            Appendix 9 – Hazardous Substances**

- See table below.

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**APP11            Appendix 12 - Council’s Sewerage and Water Reticulation Areas**

**APP11-3        Private Ways and Right of Ways:**

1.        Private ways and right of ways are to be designed and constructed to comply with the standards set out in Table 1.

Table 1: Private Way and Right of Way Standards

Residential 1, 1A, <u>1B</u> , and 2 Zones
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**APP12            Appendix 12 - Council’s Sewerage and Water Reticulation Areas**

- Amend maps to include Te Puawai Outline Development Plan Area

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**PLANNING MAPS**

- Amend Planning Maps 11 and 18 to show the zones and precincts for Te Puawai Outline Development Plan Area

**APP9**

**Appendix 9 – Hazardous Substances**

HSNO SUB-CLASS AND HAZARD CLASSIFICATION	SUBSTANCE	GROUP 1: RESIDENTIAL 1, RESIDENTIAL 1A, <u>RESIDENTIAL 1B</u> , RESIDENTIAL 2, RESIDENTIAL 3, RESIDENTIAL 4 AND OTATARA ZONES AND RESIDENTIAL ACTIVITIES IN ALL OTHER ZONES	GROUP 2: INDUSTRIAL 1, BUSINESS 1, BUSINESS 2, BUSINESS 3, BUSINESS 4, BUSINESS 5 AND BUSINESS 6 EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 3 : INDUSTRIAL 2, 2A INDUSTRIAL L 3, INDUSTRIAL 4 AND SEAPORT 2 ZONES, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 4 HOSPITAL, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 5: RURAL AND AIRPORT PROTECTION ZONES, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 6: SEAPORT 1 ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 7: AIRPORT OPERATIONS ZONE, EXCLUDING RESIDENTIAL ACTIVITIES	GROUP 8: SMELTER ZONE, EXCLUDING RESIDENTIAL ACTIVITIES
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