



DECISION ON SUBMISSIONS

Private Plan Change 1

Te Puawai Residential Development

INVERCARGILL CITY DISTRICT PLAN

Hearing Panel

Commissioner Muriel Johnstone

Commissioner Darren Ludlow

Commissioner Allan Cubitt (Chair)

CONTENTS

1. INTRODUCTION	3
1.1 The Process	3
1.2 The Site and the Proposal	3
2. DECISION ON SUBMISSIONS	7
2.1 Statutory Framework	7
2.2 Invercargill’s Residential/Housing Development Capacity and Demands	7
2.3 The Appropriateness of a Mixture of Land Use Zones.....	9
2.4 Transport Matters	Error! Bookmark not defined.
2.5 Social Impacts and the Provision of Healthy Homes.....	Error! Bookmark not defined.
3. CONCLUSION AND RECOMMENDATION.....	14
APPENDICES	16
Appendix 1 - Decisions on Submissions	16
Appendix 2 - Proposed Changes to Operative District Plan Provisions	28
Appendix 3 – Section 32 Report	

1. INTRODUCTION

1.1 *The Process*

1. Plan Change 1 seeks to change the zoning of a 70-hectare rural block of land on the southeast outskirts of Invercargill. The site is located at 514 Tramway Road, 426 Rockdale Road, and 380 Rockdale Road. The land is currently zoned Rural under operative Invercargill City District Plan 2019 but has been identified as suitable for urban development through the use of an Outline Development Plan overlay. This enables urban development of site through a plan change process.
2. The request for that plan change was made privately by Te Puawai Developments Limited on the 19th November 2020. The Invercargill City Council determined to **adopt** the private plan change request and notify it pursuant to clause 25(2)(a) of the First Schedule of the Resource Management Act 1991 (RMA).
3. Plan Change 1 (PC1) was notified on 25 June 2021, with submissions closing on 23 July 2021. Council received a total of nine submissions, with eight submitters in either full or partial support, and one neutral. The summary of submissions was notified on 14 August 2021, with one further submission received by the closing date on 27 August 2021. However, due to a nationwide lockdown caused by an outbreak of Covid-19 the further submission period was extended to 3 September 2021. No further submissions were received.
4. The Panel's role is to consider the submissions received, any evidence presented at the hearing, and the advice of the Council Planner before making a decision on the submissions. The Hearing was convened in Invercargill on the 17th November 2021. While no submitters chose to attend the hearing, Mr Fisher, Councils Section 42A report writer, introduced the Plan Change and he was asked a number of questions around the issues raised.
5. In our decision-making capacity, we have the option to accept or reject the submissions, or accept the submissions in part. We have chosen to address the submissions by grouping them according to the matter to which they relate as was done in the Section 42A report, subject to some re-ordering. As required by the Act, the Panel's decision must give reasons for accepting or rejecting the submissions and include any consequential alterations to PC1 arising from the decision.
6. For ease of reference, the decision adopts a similar format to that contained within Mr Fisher's Section 42A report and adopts large parts of his reports. The Panel wishes to express its thanks to Mr Fisher for his comprehensive report which greatly assisted us in this process. We also would like to thank Ms Devery for her assistance on technical matters throughout the decision-making process.

1.2 *The Site and the Proposal*

7. The site to be rezoned is located immediately adjacent to the south-eastern urban/residential area of Invercargill and is mainly in rural use, with the exception of a

sports field located in the north east corner. A watercourse/drainage ditch flows through the northern portion of the site which flows into an existing Council trunk main. The Murihiku Marae is located immediately adjacent to the southwestern corner of the site. The land to the east and south is rural, or rural residential, in nature.

8. 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.
9. 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.
10. The location of the site is shown in Figure 1, below:



Figure 1 – Location of subject site in relation to existing urban areas and transport network.

11. The site is currently zoned Rural and is subject to an Outline Development Plan (ODP) overlay shown in Appendix 6 of the District Plan (shown below in Figure 2).

APP6 APPENDIX 6 - OUTLINE DEVELOPMENT PLAN AREAS



Figure 2 – Appendix 6 of the Invercargill City District Plan 2019: Outline Development Plan Areas

12. 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.

13. Prior to any development being able to occur on the site, the plan change requires the approval of a development of a master plan detailing the character areas, internal roads, walkways and open space/reserves. The preparation of the master plan is a controlled activity, with Council exercising its control over the following matters:
- 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.
14. An indicative master plan is shown below in in Figure 3 below. 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.
15. The specific provisions to be inserted or amended within the Operative District Plan are shown in Appendix 2. In addition to the structure plan outlined above, three additional policies are to be included along with amendments to various residential environment area rules.

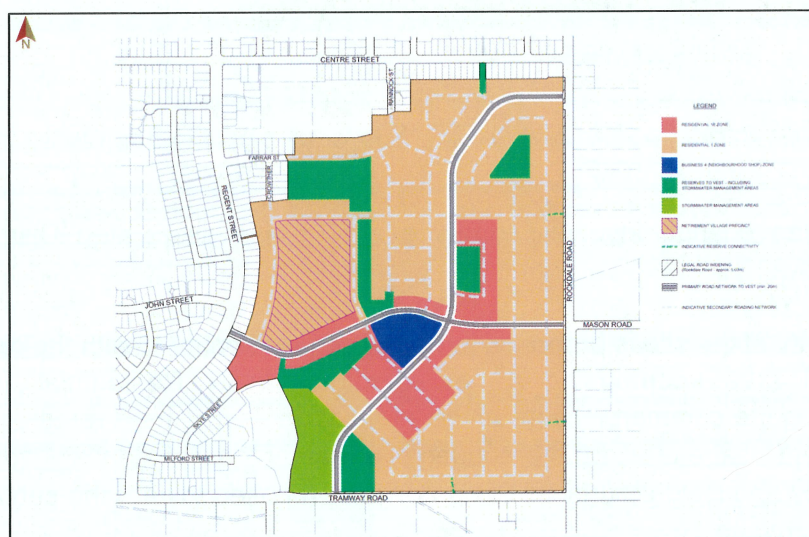


Figure 3 – Spatial structure plan of proposed zones and key roads.

2. DECISION ON SUBMISSIONS

2.1 *Statutory Framework*

16. The statutory framework for the preparation of a plan change was set out in Mr Fisher's report. He advised that Section 74 of the RMA sets out the matters that Council must consider when preparing or changing its District plan. These include consideration of Part 2 of the RMA (purposes and principles), Section 32 (alternatives, benefits and costs), and a range of planning documents, including National Policy Statements and any relevant planning document recognised by an iwi authority (s74 (2A)). Section 75 sets out the contents of a District Plan, with s75(3) stating 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”,*

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

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

17. Mr Fisher considered these matters in his report and we generally find ourselves in agreement with his analysis and conclusions. However, we note that as Council has adopted the Plan Change as its own, we are restricted in our consideration to those matters as raised in submissions. It is in that context that the matters identified in the submission addressed below must be considered.

2.2 *Invercargill's Residential/housing Development Capacity and Demand*

18. The first issue to deal with in relation to any new zoning proposal for urban development is capacity and demand in the city (i.e. need). Several submissions were received in support of PC1 because it will add to the housing supply in the Invercargill market. They highlighted concerns around the current increase in house prices and the commensurate decrease in affordability.

19. The National Policy Statement on Urban Development 2020 (NPS-UD) directs local authorities to enable greater supply of housing stock and ensure that planning is responsive to changes in demand. This is to occur while ensuring that new development capacity created is of a form and in locations that meet the diverse needs of communities and encourages well-functioning, liveable urban environments. District Plans must give effect to NPS-UD and at paragraphs 80 and 81, Mr Fisher sets out how the operative District Plan does this. He advised that 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*” and that “*several greenfield locations on the periphery of the existing urban area which have good accessibility to infrastructure and community services*” have been identified.

20. This includes the Outline Development Plan area that includes the subject site. The underlying purpose of the plan change request is to rezone this land to enable residential development. In answer to our questions, Mr Fisher advised that Invercargill was a Tier 3 Urban Area under the NPS-UD and that the Te Puawai development was providing for the short-term needs of the city. He concluded that PC1 is consistent with the urban development provisions of the operative District Plan and achieves the objective of the NPS-UD.

21. Mr Fisher advised that the plan change application provides anecdotal commentary in relation to this increased demand for housing in the city. He went onto state that 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.”*¹

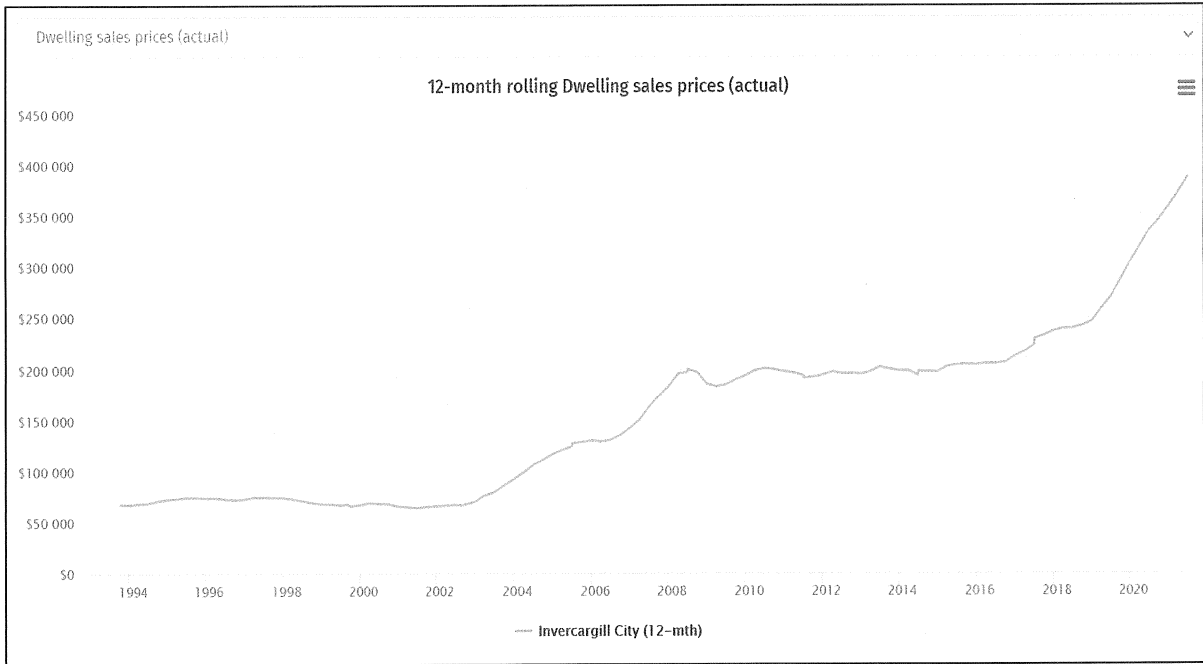


Figure 5 – 12-month rolling Dwelling sales prices (source: Ministry of Housing and Urban Development)

22. On this basis, Mr Fisher considered that the proposal was responsive to the short to medium term needs for residential land in the Invercargill market based on the current evidence available. This has been confirmed by the recently released ‘Southland Housing Situation Analysis’ report, prepared by the ‘The Southland Regional Development Agency’, which provides an overview of the current and anticipated housing

¹ Section 42A Report, paragraph 116.

growth challenges for the Southland Region. While this is a region wide study, it forecasts a significant shortfall in housing throughout Southland that, without action, could increase to 3,415 houses by the year 2025. To meet the current projected housing demand, the report recommends that *'the erection of residential subdivision and infilling of existing residential zones in Southland communities'* must be prioritized.

23. Having reviewed this information, the Panel accepts Mr Fisher's position on the matter and adopts it accordingly. It is very clear that proposals such as this are critical to the future of Invercargill and Southland as a whole.

2.3 Appropriateness of a Mixture of Land Use Zones

24. Related to this matter is the appropriateness of the mixture of land uses that will be created by the rezoning proposed, being different densities of residential land, a business zone and a retirement village precinct. This mix of land uses received a number of submissions in support² while no submissions were made in opposition.
25. Mr Fisher considered this matter at paragraphs 103 to 105 of his report. In his opinion, the appropriateness of rezoning must 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. We agree with that position and adopt his assessment of the proposal against those documents under the 'Relevant Policy Framework' section of his report.
26. As we noted above, Mr Fisher advised that Invercargill was a Tier 3 Urban Area under the NPS-UD and that the Te Puawai development was providing for the short-term needs of the city. He concluded that PC1 is consistent with the urban development provisions of the operative District Plan and achieves the objective of the NPS-UD.
27. This was reflected in the Section 32 report in relation to the appropriateness of the proposed zoning, which he 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*

² 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.

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.*
28. Mr Fisher also discussed the other aspects of the NPS-UD (around location, form, liveability and function) in his Urban Form³, Urban Design and Landscape⁴ and Open Space and Reserves assessments⁵. In this context he noted that the *“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.”* He went on to state that *“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.”*⁶
29. In this context, the need to revoke the reserve status of Rockdale Reserve to accommodate the proposed masterplan, and the issues that this may potentially cause for the masterplan, was discussed at the hearing. Ms Devery and Mr Fisher advised that any issue with this process is unlikely to impact on the proposal as the current masterplan is merely conceptual at this stage. It can be amended to reflect the differing circumstances that may be in play at the time the development process is commenced.
30. Mr Fisher’s report also notes that there is no bar to development of the site because of land contamination⁷ and ‘Three Waters’ restrictions⁸. The ability for Invercargill’s Three Waters infrastructure (i.e., water supply, stormwater and wastewater) to cater for the development, in particular, is a key consideration in respect of PC1. In relation to Three Waters infrastructure, Mr Fisher concluded that:

*“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.”*⁹

³ Section 42A report paragraphs 106 to 110

⁴ Ibid, paragraphs 157 to 160

⁵ Ibid, paragraphs 161 to 164

⁶ Section 42A report, paragraph 158

⁷ Section 42A report, paragraphs 111 - 114

⁸ Ibid, paragraphs 121 - 138.

⁹ Ibid, paragraph 137.

31. While no submissions were made in regard to Three Waters infrastructure matters, the Panel did question Mr Fisher around the robustness of the 'development agreement' approach to the provision of water supply particularly given the lack of financial/development contributions provisions in Invercargill City policy. Both Mr Fisher and Ms Devery advised that this matter had been given serious consideration but felt it was an issue that could be adequately addressed at the master planning stage.
32. The Panel also asked Mr Fisher a number of questions around the geotechnical report prepared for the plan change application. That report indicated some areas of poor ground quality within the development site but Mr Fisher advised that it was nothing more than is usually encountered around the city and is a matter generally dealt with at the time of subdivision. Ms Devery supported this view.
33. Overall, the Panel accepted Mr Fisher's position on these matters and adopted his reasoning accordingly.

2.4 Transportation Matters

34. Submissions from the New Zealand Transport Agency (NZTA) and Public Health South raised several transport matters. The NZTA made a neutral submission 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 around the full perimeter of the site on Rockdale Road and Tramway Road and requested that this be provided for.
35. Bonisch Consultants opposed this submission, noting 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. They were of the opinion that because there is no direct vehicular access from individual lots onto these roads there is no benefit to extending the footpath along their frontages.
36. Mr Fisher stated that this issue has been previously discussed with Council's Manager – Roading and he advised 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."*
37. As a consequence, Mr Fisher did not consider footpath facilities along Rockdale Road and Tramway Road to be warranted at this time. However, he noted that future extension of such facilities as Council-initiated upgrade is not precluded by the development of the site.

38. We agree with Mr Fisher on this point. This matter is best considered in a review of pedestrian and cycling infrastructure needs in the wider catchment. As a consequence, the submission from NZTA on this point has been rejected.
39. The submission from Public Health South supports the requirement for the proposed master plan under Rule SUB-R14 but states that this Rule should also incorporate specific performance standards in relation to active transport mode provisions within the site. In response to this, Mr Fisher drew our attention to the fact that Rule SUB-R14 contains matters of discretion involving the design of the principal transport network, including provisions for active road users, and the fact that the master plan must be consistent with relevant planning frameworks, which necessarily includes transport provisions. He also noted that 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.
40. On that basis, he considers 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.”* We agree and as a consequence, the submission of Public Health South on this point has been rejected.

2.5 Social Impacts and Provision of Healthy Homes

41. Public Health South also made a number of submissions on several matters relating to healthy homes. Mr Fisher summarised these submissions 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.*
42. Bonisch Consultants also made a further submission on these submission points as follows:

“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.”

43. In his response to these submissions, Mr Fisher stated that he did not necessarily disagree with the intent of the submissions (i.e. the provision of healthy homes), but considered that these are not resource management matters that can be addressed under the RMA and as a consequence, this plan change process. He also accepted the further submitters point that requiring a Homestar level 8 rating would likely lead to a significant increase in the cost of building within the Te Puawai site, reducing affordability. In his view, healthy homes standards are matters addressed by Building Code. With respect to air quality, he highlighted the fact 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 controlled by the District Plan.
44. As a consequence, he recommended that these submissions be rejected.
45. The Panel did question Mr Fisher and Ms Devery around this matter as we noted that the RMA is, at times, used to require buildings be constructed a certain standard to address health matters, for example when dealing with noise issues. However, we do accept that construction standards dealing with the issue raised by Public Health South is best left to the Building Act and that the standard requested would cause affordability issues. While we agree entirely with the sentiment of the submission, we agree with Mr Fisher that the District Plan is not the place to deal with this matter. We highlight here the advice of Ms Devery, who drew to our attention the passive energy efficiency measures that are incorporated into the bulk and location standards of the District Plan.

3. CONCLUSION AND RECOMMENDATION

46. Plan Change 1 seeks to Change the zoning of 70.78ha of land from Rural (with Outline Development Plan overlay) to a mixture of residential and commercial zones. Mr Fisher recommended that PC1 be approved as adopted and notified by the Invercargill City Council, with no amendments.
47. 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. Mr Fisher considered the Section 32 Report at his paragraphs 60 to 67 and concluded that its requirements had been met.
48. Having reviewed that report, the Panel agrees. However, we did not agree with the costs of rezoning the site as proposed that were listed in Table 4 of that report. While this is possibly more of an editing error, these costs appear to relate to ad hoc development of the site under the current rural zoning of the site as opposed to the integrated approach proposed here. The costs associated with this proposal generally relate to the loss of open, productive rural land but we believe that is outweighed by the housing needs of the city. The section 32 report has been amended accordingly.
49. Mr Fisher addressed Part 2 matters at his paragraphs 53 to 59, stating that *“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.”* In respect to section 6 and 7 matters of the RMA, he noted they were addressed in the body of his report. From our perspective, the plan change does not raise any section 6 matters while we are comfortable that the relevant section 7 matters identified by Mr Fisher at his paragraph 56 are appropriately addressed by the plan change provisions.
50. In relation to section 8 of the Act, which requires the Council to take into account the principles of the Treaty of Waitangi, Mr Fisher also drew our attention to the ‘Cultural Impact Assessment’ that had been prepared, advising that 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.”*
51. It is apparent to the Panel that the initial promoter of the plan change has carried out meaningful consultation with local iwi, who we understand were involved in the early design phase for the development and will continue to be involved as the development is progressed. This has led to the subdivision being called ‘Te Puawai’ (meaning “to come out of a flower”) while the reserve/wetland area adjoining the marae will eventually be transferred to iwi, who have also negotiated a deal to develop kaumatua housing to the north of the marae. As a consequence, we have concluded that plan change process has taken into account the principles of the treaty.

52. Finally, we agree with Mr Fisher in relation to section 5, the sustainable management purpose of the Act, where he concludes at paragraph 54:

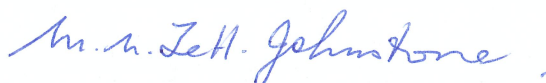
“The Operative District Plan was developed under the Act and meets its purpose. The Council is required to ensure that all proposed changes to the District Plan will also result in outcomes that meet the purpose of the Act. Based on my evaluation of the plan change proposal I consider that it meets the 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.”

53. The Panel concludes that the purpose and principles of the RMA are met by the provisions set out in the proposed plan change. As a consequence, the Panel makes the following recommendation to the Invercargill City Council:

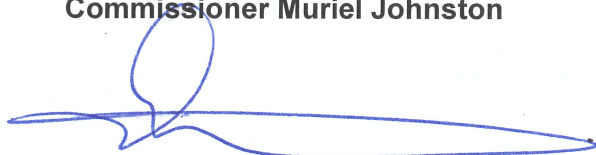
That pursuant to Clause 10 of Schedule One of the Resource Management Act 1991, Council:

- 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.
54. The collated table of submissions and decisions on these submissions are contained in Appendix 1 of this decision report. As no changes are proposed to the plan change provisions, no further analysis is required under s32AA(1)(d)(ii) of the Act.

Dated this 1st day of December 2021



Commissioner Muriel Johnston



Commissioner Darren Ludlow



Commissioner Allan Cubitt (Chair)

APPENDICES

Appendix 1 - Decisions on Submissions

DECISIONS ON SUBMISSIONS FOR PLAN CHANGE 1 - TE PUAWAI RESIDENTIAL DEVELOPMENT

GENERAL SUBMISSIONS

General Submission		
Submitter	1	Mr Cohen Stewart
Submission 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: https://icc.govt.nz/wp-content/uploads/2021/08/01.-Cohen-Stewart-Submission.pdf		
Relief sought: Mr Stewart seeks that the proposed changes are implemented in their entirety without change.		
Decision Accept		
Reason The support is acknowledged.		

General Submission		
Submitter	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: https://icc.govt.nz/wp-content/uploads/2021/08/02.-Waka-Kotahi-NZ-Transport-Agency-Submission.pdf</p> <p>Relief sought:</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: https://icc.govt.nz/tepuawaiplanchange/submissions/</p> <p>Relief sought:</p> <p>That the submission of Waka Kotahi NZ Transport Agency be rejected.</p>		
<p>Decision</p> <p>Reject Waka Kotahi NZ Transport Agency submission and accept Bonisch Consultants further submission.</p>		
<p>Reason</p> <p>Mr Fisher advised that <i>“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.”</i></p>		

We have considered this issue at Section 2.4 of the Decision report above and accept Mr Fisher's position on the matter.

General Submission		
Submitter	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: https://icc.govt.nz/wp-content/uploads/2021/08/03.-Southland-Business-Chamber-Submission.pdf</p> <p>Relief sought:</p> <p>Southland Business Chamber seeks that the proposed plan change be accepted.</p>		
<p>Decision</p> <p>Accept</p>		
<p>Reason</p> <p>The support is acknowledged.</p>		

General Submission		
Submitter	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: https://icc.govt.nz/wp-content/uploads/2021/08/04.-Southland-Housing-Action-Forum-Submission.pdf</p>		

Relief sought:
Southland Housing Action Forum seeks that the proposed plan change be accepted.
Decision
Accept
Reason
The support is acknowledged.

General Submission		
Submitter	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: https://icc.govt.nz/wp-content/uploads/2021/08/06.-Bonisch-Consultants-Submission.pdf</p>		
Relief sought:		
Bonisch Consultants seeks that the proposed plan change be accepted.		
Decision		
Accept		
Reason		
The support is acknowledged.		

General Submission		
Submitter	7	Ministry of Education
<u>Submission</u>		

The submitter states that their submission relates to the proposed transport connections, and ongoing consultation as the development progresses.

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

Decision

Accept in part

Reason

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

As Mr Fisher noted, matters relating to changes to the speed limit, and ongoing consultation between the developer and Aurora College, are matters that sit outside the RMA. Hence, they cannot be addressed through a plan change process.

General Submission

Submitter	8	Devatis NZ
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<p>Submission</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: https://icc.govt.nz/wp-content/uploads/2021/08/08.-Devatis-NZ-Submission.pdf</p> <p>Relief sought:</p> <p>That the proposed Plan Change be accepted.</p>
<p>Decision</p> <p>Accept submission</p>
<p>Reason</p> <p>The support is acknowledged.</p>

General Submission		
<i>Submitter</i>	9	Haas Consulting
<p>Submission</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: https://icc.govt.nz/wp-content/uploads/2021/08/09.-Haas-Consulting-Submission.pdf</p> <p>Relief sought:</p> <p>That the proposed Plan Change be accepted.</p>		
<p>Decision</p> <p>Accept submission</p>		
<p>Reason</p> <p>The support is acknowledged.</p>		

SUBMISSIONS ON OBJECTIVES

Objectives RES1BZ-O1 to O3

Submitter	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: https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf</p> <p>Relief sought:</p> <p>Objectives RES1BZ O1 to O3 be incorporated in their current form.</p>		
<p>Decision</p> <p>Accept.</p>		
<p>Reason</p> <p>The support is acknowledged.</p>		

SUBMISSIONS ON POLICIES

Policy RES1BZ-P3(2)		
Submitter	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: https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf</p> <p>Relief sought:</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>Decision</p> <p>Reject the submission.</p>		

Reason

Mr Fisher advised that the development will be subject to approval of a master plan in accordance with proposed rule SUB-R13. Under Rule SUB-R14, Council has control over the design of the master plan and this includes connectivity considerations as follows:

1. Design of the principal level roading and pedestrian/cycle access network
2. Consistency of the masterplan with national, regional, and local strategic planning frameworks

In Mr Fishers view, connectivity within the site is considered to be a strategic matter and can be considered under 2 above, as this encapsulates transport planning design standards such as Austroads, and the NZTA Pedestrian Planning and Design guide. Mr Fisher went on to note that the *“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.”*

As we discussed in Section 2.4 of the Decision report above, we accept and adopt Mr Fisher’s position on the matter.

Policy RES1BZ-P3

Submitter	5	Public Health South
Further submitter	1	Bonisch Consultants

Submission

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.

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

Relief sought:

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. 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.

<p><u>Further Submission</u></p> <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> <p>Link: https://icc.govt.nz/tepuawaiplanchange/submissions/</p> <p>Relief sought:</p> <p>That the parts of the Public Health South submission referring to a Homestar Level 8 standard be rejected.</p>
<p>Decision</p> <p>Reject the submission of Public Health South and accept the further submission of Bonisch Consultants.</p>
<p>Reason</p> <p>Mr Fisher did not consider this to be a matter that can be addressed under the RMA but was a Building Code matter. He also accepted the further submitters position that requiring a Homestar level 8 rating would likely lead to a significant increase in the costs of building within the Te Puawai site, reducing affordability.</p> <p>Our reasons for rejecting the Public Health South submission on this matter are set out in Section 2.5 of the Decision Report above. While we support the sentiment behind the submission, we accept Mr Fisher position on the issue and adopt it accordingly.</p>

Policy RES1BZ-P3		
Submitter	5	Public Health South
<p><u>Submission</u></p> <p>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.</p> <p>Link: https://icc.govt.nz/wp-content/uploads/2021/08/05.-Public-Health-South-Submission.pdf</p> <p>Relief sought:</p> <p>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.</p>		
<p>Decision</p> <p>Reject the submission.</p>		

Reason

As Mr Fisher advised, air quality matters are dealt with by Environment Southland via their Regional Air Plan 2016. They are beyond the scope of this plan change.

SUBMISSIONS ON RULES**Rule SUB-R14(1)**

Submitter	5	Public Health South
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Submission

The submitter supports in part the requirement for a Master Plan under proposed rule SUB-R14(1).

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

Relief sought:

That this Rule should include specific performance standards in relation to active transport provisions within the Te Puawai site.

Decision

Reject the submission

Reason

See reasons for decision on Policy RES1BZ-P3(2) above.

Rule RES1Z-R26(5)(2)

Submitter	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.
Decision Accept submission
Reason The support is acknowledged.

Rule RES1Z-R26(5)(5)		
Submitter	5	Public Health South
<u>Submission</u> 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		
Relief sought: That this Rule is incorporated in its proposed form.		
Decision Accept submission		
Reason The support is acknowledged.		

Rule RES1Z-R26(5)(5)		
Submitter	5	Public Health South
<u>Submission</u> 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 additional provisions in relation to warm and healthy homes.		

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

Relief sought:

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.

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.

Relief sought:

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

Decision

Reject submission.

Reason

See our reasons for our decision on Policy RES1BZ-P3 above.

Rule RES1BZ-R7(4)

Submitter	5	Public Health South
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Submission

The submitter supports Rule RES1BZ-R7(4) which relates to outdoor living spaces.

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

Relief sought:

That this Rule be incorporated in its current form in order to preserve outdoor living spaces from being used for other uses.

Decision

Accept the submission

Reason

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

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.

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.

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.

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 350m²) 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 Maneuvring 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.

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 2m² in the Residential 1, 1B, 2, 3 and 4 Zones.

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. 80m² 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. 80m² 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 _{Aeq}	L _{Amax}	L _{Aeq}	L _{Amax}
When measured at any point within the boundary of any other site within a Zone:				
<i>Residential 1, 1A, <u>1B</u>, 2, 3, 4 and Otatarā</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 Otatarā Zones

SIGN SIGNAGE

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

Zone	Provisions
Otatarā Zone Residential 1, 1A, <u>1B</u> , 2, 3 and 4 Zones Airport protection Zone	<ol style="list-style-type: none"> a. Signage painted on, or attached parallel to, buildings: Maximum area: 0.25m²; OR b. Free standing signage and signage attached at an angle to buildings: <ol style="list-style-type: none"> i. Maximum combined area: 0.25m² ii. Maximum height: 2 metres

Provided that:

6. Illuminated signage is permitted within all Zones except the following:
 - a. Otatarā 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. 50m³ per site up to 1,000m², plus 50m³ each 1,000m² thereafter, in the Residential 1, 1A, 1B, 2, 3 and 4, Business 1, 2, 3, 4 and 5, and Otatara Zones
 - b. 2,000m³ per site in the Rural Zone
 - c. 1,000m³ 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 250m² 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.

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 250m² 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 300m² or greater
2. 45% of net site area on sites less than 300m²

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 30m²
 - 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 15m²
 - 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 15m²
 - 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 2m² 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.

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.

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

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, RESIDENTIAL 1B, 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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